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COUNTY OF NAPA  
EXECUTIVE OFFICE

**APPEAL PACKET FORM**  
(Chapter 2.88.050 of Napa County Code)

Please submit original plus two (2) copies of the entire Appeal Packet, including this form.

| TO BE COMPLETED BY APPELLANT<br>(Please type or print legibly)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                                |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------|--|
| <b>Appellant's Name:</b> <u>Circle Oaks County Water District and Circle Oaks Homes Association</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                |  |
| <b>Telephone #:</b> ( <u>707</u> ) <u>291-6585</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | <b>Fax #:</b> ( <u>707</u> ) <u>284-2387</u>   |  |
| <b>E-Mail Address:</b> <u>Rhowlett@gmail.com</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                |  |
| <b>Mailing Address:</b> <u>823</u> <u>Sonoma Avenue</u> <u>Santa Rosa</u> <u>CA</u> <u>95404</u><br><small>No. Street City State Zip</small>                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                                                |  |
| <b>Status of Appellant's Interest in Property:</b> <u>adversely affected by the environmental impacts of the project</u><br><small>project applicant, adjacent property owner, other (describe)</small>                                                                                                                                                                                                                                                                                                                                                                             |  |                                                |  |
| <b>Action Being Appealed:</b> <u>Approval of Walt Ranch Vineyards Agricultural ECP No. P11-00205 ECPA</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |                                                |  |
| <b>Permittee Name:</b> <u>Hall-Brambletree, L.P. C/O Mike Reynolds and their agent for service of process:</u><br><u>Charles W. Meibeyer, 1236 Spring St., St. Helena, CA 94574</u>                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                |  |
| <b>Permittee Address:</b> <u>Hall-Brambletree, L.P., 401 St. Helena Hwy. So., St. Helena, CA 94574 and</u><br><u>Hall-Brambletree, L.P., 6801 Gaylord Parkway, Suite 100, Frisco, TX 75034</u>                                                                                                                                                                                                                                                                                                                                                                                      |  |                                                |  |
| <b>Permit Number:</b> <u>P11-00205 ECPA</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  | <b>Date of Decision:</b> <u>August 1, 2016</u> |  |
| <b>Nature of Permit or Decision:</b> <u>Erosion Control Plan Chapter 18.108; EIR Certification per CEQA</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                                                |  |
| <b>Reason for Appeal</b> (Be Specific - If the basis of the appeal will be, in whole or in part, that there was a prejudicial abuse of discretion on the part of the approving authority, that there was a lack of a fair and impartial hearing, or that no facts were presented to the approving authority that support the decision, <b>factual or legal basis for such grounds of appeal must be expressly stated or they are waived.</b> (attach additional sheet if necessary): <u>See attached letter and exhibits from Rachel Mansfield-Howlett, dated September 1, 2016</u> |  |                                                |  |
| <u>Within the Milliken Reservoir and Capell Creek Watershed of SR 121;</u><br><u>access located on Circle Oaks Drive Township 7 North</u> <u>Napa</u> <u>CA</u> <u>94558</u><br><b>Project Site Address/Location:</b> <small>Street City State Zip</small>                                                                                                                                                                                                                                                                                                                          |  |                                                |  |
| <b>Assessor's Parcel No.:</b> <u>032-120-028, 032-480-007-008, 011-024, 027-028, 032-490-004-006, 008-020</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |                                                |  |

**If the decision appealed from involves real property, the Appellant must also submit the original and two copies of 1) Title Insurance Report and 2) Assessor's Map Book Pages pursuant to County Code Section 2.88.050(B).**

|                                                           |                                  |                                                                |
|-----------------------------------------------------------|----------------------------------|----------------------------------------------------------------|
| <u>Rachel Mansfield-Howlett</u><br>Signature of Appellant | <u>September 1, 2016</u><br>Date | <u>Rachel Mansfield-Howlett, Attorney at Law</u><br>Print Name |
|-----------------------------------------------------------|----------------------------------|----------------------------------------------------------------|

| TO BE COMPLETED BY CLERK OF THE BOARD                                    |                            |
|--------------------------------------------------------------------------|----------------------------|
| <b>Appeal Packet Fee \$</b> <u>184</u> <b>Receipt Nos.</b> <u>795307</u> |                            |
| <b>Received by:</b> <u>Karla Presat</u>                                  | <b>Date:</b> <u>9/1/16</u> |

