

APPENDIX B

Appendix B in this Mitigated Negative Declaration identifies local regulations and policies potentially applicable to the PG&E L-021A Napa River Pipeline Crossing Replacement Project.

AESTHETICS

Napa County General Plan policies related to aesthetic resources that may apply include:

Policy CC-6: The grading of building sites, vineyards, and other uses shall incorporate techniques to retain as much as possible a natural landform appearance. Examples include:

- The overall shape, height, and grade of any cut or fill slope shall be designed to simulate the existing natural contours and scale of the natural terrain of the site.
- The angle of the graded slope shall be gradually adjusted to the angle of the natural terrain.
- Sharp, angular forms shall be rounded and smoothed to blend with the natural terrain.

Policy CC-8: Scenic roadways which shall be subject to the Viewshed Protection Program are those shown in Figure CC-3, or designated by the Board of Supervisors in the future.

Policy CC-16: Adjacent to scenic roadways, utilities shall be placed underground where possible.

AGRICULTURE AND FORESTRY RESOURCES

Agriculture and forestry resource policies of the Napa County General Plan Policy Document do not apply to the Project because it is not located within an area zoned for agricultural purposes.

AIR QUALITY

The Project site is located in Napa County which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). As part of their CEQA Air Quality Guidelines, the BAAQMD adopted significance thresholds for construction-related emissions which are detailed in Section 3.3.2.3, *Significance*

Thresholds.

BIOLOGICAL RESOURCES

Biological resources policies from the Napa County General Plan relevant to the Project are listed below.

Policy CON-6: The County shall impose conditions on discretionary projects which limit development in environmentally sensitive areas such as those adjacent to rivers or streamside areas and physically hazardous areas such as floodplains, steep slopes, high fire risk areas and geologically hazardous areas.

Policy CON-13: The County shall require that all discretionary residential, commercial, industrial, recreational, agricultural, and water development projects consider and address impacts to wildlife habitat and avoid impacts to fisheries and habitat supporting special-status species to the extent feasible. Where impacts to wildlife and special-status species cannot be avoided, projects shall include effective mitigation measures and management plans to:

- Maintain the following essentials for fish and wildlife resources:
 - Sufficient dissolved oxygen in the water
 - Adequate amounts of proper food
 - Adequate amounts of feeding, escape, and nesting habitat
 - Proper temperature through maintenance and enhancement of streamside vegetation, volume of flows, and velocity of water
- Ensure that water development projects provide an adequate release flow of water to preserve fish populations
- Employ supplemental planting and maintenance of grasses, shrubs and trees of like quality and quantity to provide adequate vegetation cover to enhance water quality, minimize sedimentation and soil transport, and provide adequate shelter and food for wildlife and special-status species and maintain the watersheds, especially stream side areas, in good condition
- Provide protection for habitat supporting special-status species through buffering or other means
- Provide replacement habitat of like quantity and quality on- or off-site for special status species to mitigate impacts to special-status species

- Enhance existing habitat values, particularly for special-status species, through restoration and replanting of native plant species as part of discretionary permit review and approval
- Require temporary or permanent buffers of adequate size (based on the requirements of the subject special-status species) to avoid nest abandonment by birds and raptors associated with construction and site development activities
- Demonstrate compliance with applicable provisions and regulations of recovery plans for federally listed species

Policy CON-16: The County shall require a biological resources evaluation for discretionary projects in areas identified to contain or potentially contain special-status species based upon data provided in the Baseline Data Report (BDR), California Natural Diversity Database (CNDDDB), or other technical materials. This evaluation shall be conducted prior to the approval of any earthmoving activities. The County shall also encourage the development of programs to protect special-status species and disseminate updated information to state and federal resource agencies. [Implemented by Action Item CON NR-5].

Policy CON-17: Preserve and protect native grasslands, serpentine grasslands, mixed serpentine chaparral, and other sensitive biotic communities and habitats of limited distribution. The County, in its discretion, shall require mitigation that results in the following standards:

- Prevent removal or disturbance of sensitive natural plant communities that contain special-status plant species or provide critical habitat to special-status animal species.
- In other areas, avoid disturbances to or removal of sensitive natural plant communities and mitigate potentially significant impacts where avoidance is infeasible.
- Promote protection from overgrazing and other destructive activities.
- Encourage scientific study and require monitoring and active management where biotic communities and habitats of limited distribution or sensitive natural plant communities are threatened by the spread of invasive non-native species.
- Require no net loss of sensitive biotic communities and habitats of limited distribution through avoidance, restoration, or replacement where feasible. Where avoidance, restoration, or replacement is not feasible, preserve like

habitat at a 2:1 ratio or greater within Napa County to avoid significant cumulative loss of valuable habitats.

