

**COUNTY OF NAPA**  
**CONSERVATION, DEVELOPMENT & PLANNING DEPARTMENT**  
1195 THIRD ST., SUITE 210  
NAPA, CA 94559  
(707) 253-4416

**Notice of Intent to Adopt a Subsequent Negative Declaration or Mitigated Negative Declaration**

1. **Project Title:** Suscol Creek Wine Production Facility; Use Permit Modification #P09-00101-MOD and Tentative Map #P09-00100-PM.
2. **Property Owner:** Fennell & McDevitt, P.O. Box 3399, Napa Ca 94558.
3. **Contact person and phone number:** Sean Trippi, Principal Planner, 253-4417, [strippi@co.napa.ca.us](mailto:strippi@co.napa.ca.us).
4. **Project location and APN:** The 10.32 acre project site is located on the south side of Soscol Ferry Road approximately 1,400 west of its intersection with the Napa-Vallejo Highway (State Route 12/29) within the Napa County Airport Industrial Area and a GI:AC (General Industrial : Airport Compatibility) zoning district. APN: 087-170-018, Napa.
5. **Project Sponsor's Name and Address:** Dickenson, Peatman & Fogarty (Tom Carey), 809 Coombs Street, Napa CA 94559.
6. **Hazardous Waste Sites:** The project is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
7. **Project Description:** Approval to modify Use Permit #P05-0434-UP and Use Permit Modification #P08-00618-MOD to:
  - (a) increase production capacity from 200,000 gallons per year to 600,000 gallons per year;
  - (b) increase the floor area of the previously approved winery building from approximately 61,281 sq. ft. to approximately 66,338 sq. ft.;
  - (c) construct approximately 7,500 square feet of new floor area for a stand alone wine-making/office building (5,000 sq. ft. with a covered outdoor work area) and a shop building (2,500 sq. ft.);
  - (d) increase the number of full time employees from 13 to 25 and seasonal employees from 8 to 10;
  - (e) increase average weekly visitors from 70 to 100 with the maximum on any given day increasing from 20 to 25 persons;
  - (f) increase the number of on-site parking spaces from 36 to 55;
  - (g) revise previously approved domestic and process wastewater systems; and
  - (h) minor revisions to the covered winery process waste treatment area, covered solid waste storage area, water storage tanks and outdoor storage area.

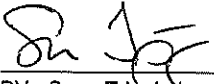
The request also includes a tentative parcel map to subdivide the proposed project into 19 industrial airspace condominium units; 17 units in the main winery building, one unit within the 5,000 sq. ft. stand alone winery building and one unit for the process wastewater spray field. The balance of the property and hallways/walkways internal to the main winery building would be common area.

The purpose of this initial study is to evaluate these proposed changes. Other aspects of the winery were previously evaluated for potential environmental effects in conjunction with previous approvals.

**PRELIMINARY DETERMINATION:**

The Napa County Conservation, Development and Planning Director has tentatively determined that the following project would not have a significant effect on the environment and the County intends to adopt a **subsequent mitigated negative declaration**. Documentation supporting this determination is contained in the attached Initial Study Checklist and is available for inspection at the Napa County Conservation, Development and Planning Department Office, 1195 Third St., Room 210, Napa, California 94559 between the hours of 8:00 AM and 4:45 PM Monday through Friday (except holidays).

DATE: May 11, 2009

  
BY: Sean Trippi

**WRITTEN COMMENT PERIOD: May 19, 2009 to June 17, 2009**

Please send written comments to the attention of Sean Trippi at 1195 Third St., Room 210, Napa, California 94559, or via e-mail to [strippi@co.napa.ca.us](mailto:strippi@co.napa.ca.us). A public hearing on this project is tentatively scheduled for the Napa County Conservation, Development and Planning Commission at 9:00 AM or later on Wednesday, June 17, 2009. You may confirm the date and time of this hearing by calling (707) 253-4416.

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**Initial Study Checklist**  
**(reference CEQA, Appendix G)**

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5. **Project Sponsor's Name and Address:** Dickenson, Peatman & Fogarty (Tom Carey), 809 Coombs Street, Napa CA 94559.
6. **Hazardous Waste Sites:** The project is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
7. **Background/Project History.** A previous Mitigated Negative Declaration (MND) for development on this property was adopted by the Planning Commission on May 3, 2006, in conjunction with a Use Permit (P05-0434-UP). The previous MND addressed the potential impacts related to the construction of the 200,000 gallon per year winery within a 61,281 sq. ft. building, 36 parking spaces, 21 full and part time employees, tours and tasting for up to 70 visitors a week, and a marketing plan. The approved marketing plan included two weekly trade tastings for up to 5 persons per event and two weekly catered lunches or dinners with up to 20 persons per event. Approved hours of operation are from 8:00 AM to 5:00 PM, seven days a week. The previous approval also included an above ground wastewater treatment pond, associated improvements and modifications to the site development standards to allow the treatment pond, spray field and an access road within 75-feet of Suscol creek instead of 150-feet, and environmental enhancement of the site area within 75-feet of the creek.

Subsequently, a modification (P08-00618-VMM) to the original Use Permit was approved by the Conservation, Development and Planning Director on February 10, 2009. Approval of the modification allowed the installation of an enclosed on-site winery wastewater treatment system instead of the approved open treatment pond, relocating the two project driveways, relocating the on-site parking areas (but not changing the number of approved parking spaces), relocating the location of the water storage tanks, mechanical equipment area, shop and storage area and other associated improvements. No changes to the previously approved operational characteristics or production capacity of the winery were modified by approval of the modification application.

The County adopted mitigation measures in connection with its approval of the original Use Permit (#P05-04345-UP). These mitigation measures are being carried forward and will be incorporated into this project.

8. **Project Description:** Approval to modify Use Permit #P05-0434-UP and Use Permit Modification #P08-00618-MOD to:
  - (a) increase production capacity from 200,000 gallons per year to 600,000 gallons per year;
  - (b) increase the floor area of the previously approved winery building from approximately 61,281 sq. ft. to approximately 66,338 sq. ft.;
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  - (e) increase average weekly visitors from 70 to 100 with the maximum on any given day increasing from 20 to 25 persons;
  - (f) increase the number of on-site parking spaces from 36 to 55;
  - (g) revise previously approved domestic and process wastewater systems; and
  - (h) minor revisions to the covered winery process waste treatment area, covered solid waste storage area, water storage tanks and outdoor storage area.

The request also includes a tentative parcel map to subdivide the proposed project into 19 industrial airspace condominium units; 17 units in the main winery building, one unit within the 5,000 sq. ft. stand alone winery building and one unit for the process wastewater spray field. The balance of the property and hallways/walkways internal to the main winery building would be common area.

9. **Environmental setting and surrounding land uses:**

The site is vacant and relatively level featuring annual grasslands over rolling terrain. In the northwest portion of the site is a vegetated drainage swale which receives storm water from upstream properties via a culvert under Soscol Ferry Road. Evidence presented by the applicant's biologist concludes that the unnamed drainage swale historically was a vegetated swale. However, it appears the widening and improvement of Soscol Ferry Road in the early 1980's resulted in the concentration of upslope drainage on the property through an under-road culvert. The swale currently shows signs of minor erosive channelization as a result and consequently are under the jurisdiction of the U.S. Army Corps of Engineers. The southern boundary of the site is Suscol Creek. Napa County Environmental Resource maps indicate the presence of trout species upstream of the project site in Suscol Creek. This information was obtained from a locally performed study (Friends of the River, 2002) of creeks in the Napa River watershed. Consequently, there is potential that the creek is, or has historically been habitat for steelhead trout. The creek channel and the area immediately surrounding top of bank areas contain a mix of native and non-native vegetation. The most dominant plant species in this area are non-native blackberry bushes.

