



FINAL
ENVIRONMENTAL IMPACT REPORT

**LUCIA ABREU VINEYARD
HOWELL MOUNTAIN CONVERSION PROJECT**

NOVEMBER 2013

LEAD AGENCY:

California Department of
Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460



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SECTION 1.0

INTRODUCTION

SECTION 1.0

INTRODUCTION

1.1 OVERVIEW

This Responses to Comments Document has been prepared to address comments received by the Lead Agency, the California Department of Forestry and Fire Protection (CAL FIRE), on the Draft Environmental Impact Report (EIR) for the proposed Lucia Abreu Vineyard Howell Mountain Conversion Project (Proposed Project). The Draft EIR was submitted to the State Clearinghouse on August 27, 2013 (SCH# 2012072063). This Responses to Comments Document, together with the Draft EIR (included by reference),¹ comprises the Final EIR.

An EIR is an informational document that must be considered by the Lead Agency prior to project approval. California Environmental Quality Act (CEQA) *Guidelines* Section 15132 specifies that the Final EIR shall consist of:

- The Draft EIR or a revision of the draft (**Section 4.0** of this Responses to Comments Document).
- Comments and recommendations received on the Draft EIR either verbatim or in summary (**Section 2.0** of this Final EIR Response to Comments).
- A list of persons, organizations, and public agencies commenting on the Draft EIR (**Section 2.0** of this Final EIR Responses to Comments).
- Responses by the Lead Agency to significant environmental points raised in the review and consultation process (**Sections 3.0** and **4.0** of this Final EIR Responses to Comments).
- Any other information added by the Lead Agency.

1.2 PUBLIC PARTICIPATION PROCESS

The CEQA environmental review process for the Proposed Project was initiated with public release of the Notice of Preparation (NOP) on July 31, 2012. The Notice of Availability (NOA) of

¹ The Draft EIR is available online at the CAL FIRE website:
http://calfire.ca.gov/resource_mgt/downloads/EP_PublicNotice/Abreu_Draft%20EIR%20compiled_August%202013.pdf

the Draft EIR was released on August 27, 2013. The NOA initiated a 45-day public comment period that began on August 27, 2013 and ended on October 11, 2013.

The public comment period under CEQA provides an opportunity for interested public and private parties to provide input regarding the completeness and adequacy of an EIR. *CEQA Guidelines* Section 15151 addresses the standards by which EIR adequacy is judged:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

CEQA Guidelines Section 15204(a) encourages parties to focus comments on the “sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.” Commenters were advised that:

Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

1.3 DOCUMENT ORGANIZATION

This Responses to Comments Document consists of this introduction and the chapters outlined below:

Section 2, Comments on the Draft EIR – This section includes a list of the agencies, organizations, and individuals that submitted written comments during the public review period for the Draft EIR. One agency, the California Department of Fish and Wildlife (CDFW), commented on the Draft EIR. The list is followed by a copy of original written comment received during the public review period for the Draft EIR. Individual comments are bracketed in the margin.

Section 3, Responses to Comments - This section provides individual responses to each the comment submitted during the public review period for the Draft EIR. Responses are referenced to the bracketed comment numbers provided in **Section 2.0**.

Section 4, Text Revisions to the Draft EIR – This section presents any revisions to the Draft EIR text that were made in response to comments received during the public review period for the Draft EIR. These revisions are organized by the section and page number as they appear in the Draft EIR. Text that has been deleted from the EIR will be marked as a strikeout (~~deleted text~~), while new text will be underlined (new text).

Section 5, Mitigation, Monitoring, and Reporting Plan - This section presents the Mitigation Monitoring and Reporting Plan (MMRP) for the Proposed Project.

SECTION 2.0

COMMENTS ON THE DRAFT EIR

SECTION 2.0

COMMENTS ON THE DRAFT EIR

This section contains written comments that were received during the public review period for the Draft EIR prepared for the Proposed Project. One comment letter was received by CAL FIRE in response to the Draft EIR. Julie Coombes, an Environmental Scientist with the California Department of Fish and Wildlife, provided written comments on September 26, 2013. The bracketed comment letter is provided on the following pages.

From: Coombes, Julie@Wildlife
Sent: Thursday, September 26, 2013 4:30 PM
To: Hall, Dennis@CALFIRE; Sacramento Public Comment@CALFIRE
Cc: Adair, Randi@Wildlife; Gilmore, Suzanne@Wildlife; Reeves, Meghan@CALFIRE
Subject: CDFW Review Comments for 1-13-074 NAP 'Lucia Abreu Vineyard' Draft EIR

Dear Dennis Hall,

I submitted the comment below to the CAL FIRE Santa Rosa Review Team for the 9/5/2013 1st Review of THP 1-13-074 NAP 'Lucia Abreu Vineyard'. After receiving the RPF response (see below), an additional 1st Review comment was submitted for the 9/26/2013 First Review (see below). I received an email from Meghan Reeves stating that the THP was on return-hold as of the 24th and that it was determined that my comment addresses the long term, cumulative impacts of the conversion and therefore is more appropriate as a comment on the Draft EIR. I would like to submit the comment dated 9/26/2013 as a comment on the Draft EIR for 1-13-074 NAP 'Lucia Abreu Vineyard'.

Please contact me with any questions or concerns you may have.

