

Notice of Determination

Appendix D

To:
[X] Office of Planning and Research
U.S. Mail: P.O. Box 3044
Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113
Sacramento, CA 95814

[ ] County Clerk
County of:
Address:

From:
Public Agency: CAL FIRE
Address: P.O. Box 944246
Sacramento, CA 94244
Contact: Dennis Hall
Phone: 916-653-9422

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2011042037

Project Title: Lucia Abreu Howell Mountain Vineyard Timberland Conversion Project

Project Applicant: David Abreu Vineyard Management Inc.

Project Location (include county): Napa County, near Angwin

Project Description:

The purpose of the Lucia Abreu Howell Mountain Vineyard Timberland Conversion Project is to convert approximately 12.8± acres of timberland to a commercial vineyard (15.3 acres net) on the 17-acre project area. A Timber Harvest Plan is being processed by CAL FIRE for the harvest of 12.8± acres, which will be the total acreage converted from timberland on the property. A Timberland Conversion Permit and approval is also required from CAL FIRE. An ECP has been prepared for the project to be approved by Napa County. The interrelated nature of the ECP, THP, and TCP are discussed as a single proposed project in the Final EIR.

This is to advise that the CAL FIRE has approved the above (X) Lead Agency or ( ) Responsible Agency

described project on December 30, 2013 and has made the following determinations regarding the above described project. (date)

- 1. The project [ ] will [X] will not have a significant effect on the environment.
2. [X] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [ ] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [X] were [ ] were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [X] was [ ] was not adopted for this project.
5. A statement of Overriding Considerations [ ] was [X] was not adopted for this project.
6. Findings [X] were [ ] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

CAL FIRE website: http://www.fire.ca.gov/resource\_mgt/resource\_mgt\_EPRP\_PublicNotice.php

Signature (Public Agency): William E. Pryde Title: Deputy Director Resource Mgmt.

Date: December 30, 2013 Date Received for filing at OPR:

RECEIVED

DEC 31 2013 Revised 2011

Authority cited: Sections 21083, Public Resources Code. Reference Section 21000-21174, Public Resources Code.

STATE CLEARING HOUSE

**CEQA FINDINGS DOCUMENT**  
**FINAL ENVIRONMENTAL IMPACT REPORT**  
**LUCIA ABREU VINEYARD HOWELL MOUNTAIN CONVERSION PROJECT**  
**AND**  
**TIMBERLAND CONVERSION PERMIT**

**INTRODUCTION**

The California Department of Forestry and Fire Protection (CAL FIRE), lead agency, has certified the Final Environmental Impact Report (EIR) (State Clearinghouse #2012072063) for the Lucia Abreu Vineyard Howell Mountain Conversion Project (Proposed Project). The Forest Practice Act and Rules require CAL FIRE to approve and issue a Timberland Conversion Permit for the Proposed Project to proceed. The California Environmental Quality Act (CEQA) requires CAL FIRE to make findings before it can approve the project and issue the necessary permit as required by Section 21081 of CEQA and Sections 15091 and 15093 of the CEQA Guidelines. Since the Proposed Project also requires an Erosion Control Plan (ECP) subject to review and approval by Napa County, Napa County is a Responsible Agency under CEQA for the EIR. The Final EIR was prepared in compliance with CAL FIRE CEQA procedures and Napa County's Local Procedures for Implementing CEQA. The ECP used in the CEQA review has been deemed technically adequate according to the Napa County Resource Conservation District. The Final EIR will also serve as the CEQA document from which Napa County may issue its final approval of the ECP for the Proposed Project.

Specifically, CEQA requires any public agency to prepare findings before approving or carrying out a project for which an EIR has been certified if one or more significant environmental effects have been identified. For each significant impact, the public agency must reach one of three conclusions:

- changes have been required of, or incorporated into, the Proposed Project to avoid or substantially reduce the significant environmental impact;
- such changes are within the responsibility and jurisdiction of another public agency and have been or will be adopted by that agency; or
- specific economic, legal, social, technical, or other considerations make mitigation measures recommended or alternatives analyzed in the EIR infeasible.

Such findings must be accompanied by a brief rationale and supported by substantial evidence in the administrative record for the Proposed Project.