Subsequent to approval of the original Use Permit (P05-0434) the applicant has undertaken removal of invasive plant species within the creek channel and restoration of the disturbed areas pursuant to a Streambed Alteration Agreement with the California Department of Fish Game (DFG), dated October 3, 2007. According to DFG, the project is currently in compliance with the existing agreement and there will be an ongoing process to remove the blackberries from the project area.

The property is located on the northern end of the County's Airport Industrial Area Specific Plan in close proximity to State Route 29. North of the property across Soscol Ferry Road is vacant industrial land. East of the site is an existing self-storage facility containing a mix of enclosed and outdoor storage spaces. The self-storage facility also borders Suscol Creek and includes improvements constructed at 75 ft. from the top of the creek bank. South of the project site beyond Suscol Creek are vineyards but the land is zoned for future industrial development. West of the project site a vacant industrially-zoned site and beyond is vacant public land owned by the Napa Sanitation District. The project site is in close proximity to the Napa County Airport and the primary approach patterns for the main runway. It is routinely overflown by aircraft on final approach.

10. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement).

Discretionary approval required by Napa County consists of a use permit modification and tentative map approval. The proposed project would also require various ministerial approvals by the County including but not limited to building permits, grading permits and waste disposal permits. Permits may also be required by the following agencies: Department of Alcoholic Beverage Control, and the Alcohol and Tobacco Tax and Trade Bureau. The proposed project may require a general NPDES permit from the Regional Water Quality Control Board for construction activities. Any improvements within the drainage swale in the northwest corner of the site could trigger permitting from the Army Corp of Engineers and State Department of Fish and Game (DFG). The proposed project does not involve the "take" of listed endangered or threatened species, and thus does not require a "take permit" from the Department of Fish and Game, the U.S. Fish and Wildlife Service, or the National Marine Fisheries Service, however, the project site may be foraging habitat for a State-listed species and therefore consultation and possible permitting may be required for the Department of Fish and Game.

**Responsible (R) and Trustee (T) Agencies**

California Department of Fish and Game (T)  
San Francisco Bay Regional Water Quality Control Board (R)

**Other Agencies Contacted**

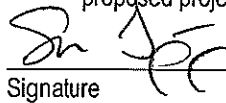
City of Napa  
City of American Canyon  
Napa Sanitation District

**ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:**

The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, the other sources of information listed in the file, and the comments received, conversations with knowledgeable individuals; the preparer's personal knowledge of the area; and, where necessary, a visit to the site. For further information, see the environmental background information contained in the permanent file on this project.

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a SUBSEQUENT NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Signature

5/13/09  
Date

Sean Trippi, Principal Planner

Napa County Conservation, Development and Planning Department

# ENVIRONMENTAL CHECKLIST FORM

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. <b>AESTHETICS.</b> Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion:

- a/b The proposed project would not be located within an area which would damage any known scenic vista, or damage scenic resources, trees, rock outcroppings, or historic buildings. The proposed project site is currently vacant and is located within a developing industrial park. The site has an approved, valid use permit for a 61,281 sq. ft. winery building. The proposed ±7,500 sq. ft. of new structures proposed with the current request would be located behind the approved building, and would generally not be visible from Soscol Ferry Road. The small addition proposed to the front of the building will provide articulation to an otherwise flat façade. The site is not visible from a designated scenic highway or any scenic routes. The previously approved and proposed new structures would not have a substantial adverse effect on a scenic vista.
- c. The project site is located in a relatively visible area at a gateway to Napa Valley. The site is primarily visible from State Highway 29 in the vicinity of the Southern Crossing/Butler Bridge. The project is located within a partially developed portion of the Napa County Airport Industrial Area Specific Plan that allows heavy industrial developments within this portion of the park. The project features a concrete tilt-up building with a variety of decorative elements and substantial perimeter landscaping in accordance with the requirements of the specific plan. The design is equal to or greater in quality than other similar buildings approved and constructed within the specific plan boundaries, and exceeds the design quality requirements for the specific plan's general industrial area. The existing riparian vegetation along the creek will be preserved and the area within 75-feet of the creek will be enhanced. Therefore, the project will not substantially degrade the existing visual character or quality of the site and surrounding area.
- d. The new facility will result in a minor increase in the nighttime lighting. In accordance with County standards, all exterior lighting will be the minimum necessary for the operational and security needs. Light fixtures will be kept as low to the ground as possible and include shields to deflect the light down. Avoidance of highly reflective surfaces will be required, as well as standard county conditions to prevent light from being cast skyward. This is an area routinely overflown by low flying aircraft which necessitates strong controls on skyward nighttime lighting. As designed, and as subject to standard conditions of approval, the project will not have a significant impact from light or glare.

## Mitigation Measures:

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
II. <b>AGRICULTURE RESOURCES.</b> In determining impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

- a. The project site is located within a developing industrial park. The project would not result in the conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance as shown on the Napa County Important Farmland Map 2004 prepared by the California Department of Conservation District, Division of Land Resource Protection, pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency.
- b. The project site is not subject to a Williamson Act contract, and is zoned for industrial development.
- c. The project site is surrounded by developing industrial park land. Although farming activities occurred on these lands in the past, the area has been designated for industrial development for over 20 years. The project will not result in the conversion of existing farmland.

**Mitigation Measures:**

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
III. <b>AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

- a. The project would not conflict with or obstruct the implementation of any applicable air quality plans. Wineries are not producers of a significant amount of air pollution that would result in a conflict or obstruction of any air quality plans. The project site is within the foothills southeast of the Napa Valley, which forms one of the climatological subregions (Napa County Subregion) within the San Francisco Bay Area Air Basin. The topographical and meteorological features of the valley create a relatively high potential for air pollution. Potential air quality impacts would result both from construction activities and from the operation of the project. Construction emissions would have a temporary effect consisting mainly of dust generated during grading and other construction activities, exhaust emissions from construction related equipment and vehicles, and relatively minor emissions from paints and other architectural coatings. BAAQMD recommends incorporating feasible control measures as a means of addressing such impacts. These measures are set forth in Table 2 of the BAAQMD CEQA Guidelines. If the proposed project adheres to these measures, then BAAQMD recommends concluding that construction-related impacts will be insignificant. These measures will be incorporated into the proposed project as conditions of approval. In accordance with BAAQMD CEQA Guidelines, these impacts are considered less than significant.

Over the long term, emission sources for the proposed project would consist primarily of mobile sources including deliveries and vehicles visiting the site. The Bay Area Air Quality Management Plan has determined that projects that do not exceed a threshold of 2,000 vehicle trips per day will not impact air quality and do not require further study (BAAQMD CEQA Guidelines, p. 24.). A traffic study was prepared for the project by licensed traffic engineer George Nickleson, P.E., dated August 3, 2006. According to the study, approximately 48 and 67 daily vehicle trips would be added during a typical Saturday and weekday, respectively. Approximately 84 daily trips would occur during the harvest

season. The total vehicle trips per day is significantly below BAAQMD's recommended threshold of 2,000 vehicle trips/day for purposes of performing a detailed air quality analysis. Given the number of vehicle trips and deliveries generated by this proposal when compared to the BAAQMD's screening criterion, project related vehicles would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan.