Julie Coombes, Environmental Scientist
Timberland Conservation Program
California Department of Fish & Wildlife
7329 Silverado Trail, Napa CA 94558
707-944-5529 (office)
Julie.Coombes@wildlife.ca.gov

CDFW 1st Review Comment 9/5/2013

27. Please provide further information on the presence of trees within the conversion area that contain characteristics favorable to wildlife (e.g. basal hollows, other cavities, reiterated tops, broken tops, and large limbs). How will the permanent loss of these trees be mitigated? How will the applicant mitigate for the loss of forest habitat in general? Will habitat be purchased and conserved with an easement? How will the habitat retention area (HRA) described on page 51 of the THP be protected? Since the HRA is comprised of existing habitat and there will be no gain of habitat, how will the permanent loss of 17 acres be compensated? (CDFW)

RPF Response, Received by CAL FIRE 9/19/2013

Response: The project area is at the end of the Angwin airport runway, as such it has been harvested many times in the past to keep the trees below a safe limit for air craft approaching and leaving the air port. This forest maintenance has removed the Dominant trees and any trees that were determined to be unhealthy. Due to the removal of these unhealthy trees the project area does not contain trees with basal hollows, cavities, reiterated tops, broken tops and large limbs.

The magnitude of the impact of the loss of forest habitat is based on the amount of wildlife use. The project area is in a high airplane traffic area at the end of the Angwin airport. Wildlife intolerant to this traffic and its associated noise is not found in the area. The impact of the loss of the forest habitat is minimal if not non-existent. Due to past management practices the forested areas have been cleared of all brush, down tree limbs and debris. The area is park like and does not provide habitat for wildlife requiring brush and ground cover. The project property

is also completely fenced. This fencing was installed by adjacent landowners to keep in and out trespassers from the Pacific Union College and protect existing agricultural crops. The movement of large wildlife through the project area is minimal of at all.

The project proposes to mitigate for the loss of forest habitat by improving the habitat on the 16.5 acre HRA, see the EIR section 4.4-48. See THP page 46.

The project proposes a Habitat Retention Area (HRA). This HRA is guaranteed into the future by county regulation, specifically Napa Count Ordinance No 1219.

Napa County passed Ordinance No. 1219 in March of 2003. This ordinance limits the amount of vegetation that can be cleared based on vegetation present in 1993. Vegetation was documented by county wide aerial photographs taken in 1993. The vegetation clearing, limits the size of the vineyard conversion on this ownership to 17 acres. The ordinance is clear in limiting further development on this parcel to the 17 acres proposed in this project. The remaining 16.5 acres are precluded from future conversion and additional development by Napa County. The ordinance effectively provides for a conservation easement on the property and accomplishes the intent of a deed restriction. The ordinance provides for a security deposit to insure implementation as described in the plan. The ordinance does not have any termination date and protects this retained vegetation by protecting county lands and their "continued long term viability" into the future. The ordinance provides for penalties if the ordinance is violated. These penalties are enforceable as a misdemeanor, and subject to judicial action.

Steep slopes and riparian area limitations.

Section 1. 18.108.010

A. The purpose and intent of these regulations is to protect the public health, safety and community welfare, and to otherwise preserve the natural resources of the county of Napa. Further, these regulations are intended to ensure the continued long-term viability of county agricultural resources by protecting county lands from excessive soil loss which if unprotected could threaten local water quality and quantity and lead ultimately to loss of economic productivity. These regulations have been developed in general accord with the policies and principles of the general plan, as specified in the land use element and the open space and conservation element.

B. It is furthermore intended that these regulations accomplish the following:

- 1) Preserve riparian areas and other natural habitat by controlling development near streams and rivers.
- 2) Encourage development which minimizes impacts on existing land forms, avoid steep slopes, and preserves existing vegetation and unique geologic features; "

Vegetation clearing is limited by

Section 2. 18.108.027

B. Vegetation clearing. A minimum of sixty percent of the tree canopy cover on the parcel existing on June 16, 1993 along with any understory vegetation, or when vegetation consists of shrub and brosh without tree canopy, a minimum of forty percent of the shrub, brosh and associated annual and perennial herbaceous vegetation shall be maintained as part of any use involving earth-disturbing activity.

Comment Letter 1 (Cont.)

The ordinance applies to seven "sensitive domestic water supply drainages", this project is located in the Lake Hennessey Watershed, one of the seven sensitive water supply drainages.

1-1
(Cont.)

CDFW 1st Review Comment 9/26/2013

The permanent loss of 17 acres of habitat should be considered a potentially significant impact pursuant to the California Environmental Quality Act (CEQA), and feasible mitigation should be required to substantially lessen the effect as a condition of project approval (PRC, section 21002). The THP proposes to create a 16.5-acre habitat retention area (HRA) to compensate for the loss of 17 acres. The applicant proposes that the HRA would be protected by Napa County Ordinance No. 1219. Based on the information provided, the proposed mitigation does not appear to be adequate to offset this significant impact. CDFW has suggested additional feasible mitigation measures below.

1-2

The proposed mitigation ratio is less than 1:1 (preserved habitat to habitat lost) and would likely result in a net loss in habitat value. The THP area is described as containing poor wildlife habitat due to a close proximity to the Angwin airport, past management practices, and fencing. Such factors may reduce the habitat value but do not preclude the use of the THP area by wildlife species. The HRA surrounds the THP area and likely contains similar quality habitat. The proposed HRA is also bordered by vineyards, roads and developed areas. Habitat preservation should be contiguous with existing habitat. The THP proposes to enhance the value of the HRA by adding habitat features; however, it is not clear that the proposed enhancements would significantly increase the value of the HRA for wildlife over existing conditions. The mitigation measures detail specific enhancement activities but do not address the long-term management and monitoring of these habitat improvements. In addition, Napa County Ordinance No. 1219 would not provide protection of the mitigation land in perpetuity, as a local ordinance can be modified or extinguished at any time through unilateral action by the County.

