

Napa County General Plan, June 23, 2009

Natural Resources Policies

(SINCE THESE POLICIES HAVE BEEN ADOPTED THE CLIMATE PROGNOSIS HAS BECOME MORE THREATENING TO WATERSHEDS AND THE RATE OF CHANGE HAS ACCELERATED FASTER THAN ANTICIPATED. A REASSESSMENT USING CURRENT TECHNICAL RESEARCH NEEDS TO HAPPEN BEFORE IMPACTFUL PROJECTS GO FORWARD. RURAL COUNTIES SURROUNDING LARGE URBAN AREAS HAVE A GREATER RESPONSIBILITY FOR THIS REASSESSMENT. THIS IS A REGIONAL PRIORITY. S.Ericson)

Policy CON-10: The County shall conserve and improve fisheries and wildlife habitat in cooperation with governmental agencies, private associations and individuals in Napa County. [Implemented by Action Item CON NR-2]

Policy CON-11: The County shall maintain and improve fisheries habitat through a variety of appropriate measures, including the following as well as best management practices developed over time (also see Water Resource Policies, below):

- a) Consider the feasibility of using reclaimed wastewater as a means of maintaining adequate water flow to support fish life and reduce pollution of the Napa River.
- b) Consider all feasible ways to maintain and restore sufficient flows and channel characteristics necessary for fish passage consistent with state and federal guidelines.
- c) Undertake and publicize water use conservation strategies necessary to protect and prolong the duration of in-stream flows for aquatic resources including migrating anadromous fish such as steelhead and Chinook salmon.
- d) Encourage and support programs and efforts related to fishery habitat restoration and improvement including steelhead presence surveys, development and utilization of hydraulic modeling, and removal of fish barriers.
- e) Manage the removal of invasive vegetation and the retention of other riparian vegetation to reduce the potential for increased water temperatures and siltation and to improve fishery habitat.

- f) Pursue consolidated and streamlined regulatory review of fisheries and wildlife habitat restoration projects.
- g) Encourage the retention of large woody debris in streams to the extent consistent with flood control considerations.
- h) Encourage the use of effective vegetated buffers between urban runoff and local storm drains.
- i) Promote and support forest management efforts and fire reduction practices in coordination with the California Department of Forestry and Fire Protection that reduce fuel loads and provide protection for water quality and fish habitat.
- j) Require mitigation of gravel removal activities so they result in no net adverse effects to streambed attributes, temperature, habitat, and water quality necessary for native fisheries health. This may include restoration and improvement of impacted areas (e.g., gravel areas and pools and woody-debris areas). Gravel removal that results in adverse impacts to native fisheries shall be determined to have a significant impact under CEQA. [Implemented by Action Item CON NR-3]
- k) Implement sediment reduction measures in sand and gravel operations and other high sediment-producing land uses.
- l) Control gravel removal and degradation from stream beds to minimize the adverse effects upon the spawning and feeding areas of fish.
- m) Control sediment production from mines, roads, development projects, agricultural activities, and other potential sediment sources.
- n) Implement road construction and maintenance practices to minimize bank failure and sediment delivery to streams.
- o) Enforce boat speed limits to reduce damage to warm water game fish fisheries. [Implemented by Action Item CON NR-2]

Policy CON-12: Public water development projects shall provide an adequate release flow of water to preserve fish populations and public access to the water via public lands. [Implemented by Action Item CON NR-2]

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 including provisions to:

- a) Maintain the following essentials for fish and wildlife resources:
 - 1) Sufficient dissolved oxygen in the water.
 - 2) Adequate amounts of proper food.
 - 3) Adequate amounts of feeding, escape, and nesting habitat.
 - 4) Proper temperature through maintenance and enhancement of streamside vegetation, volume of flows, and velocity of water.

- b) Ensure that water development projects provide an adequate release flow of water to preserve fish populations.

- c) 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.

- d) Provide protection for habitat supporting special-status species through buffering or other means.

- e) Provide replacement habitat of like quantity and quality on- or off-site for special- status species to mitigate impacts to special-status species.

- f) 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.

- g) 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.

- h) Demonstrate compliance with applicable provisions and regulations of recovery plans for federally listed species.