### Green House Gas Emissions

When the previous Mitigated Negative Declaration (MND) was adopted with approval of the use permit (P05-0434) for the winery, the state and federal governments had yet to begin regulating greenhouse gas ("GHG") emissions. As a result, there were no regulatory requirements or procedures, and no accepted methodologies, for evaluating the potential environmental impacts from GHG's and the previous MND did not address potential GHG impacts. Since that time, California has been at the forefront of government efforts to identify, evaluate and regulate GHG emissions.

In 2006, the State Legislature enacted Assembly Bill 32, requiring the California Air Resources Board (CARB) to design measures and rules to reduce GHG emissions statewide to 1990 levels no later than 2020. The measures and regulations to meet the 2020 target are to be put in effect by 2012, and the regulatory development of these measures is ongoing. In August 2007, the Legislature enacted Senate Bill 97, which among other things, directed the Governor's Office of Planning and Research (OPR) to propose new CEQA regulations for the evaluation and mitigation of GHG emissions. SB 97 directs OPR to develop such guidelines by July 2009, and directs the state Resources Agency (the agency responsible for adopting CEQA regulations) to certify and adopt such regulations by January 2010. This effort is underway, however, to date no formal CEQA regulations relating to GHG emissions have been adopted. In September 2008, the Legislature enacted Senate Bill 375, which established a process for the development of regional targets for reducing passenger vehicle GHG emissions. Through the SB 375 process, regions throughout the state will develop plans designed to integrate development patterns and transportation networks in a manner intended to reduce GHG emissions. No regional plans have been adopted to date.

The Napa County General Plan calls on the County to complete an inventory of green house gas emissions from all major sources in the County by the end of 2008, and then to seek reductions such that emissions are equivalent to year 1990 levels by 2020. The General Plan also states that "development of a reduction plan shall include consideration of a 'green building' ordinance and other mechanisms that are shown to be effective at reducing emissions." To implement the first part of this action item, County staff has been participating in a multi-jurisdictional effort headed-up by the Napa County Transportation and Planning Agency (NCTPA). The effort has involved analyzing building capacity within each incorporated jurisdiction and the unincorporated Napa County, and calculating green house gas (GHG) emissions based on a methodology developed by the International Council for Local Environmental Initiatives (ICLEI). NCTPA's consultants, MIG and the Climate Protection Campaign have provided draft results showing the general sources of GHG emissions on a jurisdictional basis and county-wide.

As noted above, Assembly Bill 32 mandated that emissions of green house gases (GHG) in California be reduced to 1990 levels by 2020 and delegated to the California Air Resources Board (CARB) responsibility for crafting related regulations. The CARB's Proposed Scoping Plan, which was released in 2008, refines the AB 32 mandate for local governments by recommending that agencies reduce both their operational emissions and community-wide emissions 15% by 2020. Operational emissions are those associated with local government activities, and community-wide emissions are those associated with all activities within a jurisdictional area. The Napa County Public Works Department, working with Kenwood Energy, has taken the lead on quantifying emissions from County operations and found that approximately 51% of the County's emissions are from buildings, 30% are from employee commutes (i.e. driving to and from work), and 19% are associated with the County's vehicle fleet. The Board of Supervisors has directed Public Works to develop an emissions reduction strategy associated with County operations for consideration sometime in 2009. Community-wide emissions are more difficult to quantify because of challenges associated with data availability and methodology, and resulting inventories are considered estimates suitable for planning purposes. Finding effective ways to reduce community-wide emissions is also more difficult than finding ways to reduce operational emissions because emission sources are not under the County's direct control (i.e. emissions accrue from the independent actions of residents, employees and visitors, and from privately owned cars, buildings, etc.). According to the analysis provided, over 50% of County-wide emissions are attributable to transportation sources, with about 20% attributable to commercial and industrial buildings/uses and 20% attributable to residential buildings/uses (with about 10% attributable to other sources including solid waste). For the unincorporated County, the proportion attributable to transportation is even more striking: 67.4% of emissions are attributable to transportation sources, with 18.4% attributable to commercial and industrial buildings/uses, 9.3% attributable to residential buildings/uses, and 5% attributable to other sources. Because a percentage of GHG emissions (albeit a small percentage in unincorporated Napa County) derive from buildings and the energy they consume, adopting so called "green" building standards is one way that the State and local agencies are pursuing the emission reductions called for in AB 32. Specifically, the State of California has promulgated building standards that address five topics: Planning and Design; Energy Efficiency; Water Efficiency & Conservation; Material Conservation & Resource Efficiency; and Environmental Quality. Some State agencies have already adopted and begun applying the new standards and the County will be expected to adopt the revised building code by July 1, 2009. The new State standards will generally be voluntary until July 1, 2010 and may be modified or supplemented by the State prior to that time.

- b.-e. See (a) above. There are no projected or existing air quality violations in this area to which this proposal would contribute. Nor would the project result in any violations of any applicable air quality standards.

The BAAQMD defines public exposure to offensive odors as a potentially significant impact. The project site is not located in close proximity to any sensitive pollution-sensitive receptors who would be subjected to any offensive odors that might be associated with the project. During project construction, the project has the potential to generate substantial amounts of dust or other construction-related air quality disturbances. As a standard practice for County development projects, application of water and/or dust palliatives are required in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. These Best Management Practices will reduce potential temporary changes in air quality to a less than significant level.

**Mitigation Measures:**

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. <b>BIOLOGICAL RESOURCES.</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

- a. According to the Napa County Environmental Resource Maps (based on the following layers - plants CNPS points & polygons, plant surveys, red legged frog core area and critical habitat, vernal pools & vernal pool species, and spotted owls) no known candidate, sensitive, or special status species have been identified as occurring within the project boundaries. However, as noted in the original Mitigated Negative Declaration (MND) for the project, the Resource Maps indicate the presence of fish species within Suscol Creek, which is potentially suitable habitat for steelhead trout. Presence of fish within Suscol Creek was determined from a snorkel study performed in 2002 by Friends of the Napa River. In addition, according to the California Natural Diversity Data Base (CNDDB) Swainson's hawk have been reported within the vicinity of the project site (approximately ¼ mile east of the project site). Both steelhead trout and Swainson's hawk are listed as protected species by the California Department of Fish and Game (DFG).

Attached to this report are three biological assessments of the property prepared by a qualified biologist as part of the original MND. One of the three assessments specifically addresses Swainson's hawk, and concludes that the project site is not presently designated as Swainson's hawk habitat. Also attached to this report is a letter from a local bird enthusiast who provides evidence of several Swainson's hawk sightings within two miles of the project site over the last 3 years including a past nesting site near the corner of Devlin Road and Soscol Ferry Road, approximately ¼ mile from the site, which has been added to the CNDDB since adoption of the original MND. Subsequently, a pre-construction survey was performed by the project biologist prior to the removal of the non-native blackberry plants along the creek. The results of the survey, report dated July 29, 2008 (attached), found no active nests or the presence of Swainson's hawk. However, since the site is still undeveloped the mitigation measure below, from the original MND, is still applicable and requires an additional pre-construction survey to determine the absence or presence of Swainson's hawk. With this mitigation measure, potential for impacts to Swainson's hawk are considered less-than-significant.