1-3

During the PHI, CDFW would like to inspect the THP area and proposed HRA to assess habitat value and suitability of the HRA as a mitigation site. CDFW typically recommends that a 2:1 or higher mitigation ratio be used to mitigate habitat loss (depending on a detailed comparison and evaluation of habitat lost to habitat preserved). The HRA should be protected through a permanent, multi-party conservation instrument, such as a conservation easement. CDFW also recommends that the THP be amended to include a mitigation monitoring and reporting program per PRC section 15097.

1-4

SECTION 3.0

RESPONSES TO COMMENTS

SECTION 3.0

RESPONSES TO COMMENTS

The following responses have been prepared for each bracketed comment included in **Section 2.0** of this Response to Comments document.

Letter 1 - Julie Coombes, Environmental Scientist California Department of Fish and Wildlife (CDFW), September 26, 2013

Response to Comment 1-1

Commenter accurately describes the original CDFW comment to the Timber Harvest Plan (THP). CDFW provided comments during the first agency review of the THP phase of the Proposed Project, which is approved separately by CAL FIRE under a California Environmental Quality Act (CEQA)-equivalent process. **Comment 1-1** contains CDFW's original comment and the response provided to CDFW by the project forester, Scott Butler of Environmental Resource Management.

Response to Comment 1-2

The permanent loss of forest habitat is considered a significant impact under CEQA, as discussed in **Impact 4.4-4** of the Draft Environmental Impact Report (EIR). However, the 17 acres proposed for conversion under the Timber Conversion Plan (TCP) is comprised of approximately 16.6 acres of grassland and Douglas Fir Forest - Ponderosa Pine Forest Alliance, while the other 0.5 acres are ruderal/developed land. Therefore, the approximately 16.5 acre Habitat Retention Area (HRA), described in **Mitigation Measure 4.4-4**, does provide habitat mitigation at a 1:1 ratio of preserved habitat to habitat loss.

An additional figure detailing habitat acreages within the THP area and the HRA has been added as **Figure 4.4-3**, provided in **Section 4.0** of this Final EIR. As shown in this figure, the HRA retains 4.6 acres of California Black Oak Forest Alliance and 11.8 acres of Douglas Fir Forest – Ponderosa Pine Forest Alliance. All of the sensitive California Black Oak Forest Alliance on the property will be retained within the HRA. The implementation of the HRA is a feasible mitigation measure that substantially lessens the significant impact, pursuant to Public Resources Code (PRC) Section 21002.

Napa County Ordinance 1219 adopts Sections 18.108.027 of the Napa County Code, which states that:

A minimum of sixty percent of the tree canopy cover on the parcel existing on June 16, 1993 along with any understory vegetation, or when vegetation consists of shrub and brush without tree canopy, a minimum of forty percent of the shrub, brush and associated annual and perennial herbaceous vegetation shall be maintained as part of any use involving earth-disturbing activity.

This code limits development on a property so that it maintains at least 60 percent of the tree canopy and 40 percent of the shrub canopy, as compared with 1993 aerial photography. Therefore, each property has a limited acreage that can be developed per Napa County Ordinance 1219, providing a de facto conservation easement for the remainder of the property. The Proposed Project complies with the ordinance while intentionally preserving the best quality habitat and the most sensitive habitat types within the HRA. Onsite resources were considered during placement of the vineyard blocks, and areas with the highest-value or most sensitive habitat were avoided to the fullest extent feasible. There are no reasonable foreseeable developments or uses proposed for the areas designated as HRAs. There are no reasonable or foreseeable alterations or modifications to the County ordinance; consequently, there is no need for a further mechanism to protect these areas.

Response to Comment 1-3

As stated in **Response to Comment 1-2**, when the ruderal/developed land that would be removed as a part of the Proposed Project is discounted in the total THP acreage, the proposed mitigation ratio for the HRA is 1:1 for preserved habitat to habitat lost.

The Douglas Fir Forest – Ponderosa Pine Forest Alliance within the THP area does not contain valuable wildlife habitat in its current state, as it is maintained in a park-like condition by the property owner and no brush, shrub, or understory vegetation is allowed to grow. The comment is correct that the HRA provides similar habitat to the THP area, and that **Mitigation Measure 4.4-4** requires enhancement of the HRA to augment habitat value for wildlife. Habitat enhancement activities include: “the careful placement of slash piles, snags, and large woody debris on the forest floor as well as the installation of nest boxes on trees for songbirds and roosting boxes for bats. Brush piles, tree branches, and small downed trees will be used to create shelter habitat for small mammals and birds” (**Mitigation Measure 4.4-4**). Following discussion with CDFW at the Pre-Harvest Inspection (PHI) of the property that occurred on October 24, 2013, CDFW has provided additional enhancement suggestions that will augment the HRA’s habitat value. Consistent with the Commenter’s request, **Mitigation Measure 4.4-4**

has been revised to specify the number and types of enhancement practices that will be enacted during establishment of the HRA.

Habitat surrounding the property includes agriculture (predominantly vineyards), Ponderosa Pine Alliance, Mixed Oak Alliance, and Black Oak Alliance as mapped by Napa County (NCCDPD, 2005). Although there is habitat fragmentation in the area as a whole, the HRA is contiguous with Ponderosa Pine Alliance, Mixed Oak Alliance, and Douglas Fir – Ponderosa Pine Alliance. The HRA area will be improved onsite consistent with Napa County standards, including General Plan Policy CON-18 (c), which states that “preservation of habitat and connectivity... should be required within the project area” (Napa County, 2008). Relocating the HRA to another property in order to augment connectivity would not be feasible and would not obtain the sustainability objectives stated in **Section 3.3 Project Objectives** of the Draft EIR, which include the retention of habitat onsite.