[Implemented by Action Item CON NR-2 and 4]

Policy CON-14: To offset possible losses of fishery and riparian habitat due to discretionary development projects, developers shall be

responsible for mitigation when avoidance of impacts is determined to be infeasible. Such mitigation measures may include providing and permanently maintaining similar quality and quantity habitat within Napa County, enhancing existing riparian habitat, or paying in-kind funds to an approved fishery and riparian habitat improvement and acquisition fund. Replacement habitat may occur either on-site or at approved off-site locations, but preference shall be given to on-site replacement.

Policy CON-15: The County shall establish and update management plans protecting and enhancing the County's biodiversity and identify threats to biological resources within appropriate evaluation areas, and shall use those plans to create programs to protect and enhance biological resources and to inform mitigation measures resulting from development projects. [Implemented by Action Item CON NR-2]

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:

- a) Prevent removal or disturbance of sensitive natural plant communities that contain special-status plant species or provide critical habitat to special-status animal species.
- b) In other areas, avoid disturbances to or removal of sensitive natural plant communities and mitigate potentially significant impacts where avoidance is infeasible.
- c) Promote protection from overgrazing and other destructive activities.
- d) 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.

e) 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.

(Also see Policies CON-30 regarding wetlands, and Policy CON-26 regarding riparian and aquatic habitats.)

Policy CON-17.5: Periodically review and revise as necessary the list of sensitive biotic communities subject to Policy CON-17, above.

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

a) 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 on-site, the vegetation selected for retention should be in areas designed to maximize habitat value and connectivity.

b) 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.

c) 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.

d) 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.

e) 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.

f) 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.

g) 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.

h) 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-19: The County shall encourage the preservation of critical habitat areas and habitat connectivity through the use of conservation easements or other methods as well as through continued implementation of the Napa County Conservation Regulations associated with vegetation retention and setbacks from waterways.

Policy CON-20: The County shall monitor biodiversity and habitat connectivity throughout the County and apply appropriate adaptive management practices as necessary to achieve applicable Natural Resources Goals. Changing conditions may include external forces such as changing state or federal requirements, or changes in species diversity, distribution, etc. [Implemented by Action Item CON NR-5]

Policy CON-21: The County shall initiate and support efforts relating to the identification, quantification, and monitoring of species biodiversity and habitat connectivity throughout Napa County. [Implemented by Action Item CON NR-5]

Policy CON-22: The County shall encourage the protection and enhancement of natural habitats which provide ecological and other scientific purposes. As areas are identified, they should be delineated on environmental constraints maps so that appropriate steps can be taken to appropriately manage and protect them.

Policy CON-23: The County shall work with local resource and land management agencies to develop a comprehensive approach to controlling the spread of non-native invasive species and reducing their extent on both public and private land, including developing an invasive weed ordinance. The Invasive Weed Ordinance shall include among other things

regulatory standards for construction activities that occur adjacent to natural areas, including riparian and/or intermittent streams or watercourses, to inhibit the establishment of noxious weeds through accidental seed import.

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:

- a) 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.
- b) 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.
- c) 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.
- d) 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.
- e) 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.
- f) 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-25: The County shall disseminate information to land owners regarding habitat conservation and other natural resources goals and build partnerships to accomplish effective outreach regarding policies, incentives, and regulations.

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-27: The County shall enforce compliance and continued implementation of the intermittent and perennial stream setback requirements set forth in existing stream setback regulations, provide education and information regarding the importance of stream setbacks and the active management and enhancement/restoration of native vegetation within setbacks, and develop incentives to encourage greater stream setbacks where appropriate.

Incentives shall include streamlined permitting for certain vineyard proposals on slopes between 5 and 30 percent and flexibility regarding yard and road setbacks for other proposals.

[Implemented by Action Item CON NR-1]

Policy CON-28: To offset possible additional losses of riparian woodland due to discretionary development projects and conversions, developers shall provide and maintain similar quality and quantity of replacement habitat or in-kind funds to an approved riparian woodland habitat improvement and acquisition fund in Napa County. While on-site replacement is preferred where feasible, replacement habitat may be either on-site or off-site as approved by the County.