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OF COUNSEL  
Janis H. Grattan  
Rachel Mansfield-Howlett  
Roz Bateman Smith

September 1, 2016

Gladys I. Coil  
Clerk of the Board of Supervisors  
County of Napa Board of Supervisors  
1195 3rd Street Napa, CA 94559

*Via Hand Delivery*

Re: Walt Ranch Vineyard Conversion Project  
Appeal of the August 1, 2016, Planning Director's certification of the EIR  
and approval of the Agricultural Erosion Control Plan No. P11-00205-  
ECPA proposed by the Walt-Brambletree Corporation

Dear Ms. Coil,

Appellants, COHA and COCWD, appeal the factual and legal determinations of the August 1, 2016 Planning Director's decision to approve the Walt Ranch Vineyard Conversion Project and its Erosion Control Plan, certify the EIR, adopt the related monitoring reports, and adopt CEQA Findings. This letter provides the "Reasons for Appeal" pursuant to County Code section 2.88.050; Title Insurance Report and Assessor's Map book pages per County Code section 2.88.010.B; Index and Exhibits 1-61 citing supporting evidence for the appeal. The grounds for appeal are set forth in my letters on the Draft and Final EIRs including the attachments and references cited therein; further clarification of the grounds for appeal is set forth, herein. (Exhibits 1 and 24-25, Rachel Mansfield-Howlett, comment letters.)

Substantive concerns regarding the review of the Project's environmental impacts prompted the need to solicit expert testimony regarding the data and analyses utilized in the Project's environmental review. The following experts prepared detailed comments enumerating the deficiencies in the environmental review conducted for the Project and the failure to propose adequate mitigation for the Project's impacts:

- Matt Hagemann, P.G., C.Hg. QSD, QSP, SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment: Exhibit 5, November 20, 2014, Draft EIR comment letter
- Greg Kamman, PG, CHG, Principal Hydrologist; Kamman Hydrology &

Engineering, Inc.: Exhibit 7, November 20, 2014, Draft EIR comment letter and Exhibit 35, April 2, 2016, Final EIR comment letter; and Exhibit 50, August 29, 2016, Greg Kamman Supplemental Report on Landslide Hazard Assessment

- Eric A. Yee, Principal Consultant, Charles M. Salter Assoc.: Exhibit 6, November 17, 2014, Draft EIR comment letter and Exhibit 37, March 29, 2016, Final EIR comment letter.

Substantive legal analysis was submitted regarding the deficiencies in the EIR, Mitigation Monitoring Plan, and Groundwater Monitoring and Management Plan by the following attorneys.

- Mark Wolfe: Exhibit 4, November 21, 2014, Draft EIR comment letter
- Thomas Lippe: Exhibits 2a through 2i, November 21, 2014, Draft EIR comment letter; Exhibit 3, November 21, 2014, Draft EIR comment letter; Exhibit 26, April 4, 2016, Final EIR comment letter; and Exhibit 49, August 29, 2016, appeal letter
- Rachel Mansfield-Howlett: Exhibits 24 and 25, April 4, 2016, Final EIR comment letters

Comments on the Final EIR's failure to adequately respond to comments were submitted by Thomas Lippe, expert Greg Kamman, and myself. (Exhibit 49, August 29, 2016, Thomas Lippe appeal letter; Exhibit 50, August 29, 2016, Greg Kamman Supplemental Report; Exhibits 1, 24-25, Rachel Mansfield Howlett comment letters.)