Detailed information about the impacts of implementing the Proposed Project, mitigation measures to avoid or reduce such impacts, and alternatives to the Proposed Project are described in the Final EIR for the Lucia Abreu Vineyard Howell Mountain Conversion Project and are incorporated into this document by reference. A copy of the Draft and Final EIR are available at CAL FIRE's website:

[http://www.fire.ca.gov/resource\\_mgt/resource\\_mgt\\_EPRP\\_PublicNotice.php](http://www.fire.ca.gov/resource_mgt/resource_mgt_EPRP_PublicNotice.php)

**FINDINGS ON SIGNIFICANT IMPACTS OF THE FINAL EIR  
AND  
TIMBERLAND CONVERSION PERMIT FOR THE PROPOSED PROJECT**

CAL FIRE makes the following findings in regard to the significant impacts identified in the Final EIR:

**4.3 Air Quality**

**Impact 4.3-1:** Construction activities, such as timber harvest, land clearing, earthmoving, movement of vehicles, and wind erosion of exposed soil and operation associated with implementation of the Proposed Project, would have the potential to conflict with or obstruct implementation of the applicable air quality plan and violate the ambient air quality standards or may contribute substantially to an existing or projected air quality violation.

**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:

- 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.

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:

- 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 number shall also be visible to ensure compliance with applicable regulations.
- All heavy duty construction equipment shall be fitted with diesel particulate matter filters and use only aqueous diesel fuel.

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. 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 PM<sub>10</sub> during operation of the Proposed Project. These measures are additive to those required during the timber harvest prior to conversion.

**Finding:** Consistent with 14 CCR § 15091, the above changes or alterations have been required in, or incorporated into, the project which avoid or mitigate to a level of insignificance the environmental effect as identified in the Final EIR.

#### **4.4 Biological Resources**

**Impact 4.4-1:** Development of the Proposed Project would have the potential to affect special status bird species.

##### **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:

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.

**Finding:** Consistent with 14 CCR § 15091, the above changes or alterations have been required in, or incorporated into, the project which avoid or mitigate to a level of insignificance the environmental effect as identified in the Final EIR.

**Impact 4.4-2:** Development of the Proposed Project would result in the removal of 12.8± acres of Douglas fir-Ponderosa pine Forest (see Table 4.4-2 of the Draft EIR), which may provide foraging habitat for northern spotted owl. Changes in habitat as a result of the Proposed Project would have the potential to affect woodland foraging habitat for northern spotted owl.

##### **Mitigation**

**Measure 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 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 in Section 4.4.4-8 of the Draft EIR, NP28 has not been reported as active for more than 10 to 15 years (ERM, 2013).

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.

The Applicant shall implement the following measures to avoid take of the northern spotted owl (USFWS, 2012):

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.
2. 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.
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.
  - a. Seasonal Restrictions: No operations from February 1 to July 30 within 1/4 mile of the activity centers of NP29, except on the use of existing roads.
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:
  - 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.

**Finding:** Consistent with 14 CCR § 15091, the above changes or alterations have been required in, or incorporated into, the project which avoid or mitigate to a level of insignificance the environmental effect as identified in the Final EIR.

**Impact 4.4-3:** Development of the Proposed Project would have the potential to affect bat species of special concern by CDFW through the removal of large trees.

**Mitigation**

**Measure 4.3-3:** 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.

**Finding:** Consistent with 14 CCR § 15091, the above changes or alterations have been required in, or incorporated into, the project which avoid or mitigate to a level of insignificance the environmental effect as identified in the Final EIR.

**Impact 4.4-4:** Development of the Proposed Project has the potential to conflict with Napa County General Plan Goals CON-2 and CON-6 and Policies CON-17 and CON-24. Goal CON-2 requires maintenance and enhancement of existing levels of biodiversity. Goal CON-6 requires the preservation, sustainment and restoration of forests, woodlands, and commercial timberland for their economic, environmental, recreation, and open space values. Policy CON-17 requires the protection of sensitive biotic communities and habitats of limited distribution, including by requiring no net loss of sensitive biotic communities and habitats of limited distribution through avoidance, restoration, or replacement where feasible. Policy CON-24 requires maintenance and improvement of oak woodland habitat to provide for slope stabilization, soil protection, species diversity, and wildlife habitat.

#### **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 of the Draft EIR). 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 of the Final EIR; Table 4.4-2 of the Draft EIR). 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. 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 of the Draft EIR), 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.