Response to Comment 1-4

As discussed in **Response to Comment 1-2** above, Napa County Ordinance 1219 prevents any additional acreage from being developed on the property, placing a de facto easement on the remaining land. There are no reasonable or foreseeable alterations or modifications to the County ordinance. Consequently, there is no need for a further mechanism to protect these areas.

The PHI occurred on October 24, 2013; representatives from CDFW (including the Commenter), California Geological Survey, CAL FIRE, and Napa County attended. During the PHI, CDFW inspected the THP and HRA locations, as requested in this comment. As a result of this comment letter and the discussion at the PHI, **Mitigation Measure 4.4-4** was revised.

REFERENCES

Napa County Conservation, Development, and Planning Department (NCCDPD), 2005. Napa County Baseline Data Report: Version 1; Chapter 4 Biological Resources. Napa County, California.

Napa County, 2008. Napa County General Plan. June 3, 2008. Available online at: <http://www.countyofnapa.org/generalplan/>. Accessed on November 4, 2013.

SECTION 4.0

TEXT REVISIONS TO THE DRAFT EIR

SECTION 4.0

TEXT REVISIONS TO THE DRAFT EIR

4.1 INTRODUCTION

The following corrections/edits have been made to the text of the Draft Environmental Impact Report (EIR) subsequent to its public release in August of 2013. Corrections or clarifications have been made to address comments and to update information. Text that has been deleted from the EIR will be marked in this section as a ~~strikeout (deleted text)~~, while new text will be underlined (new text).

4.2 TEXT REVISIONS

Mitigation Measure 4.4-4, in **Section 4.4.5-2** of the Draft EIR and in **Section 4.4** of the MMRP Table, has been revised as follows:

Mitigation Measure 4.4-4: Impacts to forested wildlife habitat would be reduced to a less-than-significant level through a combination of onsite avoidance, protection, and enhancement of retained forested areas outside of the 17± acre THP footprint on the project parcel. As a demonstration of good land stewardship, the Applicant has avoided sensitive habitats onsite and has volunteered to provide the following enhancement activities to these areas to encourage their use by wildlife. These practices are consistent with Napa County Goals CON-2 and CON-6, and Policies CON-17 and CON-24; thus, with implementation of the following mitigation measure, **Impact 4.4-4** would be reduced to less than significant.

A permanent habitat retention area will be designated onsite for the remainder of the parcel occurring outside of the 17± acre THP area that will be planted in vineyard (refer to **Figure 4.4-1**). The creation of a habitat retention area (totaling 16.5± acres) would allow for the protection of approximately 11.83~~11.94~~ acres of Douglas Fir-Ponderosa Pine habitat and the entirety of the 4.58 acres of oak woodland habitat onsite (~~**Figure 4.4-3**~~**Figure 4.4-1**; **Table 4.4-2**). Numerous enhancement techniques would be employed throughout the habitat retention area to improve the quality of forest habitat on the parcel for wildlife. Working closely with the Applicant, the Registered Professional Forester (RPF) will design and recommend the specific enhancement activities to be employed. These techniques include the careful placement of slash piles, snags, and large woody debris on the forest floor as well as the installation of nest boxes on trees for songbirds and roosting boxes for bats. Brush piles, tree branches, and small downed trees will be used to create shelter habitat for small mammals and birds. ~~Mulch may also be used to~~

improve the groundcover within the forested areas onsite. Approximately one log per acre (12 logs) would be added to the Douglas Fir-Ponderosa Pine forest within the HRA. These logs would be over 10 inches in diameter and in the form of either down woody debris or standing snags. Approximately 18 brush piles would be added to the HRA, composed of brush and slash from the timber harvest. These piles would be open enough to accommodate wildlife in the form of birds and small animals. In addition, 12 boxes would be placed within the HRA to accommodate nesting birds and bats.

These enhancement techniques will greatly improve the existing understory of the forest onsite and the habitat values of the parcel for use by wildlife. As discussed in the Hydrology Analysis (Balance Geo, 2013; **Appendix F**), to improve slope stability characteristics above pre-project conditions, the Applicant may consult with Pacific Union College to determine if they wish to install bioengineering features on their property. These features, which could include shrub and tree plantings within PUC McReynolds and Winning ravines, would improve wildlife habitat and biodiversity while simultaneously stabilizing the ravine channels.

With implementation of **Mitigation Measure 4.4-4**, impacts would be less than significant.

Selected text from **Impact 4.9-1** of the Draft EIR would be revised as follows:

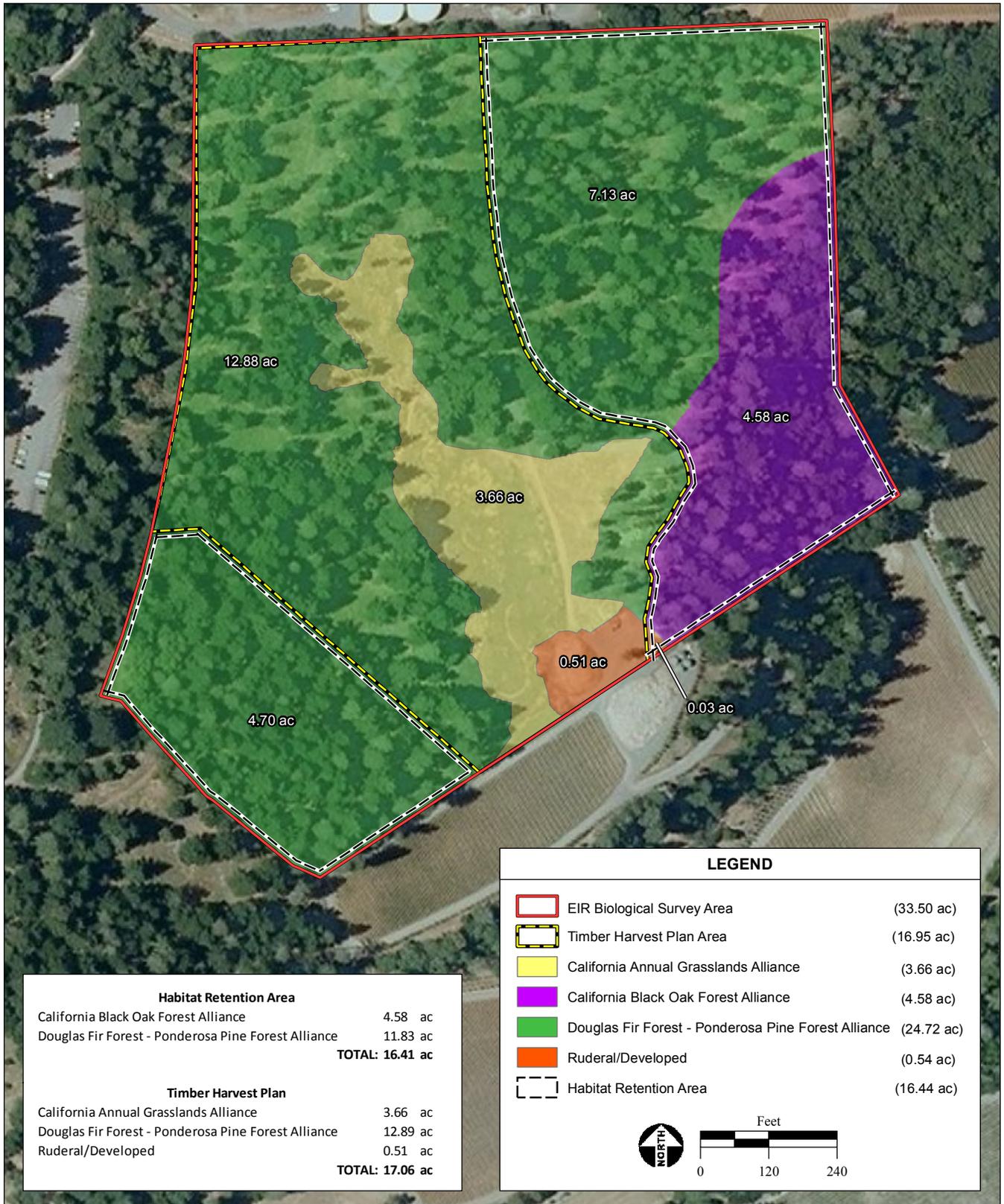
Abreu North Swale Catchment is located in the northeastern portion of the parcel, and includes the eastern edge of the proposed vineyard Block B and extends to the east outside of the project boundaries. It is approximately 13.7 acres and hydrologically connected to the neighboring Angwin-Parrett Field airport property via a small ravine. About ten percent of the THP area currently drains to this catchment. ~~High-quality compost mulch will be used on the forest floor within this catchment outside of the THP area to improve habitat and slow runoff to allow infiltration after the vineyard is in place.~~

Findings

According to analysis of pre- and post-project conditions using the WinTR-55 model, development of the Proposed Project would alter the drainage pattern of the property, but would not result in an increased rate or volume of runoff. In fact, the Proposed Project would result in a slight decrease in both the peak discharge and volume of surface runoff at the property. As stated above, the WinTR-55 model is limited in its ability to analyze forested watersheds; however, this watershed has been highly disturbed and the model is an appropriate choice to compare pre- and post-project conditions. The primary reason for the decrease in runoff is the construction of retention basins that would delay peak flow timing. These basins would be created using concrete weir structures and rock stabilizations at two key locations that utilize existing topographic relief and would not require major excavation. The basins would promote

4.0 Text Revisions to the Draft EIR

the conveyance and infiltration of stormwater runoff, and would prevent runoff from exiting the property via existing ravines (**Appendix F**). Another factor contributing to the reduction in runoff is the use of a cover crop within all the vineyard blocks ~~and application of compost mulch~~. Drainage system features onsite would not result in flooding because the rate and volume of runoff would not increase from the Proposed Project, and because these drainage features were determined to be appropriate for local hydrology conditions during development of the ECP. This is a less-than-significant impact.



SOURCE: Napa County Vegetation Alliances Dataset, 2007; Napa Valley Vineyards Engineering, 7/2005; UC-G Aerial Photograph, 4/2012; AES, 2013

Abreu Vineyards Project DEIR / 211550 ■

Figure 4.4-3
Habitat Type Acreages by Area

SECTION 5.0

MITIGATION MONITORING AND REPORTING PLAN

SECTION 5.0

MITIGATION MONITORING AND REPORTING PLAN

5.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a Lead Agency establish a program to report on and monitor measures adopted as part of the environmental review process to mitigate or avoid significant effects on the environment (CEQA *Guidelines* Section 15097). This Mitigation Monitoring and Reporting Plan (MMRP) is designed to ensure that the mitigation measures identified in the Environmental Impact Report (EIR) for the Lucia Abreu Vineyard Howell Mountain Conversion Project (Proposed Project) are fully implemented. The MMRP, as presented in **Table 5-1**, describes the timing/frequency of mitigation implementation responsibilities and standards, and verification of compliance for the mitigation measures identified in the Final EIR.