Policy CON-29: The County shall coordinate its efforts with other agencies and districts such as the Resource Conservation District and share a leading role in developing and providing outreach and education related to stream setbacks and other best management practices that protect and enhance the County's natural resources. [Implemented by Action Item CON NR-5]

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-31: The County shall maintain and improve marshland habitat in the southern part of the county through a variety of appropriate measures, including:

a) Utilize reclaimed wastewater for salinity control and management of marshlands, meadows, and salt ponds.

b) Establish County Policy for promoting wildlife habitat use within marshland areas such as Coon Island, Fly Bay, Devil's Slough, North Slough, the area between Napa Slough and South Slough, Fagan Slough Peninsula, (Cargill) Napa Plant Restoration Slough and South Slough, Fagan Slough Peninsula, (Cargill) Napa Plant Restoration

Site, Bull Island, all of the berm areas between the top of the levee and center of the slough, and other nearby marshland and meadowlands.

c) Encourage environmental study, a viewing platform, and wildlife preserve at the (Cargill) Napa Plant Restoration Site, Fagan Slough Area. Work with the California Department of Fish and Game to implement this policy. [Implemented by Action Item CON NR-5]

d) Restrict the location or construction of structures on levees by large lot zoning because of environmental health problems, potential flood hazard, and impacts to wildlife habitat.

e) Monitor rise in sea level and the resulting migration of marshlands and wetlands using adaptive management strategies to modify County practices when warranted.

Policy CON-32: The County shall maintain and improve slough and tidal mudflats habitat with appropriate measures, including the following:

- a) Filling, dredging, draining, and polluting of mudflats and sloughs should be restricted to provide an adequate supply of oxygen, retain habitat, and maintain food organism production to conserve fish and wildlife and reduce pollution.
- b) Utilize reclaimed wastewater for salinity control of mudflats and sloughs where needed.
- c) Evaluate proposed marinas and harbors with regard to alternative sites with first priority for wildlife habitat and impact on scarce landforms such as marshlands.
- d) Dredging for marina construction and maintenance requires a heavy public subsidy while serving a small portion of the total citizenry. Consideration should be given to having construction and maintenance dredging done by private enterprise rather than public agencies.
- e) Prevent filling of existing river areas, berm areas, salt ponds, wetlands, and marsh areas because these areas are important for public health and safety as their water surfaces lower the air temperatures, they serve as irreplaceable fish and wildlife habitat, they are subject to amplified earthquake movement and subsoil liquefaction, and they support oxygen-producing plants.

Policy CON-33: The County shall encourage waterfowl in shallow, open shoreline areas of reservoirs by planting appropriate vegetation for waterfowl food, when feasible.

Policy CON-34: The County shall seek to identify the need for aggregate and timber resources and provide for the sustainable use and management of resources in the County in a manner that is compatible with environmental conditions.

Policy CON-35: The County shall encourage active forest management practices to preserve and maintain existing forests and timberland, allowing for their economic and beneficial use.

Policy CON-36: The County shall encourage and support property owners' requests for use of the Timber Preserve (TP) zoning district, as allowed by county code.

Policy CON-37: The County shall identify, improve, and conserve mineral and aggregate resources and ensure the long-term production and supply as follows:

- a) The County shall request that the State Department of Conservation conduct a countywide study to assess the location and value of mineral and aggregate resources.
- b) Identify known mineral resources on the General Plan Land Use Map or in the Baseline Data Report, based on mapping prepared by the State of California.
- c) Apply zoning for mineral resource areas and appropriate surrounding areas to allow for resource management and future resource availability.
- d) Fulfill the County's responsibilities under the Surface Mining and Reclamation Act (SMARA).
- e) Encourage compatible use of resource areas such as low density recreation, wildlife habitat, or agriculture and protect resource areas from incompatible uses.
- f) Continue to enforce established policy on geothermal energy exploration and development (Napa County Code Title 16), considering the potential adverse environmental effects such as noise pollution, air pollution, water pollution, and poorly located transmission lines that can accompany improper geothermal development.

Policy CON-38: The County shall identify, improve, and conserve Napa County's sand and gravel resources, preventing removal of streambed sand and gravel in any manner that would cause adverse effects on water quality, fisheries, riparian vegetation, or flooding.

Policy CON-39: Resource extraction activities (e.g., mining and geothermal development) shall fully address environmental implications, such as air pollution, visual distractions, siltation of nearby streams, increase in surface runoff, removal of underground water by pumping, increase in erosion or landslide hazard, disposal of chemical wastes, creation of impervious layers and surface compaction, extent of vegetation removal, and site rehabilitation procedures.

Policy CON-40: Encourage the ongoing reclamation of sand and gravel mining areas through the implementation of reclamation plans. In conformance with state law, all mining operations shall have up-to-date reclamation plans and adequate financial assurances to the satisfaction of the County.