**Finding:** Consistent with 14 CCR § 15091, the above changes or alterations have been required in, or incorporated into, the project which avoid or mitigate to a level of insignificance the environmental effect as identified in the Final EIR.

#### **4.5 Cultural Resources**

**Impact 4.5-1:** The project implementation has the potential to negatively impact previously unknown cultural resources within the property.

#### **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 *Guidelines* 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 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.

**Finding:** Consistent with 14 CCR § 15091, the above changes or alterations have been required in, or incorporated into, the project which avoid or mitigate to a level of insignificance the environmental effect as identified in the Final EIR.

**Impact 4.5-2:** The project implementation could result in the discovery and disturbance of unknown human remains.

#### **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.

**Finding:** Consistent with 14 CCR § 15091, the above changes or alterations have been required in, or incorporated into, the project which avoid or mitigate to a level of insignificance the environmental effect as identified in the Final EIR.

#### **4.7 Greenhouse Gas Emissions**

**Impact 4.7-1:** Construction of the Proposed Project would emit GHGs and would have the potential to exacerbate global climate change. Project sources of GHG emissions during construction would include the transport and delivery of

construction equipment to the property; operation of construction equipment, including equipment used for the timber harvest, planting the vineyard, and installing the erosion control system; worker trips, fuel use, and material transport.

**Mitigation**

**Measure 4.7-1:** The Applicant shall implement the following mitigation measures to reduce criteria pollutant emissions during construction of the Proposed Project:

- 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.

**Finding:** Consistent with 14 CCR § 15091, the above changes or alterations have been required in, or incorporated into, the project which avoid or mitigate to a level of insignificance the environmental effect as identified in the Final EIR.

**4.8 Hazards and Hazardous Materials**

**Impact 4.8-1:** There is potential for incidental leakage, rupture or spillage when fueling agricultural equipment during construction and operation of the Proposed Project, which could result in hazards to the public or environment. If substantial quantities of diesel or unleaded gasoline reach soil or drainage areas, surface and/or groundwater quality may be degraded.

**Mitigation**

**Measure 4.8-1:** In addition to the erosion control measures described in Section 3.0 of the Draft EIR, personnel shall follow written Best Management Practices (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:

- 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.

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.

**Finding:** Consistent with 14 CCR § 15091, the above changes or alterations have been required in, or incorporated into, the project which avoid or mitigate to a level of insignificance the environmental effect as identified in the Final EIR.

**Impact 4.8-2:** In the event IPM techniques are found to be inadequate for vineyard maintenance, the Proposed Project would include the use of pesticides for vineyard maintenance. Non-compliance with hazardous materials regulations including improper pesticide use, storage, or disposal can be hazardous to human health and the environment. Non-compliance would be considered a potentially significant impact.

#### **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:

- 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.
- 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.

**Finding:** Consistent with 14 CCR § 15091, the above changes or alterations have been required in, or incorporated into, the project which avoid or mitigate to a level of insignificance the environmental effect as identified in the Final EIR.

**Impact 4.8-3:** The potential release of hazardous materials into the environment may affect surface water or groundwater during operation and maintenance of the vineyard.

#### **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.

**Finding:** Consistent with 14 CCR § 15091, the above changes or alterations have been required in, or incorporated into, the project which avoid or mitigate to a level of insignificance the environmental effect as identified in the Final EIR.

#### **4.12 Transportation and Circulation**

**Impact 4.12-1:** Construction and operation of the Proposed Project would temporarily increase traffic volumes on roadways in the area; however, an increase in approximately 100 trips during the construction period would be intermittent and not be substantial. Operation of the Proposed Project would generate trips on account of vineyard maintenance and grape harvest; however, the agricultural traffic anticipated to be generated by the Proposed Project would be minimal and very similar to other agricultural transport activities (i.e. grapes, cattle, sheep, horses, apples, rock aggregates, fire wood, etc.) presently taking place on local roadways in the vicinity of the Proposed Project.

#### **Mitigation**

**Measure 4.12-1:** The following mitigation measures provided in the Timber Conversion Plan (Appendix I of the Draft EIR) shall be required for construction vehicles using off-site roadways during construction activities.

- 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.
- 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.

**Finding:** Consistent with 14 CCR § 15091, the above changes or alterations have been required in, or incorporated into, the project which avoid or mitigate to a level of insignificance the environmental effect as identified in the Final EIR.