These experts and attorneys documented numerous errors, omissions and inadequacies in the EIR such that the environmental review failed to fulfill CEQA's substantive requirement to provide full environmental disclosure of the effects of the Project; the EIR's determinations and conclusions are not supported by substantial evidence; proposed mitigation measures are inadequate and incomplete and constitute an illegal deferral of mitigation; and the Final EIR failed to adequately respond to comments.

In light of the gravity of the issues concerning the Project's impact to groundwater drawdown and depletion and consequent potentially significant impairment of the Circle Oaks District's ability to supply water, the lack of adequate enforceable mitigation regarding these issues, and the reasons given herein, Appellants respectfully request the Board reject the certification of the EIR; require the EIR to be revised and re-circulated to correct the cited omissions and inaccuracies; and require

review of reasonable enforceable alternatives and mitigation measures that reduce the Project's impacts prior to further consideration of the Project.

The environmental analysis, proposed mitigation, the Mitigation Monitoring Plan, the Groundwater Monitoring and Management Plan and alternatives analysis are deficient in the following ways.

**1. Environmental Setting**

- The EIR failed to adequately describe the environmental setting regarding groundwater resources. (Exhibit 2a, November 21, 2014, Thomas Lippe, second Draft EIR comment letter, pg. 39; Exhibit 49, August 29, 2016, Thomas Lippe letter, pgs. 1514-1515.)
- The EIR mischaracterizes the rate of groundwater recharge on the Project site. (Exhibit 49, August 29, 2016, Thomas Lippe letter, pg. 1515; Exhibit 13, November 21, 2014, Chris Malan, Living Rivers Council Draft EIR comment letter, pg. 630.)
- The EIR mischaracterizes the hydraulic connection between groundwater to be pumped for the Project and groundwater in the Milliken Sarco Tulocay ("MST") Groundwater Deficient Area. (Exhibit 49, August 29, 2016, Thomas Lippe letter, pg. 1515.)
- The EIR mischaracterizes the direction of groundwater flow. (Exhibit 49, August 29, 2016, Thomas Lippe letter, pg. 1515.)

**2. Sedimentation of Napa River Watershed**

- The EIR failed to adequately analyze and account for impacts to increased stream sedimentation in the Napa river drainage or provide for adequate mitigation. (Exhibit 1 at pg. 9, Rachel Mansfield-Howlett Draft EIR comment letter; Exhibit 2a at pgs. 28-32, November 20, 2014, Thomas Lippe Draft EIR comment; Exhibit 7 at pgs. 533-535, November 20, 2014, Greg Kamman letter; Exhibit 8, November 11, 2014, City of Napa Draft EIR comments letter; Exhibit 9 at pgs. 554, 576-579, November 21, 2014, Center for Biological Diversity and Napa Sierra Club Draft EIR comment letter; *see also* Exhibit 2d, staff report for the Napa River Watershed Sediment TMDL and Habitat Enhancement Plan.)
- The EIR fails to analyze the significance of increased channel erosion and sediment production caused by increases in peak runoff caused by installing engineered drainage structures. (Exhibit 35 at pgs. 1,427-1,429, April 3, 2016, Greg Kamman Final EIR letter.)