The project involves environmental enhancement and stewardship of Suscol Creek to eliminate non-native flora. This program will be implemented in consultation with the DFG and is intended to have a positive effect of potential steelhead trout habitat. As noted in the Environmental Setting section, above, the applicant has undertaken removal of invasive plant species within the creek channel and restoration of the disturbed areas pursuant to a Streambed Alteration Agreement with the California Department of Fish Game (DFG), dated October 3, 2007. According to DFG, the project is currently in compliance with the existing agreement and there will be an ongoing process to remove the blackberries from the project area. However, mitigation is still necessary as creek bed restoration efforts continue to ensure that the presumed presence of steelhead trout in the creek is not adversely affected by restoration activities. Any work within the channel must be performed in accordance with DFG protocols and including consultation prior to commencing activities, best management practices to prevent unnecessary disturbance of creek areas, and timing of activities during appropriate low-flow seasonal periods. The original MND included mitigation measures IV.a.3 (below) and in the Hydrology Section VIII.c.1, and VIII.c.2. With these mitigation measures, potential for impacts to steelhead trout are considered less-than-significant.

- b. There are two jurisdictional water features on the project site consisting of Suscol Creek comprising the southern boundary of the project, and an unnamed drainage swale on the northwest corner of the site. No construction activities are proposed within the Suscol Creek channel. However, the applicant is proposing removal non-native vegetation as an environmental enhancement to promote native flora and fauna. This work will occur primarily outside of the riparian channel but to completely eradicate the non-native bushes, some work will need to occur within the channel. In addition, the natural sheet flow drainage of the site drains to Suscol Creek and therefore construction activities also have the potential to impact the creek (see hydrology section below). Mitigation, primarily consisting of Best Management construction and grading practices will be employed and monitored to ensure both project construction and environmental enhancement activities do not impact Suscol Creek. See section "a" above concerning the project's potential impacts and mitigation to steelhead trout. With mitigation, the project will not have a significant impact on the Suscol Creek riparian channel.

Evidence presented by the applicant's biologist concludes that the unnamed drainage swale historically was a vegetated swale. However, it appears that the widening and improvement of Soscol Ferry Road in the early 1980's resulted in the concentration of upslope drainage on the property through an under-road culvert. The swale currently shows a sign of minor erosive channelization as a result and consequently is under the jurisdiction of the U.S. Army Corps of Engineers. The drainage feature does not contain any State or Federally listed species. Prior to commencing grading the permittee is required to obtain a Nationwide Permit for grading and revegetation activities that will occur within the unnamed drainage channel, pursuant to the requirements of Section 404 of the Clean Water Act and subject to authorization by the U.S. Army Corps of Engineers as stipulated in their February 2, 2006 letter. Mitigation consists of verifying Federal authorization prior to commencing construction activities within the swale. Nationwide Permitting is allowed for the proposed drainage and vegetation enhancements proposed with the project. Therefore, the project will not have a significant impact any sensitive riparian areas.

- c. According to the Napa County Environmental Resource Maps (based on the following layers – water bodies, vernal pools & vernal pool species) and the qualified biologist's project report, there are no wetlands on the property.
- d. This proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with their corridors or nursery sites. As mentioned above in Section "a", Suscol Creek on the southern boundary of the project site is possible habitat for steelhead trout. One component of the project is the removal of non-native plants from the creek channel which may have a positive effect on steelhead migration in the stream. Mitigation has been included to ensure the environmental enhancement activities and general construction of the project does not result in impacts, such as erosion and channel disturbance, within the creek. With mitigation, the project does not have significant impact on the environment.
- e. This proposed project would not interfere with any ordinances protecting biological resources. The County's Conservation Regulations would normally trigger a 45 ft. setback from the creek, but because the project is located within the Airport Industrial Area Specific Plan, a 150 ft. creek setback is prescribed. The specific plan allows for alternatives to this setback on a case-by-case basis when it can be found by the Planning Commission that a project with a lesser setback is environmentally superior. The Planning Commission approved a setback reduction as part of the approval of the original Use Permit (P05-0434) from 150-feet to 75-feet from the creek in return for environmentally upgrading the remaining 75 feet nearest the creek. The previously approved setback reduction resulted in roughly twice the setback required by the County's Conservation Regulations. Enhancement of the creek channel is consistent with County policies to protect and preserve riparian areas and the project will have a less-than-significant impact on local environmental regulations.
- f. There are no Habitat Conservation Plans or other similar plans in effect for this area that would be affected by this proposal.

#### **Mitigation Measures:**

**Mitigation Measure IV.a.1** - To mitigate potential impacts due to the conversion of non-native grassland habitat, the following measure shall be implemented:

- A qualified biologist shall conduct a pre-construction survey to determine the presence or absence of Swainson's hawk nests on the project site. If nesting is determined, an adequate buffer zone around the active nest should be established in consultation with DFG. The buffer zone shall be maintained for the duration of the nesting season, typically February through August, and monitored weekly to assure compliance and success of this action.

**Mitigation Measure IV.a.2** - To mitigate impacts due to removal/disturbance of active raptor nests the following measure shall be implemented:

- Prior to grading and/or tree removal, a qualified biologist should conduct pre-construction surveys to determine the presence or absence of active raptor nests. If present, the habitat or trees should not be removed until the end of the breeding season, and an appropriate setback buffer from construction activities be defined, as determined in consultation with DFG.

**Mitigation Measure IV.a.3** - To ensure that the presumed presence of steelhead trout in the creek is not adversely affected by restoration activities:

- Any work within the channel must be performed in accordance with DFG protocols and including consultation prior to commencing activities, best management practices to prevent unnecessary disturbance of creek areas, and timing of activities during appropriate low-flow seasonal periods.

**Mitigation Measure IV.b.1** - To mitigate impacts within the jurisdictional drainage swale:

- Prior to commencing grading the permittee shall obtain a Nationwide Permit for grading and revegetation activities that will occur within the unnamed drainage channel, pursuant to the requirements of Section 404 of the Clean Water Act and subject to authorization by the U.S. Army Corps of Engineers as stipulated in their February 2, 2006 letter. Nationwide Permitting is allowed for the proposed drainage and vegetation enhancements proposed with the project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
V. <b>CULTURAL RESOURCES.</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a.-c. The project site is currently vacant and does not contain any structures. Research into past uses has not identified historic resources that may be present at the site. There are several well-documented, significant archaeological resources in the general vicinity of the project area. An archeological survey was therefore required and prepared by a qualified Archaeologist, and the report concluded that the site does not likely contain any resources. In the event archaeological artifacts are encountered during construction of the project, all work would cease to allow a qualified archaeologist to record and evaluate the resources. This is considered a less-than-significant impact based on the findings of the survey.
- d. No human remains have been encountered on the property during past activities when the building pad was graded and when invasive plants were removed from the creek channel and no information has been discovered that would indicate that this project would encounter human remains. The presence of any formal cemeteries is not known to occur within the project area and therefore the proposed project is not anticipated to result in any significant adverse impacts on any such resources. However, if resources are found during grading of the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with standard conditions of approval.