## **ALTERNATIVES**

The Final EIR analyzed the following alternatives:

- No Project Alternative
- Three Vineyard Block Alternative
- No Timber Harvest Alternative

As stated in the Final EIR, there would be no significant and unavoidable impacts as a result of the "Proposed Project" alternative. Each of the impacts identified under the Proposed Project would be considered less than significant after mitigation. The Proposed Project meets all of the economical and environmental objectives. The No Project Alternative does not achieve the objectives of the Proposed Project Alternative. The Three Vineyard Block Alternative would meet the objectives of the project but could result in greater erosion and sedimentation to off-site watercourses due to the re-arrangement of the proposed vineyard blocks to steep slopes on the

property. In addition, this alternative would not result in the clearing of the trees below the Angwin-Parrett Field airport, which would not improve safety for the airport. The No Timber Harvest Alternative would result in the planting of vineyard on approximately 4.2 acres of non-timberland on the property that is currently California Annual Grassland and ruderal/developed land. No Timber Conversion Plan or Erosion Control Plan approval would be needed, so the property owner could move forward with this Alternative at any time. However, the No Timber Harvest Alternative does not meet the economical or environmental objectives of the Proposed Project Alternative. Since all significant effects of the Proposed Project were mitigated to a level of less than significance through mitigation measures, CAL FIRE makes the finding that alternatives to the Proposed Project are not needed to lessen significant effects.

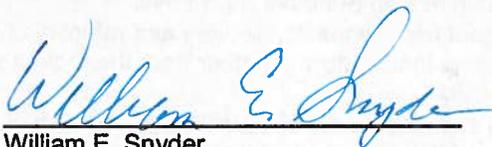
#### **MITIGATION MONITORING AND REPORTING PLAN**

CAL FIRE has reviewed the Mitigation Monitoring and Reporting Plan (MMRP) prepared for the Lucia Abreu Vineyard Howell Mountain Conversion Project Final Environmental Impact Report and adopts the MMRP. The MMRP is provided on the following pages.

#### **ADMINISTRATIVE RECORD**

The administrative record to support these findings and the action of CAL FIRE in approving the Lucia Abreu Vineyard Howell Mountain Conversion Project Final EIR and Timberland Conversion Permit are located at CAL FIRE Headquarters, 1416 Ninth Street, 15<sup>th</sup> Floor, under the custody of Dennis Hall, Chief for Forest Practice [See CEQA section 21081.6(a)(2)].

**Approve:**



William E. Snyder  
Deputy Director, Resource Management  
Department of Forestry and Fire Protection

December 30, 2013  
Date

TABLE 5-1 OF THE FINAL EIR

Mitigation Measure	Timing of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<b>4.3 AIR QUALITY</b>					
<p><b>Mitigation Measure 4.3-1:</b> 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"> <li>• Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.</li> <li>• Cover all exposed stockpiles.</li> <li>• Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent paved streets.</li> <li>• Limit traffic speeds on unpaved roads to 15 miles per hour (mph).</li> <li>• Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.</li> </ul>	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"> <li>• All exposed surfaces (e.g., parking areas, staging areas, and unpaved access roads) shall be watered as needed to ensure dust abatement.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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 number shall also be visible to ensure compliance with applicable regulations.</li> </ul>					

Mitigation Measure	Timing of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
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- All heavy duty construction equipment shall be fitted with diesel particulate matter filters and use only aqueous diesel fuel.

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 of the Draft EIR, 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 PM<sub>10</sub> 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.

**4.4 BIOLOGICAL RESOURCES**

<p><b>Mitigation Measure 4.4-1:</b> 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 or 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><b>Mitigation 4.4-2:</b> 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 compliance with California Forest Practice Rule 14 CCR 919.9(e) Scenario 4: Avoidance of Disturbance and Direct Take through</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>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 of the Draft EIR, 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"> <li>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.</li> <li>2. 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.</li> <li>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"> <li>a. Seasonal Restrictions: No operations from February 1 to July 30 within 1/4 mile of the activity centers of NP29, except on the use of existing roads.</li> </ol> </li> </ol>					