### 3. Ground Water Resources

- The EIR failed to adequately analyze and provide mitigation for impacts related to groundwater resources. (Exhibit 1 at pgs. 4-8, Rachel Mansfield-Howlett Draft EIR comment letter; Exhibit 2a at pgs. 39-41 and Exhibit 3 at pgs. 487-488, November 21, 2014, Thomas Lippe Draft EIR comment letters; Exhibit 7 at pgs. 524-536, November 20, 2014, Greg Kamman letter; Exhibit 8 at pgs. 539-540, City of Napa General Water Manager's comments on the Draft EIR regarding long term effects of ground water extraction at the Project site; Exhibit 9 at pgs. 580-582, November 21, 2014, Center for Biological Diversity and Napa Sierra Club Draft EIR comment letter; Exhibits 13 at pgs. 629-631 and 34 at pgs. 1,414-1,415, November 21, 2014 and April 4, 2016, Chris Malan, Living Rivers, letters; Exhibit 36 at pg. 1,449, April 4, 2016, Sue Wagner comment letter; Exhibit 41 at pg. 1,496, April 4, 2106, Greg Gale letter; *see also* Exhibits 2e -2i regarding hydrology and water availability.)
- The EIR fails to analyze the significance of pumping more groundwater than is recharged on-site on local groundwater supplies. (Exhibit 26 at pgs. 830-831, April 3, 2016, Lippe comment letter on the Final EIR; Exhibit 35 at pgs. 1,420-1,423 and 1,425-1,427, April 2, 2016, Greg Kamman Final EIR letter.)
- Mitigation measure 4.6-4 concerning impacts to groundwater resources is vague and unenforceable and unlawfully defers the analysis and development of further mitigation measures until after Project approval. Mitigation 4.6-4 states: "the Director of Environmental Management shall be authorized to require additional reasonable conditions on the Applicant, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety and welfare." (Final EIR 4.6-51 – 4.652; Groundwater Monitoring and Management Plan, Appendix R, pgs. 13-14; August 1, 2016, Updated MMRP, pg. 49.) The mitigation fails to specify performance standards and is premised on a later determination that impacts to groundwater resources are due to the operation of Walt Ranch. (Draft EIR 2-41.) The EIR does not indicate what method would be used to determine the cause of the depletion or lowering of groundwater resources and the County is unlikely to be able to make this assessment. The mitigation is unenforceable and fails to provide adequate protection for Circle Oaks wells. (Exhibit 1 at pgs. 5-6, Rachel Mansfield-Howlett Draft EIR comment letter dated November 21, 2014; Exhibit 49 at pgs. 1,517-1,518, Thomas Lippe appeal letter dated August 29, 2016.)

*Impacts to Circle Oaks Wells*

According to Ron Tamarisk, Director of COCWD, the Circle Oaks Water District is the sole water supplier for approximately 500 people in the community of Circle Oaks. The District has a responsibility and legal obligation to the residents who have depended upon this water source for 50 years. The residents and families of COCWD rely exclusively upon one vertical well and one spring water source supplied by several horizontal bores for drinking water and fire suppression. Commentors raised numerous concerns regarding the impacts of the almost continuous pumping of well water proposed by Walt Ranch to Circle Oaks' wells. (Exhibit 1 at pgs. 4-5, Exhibit 24 at pgs. 810-812, Rachel Mansfield-Howlett comment letters; Exhibit 5 at pgs. 502-507, November 20, 2011, Matt Hagemann report; Exhibit 15 at pg. 736, November 21, 2014, Ron Tamarisk Draft EIR comment letter; Exhibit 17 at pgs. 740-741, November 12, 2014, Bill Garrison Draft EIR comment letter.)

As noted above, the EIR proposed Mitigation 4.6-4 entails the monitoring of existing Walt Ranch well levels but is deficient in that it is too vague, unenforceable and the mitigation unlawfully defers the analysis and development of further mitigation measures until after Project approval.

Relative to the impact analysis concerning the Circle Oaks wells, the sufficiency of the annual water supply is not determinative, rather the issue concerns whether there is sufficient availability of water for Walt Ranch, together with the adjacent well use, during the months when Walt Ranch proposes its heaviest demand. Since the Walt Ranch wells are deeper than the Circle Oak District wells, Jed Welsh, President of the Board of Directors of COCWD, stated temporary drawn downs during the months of heavy use, may leave the District without water. Jed Welsh noted that one Walt Ranch well is 400 ft. deep with a water level at 200 ft. and another is 900 ft. deep with a water level of 450 ft., whereas the District wells are far shallower and are thus more vulnerable to depletion than the Walt wells. (Exhibit 25, Rachel Mansfield-Howlett comment letter.) Jed Welsh states that the analysis conducted for the drawdown of COCWD wells was not conducted over a long enough period to accurately determine the total effect, given the slow rate of water transfer in the existing cracked volcanic rock, and testing was not conducted to determine the effects vineyard ground seepage and/or runoff would have on the water COCWD receives from the horizontal piping.