**Mitigation Measures:**

None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VI.	<b>GEOLOGY AND SOILS.</b> Would the project:				
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a.
- i.) There are no known faults on the project site as shown on the most recent Alquist-Priolo Earthquake Fault Zoning Map. As such, the proposed facility would result in a less than significant impact with regards to rupturing a known fault.
  - ii.) All areas of the Bay Area are subject to strong seismic ground shaking. Construction of the facility will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to the maximum extent possible.
  - iii.) No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. Compliance with the latest edition of the California Building Code for seismic stability would reduce any impacts to a less than significant level.
  - iv.) The Napa County Environmental Resource Maps (Landslides line, polygon, and geology layers) did not indicate the presence of landslides on the property.
- b. Based upon the Soil Survey of Napa County, prepared by the United States Department of Agriculture (USDA), the majority of the site is composed primarily of soils in the Bale clay loam series with soils in the Coombs gravelly loam series in the southeast corner of the site and Hambright-Rock outcrop complex in the northern portion of the site. Bale and Coombs are characterized by slow runoff with a slight hazard of erosion. These soil types are found mainly on alluvial fans with slopes between 0 and 5 percent. Hambright-Rock outcrop complex is well drained and occurs on slopes of 2% to 30% and is usually found at higher elevations (400 to 2,500 feet above MSL) than the project site which is approximately 30-feet above MSL. Runoff is medium to rapid with a slight to moderate hazard of erosion. Project approval will require incorporation of best management practices and will be subject to the Napa County Stormwater Ordinance which addresses sediment and erosion control measures and dust control, as applicable, to ensure that development does not impact adjoining properties, drainages, and roadways.
- c/d. According to the Napa County Environmental Resource Maps (Surficial Deposits layer) undifferentiated Holocene alluvial underlies the majority of the site with Pre-Quaternary deposits and bedrock at the northern portion of the site. Based on the Napa County Environmental Sensitivity Maps (Liquefaction layer) the project site has very low to high susceptibility for liquefaction. Development will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to a less than significant level. In addition, a soils report, prepared by a qualified Engineer will be required as part of the building permit submittal. The report will address the soil stability, potential for liquefaction and will be used to design specific foundation systems and grading methods.

- e. The Department of Environmental Management has reviewed the project and has determined that the installation of the wastewater system that is proposed is feasible and would be adequate to handle the winery's process waste from the increased production.

**Mitigation Measure:**

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wild-land fires, including where wild-lands are adjacent to urbanized areas or where residences are intermixed with wild-lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

- a. The proposed project will not involve the transport of hazardous materials. All future winery tenants that use substantial amounts of hazardous materials will be subject to review and approval by the County, including the Environmental Management Department that regulates all hazardous material uses. A Business Plan will be filed with the Environmental Management Department should hazardous materials reach reportable levels.
- b. The project would not result in the release of hazardous materials into the environment.
- c. There are no schools located within one-quarter mile from the proposed project site.
- d. The proposed site is not on any known list of hazardous materials sites.
- e. The project site is located within two miles of the Napa County Airport, and is therefore subject to the requirements of the County's Airport Compatibility Combination zoning district and the requirements of the Napa County Airport Land Use Commission. The project is located within Zones C and D of the compatibility plan, which are areas of common overflight and moderate to high risk. As a winery, the general use of the facilities is highly compatibility with the risk and noise impacts associated with properties within Zones C and D. The buildings have also been designed to comply with specific requirements regarding light and glare to ensure airport land use compatibility. The previous use permit (P05-0434) was subject to separate review by the Napa County Airport Land Use Commission (ALUC) because it contained a pond. Ponds are not normally considered an acceptable use within the airport influence area due to the potential to attract wildlife. However, approval of the

previous very minor modification application (P08-00618) to the original use permit replaced the pond with an enclosed wastewater treatment system thereby eliminating the potential of the pond attracting birds to the site which could cause hazards to aircraft. Therefore, the project would not result in a significant hazard.

- f. The project site is not located within the vicinity of any private airports.
- g. The two access driveways that will serve the project have been reviewed by the County Fire Department and Public Works Department and found acceptable as conditioned.
- h. The project would not increase exposure of people and/or structures to a significant loss, injury or death involving wild land fires because the project is located within an urbanized area.

**Mitigation Measures:**

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VIII. HYDROLOGY AND WATER QUALITY.</b> Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

- a. The proposed project would not violate any water quality standards or waste discharge requirement. The proposal has been reviewed by the Napa County Department of Environmental Management and the Department of Public Works who have found that the proposed project will be able to comply with all applicable water quality and waste discharge requirements. A feasibility study has been prepared by a licensed engineer that displays the project's ability to construct a new sanitary waste system, and the systems ability to handle the project's waste. Construction

of the proposed project will implement Best Management Practices in order to avoid adverse water quality impacts due to erosion in accordance with the County Stormwater Management Program.

- b. The proposed project would not result in a substantial depletion of groundwater supplies or interfere with the recharge of groundwater supplies. The applicant has prepared a Phase 1 Water analysis for the proposed project to evaluate water use for the project and landscape irrigation, which has been reviewed by the Department of Public Works. The proposed project is located on the floor of the Napa Valley in an area that has an established acceptable water use criteria of 1 acre foot per acre per year on a  $\pm 10.32$  acre project site resulting in a threshold for the property of 10.32 acre foot per year (af/yr). The estimated water demand for the previously approved winery and associated improvements was 5.3 af/yr. The proposed increase in production and visitors results in an estimated water demand of 9.41 af/yr for the project, which is still below the threshold for the property. Therefore the project would not have a significant impact on groundwater supplies or neighboring wells. In addition, standard conditions of approval require the submittal of well monitoring data if the Director of Environmental Management determines that water usage at the winery is affecting groundwater supplies or nearby wells. Therefore the proposed project would not have a significant impact on groundwater supplies or neighboring wells.
- c-e. A preliminary drainage plan was submitted with the application materials. The final drainage system will be designed by a qualified engineer and is subject to review and approval by the Department of Public Works. The Department of Public Works has included conditions of approval requiring that the drainage system be designed to avoid diversion or concentration of storm water runoff into Suscol Creek. The winery development area, including impervious surfaces, would remain approximately the same as the original use permit and would not alter absorption rates. The proposed project will not result in significant on or off-site erosion, siltation, or flooding.
- To mitigate the potential erosion and sedimentation impacts associated with project construction, the following measures shall be implemented. As a condition of Use Permit approval, obtain a NPDES General Construction Activity Permit from the RWQCB. This permit is required of all construction projects totaling one acre or more. As part of the permit and post-construction agency monitoring process, the applicant shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) in accordance with guidelines set forth by the RWQCB. The SWPPP shall include design details and construction specifications for all site drainage controls and other water quality mitigations. In addition the SWPPP shall contain the implementation schedule, methods, and locations of erosion control features, and be designed to prevent sediment loads greater than ten percent of background levels during construction. The SWPPP shall specify the use of siltation basins during construction. In addition, bare areas created by the removal of vegetation shall be stabilized and seeded with an erosion control mix prior to October 15<sup>th</sup> of each construction year. Typical site erosion control measures, also referred to as BMPs, are outlined in the California Storm Water Best Management Practice Handbooks for Construction Activity.<sup>1</sup> In addition to practices discussed above, BMPs which could be implemented as a part of the SWPPP include: seeding and protection of bared soils against raindrop impact and detachment by overland runoff through application of a sterile, broadcasted rice straw, or other approved mulch; vegetated buffers and drainage swales to filter sediments and adsorbed contaminants from site runoff; isolation and disposal of waste construction materials
- Implementation of this Best Management Practices will prevent any project-related impacts to steelhead trout which may be present in Suscol Creek. The previous Mitigated Negative Declaration for the original use permit included the mitigation measures listed below which are also included with this proposal.
- f. There is nothing included in this proposal that would otherwise substantially degrade water quality. The Department of Environmental Management has reviewed the process and sanitary wastewater proposal and has found them to be adequate to meet the facilities' wastewater needs. The Department of Public Works has reviewed the estimated water usage of the current proposal, and found that there is adequate water to serve the proposed project. No information has been encountered that would indicate a substantial impact to water quality.
- g-i. The project site is not located within the 100-year flood hazard area. The proposed project would not impede or redirect flood flows or expose structures or people to flooding. No housing is proposed as a part of this request. The project site is not located within a dam or levee failure inundation zone.
- j. The parcel is not located in an area that is subject to inundation by tsunamis, seiches, or mudflows.