5.2 MITIGATION MONITORING AND REPORTING PLAN

Table 5-1 presents all recommended mitigation measures recommended in the Final EIR, organized by issue area. Various different entities have been assigned monitoring responsibilities under this MMRP. All monitoring actions, once completed, would be reported in writing to CAL FIRE, which would maintain mitigation monitoring records for the Proposed Project. The MMRP will be considered by the Lead Agency, CAL FIRE, and Responsible Agency, Napa County, in conjunction with review and approval of the Proposed Project and each subsequent approval related to project phases [i.e. erosion control plan (ECP), timber harvest plan (THP), timber conversion plan (TCP)], and will be adopted as a condition of project approval for each action and future action.

The components of this table include:

Mitigation Measures: The mitigation measures listed in the Final EIR.

Timing of Action: Identifies the timing for the implementation of each action.

Responsibility for Implementation: Identifies the authority responsible for implementing the mitigation measure.

Responsibility for Monitoring: Identifies the authority responsible for monitoring implementation of the mitigation measure.

Standards for Compliance: Identifies the standard to be met in order for the mitigation measure to be considered implemented, if applicable.

Verification of Compliance: Identifies verification of compliance for each identified mitigation measure. This will be completed by the Lead Agency after mitigation responsibilities have been fulfilled.

TABLE 5-1
MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Timing of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
4.3 AIR QUALITY					
<p>Mitigation Measure 4.3-1: The Applicant shall implement a fugitive dust abatement program during the construction of #P05-0376-ECPA, which shall include the following elements:</p> <ul style="list-style-type: none"> • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. • Cover all exposed stockpiles. • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent paved streets. • Limit traffic speeds on unpaved roads to 15 miles per hour (mph). • Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. 	During construction	Applicant	Applicant	Bay Area Air Quality Management District (BAAQMD)	
<p>In addition to the above measures, the Applicant shall also implement the required basic construction mitigation measures as recommended by the BAAQMD during the construction of the Proposed Project, which shall include the following elements:</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, and unpaved access roads) shall be watered as needed to ensure dust abatement. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone 					

Mitigation Measure	Timing of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<p>number shall also be visible to ensure compliance with applicable regulations.</p> <ul style="list-style-type: none"> All heavy duty construction equipment shall be fitted with diesel particulate matter filters and use only aqueous diesel fuel. <p>The measures above are in addition to the permanent erosion control measures specified in #P05-0376-ECPA, which include establishing a permanent no till cover crop on all disturbed areas. As shown in Table 4.3-3, construction of the Proposed Project would not exceed the BAAQMD criteria pollutant threshold. The permanent erosion control measures would avoid the creation of nuisance dust and PM₁₀ during operation of the Proposed Project, which would reduce these potentially significant impacts to a less than significant level. These measures are additive to those required during the timber harvest prior to conversion.</p>					
4.3 BIOLOGICAL RESOURCES					
<p>Mitigation Measure 4.4-1: The Applicant shall implement the following measures to avoid disturbing any special status bird species nesting on the project parcel in accordance with the following CDFW-recommended measures:</p> <p>If project activities are scheduled between February 1 and August 31, CDFW recommends surveys and avoidance measures for nesting birds. With respect to surveys for nesting bird and raptor species, CDFW recommends that the project specifies: 1) nest surveys be conducted no earlier than 14 days prior to tree removal and/or breaking ground (surveys should be conducted a minimum of 3 separate days during the 14 days prior to disturbance), 2) in the event that nesting birds are found, the project applicant should consult with CDFW and obtain approval for nest-protection buffers prior to tree removal and/or ground disturbing activities, and 3) nest protection buffers will remain in effect until the young have fledged. All nest protection measures should apply to off-site impacts and within 500 feet of project activities. If a lapse in project-related work of 15 days or longer occurs, another focused survey and, if required, consultation with CDFW, will be required before project work can be reinitiated.</p>	During construction	Applicant	Applicant	California Department of Fish and Wildlife (CDFW)	
<p>Mitigation 4.4-2: While there are two northern spotted owl activity centers (NP28 and NP29) within 1.5 miles, there are no activity centers located within 0.7 miles of the project parcel (Town, 2013). Northern spotted owl take avoidance will be achieved via</p>	During construction	Applicant	Applicant/ Qualified forester or arborist	Consistent with most current NSO survey protocol from US Fish and Wildlife Service	

Mitigation Measure	Timing of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<p>compliance with California Forest Practice Rule 14 CCR 919.9(e) Scenario 4: Avoidance of Disturbance and Direct Take through Habitat Retention, Attachment B. These activity centers are located greater than 1,000 feet from the project parcel; additionally, as discussed above in Section 4.4.4-8 NP28 has not been reported as active for more than 10 to 15 years (ERM, 2013).</p> <p>All information regarding northern spotted owl (NSO) shall be submitted to the CAL FIRE regional office in Santa Rosa, and annual operations will not commence until a letter is obtained from CAL FIRE confirming there have been no changes that would result in non-conformance with the plan. Protocol survey calling procedures shall follow the appropriate and most current NSO protocol from USFWS.</p> <p>The Applicant shall implement the following measures to avoid take of the northern spotted owl (USFWS, 2012):</p> <ol style="list-style-type: none"> 1. No timber operations shall occur until such time as a current years' NSO survey (following the appropriate and most current NSO survey protocol) has been completed, the results have been provided to the appropriate agency, and the results of a take avoidance determination has been incorporated into the plan. <p>No harvesting of trees shall occur until NP29 is detected/located within their historic activity center during the year of planned timber harvest activities. The project parcel must be surveyed according to the current acceptable NSO protocol.</p> <ol style="list-style-type: none"> 3. No timber harvest operations other than the use of existing roads will occur within 1,000 feet of the activity centers of NP29. The activity centers for NP29 are further than 1/4 mile from the THP boundary; therefore, at this time, no seasonal or harvest restrictions apply. However, if the activity center moves within 1/4 mile of the project parcel boundary, the following seasonal restrictions may be applied by CAL FIRE. <ol style="list-style-type: none"> a. Seasonal Restrictions: No operations from February 1 to July 30 within 1/4 mile of the 					