On August 1, 2016, the same day the Planning Director issued the Project approval, the Groundwater Monitoring and Management Plan (GMMP) belatedly provided a vague provision related to neighboring property owners' wells where groundwater levels "drop to a level which would not support existing land uses or

planned uses for which permits have been granted.” (GMMP, FEIR, Appendix R, pg. 13.) But this standard is not incorporated into the Updated Mitigation Monitoring and Reporting Plan; the updated plan’s “Performance Criteria” merely refers to “County standards.” (August 1, 2016, Updated MMRP, pg. 49.) The GMMP effectively conceded potentially significant impacts, yet failed to incorporate enforceable mitigation and failed to utilize a reliable performance standard.

Agencies should not use mitigation measures as a device to avoid disclosing project impacts. (*Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4<sup>th</sup> 182, 195-196 [EIR was inadequate because it did not evaluate impacts of supplying water to large new development project and instead included a mitigation measure stating that the project would not proceed at any point that adequate water was not available.]) Similarly here, the EIR improperly used the mitigation as a device to avoid disclosing impacts.

The EIR should therefore be revised and recirculated to analyze and disclose the degree of impact to Circle Oaks wells and infrastructure and the following mitigation measures should be imposed to ensure sufficient water availability for Circle Oaks residents.

- Drilling of “sentry wells” at the property boundary placed in proximity to the offsite COCWD wells and /or monitoring of COCWD well levels. If water levels drop below an agreed upon established trigger level in the “sentry” or COCWD wells, pumping in the Walt Ranch wells would be restricted or halted. No determination of fault would be required. The County, Walt Ranch, and COCWD would establish the appropriate trigger levels.
- Monitoring of static water levels in the Sonoma Volcanics Aquifer in three newly constructed sentry wells with established trigger levels. If water levels drop below an established trigger level, pumping in the Project wells would be restricted or halted. No determination of fault would be required. The County, Walt Ranch, and COCWD would establish the appropriate trigger levels.

#### **4. Impacts to Road Conditions and COCWD Water and Sewer Infrastructure**

The EIR fails to adequately analyze and provide mitigation for impacts to roads, including road failure, due to the Walt Ranch operations. (Exhibit 1 at pgs. 26-27 and Exhibit 24 at pgs. 808-810, 813, Rachel Mansfield-Howlett comment letters; Exhibit 11 at pgs. 618-619 and Exhibit 30 at pg. 1269, April 3 and 4, 2016, Mark Billings letters; Exhibit 12a at pgs. 620-623 and Exhibit 31a at pgs. 1,269-1,270, November 21, 2014 and April 3,

2016, David Heitzman letters; Exhibit 14a at pg. 734 and Exhibit 14b at pg. 735, November 21, 2014, Stephen Gort, General Manager, Circle Oaks Homes Association Draft EIR comment letter; Exhibits 19a at pgs.747-749 and Exhibit 19d at pg. 776, November 21, 2015, Sue Wagner Draft EIR comment letter; Exhibit 36 at pgs. 1,431-1,436, April 4, 2016, Sue Wagner comment letter; Exhibit 22 at pgs. 787-789, Bob McLeish Draft EIR comment letter; Exhibit 33 at pg. 1,413, July 22, 2014 Jack MacDonald, Circle Oaks County Water District Draft EIR comment letter; Exhibit 38 at pg. 1,455, March 23, 2016, Kathleen Maxim, Circle Oaks Homes Association, letter; Exhibit 39 at pgs. 1,458-1,461, April 4, 2016, Ron Tamarisk letter.)