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<sup>1</sup> *California Storm Water Best Management Practice Handbook*, Stormwater Quality Task Force, March 1993.

## **Mitigation Measures:**

**Mitigation Measure VIII.c.1** - To mitigate the potential erosion and sedimentation impacts associated with project construction, the following measures shall be implemented.

- As a condition of Use Permit approval, obtain a NPDES General Construction Activity Permit from the RWQCB. This permit is required of all construction projects totaling one acre or more. As part of the permit and post-construction agency monitoring process, the applicant shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) in accordance with guidelines set forth by the RWQCB.

The SWPPP shall include design details and construction specifications for all site drainage controls and other water quality mitigations. In addition the SWPPP shall contain the implementation schedule, methods, and locations of erosion control features, and be designed to prevent sediment loads greater than ten percent of background levels during construction.

The SWPPP shall specify the use of siltation basins during construction. In addition, bare areas created by the removal of vegetation shall be stabilized and seeded with an erosion control mix prior to October 15<sup>th</sup> of each construction year.

Typical site erosion control measures, also referred to as BMPs, are outlined in the California Storm Water Best Management Practice Handbooks for Construction Activity.<sup>2</sup> In addition to practices discussed above, BMPs which could be implemented as a part of the SWPPP include:

- Seeding and protection of bared soils against raindrop impact and detachment by overland runoff through application of a sterile, broadcasted rice straw, or other approved mulch.
- Vegetated buffers and drainage swales to filter sediments and adsorbed contaminants from site runoff.
- Isolation and disposal of waste construction materials.

**Mitigation Measure VIII.c.2** - To mitigate construction related impacts to downslope riparian areas, the following measure shall be implemented:

- Temporary high visibility fencing shall be used 50 feet away from the outside edge of the riparian habitat for the duration of construction activities in order to prevent inadvertent impacts from encroachment into this community. Where project improvement plans require construction activities to occur within that 50-foot buffer, fencing shall be placed at the limits of the required construction activity. Placement of the fencing should be determined by a qualified biologist prior to construction and monitored by County staff at least once a month during the construction period to assure the success of this action.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX.	<b>LAND USE AND PLANNING.</b> Would the project:				
	a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a-c. The project would not occur within an established community, nor would it result in the division of an established community. The project complies with the Napa County Code and all other applicable regulations. There are no applicable habitat conservation plans or natural community conservation plans applicable to the property.

## **Mitigation Measures:**

None required.

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<sup>2</sup> *California Storm Water Best Management Practice Handbook*, Stormwater Quality Task Force, March 1993.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
X.	<b>MINERAL RESOURCES.</b> Would the project:				
	a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a/b. The Conservation and Open Space Elements of the Napa County General Plan does not indicate the presence of valuable or locally important mineral resources on the project site. The project would not result in a loss of a mineral resource of any value.

**Mitigation Measures:**

None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XI.	<b>NOISE.</b> Would the project result in:				
	a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a/b. The proposed project will result in a temporary increase in noise levels during the construction of the winery structures, parking areas, and associated improvements. Construction activities will be limited to daylight hours using properly muffled vehicles. Noise generated during this time is not anticipated to be significant. The proposed project would not result in long-term significant permanent construction noise impacts or operational impacts. Furthermore, construction activities would generally occur during the period of 7am-7pm on weekdays, during normal hours of human activity. All construction activities will be conducted in compliance with the Napa County Noise Ordinance (Chapter 8.16)

c/d. The anticipated level of noise to occur following the completion of construction including the operation of the winery would be typical of a wine production facility. The project is located within an industrial park and is not in an area where noise increases resulting from additional industrial development will impact sensitive receptors. The Napa County Code (Chapter 18.16) and standard conditions of approval address noise related issues including but not limited prohibiting outdoor-amplified sounds and that mechanical equipment would be required to be kept indoors or inside acoustical enclosures. The design of the proposed project, together with adherence to the County Noise Ordinance, would ensure the proposed project would not result in adverse noise impacts.



e/f. The project site is located in close proximity to the primary landing pattern path to the Napa County Airport and is subject to frequent overflight by low-flying aircraft. However, the project is not generally overflown by aircraft on takeoff due to prevailing winds, and is consequently well outside the cumulative noise contours established by the airport. As an industrial use (winery) within an industrial park, the project is not a sensitive noise receptor and is considered highly compatible with noise intrusion resulting from frequent overflight. The project site is not located within two miles of a private airstrip.

**Mitigation Measures:**

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XII. POPULATION AND HOUSING.</b> Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

a-c. The project would not result in the inducement of substantial population growth, either directly or indirectly. No new homes or roads are proposed. The proposal includes increasing full-time employees from 13 to 25 and increasing seasonal employees from 8 to 10. No housing will be displaced. No people will be displaced.

**Mitigation Measures:**

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XIII. PUBLIC SERVICES.</b> Would the project result in:				
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

a. The proposed project will have a less than significant impact on public services. Fire protection measures are required as part of the development and there would be no expected impact to response time as the property has good public road access. School impact mitigation fees will be levied with the building permit application. Those fees assist local school districts with capacity building measures. The project will have little impact on public parks. County revenue resulting from building permit fees, property tax increases and taxes from the sale of wine will help meet the costs of providing public services to the property.

**Mitigation Measures:**

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. <b>RECREATION.</b> Would the project:				
a) increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

a/b. The project would not significantly increase the use of existing recreational facilities, nor does the project include recreational facilities that may have a significant adverse effect on the environment.

**Mitigation Measures:**

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. <b>TRANSPORTATION/TRAFFIC.</b> Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

a/b. Weekday traffic volumes within the project vicinity consist primarily of commute traffic within the peak traffic periods, with residential, commercial, tourist, and industrial park traffic occurring throughout the day. Southern Napa County is characterized by two distinct commute traffic patterns: a Napa to Bay Area commute, and a smaller Solano County to Napa commute. The existing traffic congestion is primarily the result of regional growth impacts. Major improvements to both Highway 29 and Highway 12 are necessary to address regional traffic congestion. As mandated by Napa County, projects within the industrial park are responsible for paying "fair share" costs to the construction of improvements to impacted roadways within the industrial park.

Since 1990, the County has imposed and collected traffic mitigation fees on all development projects within the Airport Industrial Area. A developer's "fair share" fee goes toward funding roadway improvements within the specific plan area including improvements designed to

relieve traffic on State Highways. The traffic mitigation fee is further described in Board of Supervisor's Resolution 02-39. For this project, a traffic-mitigation-fee-based-on-PM-peak-hour-vehicle-trips-will-be-imposed-and-collected-prior-to-issuance-of-a-building-permit-as-determined-by the Director of Public Works.

The County has established that a significant traffic impact would occur if increases in traffic from a project would cause intersections or two-lane highway capacity to deteriorate to worse than LOS E, or at intersections or two-lane highway where base case (without project) is LOS F, a significant impact is considered to occur if a project increases the base volumes by more than one percent. Napa County utilizes a one percent significance threshold for the identification of significant adverse traffic impact during peak hours to travel. This threshold was directed by the Napa County Transportation and Planning Agency. This factor has been used consistently as the significance determination for all recent EIR and CEQA documents within the Airport Industrial Area.

According to information provided in the application, the proposal includes increasing production from 200,000 gallons per year to 600,000 gallons per year, increasing the number of full-time employees from 13 to 25 and seasonal employees from 8 to 10, increasing the number of on-site parking spaces from 36 to 55, and increasing average weekly visitors from 70 to 100 with the maximum on any given day increasing from 20 to 25 persons. Soscol Ferry Road has two travel lanes with paved shoulders, with no left turn lane access to the site, and has a daily traffic volume of 2,995 vehicles.

