

CHAPTER 1. INTRODUCTION

1.1 INTRODUCTION

This Draft Environmental Impact Report (EIR) evaluates direct and reasonably foreseeable indirect environmental impacts associated with earthmoving activities on slopes greater than 5 percent associated with a vineyard development in Napa County, California. Establishment of this vineyard is proposed by the Rodgers Land and Development Company. In accordance with the County Code (Section 18.108.080), the Rodgers Land and Development Company filed an agricultural erosion control plan application (#02-454-ECPA) for the development of approximately 161 acres of vineyards (in 27 blocks) on seven parcels (APN 030-200-002, 030-130-008, 030-220-009, and 030-220-027/028/029/030) on a total project site area of 678 acres. The project site is currently undeveloped. Napa County has discretionary authority over #02-454-ECPA because it involves earthmoving and grading on slopes greater than 5 percent.

In the Napa County General Plan (1983, as amended), land use planning goals were adopted. The following three goals are applicable to this project:

Goal #1: To plan for agriculture and related activities as the primary land uses in Napa County and concentrate urban uses in the County's existing cities and urban areas.

Goal #3: To determine what land is best suited for; to match man's activities to the land's natural suitability; to take advantage of natural capabilities and minimize conflict with the natural environment.

Goal #5: To implement the general plan in every possible way to (a) ensure the long-term protection and integrity of those areas identified in the general plan as agricultural, open space, or undevelopable.

In addition, the Land Use Element of the General Plan contains a number of policies related to agriculture. These goals and policies comprise a set of development guidelines from which land use designations were developed. One such land use designation is Agriculture, Watershed, and Open Space, which is the General Plan designation for the property on which the project is proposed. The intent of this designation is to provide areas where the predominant use is agriculturally oriented, and where the protection of agriculture is essential to the general health, safety, and welfare.

In the Conservation and Open Space Element of the General Plan, the maintenance and enhancement of the agricultural environment is a planning goal.

The County has discretion over earthmoving activities on slopes greater than 5 percent (County Code 18.108.070 (B)). County Code 18.108.070(B) requires the preparation of an ECPA for earthmoving and grading activities on slopes greater than 5 percent. The ECPA is subject to the exercise of judgment or deliberation when the County approves the ECPA; thus, the approval of an ECPA is a discretionary action and subject to CEQA. Subsequent agricultural activities, such as vineyard planting and operations, are not subject to CEQA. However, they are considered indirect physical changes likely to result from approval of the proposed project, and thus are addressed herein.

1.2 PURPOSE OF THE EIR

As Lead Agency, Napa County has prepared this EIR to assess the environmental impacts of the installation of the Erosion Control Plan (ECPA) and the subsequent development and operation of the vineyard. This EIR has been prepared pursuant to CEQA and the State CEQA Guidelines, as amended. CEQA requires all State and local government agencies to consider the environmental consequences of Projects over which they have discretionary authority.

This EIR provides project-level analysis that examines all phases of the project including design, installation and maintenance (CEQA Guidelines Section 15161). As Lead Agency, the County will be responsible for reviewing and certifying the adequacy of this EIR and for taking certain required approval actions on the ECPA (for a definition of “lead agency,” see Section 15367 of the State CEQA Guidelines).

This EIR is a public document that discloses the significant environmental impacts of the project and identifies the following: mitigation measures to reduce these effects; significant effects that cannot be avoided; growth-inducing impacts; impacts found not to be significant; and significant cumulative impacts of past, present, and reasonably foreseeable future projects. This EIR is an informational document that is to be used in the planning and decision-making process. It is not the purpose of an EIR to recommend approval or denial of a project. CEQA requires decision-makers to balance the benefits of a project against the environmental risks.

1.3 CEQA EIR PROCESS

1.3.1 Notice of Preparation

Early coordination with the general public, appropriate public agencies and local jurisdictions is encouraged in the environmental review process to determine the scope of the environmental document, the appropriate level of analysis, and related environmental requirements. In accordance with Section 15082 of the CEQA Guidelines, Napa County, prepared a Notice of Preparation (NOP) of an EIR (included as Appendix D). The NOP was circulated to local, state, and federal agencies, other interested parties, and to the Governor's Office of Planning and Research, State Clearinghouse (SCH) and Planning Unit on February 27, 2006. During the 30-day comment period ending March 31, 2006, written comments regarding the scope and content of the EIR were received from regulatory agencies and the public. These comments have been used to inform the EIR analysis.

1.3.2 EIR Public Review

This document is being circulated to local, state, and federal agencies and to interested organizations and individuals who wish to review and comment on the Draft EIR. Publication of this DEIR marks the beginning of a 45-day public review period, during which written comments may be submitted to Napa County at the following address (including e-mail):

Napa County Conservation, Development and Planning Department
1195 Third Street, Suite 210
Napa, CA 94599-3092
Attn: Mary Doyle
mdoyle@co.napa.ca.us

Although Napa County will accept e-mail comments, pursuant to CEQA (Public Resources Code Section 20191(d)(3)(A)), reviewers are encouraged to follow up any e-mail with letters. In accordance with CEQA Guidelines Section 15204(a), the focus of review should be on the sufficiency of this EIR 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.