Mitigation 4.7-4 provides for repaving and damage to sub-surface infrastructure during the construction phase of the Project only, it does not address mitigation for road damage due to continuing operations of the Project. (Exhibits 1, 11, 24, and 30, Rachel Mansfield Howlett and Mark Billings letters.)

Importantly, the Circle Oaks County Water District's water and sewer system infrastructure is located under Circle Oaks drive; road collapse will destroy these infrastructure systems. Mitigation should be imposed to ensure that the ongoing activities of the Project will not impact the water and sewer infrastructure that services the Circle Oaks community. Such adequate mitigation could include a provision for the Project proponents to put up an adequate surety bond in the event that the ongoing activities associated with the Project damage this infrastructure.

The Project entails construction of 21 miles of roadway and removal of over 20,000 trees. The community of Circle Oaks has approximately 4.5 miles of roadway that includes one mile of Circle Oaks Drive, which the Project proposes to use as access. There are two to three other access points along Cal. Route 121/Monticello Road that should be considered as alternatives to the Project's access. Utilization of alternative access points would avoid use of the deteriorating roadway on Circle Oaks Drive altogether. The Project proponent is opposed to altering the access point; the FEIR opines without basis that this alternative could increase environmental impacts. As noted by expert Mark Billings, a certified Public Infrastructure Inspector, access to the Project via Route 121 is a reasonable alternative to the proposed access point and would avoid impacts.

The EIR failed to include review of alternative access ways to the Project; given that the Project may seriously impact the roadway and the water and sewer systems of the Circle Oaks community, the EIR must consider ways to avoid or substantially lessen these impacts. (Exhibit 1 at pgs. 26-27 and Exhibit 24 at pgs. 809-810, Rachel Mansfield-Howlett comment letters; Exhibit 11 at pgs. 616-619, April 3, 2016, Mark Billings letter;

Exhibits 12a at pg. 622 and Exhibit 31a at pg. 1,270, November 21, 2014 and April 3, 2016, David Heitzman letters.)

### **5. Landslide Risk**

The EIR failed to consider the potential impacts due to landslide. (Exhibit 1 19-20, 26-27 and Exhibit 24 at pg. 809, Rachel Mansfield-Howlett comment letters; Exhibit 10 at pgs. 597-601, November 21, 2014, Nancy Tamarisk, Sierra Club Draft EIR comment letter; Exhibit 12a at pg. 621 and Exhibit 31a at pgs. 1,269-1,270, November 21, 2014 and April 3, 2016, David Heitzman letters; Exhibit 2b at pgs. 49-60 and Exhibit 2c at pgs. 61-67, December 24, 2000 and May 7, 2008, Dr. Robert Curry letters; Exhibit 7 at pg. 535, November 20, 2014, Greg Kamman letter; Exhibits 49-50, August 29, 2016, Thomas Lippe and Greg Kamman letters.)

### **6. Noise Impacts**

The EIR failed to adequately consider the Project's impacts regarding noise. Expert, Eric A. Yee, Principal Consultant, Charles M. Salter Associates, prepared a report that detailed the defects in the EIR's noise and vibration analysis. He concluded the EIR's analysis lacked evidence to support the conclusion of "less than significant" for the following reasons. (Exhibit 6 and 37, November 17, 2014 and March 29, 2016, Eric Yee Draft and Final comment letters; *see also* Exhibit 15, November 13, 2014, Peter Krammer Draft EIR comment letter; Exhibit 20, November 20, 2014, Jeff Roberts Draft EIR comment letter.)