A traffic study was prepared for the project by licensed traffic engineer George Nickleson, P.E., dated August 3, 2006. According to the study, approximately 48 and 67 daily vehicle trips would be added during a typical Saturday and weekday, respectively. Approximately 84 daily trips would occur during the harvest season. The project is anticipated to generate approximately 17 trips within the p.m. peak hour. The study concluded that the daily volumes in/out at the westerly driveway would warrant a left turn lane which could be provided within the existing paved area of Soscol Ferry Road and would only require restriping with a minimum storage length of 50-feet. A mitigation measure is included requiring a new left turn lane at the westerly driveway with a minimum storage length of 50-feet.

P.M peak traffic generated from the project is anticipated to contribute less than 1% to the traffic levels on local roadways and intersections and to deterioration in their level of service. This less than 1% increase is considered a less-than-significant level with the payment of the "fair share" development impact fee. To address cumulatively significant contributions to traffic impacts, the project is required to pay the Airport Industrial Area Traffic Impact Mitigation fee which provides funding to improve roadways and State Highways within the Airport Industrial Area. With this mitigation measure, the project does not have a potential to significantly contribute to local or regional traffic congestion.

- c. The project should not have any impact on air traffic patterns. The project is located in close proximity to the final approach pattern for the main runway to the Napa County Airport. As a winery, this land use is considered highly compatible with this sensitive area. The previous proposal included construction of a waste-water treatment pond, which if not designed properly could attract birds that could potentially pose a hazard to aircraft on final approach. However, a subsequent modification to the original approval eliminated the ponds in favor of an enclosed wastewater treatment system.
- d -e. The project includes construction of two new driveways onto Soscol Ferry Road. Soscol Ferry Road is an urban collector street designed to accommodate high traffic volumes in a commercial land use setting. The new driveways have been designed to comply with all County standards. The project will not result in any changes to levels of service or cause any new safety risks.
- f. The project has been designed to comply with Airport Industrial Area standards. The project will not result in inadequate parking.
- g. The proposed project does not conflict with any known policies or plans supporting alternative transportation.

#### **Mitigation Measures:**

**Mitigation Measure XV.a.1. – To mitigate for increased traffic resulting from the project:**

The permittee shall restripe Soscol Ferry road to provide a left turn lane at the westerly driveway with a minimum storage capacity of 50-feet.

**Mitigation Measure XV.b.1. – To mitigate for increased traffic resulting for the project:**

Prior to County issuance of a Building Permit, the applicant shall submit payment of the Napa County's traffic mitigation fee in accordance with Board Resolution 08-20, as may be amended, of the equivalent of the vehicle trips generated by the project in the PM peak traffic period.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
Suscol Creek Wine Production Facility Use Permit Modification (#P09-00101-MOD) Tentative Parcel map (#P09-00100-PM)				

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI.	<b>UTILITIES AND SERVICE SYSTEMS.</b> Would the project:				
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Require or result in the construction of a new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Require or result in the construction of a new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

- a. The proposed project will not exceed wastewater treatment requirements of the Regional Water Quality Control Board and will not result in a significant impact. Wastewater disposal will be accommodated on-site in compliance with State and County regulations.
- b. The project includes an enclosed winery process wastewater system designed to accommodate the proposed production capacity of wine per year. The final design of the system will be prepared by licensed Civil Engineer or a Registered Environmental Health Specialist and will be subject to review and approval by the Department of Environmental Management.
- c. The proposed project includes the construction of new drainage facilities. The new drainage system will be designed by a qualified engineer and is subject to review and approval by the Department of Public Works. The Department of Public Works has included conditions of approval requiring that the drainage system be designed to avoid diversion or concentration of storm water runoff onto adjacent properties.
- d. The proposed project has sufficient water supplies to serve projected needs. Existing on-site wells have been tested and show adequate water supply to meet project needs. No new or expanded entitlements are needed to serve projected water needs.
- e. Wastewater will be treated on-site and will not require a wastewater treatment provider.
- f. The proposed project will be served by a landfill with sufficient capacity to meet the projects demands. No significant impact will occur from the disposal of solid waste generated by the proposed project.
- g. The proposed project will comply with federal, state, and local statutes and regulations related to solid waste.

**Mitigation Measures:**

None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</b>					
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) The project is believed to be possible habitat for two State-listed protected animal species. With the mitigation measures proposed, the project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
- b) The project does not have impacts that are individually limited, but cumulatively considerable as mitigated. Potential air quality, traffic and housing impacts are discussed in their respective sections above.
- c) The project does not pose any substantial adverse effects on human beings, either directly or indirectly.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVIII. SUBSEQUENT EIR OR NEGATIVE DECLARATION</b>					
a)	Are substantial changes proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Are substantial changes proposed in the project which will require major revisions of the previous EIR or negative declaration due to a substantial increase in the severity of previously identified significant effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Have substantial changes occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Have substantial changes occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to a substantial increase in the severity of previously identified significant effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e) Has new information of substantial importance been identified, which was not known-and-could-not-have-been-known-with-the-exercise-of-reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted which shows any of the following:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration.   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR.  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents have declined to adopt the mitigation measure or alternative.           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents have declined to adopt the mitigation measure or alternative. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

a-e. The changes to the proposed project since adoption of the previous Mitigated Negative Declaration (MND) generally consists of increasing production capacity and the number of full and part time employees, providing additional on-site parking, improving internal circulation, slightly increasing the number of visitors to the site, and landscaping and other site improvements as outlined in the project description. Neither the changes to the proposed project nor the circumstances under which the proposed project is being undertaken would require major revisions to the previous MND. No new significant environmental effects have been identified nor has there been an increase in the severity of previously identified effects. No new information has been identified that would result in new significant impacts not previously analyzed.