Policy CON-18: To reduce impacts on habitat conservation and connectivity:

- In sensitive domestic water supply drainages where new development is required to retain between 40 and 60 percent of the existing (as of June 16, 1993) vegetation onsite, the vegetation selected for retention should be in areas designed to maximize habitat value and connectivity.
- Outside of sensitive domestic water supply drainages, streamlined permitting procedures should be instituted for new vineyard projects that voluntarily retain valuable habitat and connectivity, including generous setbacks from streams and buffers around ecologically sensitive areas.
- Preservation of habitat and connectivity of adequate size, quality, and configuration to support special-status species should be required within the project area. The size of habitat and connectivity to be preserved shall be determined based on the specific needs of the species.
- The County shall require discretionary projects to retain movement corridors of adequate size and habitat quality to allow for continued wildlife use based on the needs of the species occupying the habitat.
- The County shall require new vineyard development to be designed to minimize the reduction of wildlife movement to the maximum extent feasible. In the event the County concludes that such development will have a significant impact on wildlife movement, the County may require the applicant to relocate or remove existing perimeter fencing installed on or after February 16, 2007 to offset the impact caused by the new vineyard development.
- The County shall disseminate information about impacts that fencing has on wildlife movement in wild land areas of the County and encourage property owners to use permeable fencing.
- The County shall develop a program to improve and continually update its database of biological information, including identifying threats to wildlife habitat and barriers to wildlife movement.
- Support public acquisition, conservation easements, in-lieu fees where on-site mitigation is infeasible, and/or other measures to ensure long-term protection of wildlife movement areas.

Policy CON-24: Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity, and wildlife habitat through appropriate measures including one or more of the following:

- Preserve, to the extent feasible, oak trees and other significant vegetation that occur near the heads of drainages or depressions to maintain diversity of vegetation type and wildlife habitat as part of agricultural projects.
- Comply with the Oak Woodlands Preservation Act (PRC Section 21083.4) regarding oak woodland preservation to conserve the integrity and diversity of oak woodlands, and retain, to the maximum extent feasible, existing oak woodland and chaparral communities and other significant vegetation as part of residential, commercial, and industrial approvals.
- Provide replacement of lost oak woodlands or preservation of like habitat at a 2:1 ratio when retention of existing vegetation is found to be infeasible. Removal of oak species limited in distribution shall be avoided to the maximum extent feasible.
- Support hardwood cutting criteria that require retention of adequate stands of oak trees sufficient for wildlife, slope stabilization, soil protection, and soil production be left standing.
- Maintain, to the extent feasible, a mixture of oak species which is needed to ensure acorn production. Black, canyon, live, and brewer oaks as well as blue, white, scrub, and live oaks are common associations.
- Encourage and support the County Agricultural Commission's enforcement of state and federal regulations concerning Sudden Oak Death and similar future threats to woodlands.

[Implemented by Action Item CON NR-7]

Policy CON-26: Consistent with Napa County's Conservation Regulations, natural vegetation retention areas along perennial and intermittent streams shall vary in width with steepness of the terrain, the nature of the undercover, and type of soil. The design and management of natural vegetation areas shall consider habitat and water quality needs, including the needs of native fish and special status species and flood protection where appropriate. Site-specific setbacks shall be established in coordination with Regional Water Quality Control Boards, California Department of Fish and Game, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration National Marine Fisheries Service, and other coordinating resource agencies that identify essential stream and stream reaches

necessary for the health of populations of native fisheries and other sensitive aquatic organisms within the County's watersheds.

Where avoidance of impacts to riparian habitat is infeasible along stream reaches, appropriate measures will be undertaken to ensure that protection, restoration, and enhancement activities will occur within these identified stream reaches that support or could support native fisheries and other sensitive aquatic organisms to ensure a no net loss of aquatic habitat functions and values within the county's watersheds.

Policy CON-30: All public and private projects shall avoid impacts to wetlands to the extent feasible. If avoidance is not feasible, projects shall mitigate impacts to wetlands consistent with state and federal policies providing for no net loss of wetland function.

Policy CON-46: Napa County's past, present, and future are intertwined with that of the Napa River; therefore, the County is committed to improving and sustaining the health of the river, through attaining water quality and habitat enhancement goals, supporting public access to the river for visual appreciation and recreational purposes, and completing federal, state, and local flood control projects that are consistent with "living rivers" principles.

Policy CON-60.5: All aspects of landscaping from the selection of plants to soil preparation and the installation of irrigation systems should be designed to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.

CULTURAL RESOURCES

The policies in the Napa County General Plan regarding cultural resources relevant to the Project are listed below:

Policy CC-17: Significant cultural resources are sites that are listed in or eligible for listing in either the National Register of Historic Places or the California Register of Historic Resources due to their potential to yield new information regarding prehistoric or historic people and events or due to their intrinsic or traditional cultural value.