- The EIR does not adequately apply significance criteria for noise impacts. (Exhibit 6 and 37, Eric Yee letters.)
- The EIR used the incorrect baseline to adjudge noise impacts. The EIR utilized estimates based on modeling rather than actual data gathered near the Project site. Based on four days of noise measurements conducted by Eric Yee, the daytime noise levels in the Circle Oaks residential community are four times quieter than the DEIR's estimate and spot measurements along State Route 121 indicate that actual noise levels are about half as loud as the DEIR's estimate. (*Ibid.*)
- The EIR failed to address noise impacts due to truck traffic, rock demolition and removal, and vibration. (*Ibid.*)
- The EIR overestimates the degree of mitigation provided by the proposed sound barriers; noise impacts remain significant. (*Ibid.*)

## **7. Failure to Respond to Comments**

The Final EIR failed to adequately respond to the following comments, *inter alia*:

- The EIR should have considered alternative access ways to the Project and did not. (Final EIR 4-32, which reference the comments submitted by Rachel Mansfield-Howlett and Nancy Tamarisk, Sierra Club, Exhibit 1 and 10.)
- The EIR failed to adequately consider the Project's noise impacts and failed to provide adequate mitigation. (Final EIR 4-111 – 4-113, which reference the comments submitted by Rachel Mansfield-Howlett and Eric Yee, Exhibits, 1, 6, and 37.)
- The EIR failed to adequately consider impacts to roads, including the potential for road failure, or to propose adequate mitigation. (Final EIR 4-3 – 4.4, which reference the comments submitted by Rachel Mansfield-Howlett, Mark Billings and David Heitzman, Exhibits, 1, 11, 24, 30, and 31a.)

## **8. Alternatives Review**

The EIR considered two alternatives, aside from the No Project Alternative, the Reduced Intensity Alternative and the Multiple Resource Protection Alternative and acknowledged the Reduced Intensity Alternative would result in fewer biological impacts. (Final Approval pgs. 12-16.) However, the alternatives analysis failed to provide sufficient data to enable the comparison of the alternatives' water demand, sedimentation, and runoff, to that of the Project, therefore it is impossible to compare the alternatives to the Project on these issues. Considering the comments made by experts Greg Kamman and Matt Hagemann regarding the Project's impacts to water supply, adjacent well water drawdown, sedimentation, and runoff, this analysis is of critical concern. An EIR must include sufficient information about each alternative "to allow meaningful evaluation, analysis and comparison with the proposed project." (Guideline § 15126.6(d).) Each alternative "must be described in sufficient detail to permit comparison with the proposed project. The key issue is whether the selection and discussion of alternatives fosters informed decision-making and informed public participation." (*Laurel Heights I, supra*, 47 Cal.3d at 404.) While it may be considered sufficient to provide a matrix to summarize the comparisons, as the Planning Director asserts, the matrix must provide sufficient information to provide a meaningful comparison, and does not. (Final EIR 4-113; Planning Director's Final Approval, pg. 15.)

- The Final EIR failed to provide sufficient data to allow a meaningful comparison of the alternatives to the Project. The EIR's response that such

data was not required to be included in the EIR is incorrect. (Final EIR 4-113.

**9. Additional Information**

Additional information regarding the Project's runoff and landslide risk and a request for the Board's de novo review of these issues, is cited in the August 29, 2016 letters from attorney Thomas Lippe and expert Greg Kamman. (Exhibits 49 and 50, letters of Thomas Lippe and Greg Kamman.) I have reviewed the expert testimony provided by Greg Kamman and concur with the legal and factual assessments made by Thomas Lippe.

Sincerely,



Rachel Mansfield-Howlett  
Attorney for Appellants, COHA and COCWD

Index to Appeal filed by Circle Oaks Homes Association and Circle Oaks County Water District – September 1, 2016