Mitigation Measure	Timing of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<p>activity centers of NP29, except on the use of existing roads.</p> <p>4. In the event that a new activity center becomes established within the project site or within 1/4 mile of the project site, the following seasonal restrictions may be applied by CAL FIRE:</p> <p>a. Seasonal Restrictions: No operations from February 1 to July 30 within 1/4 mile of the activity center, except on the use of existing roads.</p>					
<p>Mitigation Measure 4.4-3: Pre-construction surveys for bats shall be conducted two to three days prior to tree removal. If bats are discovered during the surveys within trees that are to be harvested, then a temporary buffer of 100 to 150 feet will be established during construction. Once the bats have left the trees, harvest may continue. Optimal time to remove trees is September 15 to October 15, when young would be capable of flying and February 15 to April 1 to avoid hibernating bats prior to the formation of maternity sites.</p>	During construction	Applicant	Applicant/ Qualified forester or arborist	CDFW	
<p>Mitigation Measure 4.4-4: Impacts to forested wildlife habitat would be reduced to a less-than-significant level through a combination of onsite avoidance, protection, and enhancement of retained forested areas outside of the 17± acre THP footprint on the project parcel. As a demonstration of good land stewardship, the Applicant has avoided sensitive habitats onsite and has volunteered to provide the following enhancement activities to these areas to encourage their use by wildlife. These practices are consistent with Napa County Goals CON-2 and CON-6, and Policies CON-17 and CON-24; thus, with implementation of the following mitigation measure, Impact 4.4-4 would be reduced to less than significant.</p> <p>A permanent habitat retention area will be designated onsite for the remainder of the parcel occurring outside of the 17± acre THP area that will be planted in vineyard (refer to Figure 4.4-1). The creation of a habitat retention area (totaling 16.5± acres) would allow for the protection of approximately 11.83 acres of Douglas Fir-Ponderosa Pine habitat and the entirety of the 4.58 acres of oak woodland habitat onsite (Figure 4.4-3; Table 4.4-2). Numerous enhancement techniques would be employed</p>	During construction and operation	Applicant	Applicant/ Qualified forester or arborist	Consistent with Napa County Conservation Guidelines	

Mitigation Measure	Timing of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<p>throughout the habitat retention area to improve the quality of forest habitat on the parcel for wildlife. Working closely with the Applicant, the Registered Professional Forester (RPF) will design and recommend the specific enhancement activities to be employed. These techniques include the careful placement of slash piles, snags, and large woody debris on the forest floor as well as the installation of nest boxes on trees for songbirds and roosting boxes for bats. Brush piles, tree branches, and small downed trees will be used to create shelter habitat for small mammals and birds. Mulch may also be used to improve the groundcover within the forested areas onsite. <u>Approximately one log per acre (12 logs) would be added to the Douglas Fir-Ponderosa Pine forest within the HRA. These logs would be over 10 inches in diameter and in the form of either down woody debris or standing snags. Approximately 18 brush piles would be added to the HRA, composed of brush and slash from the timber harvest. These piles would be open enough to accommodate wildlife in the form of birds and small animals. In addition, 12 boxes would be placed within the HRA to accommodate nesting birds and bats.</u></p> <p>These enhancement techniques will greatly improve the existing understory of the forest onsite and the habitat values of the parcel for use by wildlife. As discussed in the Hydrology Analysis (Balance Geo, 2013; Appendix F), to improve slope stability characteristics above pre-project conditions, the Applicant may consult with Pacific Union College to determine if they wish to install bioengineering features on their property. These features, which could include shrub and tree plantings within PUC McReynolds and Winning ravines, would improve wildlife habitat and biodiversity while simultaneously stabilizing the ravine channels.</p>					
4.5 CULTURAL RESOURCES					
<p>Mitigation Measure 4.5-1: There is a possibility that unanticipated subsurface archaeological deposits may exist within the proposed vineyard areas, as archaeological sites may be buried with no surface manifestation, or may be obscured by vegetation. In accordance with CEQA <i>Guidelines</i> Section 15064.5 (f), should any previously unknown prehistoric or historic resources, such as, but not limited to, obsidian and chert flaked-stone tools or toolmaking</p>	<p>During construction</p>	<p>Applicant</p>	<p>Applicant</p>	<p>A qualified archaeologist shall verify the find and shall consult with the local CAL FIRE Archaeologist for further guidance.</p>	