**MITIGATION MONITORING AND REPORTING PROGRAM  
SUSCOL CREEK WINE PRODUCTION FACILITY**

**Use Permit Major Modification (File #P09-00101-UP)  
Tentative Parcel Map (File #P09-00100-PM)**

**APN: 057-170-018**

Mitigation Measure	Implementation & Monitoring	Monitoring Agency
<b>Section IV: Biological Resources</b>		
<p><b>Mitigation Measure IV.a.1</b> - To mitigate potential impacts due to the conversion of non-native grassland habitat, the following measure shall be implemented:</p> <ul style="list-style-type: none"> <li>A qualified biologist shall conduct a pre-construction survey to determine the presence or absence of Swainson's hawk nests on the project site. If nesting is determined, an adequate buffer zone around the active nest should be established in consultation with DFG. The buffer zone shall be maintained for the duration of the nesting season, typically February through August, and monitored weekly to assure compliance and success of this action.</li> </ul>	<ol style="list-style-type: none"> <li>County requires as condition of Use Permit.</li> <li>Applicant would be responsible for conducting surveys. If Swainson's hawks are found the CDFG shall be consulted to determine if any significant impacts are anticipated and what mitigation measures will be required.</li> </ol>	<ol style="list-style-type: none"> <li>Planning Department.</li> <li>DFG and Planning Department.</li> </ol>
<p><b>Mitigation Measure IV.a.2</b> - To mitigate impacts due to removal/disturbance of active raptor nests the following measure shall be implemented:</p> <ul style="list-style-type: none"> <li>Prior to grading and/or tree removal, a qualified biologist should conduct pre-construction surveys to determine the presence or absence of active raptor nests. If present, the habitat or trees should not be removed until the end of the breeding season, and an appropriate setback buffer from construction activities be defined, as determined in consultation with DFG.</li> </ul>	<ol style="list-style-type: none"> <li>County requires as condition of Use Permit.</li> <li>Applicant would be responsible for conducting surveys. If species is found the DFG shall be consulted to determine if any significant impacts are anticipated and what mitigation measures, if any, will be required.</li> </ol>	<ol style="list-style-type: none"> <li>Planning Department.</li> <li>DFG and Planning Department.</li> </ol>
<p><b>Mitigation Measure IV.a.3</b> - To ensure that the presumed presence of steelhead trout in the creek is not adversely affected by restoration activities:</p> <ul style="list-style-type: none"> <li>Any work within the channel must be performed in accordance with DFG protocols and including consultation prior to commencing activities, best management practices to prevent unnecessary disturbance of creek areas, and timing of activities during appropriate low-flow seasonal periods.</li> </ul>	<ol style="list-style-type: none"> <li>County requires as condition of Use Permit.</li> <li>Applicant would be responsible for conducting surveys. If species is found the DFG shall be consulted to determine if any significant impacts are anticipated and what mitigation measures, if any, will be required.</li> </ol>	<ol style="list-style-type: none"> <li>Planning Department.</li> <li>DFG and Planning Department.</li> </ol>
<p><b>Mitigation Measure IV.b.1</b> To mitigate impacts within the jurisdictional drainage swale:</p> <ul style="list-style-type: none"> <li>Prior to commencing grading the permittee shall obtain a Nationwide 24 Permit for grading and revegetation activities that will occur within the unnamed drainage channel, pursuant to the requirements of Section 404 of the Clean Water Act and subject to authorization by the U.S. Army Corps of Engineers as stipulated in their February 2, 2006 letter. Nationwide Permitting is allowed for the proposed drainage and vegetation enhancements proposed with the project.</li> </ul>	<ol style="list-style-type: none"> <li>County requires as condition of Use Permit.</li> <li>Applicant obtains required permitting from CORPS.</li> </ol>	<ol style="list-style-type: none"> <li>Planning Department.</li> <li>Planning Department.</li> </ol>

Section VIII – Hydrology & Water Quality		
<p><b>Mitigation Measure VIII.c.1</b> To mitigate the potential erosion and sedimentation impacts associated with project construction, the following measures shall be implemented.</p> <ul style="list-style-type: none"> <li>As a condition of Use Permit approval, obtain a NPDES General Construction Activity Permit from the RWQCB. This permit is required of all construction projects totaling one acre or more. As part of the permit and post-construction agency monitoring process, the applicant shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) in accordance with guidelines set forth by the RWQCB.</li> </ul> <p>The SWPPP shall include design details and construction specifications for all site drainage controls and other water quality mitigations. In addition the SWPPP shall contain the implementation schedule, methods, and locations of erosion control features, and be designed to prevent sediment loads greater than ten percent of background levels during construction.</p> <p>The SWPPP shall specify the use of siltation basins during construction. In addition, bare areas created by the removal of vegetation shall be stabilized and seeded with an erosion control mix prior to October 15<sup>th</sup> of each construction year.</p> <p>Typical site erosion control measures, also referred to as BMPs, are outlined in the California Storm Water Best Management Practice Handbooks for Construction Activity.<sup>1</sup> In addition to practices discussed above, BMPs which could be implemented as a part of the SWPPP include:</p> <ul style="list-style-type: none"> <li>Seeding and protection of bared soils against raindrop impact and detachment by overland runoff through application of a sterile, broadcasted rice straw, or other approved mulch.</li> <li>Vegetated buffers and drainage swales to filter sediments and adsorbed contaminants from site runoff.</li> <li>Isolation and disposal of waste construction materials.</li> </ul>	<ol style="list-style-type: none"> <li>County requires as condition of Use Permit.</li> <li>Applicant responsible to obtain the General Construction Activity Permit from RWQCB and to implement BMPs outlined in the project SWPPP.</li> <li>RWQCB would inspect the project area over the construction period and after project completion, until the disturbed areas are fully revegetated.</li> </ol>	<ol style="list-style-type: none"> <li>Planning Department.</li> <li>Planning Department.</li> <li>RWQCB / Environmental Management.</li> </ol>
<p><b>Mitigation Measure VIII.c.2</b> To mitigate construction related impacts to downslope riparian areas, the following measure shall be implemented:</p> <ul style="list-style-type: none"> <li>Temporary high visibility fencing shall be used 50 feet away from the outside edge of the riparian habitat for the duration of construction activities in order to prevent inadvertent impacts from encroachment into this community. Where project improvement plans require construction activities to occur within that 50-foot buffer, fencing shall be placed at</li> </ul>	<ol style="list-style-type: none"> <li>County requires as condition of Use Permit.</li> <li>Applicant places mitigation into contracts of all subsequent contracts involved in site preparation and development activities. County will require as condition of grading permits.</li> <li>Applicant would implement during construction.</li> </ol>	<ol style="list-style-type: none"> <li>Planning Department.</li> <li>Planning / Building Departments.</li> <li>Planning / Building Departments.</li> </ol>

<sup>1</sup> California Storm Water Best Management Practice Handbook, Stormwater Quality Task Force, March 1993.



the limits of the required construction activity. Placement of the fencing should be determined by a qualified biologist prior to construction and monitored at least once a month by County staff during the construction period to assure the success of this action.		
<b>Section XV – Transportation/Traffic</b>		
<b>Mitigation Measure XV.a.1.</b> – To mitigate for increased traffic resulting from the project: <ul style="list-style-type: none"> <li>The permittee shall restripe Soscol Ferry Road to provide a left turn lane at the westerly driveway with a minimum storage capacity of 50-feet.</li> </ul>	1. County requires as condition of the Use Permit.	1. Public Works Department
<b>Mitigation Measure XV.b.1.</b> – To mitigate for increased traffic resulting for the project: <ul style="list-style-type: none"> <li>Prior to County issuance of a Building Permit, the permittee shall submit payment of the Napa County's traffic mitigation fee in accordance with Board Resolution 08-20, as may be amended, of the equivalent of the vehicle trips generated by the project in the PM peak traffic period.</li> </ul>	1. County requires as condition of the Use Permit.	1. Public Works Department.

I hereby revise my request to include the measures specified above.

I understand and explicitly agree that with regards to all California Environmental Quality Act, Permit Streamlining Act, and Subdivision Map Act processing deadlines, this revised application will be treated as a new project, filed on the date this project revision statement is received by the Napa County Conservation, Development and Planning Department. For purposes of Section 66474.2 of the Subdivision Map Act, the date of application completeness shall remain the date this project was originally found complete.

See attached copy signed by owner

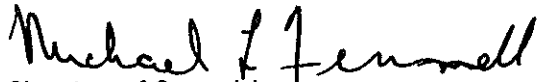
Signature of Owner(s)

Interest

Print Name

**I hereby revise my request to include the measures specified above.**

I understand and explicitly agree that with regards to all California Environmental Quality Act, Permit Streamlining Act, and Subdivision Map Act processing deadlines, this revised application will be treated as a new project, filed on the date this project revision statement is received by the Napa County Conservation, Development and Planning Department. For purposes of Section 66474.2 of the Subdivision Map Act, the date of application completeness shall remain the date this project was originally found complete.

  
Signature of Owner(s)

OWNER  
Interest

MICHAEL L. FENNELL  
Print Name