1.3.3 Final EIR Publication

Written and oral comments received in response to the EIR will be addressed in a Response to Comments document. The Response to Comments document, together with this Draft EIR and any changes made to the original Draft EIR text in response to

issues raised in comments, will constitute the Final EIR. Napa County will then consider EIR certification (CEQA Guidelines Section 15090). Once the EIR is certified, Napa County may proceed to consider project approval. Before approving the project, Napa County must make written findings with respect to each significant environmental effect identified in the EIR in accordance with Section 15091, subdivision (a), of CEQA Guidelines. If the County, in approving the project, adopts all mitigation measures recommended herein, the County will not be required to adopt a “statement of overriding considerations” pursuant to CEQA Guidelines Section 15093, as such a statement is only required where, after mitigation, a project would still cause unmitigated significant environmental effects. Within 5 working days following project approval, Napa County shall file a Notice of Determination with the SCH and the county clerk in accordance with CEQA Guidelines Section 15094.

1.3.4 Mitigation Monitoring and Reporting

CEQA requires lead agencies to “adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment” (Public Resources Code Section 21081.6, CEQA Guidelines Section 15097). The specific “reporting or monitoring” program is not required by CEQA Guidelines to be included in the EIR. Throughout the EIR, however, mitigation measures have been clearly identified and presented in language that will facilitate establishment of a monitoring program. Any measures adopted by Napa County will be included as conditions of approval in a Mitigation Monitoring and Reporting Program to ensure compliance.

1.3.5 Intended Uses of the EIR

This EIR is a “project EIR” as described in CEQA Guidelines Section 15161, and is intended to address all potentially significant effects of the proposed project without the need for additional, later environmental documents, as might be required if this were a “program EIR” (see Section 15168) rather than a project EIR.

Activities associated with the implementation of the erosion control plan may affect various federal, state and local agency jurisdictions, subsequently requiring consultation, approval, and permits from the agencies.

- Napa County Conservation, Development and Planning Department – Erosion Control Plan approval (subject of the EIR)
- San Francisco Bay Regional Water Quality Control Board (SFBRWQCB). Section 401 of the Clean Water Act requires that a Water Quality Certification

be obtained for Corps nationwide permit activities. The SFBRWQCB would use the EIR in issuing a 401 certification, if one is required.

- Napa County Public Works Department – Encroachment Permit to relocate the main entrance approximately 375 feet south of its existing location on Silverado Trail
- Napa County Public Works Department – Grading Permit for more than 50 cubic yards (cy) of soil movement
- Napa County Department of Environmental Management – Permit for compliance with the Napa County Groundwater Conservation Ordinance.

1.4 FOCUS OF THE EIR

The focus of this Draft EIR was established by the County of Napa after carrying out an Initial Study and considering comments from public agencies and the community regarding the proposed Upper Range Vineyard Project – Rodgers Property. The purpose of an Initial Study is to identify possible environmental consequences and thereby focus the EIR on consequences deemed potentially significant.

Issues addressed in this EIR include the following:

1. Biological Resources
2. Cultural Resources
3. Geology and Soils
4. Hydrology and Water Quality

1.5 ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT

An Initial Study was prepared for the Upper Range Vineyard Project – Rodgers Property and is included as Appendix D of this EIR. The preliminary environmental review of the proposed project conducted for the Initial Study concluded that many environmental impacts were identified as “not significant” or “less-than-significant” in the Initial Study and are not addressed in this EIR. These resource topics are as follows:

- Aesthetics
- Agricultural Resources
- Air Quality
- Hazards and Hazardous Materials
- Land Use and Planning

- Mineral Resources
- Noise
- Population and Housing (excluding Growth Inducement)
- Public Services
- Recreation
- Transportation and Traffic
- Utilities and Service Systems

The Initial Study discusses each of these topics individually and notes why significant environmental impacts are not anticipated for these resource areas (please see Appendix D of this DEIR).

1.6 REPORT ORGANIZATION

The EIR is organized into the following chapters:

- **Chapter 1 – Introduction** provides an introduction and overview describing the focus of this EIR and the environmental review process.
- **Chapter 2 – Summary** summarizes the environmental consequences that would result from the project, provides a summary table of significant environmental impacts, identifies mitigation measures, and indicates the level of significance for impacts before and after mitigation.
- **Chapter 3 – Project Description** describes 02-454-ECPA and the subsequent vineyard development and operations.
- **Chapter 4 – Environmental Evaluation** describes the environmental setting and evaluates the environmental impacts of the Project, identifying mitigation measures for any significant environmental impacts.
- **Chapter 5 – Other CEQA-Required Conclusions** provides a discussion of the following CEQA-mandated conclusions: growth inducement, cumulative impacts, significant irreversible environmental changes, and unavoidable significant effects.
- **Chapter 6 – Alternatives** summarizes alternatives to the Project, including the No Project Alternative, which could reduce one or more of the significant environmental impacts identified in Chapter 4.

- **Chapter 7 – References** identifies the references, organizations and persons consulted in this Draft EIR.
- **Chapter 8 – Report Preparation** identifies the lead agency contact and consultants involved in the preparation of this DEIR.