Mitigation Measure	Timing of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
debris; shellfish remains, stone milling equipment, concrete, or adobe footings, walls, filled wells or privies, deposits of metal, glass, and/or ceramic refuse be encountered during onsite construction activities, earthwork within 100 feet of these materials shall be stopped and the Applicant shall consult with a professional archaeologist. Once the archaeologist has had the opportunity to evaluate the find he/she shall consult the local CAL FIRE Archaeologist regarding the results of the evaluation and appropriate site treatment options, as necessary. Said measures shall be carried out prior to any resumption of related ceased earthwork. All significant cultural resource materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards and a copy of the draft report provided to the local CAL FIRE Archaeologist for review and approval prior to finalization of it.					
Mitigation Measure 4.5-2: In the event that human remains are discovered, the provisions of the California Health and Safety Code Section 7050.5 (b) shall be followed, including contacting the Napa County Coroner within 24 hours of the find. Upon determining the remains as being Native American in origin, the Coroner would be responsible for contacting the Native American Heritage Commission (NAHC) within 24 hours, pursuant to California Health and Safety Code Section 7050.5(c). The NAHC has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant (MLD), who is designated by the NAHC.	During construction	Applicant	Applicant	California Health and Safety Code Section 7050.5 (b)	
4.7 GREENHOUSE GAS EMISSIONS					
Mitigation Measure 4.7-1: The Applicant shall implement the following mitigation measures to reduce criteria pollutant emissions during construction of the Proposed Project:	During construction	Applicant	Applicant	BAAQMD	
<ul style="list-style-type: none"> The Applicant shall maintain all construction equipment in accordance with manufacturers' specifications. The Applicant shall limit construction equipment idling time to less than five minutes. 					
4.8 HAZARDOUS MATERIALS					
Mitigation Measure 4.8-1: In addition to the erosion control measures described in Section 3.0 , personnel shall follow written BMPs for filling and servicing construction equipment and vehicles. The BMPs, which are designed to reduce the potential for incidents involving hazardous materials, shall include:	During construction	Applicant	Applicant	Consistent with California Department of Toxic Substance Control guidance	

Mitigation Measure	Timing of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<ul style="list-style-type: none"> • Refueling shall be conducted only with approved pumps, hoses, and nozzles. • Catch-pans shall be placed under equipment to catch potential spills during servicing. • All disconnected hoses shall be placed in containers to collect residual fuel from the hose. • Vehicle engines shall be shut down during refueling. • No smoking, open flames, or welding shall be allowed in refueling or service areas. • Refueling and all construction work shall be performed outside of any onsite stream buffer zones to prevent contamination of water in the event of a leak or spill. • Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents. • A spill containment kit that is recommended by the Napa County Department of Environmental Management or local fire department will be onsite and available to staff if a spill occurs. <p>In the event that contaminated soil and/or groundwater or other hazardous materials are generated or encountered during construction, all work shall be halted in the affected area and the type and extent of the contamination shall be determined. Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with federal, state, and local regulations. If containment and size of the spill is beyond the scope of the contractor, proper authorities shall be notified. The potential release of hazardous materials during construction of the Proposed Project is reduced to less than significant with the implementation of the mitigation measure above.</p>					
<p>Mitigation Measure 4.8-2: In the event pesticides are used onsite, only a certified pest applicator shall apply the pesticides and personnel shall follow Standard Operating Procedures (SOPs) when applying chemicals to the vineyard. SOPs for pesticide use, shall include the following:</p> <ul style="list-style-type: none"> • Purchase only enough pesticide that would be used per season. • All chemicals will be stored in their original containers. Labels on the containers will not be removed. 	During construction	Applicant	Applicant	Consistent with California Department of Toxic Substance Control guidance	

Mitigation Measure	Timing of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<ul style="list-style-type: none"> • Chemicals will be kept in a well-ventilated locked area. • Chemical storage areas will be 100 feet from any drainage area, stream, or groundwater well. • If a chemical must be disposed of, contact the Napa County Agricultural Commissioner to locate a hazardous waste facility for proper disposal. • Chemicals will never be poured down the sink, toilet, or stream. • Proper personal protection equipment will be utilized when working with chemicals. 					
<p>Mitigation Measure 4.8-3: In addition to Mitigation Measures 4.8-1 and 4.8-2, fuel loading and chemical mixing areas during operation should be established away from any areas that could potentially drain off-site or potentially affect surface and groundwater quality. When farm equipment is cleaned at the existing facility, only rinse water that is free of gasoline residues, waste oils, pesticides, and other chemicals should be allowed to diffuse back into vineyard areas. In the event pesticides, herbicides or fungicides are used, all rinse water from farm equipment and rinse water from application equipment used to apply chemicals should be collected and stored in containers that are of sufficient size to contain the water until a hazardous materials transporter can remove the rinse water. No rinse water shall be drained to a septic system or discharged to ground or surface water to prevent the release of hazardous materials into the environment during operation and maintenance of the Proposed Project.</p>	During construction	Applicant	Applicant	Consistent with California Department of Toxic Substance Control guidance	
4.12 TRANSPORTATION AND CIRCULATION					
<p>Mitigation Measure 4.12-1: The following mitigation measures provided in the Timber Conversion Plan (Appendix I) shall be required for construction vehicles using off-site roadways during construction activities.</p> <ul style="list-style-type: none"> • All oversized construction vehicles are advised to use extreme caution when transporting milled lumber along county roads, especially in areas of limited site visibility. • Oversized construction vehicles are to operate with headlights on for safety and are not to exceed 25 miles per hour while on rural county roads. • Oversized vehicles are not to use Jake brakes in the immediate vicinity of residential neighborhoods. 	During construction	Applicant	Applicant	–	

Mitigation Measure	Timing of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<ul style="list-style-type: none"> • All construction activities are restricted to Monday through Saturday 7 am to 7 pm. No activities may take place on Sundays & holidays. • To further ensure no significant traffic impacts, delivery and removal of heavy equipment and trucks, including those hauling lumber from the project site, will be limited to non-peak hours. • Signs indicating slow trucks entering the roadway will be placed at a distance of 300 feet in both directions of the project site if warranted. 					
<p>Source: AES, 2013</p>					