NATURAL RESOURCES GOALS/POLICIES ACTION ITEMS

Action Item CON NR-1: Amend the Conservation Regulations to offer incentives such as a streamlined review process for new vineyard development and other projects that incorporate environmentally sustainable practices that avoid or mitigate significant environmental impacts. [Implements Policy 27]

Action Item CON NR-2: The County shall seek grant funding and other support and establish a fisheries monitoring program(s) consistent with the efforts of the Watershed Information Center and Conservancy of Napa County in order to track the current condition of special-status fisheries and associated habitats in the County's watersheds. Programs will include tracking the effectiveness of BMPs, mitigation measures and ongoing restoration efforts for individual projects in the watersheds, and the implementation of corrective actions for identified water quality issues that are identified as adversely impacting fisheries. Monitoring programs shall be conducted in coordination with the State and Regional Water Boards, California Department of Fish and Game, U.S. Fish and Wildlife Service, and National Oceanic and Atmospheric Administration National Marine Fisheries Service to the extent necessary. [Implements Policies 10-15]

Action Item CON NR-3: The County shall amend its Local Procedures for Implementing CEQA to require gravel removal projects to result in no net adverse effects to stream temperature, bed attributes, or habitat necessary for native fisheries' health. This may include restoration and improvement of impacted habitat areas (e.g., gravel areas and pools and woody-debris areas). [Implements Policy 11(j)]

Action Item CON NR-4: The County shall adopt an ordinance that prohibits construction activities within the channel of any waterway identified to contain existing or potential spawning habitat for special-status fish species during limited time periods of spawning activities. [Implements Policy 13]

Action Item CON NR-5: The County shall maintain and update the Biological Resources and Fisheries chapters of the BDR as necessary to provide the most current data and mapping. Updates shall be provided online and made available for review at the Conservation, Development and Planning Department. The following specific data sets and maps shall be updated as needed:

- a) The County's Biological Database (through the use of the California Department of Fish and Game's California Natural Diversity Database (CNDDDB) and information from the California Native Plant Society (CNPS)), including the addition of biological data to expand and improve the accuracy of the database and its usefulness to the public;
- b) Databases and mapping of sensitive biotic communities and habitats of limited distribution;
- c) Databases and mapping of oak woodlands and related sensitive biotic communities;
- d) Databases and mapping of riparian woodlands and related sensitive biotic communities;
- e) Databases and mapping of sloughs and tidal mudflats and related sensitive biotic communities.

[Implements Policies 16, 20, 21, 29, and 31(c)]

Action Item CON NR-6: The County shall adopt protocols to be followed, including a methodology for analyzing the need for buffers, and establish setbacks where discretionary projects are proposed on parcels that may contain sensitive biotic communities or habitats/communities of limited distribution or sensitive natural communities. [Implements Policy 17]

Action Item CON NR-7: The County shall adopt a voluntary Oak Woodland Management Plan to identify and mitigate significant direct and indirect impacts to oak woodlands. Mitigation may be accomplished through a combination of the following measures:

- a) Conservation easement and land dedication for habitat preservation;
- b) Payment of in-lieu fees; and/or

- c) Replacement planting of appropriate size, species, area, and ratio.
[Implements Policy 24]

WATER RESOURCES GOALS AND POLICIES

Goal CON-8: Reduce or eliminate groundwater and surface water contamination from known sources (e.g., underground tanks, chemical spills, landfills, livestock grazing, and other dispersed sources such as septic systems).

Goal CON-9: Control urban and rural storm water runoff and related non-point source pollutants, reducing to acceptable levels pollutant discharges from land-based activities throughout the county.

Goal CON-10: Conserve, enhance and manage water resources on a sustainable basis to attempt to ensure that sufficient amounts of water will be available for the uses allowed by this General Plan, for the natural environment, and for future generations.

Goal CON-11: Prioritize the use of available groundwater for agricultural and rural residential uses rather than for urbanized areas and ensure that land use decisions recognize the long-term availability and value of water resources in Napa County.

Goal CON-12: Proactively collect information about the status of the county's surface and groundwater resources to provide for improved forecasting of future supplies and effective management of the resources in each of the County's watersheds.

Goal CON-13:
Promote the development of additional water resources to improve water supply reliability and sustainability in Napa County, including imported water supplies and recycled water projects.