Mitigation Measure	Timing of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<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><b>Mitigation Measure 4.4-3:</b> 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>	<p>During construction</p>	<p>Applicant</p>	<p>Applicant/ Qualified forester or arborist</p>	<p>CDFW</p>	
<p><b>Mitigation Measure 4.4-4:</b> 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, this impact would be reduced to less than significant.</p>	<p>During construction and operation</p>	<p>Applicant</p>	<p>Applicant/ Qualified forester or arborist</p>	<p>Consistent with Napa County Conservation Guidelines</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 of the Draft EIR). 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 of the Final EIR; Table 4.4-2 of the Draft EIR). 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</p>					

Mitigation Measure	Timing of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<p>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. 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.</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 of the Draft EIR), 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><b>Mitigation Measure 4.5-1:</b> 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 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</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>	
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Mitigation Measure	Timing of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<p>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.</p>					
<p><b>Mitigation Measure 4.5-2:</b> 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.</p>	<p>During construction</p>	<p>Applicant</p>	<p>Applicant</p>	<p>California Health and Safety Code Section 7050.5 (b)</p>	
<p><b>4.7 GREENHOUSE GAS EMISSIONS</b></p>					
<p><b>Mitigation Measure 4.7-1:</b> The Applicant shall implement the following mitigation measures to reduce criteria pollutant emissions during construction of the Proposed Project:</p> <ul style="list-style-type: none"> <li>• The Applicant shall maintain all construction equipment in accordance with manufacturers' specifications.</li> <li>• The Applicant shall limit construction equipment idling time to less than five minutes.</li> </ul>	<p>During construction</p>	<p>Applicant</p>	<p>Applicant</p>	<p>BAAQMD</p>	
<p><b>4.8 HAZARDOUS MATERIALS</b></p>					
<p><b>Mitigation Measure 4.8-1:</b> In addition to the erosion control measures described in Section 3.0 of the Draft EIR, 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:</p> <ul style="list-style-type: none"> <li>• Refueling shall be conducted only with approved pumps, hoses, and nozzles.</li> <li>• Catch-pans shall be placed under equipment to catch potential spills during servicing.</li> <li>• All disconnected hoses shall be placed in containers to collect residual fuel from the hose.</li> <li>• Vehicle engines shall be shut down during refueling.</li> <li>• No smoking, open flames, or welding shall be allowed in refueling or service areas.</li> </ul>	<p>During construction</p>	<p>Applicant</p>	<p>Applicant</p>	<p>Consistent with California Department of Toxic Substance Control guidance</p>	

Mitigation Measure	Timing of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<ul style="list-style-type: none"> <li>• 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.</li> <li>• Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents.</li> <li>• 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.</li> </ul> <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><b>Mitigation Measure 4.8-2:</b> 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"> <li>• Purchase only enough pesticide that would be used per season.</li> <li>• All chemicals will be stored in their original containers. Labels on the containers will not be removed.</li> <li>• Chemicals will be kept in a well-ventilated locked area.</li> <li>• Chemical storage areas will be 100 feet from any drainage area, stream, or groundwater well.</li> <li>• If a chemical must be disposed of, contact the Napa County Agricultural Commissioner to locate a hazardous waste facility for proper disposal.</li> <li>• Chemicals will never be poured down the sink, toilet, or stream.</li> <li>• Proper personal protection equipment will be utilized when working with chemicals.</li> </ul>	<p>During construction</p>	<p>Applicant</p>	<p>Applicant</p>	<p>Consistent with California Department of Toxic Substance Control guidance</p>	

Mitigation Measure	Timing of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<p><b>Mitigation Measure 4.8-3:</b> In addition to <b>Mitigation Measures 4.8-1</b> and <b>4.8-2</b>, 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><b>Mitigation Measure 4.12-1:</b> The following mitigation measures provided in the Timber Conversion Plan (Appendix I of the Draft EIR) shall be required for construction vehicles using off-site roadways during construction activities.</p> <ul style="list-style-type: none"> <li>• All oversized construction vehicles are advised to use extreme caution when transporting milled lumber along county roads, especially in areas of limited site visibility.</li> <li>• 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.</li> <li>• Oversized vehicles are not to use Jake brakes in the immediate vicinity of residential neighborhoods.</li> <li>• All construction activities are restricted to Monday through Saturday 7 am to 7 pm. No activities may take place on Sundays &amp; holidays.</li> <li>• 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.</li> <li>• 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.</li> </ul>	During construction	Applicant	Applicant	–	
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Source: AES, 2013