Policy CC-18: Significant historical resources are buildings, structures, districts, and cultural landscapes that are designated Napa County Landmarks or listed in or eligible for listing in either the National Register of Historic Places or the California

Register of Historic Resources. Owner consent is a prerequisite for designation as a County Landmark.

CULTURAL RESOURCES – TRIBAL

See Cultural Resources above for a listing of local cultural resources policies.

ENERGY

The Napa County General Plan, Conservation Element contains goals and policies pertaining to energy. Energy policies relevant to the proposed Project are listed below.

Policy CON-66: The County shall promote the implementation of sustainable practices and green technology in agriculture, commercial, industrial, and residential development through the following actions:

- Project Construction
 - Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled content materials for buildings, hard surfaces, and landscaping materials.
 - Minimize, reuse, and recycle construction-related waste.
 - Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.

Policy CON-71: The County shall encourage the use of bio-fuels and geothermal resources where feasible and environmentally sustainable.

Policy CON-87: The County shall promote solid waste source reduction, reuse, recycling, composting and environmentally-safe transformation of waste. The County shall seek to comply with the requirements of AB 939 with regard to meeting state-mandated targets for reductions in the amount of solid waste generated in Napa County.

GEOLOGY, SOILS, AND PALEONTOLOGICAL RESOURCES

The Napa County General Plan, Safety Element contains goals and policies pertaining to geologic hazards. Geologic hazard policies relevant to the proposed Project are listed below.

Policy SAF-8: Consistent with County ordinances, require a geotechnical study for new projects and modifications of existing projects or structures located in or near known geologic hazard areas, and restrict new development atop or astride identified active seismic faults in order to prevent catastrophic damage caused by movement along the fault. Geologic studies shall identify site design (such as setbacks from active faults and avoidance of on-site soil-geologic conditions that could become unstable or fail during a seismic event) and structural measures to prevent injury, death and catastrophic damage to structures and infrastructure improvements (such as pipelines, roadways and water surface impoundments not subject to regulation by the Division of Safety of Dams of the California Department of Water Resources) from seismic events or failure from other natural circumstances.

Policy SAF-9: As part of the review and approval of development and public works projects, planting of vegetation on unstable slopes shall be incorporated into project designs when this technique will protect structures at lower elevations and minimize the potential for erosion or landslides. Native plants should be considered for this purpose, since they can reduce the need for supplemental watering which can promote earth movement.

Policy SAF-10: No extensive grading shall be permitted on slopes over 15 percent where landslides or other geologic hazards are present unless the hazard(s) are eliminated or reduced to a safe level.

GREENHOUSE GAS EMISSIONS

Local policies pertaining to Greenhouse Gas Emissions and construction projects have not been adopted by Napa County or the City of Napa.

HAZARDS AND HAZARDOUS MATERIALS

The Napa County General Plan, Safety Element contains goals and policies pertaining to hazards and hazardous materials. Policies relevant to the Project activities are listed below.

Policy SAF-20: All new development shall comply with established fire safety standards. Design plans shall be referred to the appropriate fire agency for comment as to:

- Adequacy of water supply.
- Site design for fire department access in and around structures.

- Ability for a safe and efficient fire department response.
- Traffic flow and ingress/egress for residents and emergency vehicles.
- Site-specific built-in fire protection.
- Potential impacts to emergency services and fire department response.

Policy SAF-30: Potential hazards resulting from the release of liquids (wine, water, petroleum products, etc.) from the possible rupture or collapse of aboveground tanks should be considered as part of the review and permitting of these projects.

Policy SAF-33: For maximum safety, all land uses and zoning within airport areas shall be reviewed for compatibility with the adopted plans for the Napa County Airport, Angwin Airport, and other general aviation facilities in the county.

HYDROLOGY AND WATER QUALITY

The Napa County General Plan contains goals and policies pertaining to hydrology and water quality. Hydrology and Water Quality policies relevant to the Project are listed below.

Policy CON-48: Proposed developments shall implement project-specific sediment and erosion control measures (e.g., erosion control plans and/or stormwater pollution prevention plans) that maintain pre-development sediment erosion conditions or at minimum comply with state water quality pollution control (i.e., Basin Plan) requirements and are protective of the County's sensitive domestic supply watersheds. Technical reports and/or erosion control plans that recommend site-specific erosion control measures shall meet the requirements of the County Code and provide detailed information regarding site specific geologic, soil, and hydrologic conditions and how the proposed measure will function.

LAND USE AND PLANNING

The Napa County General Plan contains goals and policies pertaining to Land use and planning. Land use and planning policies relevant to the Project are listed below.

Policy AG/LU-24: Commercial uses will be grouped in areas outside of those designated for agricultural uses in the General Plan (subject to exceptions contained in Policies AG/LU-43 through 45 of this General Plan).

Policy AG/LU-29: Governmental uses and public utility uses shall be permitted in appropriate locations. Only those new governmental and public utility uses which specifically implement programs mandated by the state or federal government shall be permitted in non-urban areas. On parcels which are designated Agricultural Resource or Agriculture, Watershed and Open Space on the Napa County Land Use Map, governmental uses and public utility uses existing as of 1983 shall be allowed to continue to operate and to use the existing buildings and/or facilities but shall be allowed to expand in size and volume of business only for the purpose of modernizing the facilities and meeting additional demonstrated public needs to the extent permitted by law.

Policy AG/LU-55: The County shall ensure that the special features in each geographic area shown in this General Plan shall be retained or enhanced and shall consider these features in its review of any proposed development project.

Policy AG/LU-115: The County will seek to work cooperatively with the private and non-profit sectors, municipalities, special districts, and other local, state, and federal agencies to plan for services and facilities such as housing, transportation, economic development, parks and recreation, open space, and other County needs. Collaborative efforts will be aimed at furthering the goals and policies contained in this Agricultural Preservation and Land Use Element and other elements of the General Plan.

Policy AG/LU-117: The County shall seek to be involved to the extent possible in the decisions of local, state, federal, and other agencies regarding the location of energy generation facilities, electrical transmission lines, communications towers, water tanks, or other facilities with the potential to negatively affect the visual character of the county.

MINERAL RESOURCES

Since the Project does not involve a change in mineral resources; local goals, policies, or regulations are not applicable.

NOISE

The policies of the Napa County General Plan Noise Element do not apply to the proposed Project because it is not a new development and would not generate long-term noise. However, the Project is subject to the Section 8.16.080 of the Napa County Code which limits construction activities to 85 dBA between 7 a.m.

and 7 p.m. and 70 dBA from 7 p.m. to 7 a.m. in industrial areas. Industrially zoned receiving lands including wineries have a daily exterior noise limit of 75 dBA.

POPULATION AND HOUSING

Since the Project does not involve a change in land use, local goals, policies, or regulations are not applicable.

PUBLIC SERVICES

The Napa County General Plan contains goals and policies pertaining to public services; however, none of the public services policies are relevant to the Project.

RECREATION

The Napa County General Plan contains goals and policies pertaining to recreation. Recreation policies relevant to the Project are listed below.

Policy ROS-4: The public's right to access and enjoy publicly owned open space lands in a responsible manner should be supported where appropriate and consistent with other Recreation and Open Space Element policies and adopted resource management plans.

TRANSPORTATION

The Napa County General Plan contains goals and policies pertaining to transportation. Transportation policies relevant to the Project are listed below.

Policy CIRC-19: Applicants proposing new discretionary development projects with the potential to significantly affect traffic operations shall be required to prepare a traffic analysis prior to consideration of their project by the County and shall be required to mitigate project impacts and to pay their fair share of countywide cumulative traffic improvements based on their contribution to the need for these improvements. Ensure adequate emergency access for emergency vehicles.

Policy CIRC-25: Preserve rail corridors and the navigable sections of the Napa River as regional transportation assets, encouraging and not precluding their future use for recreational travel as well as for the movement of passengers and goods.

UTILITIES AND SERVICE SYSTEMS

The Napa County General Plan contains goals and policies pertaining to utilities and service systems. Utility and service system policies relevant to the Project are listed below.

Policy AG/LU-29: Governmental uses and public utility uses shall be permitted in appropriate locations. Only those new governmental and public utility uses which specifically implement programs mandated by the state or federal government shall be permitted in non-urban areas. On parcels which are designated Agricultural Resource or Agriculture, Watershed and Open Space on the Napa County Land Use Map, governmental uses and public utility uses existing as of 1983 shall be allowed to continue to operate and to use the existing buildings and/or facilities but shall be allowed to expand in size and volume of business only for the purpose of modernizing the facilities and meeting additional demonstrated public needs to the extent permitted by law.

Policy AG/LU-85: Infrastructure Needs. The County acknowledges that well maintained roads, modern energy transmission, and telecommunications infrastructure are critical ways to connect lake communities to the rest of Napa County.

Policy CC-14: To the extent allowed by law, telecommunications facilities and transmission lines shall not be located within view of any scenic roadway unless they are sited and designed so as to be virtually invisible to the naked eye from the roadway, are designed to appear as a natural feature of the environment and do not block views or disrupt scenic vistas, or are so well architecturally-integrated into an existing building as to effectively be unnoticeable.

WILDFIRE

There are no local goals, policies, or regulations regarding wildfire applicable to the Project.