| EXH. NO. | Document Title                                                                                                  | Author                                                                       | Date           | For Party                                                        | Issues addressed related to concerns of Circle Oaks Community                                                                                                                                                                                                                                                                                                        | Page No.                  |
|----------|-----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|----------------|------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
|          | <b>Draft EIR COMMENTS</b>                                                                                       |                                                                              |                |                                                                  |                                                                                                                                                                                                                                                                                                                                                                      |                           |
| 01       | Walt Ranch Development Project Draft EIR                                                                        | Rachel Mansfield-Howlett, Esq. of Provencher and Flatt, Attorneys (27 pages) | 11/21/2014     | Circle Oaks Homes Association; Circle Oaks County Water District | <p>Attorney draft EIR comments on expert reports submitted:</p> <ul style="list-style-type: none"> <li>Report prepared by Matt Hagemann, P.G., C.Hg., QSD, QSP</li> <li>Report prepared by Greg Kamman, PG, CHG</li> <li>Report by Eric Yee, Noise and Acoustics Consultant</li> <li>COCWD re water district operations and infrastructure (Ron Tamarisk)</li> </ul> | 001-027                   |
| 2a       | Draft EIR for Walt Ranch Erosion Control Plan Application No. P#11-00205-ECPA                                   | Thomas N. Lippe, Esq., APC (21 pages)                                        | 11/21/2014     | Living Rivers Council                                            | <p>Attorney draft EIR comments on expert reports submitted on issues:</p> <ul style="list-style-type: none"> <li>Sedimentation</li> <li>Erosion</li> <li>Groundwater Resources</li> <li>Storm runoff from vineyards</li> </ul>                                                                                                                                       | 02(a)-28 to 02(a)-48      |
| 2b       | Napa Valley Hillside Vineyards: Cumulative Effects of Conversion of Upland Woodlands and Chaparral to Vineyards | Robert R. Curry, Ph.D., Registered Geologist, Hydrologist and Soil Scientist | 12/24/2000     | Watershed Systems                                                | <ul style="list-style-type: none"> <li>Evaluation of Current Napa County Regulations</li> <li>Soil Mapping standards applicable to Napa Valley Environs</li> </ul>                                                                                                                                                                                                   | 02(b)-49 To 02(b)-60      |
| 2c       | Report on Napa River Watershed Sediment TMDL and Habitat Enhancement Plan                                       | Robert R. Curry, Ph.D., Registered Geologist, Hydrologist and Soil Scientist | 5/7/2008       | Watershed Systems for Thomas Lippe                               | <ul style="list-style-type: none"> <li>Report on specific hydrologic and sediment issues associated with program implementation</li> <li>Curriculum Vitae</li> </ul>                                                                                                                                                                                                 | 02 (c) -61 To 02(c) - 67  |
| 2d       | Staff Report: Napa River Watershed Sediment TMDL and Habitat                                                    | Michael Napolitano, Sandia, Potter and Dyan Whyte                            | September 2009 | California Regional Water Quality Control Board –                | <ul style="list-style-type: none"> <li>Problem Statement</li> <li>Source Analysis</li> <li>Water Quality Standards and</li> </ul>                                                                                                                                                                                                                                    | 02(d) - 68 To 02(d) - 229 |

|    | Enhancement Plan                                                                  |                                                           |  | San Francisco Bay Region | Numeric Targets for Sediment Linked Analysis and Allocations<br>• Implementation Plan<br>• Regulatory Analysis                                                                                                                                                                                                                                                                                                                                                             |                            |
|----|-----------------------------------------------------------------------------------|-----------------------------------------------------------|--|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 2e | Water Availability Analysis – Policy Report                                       |                                                           |  | August 2007              | <ul style="list-style-type: none"> <li>Appendix A: Estimated Water Use for Specific Land Use</li> <li>Guidelines for Estimating Non-residential water usage</li> <li>Parcel Location Factors</li> <li>Appendix B: Average Rainfall/threshold factors/acceptable water use</li> <li>Appendix C: Guidance for MST Basin Permit Applications [Ag developments in MST Basin]</li> <li>Conservation, Development Planning Report on WAA (Feb 1991) with Staff Report</li> </ul> | 02(e) - 230 To 02(e) - 248 |
| 2f | Water Resource Study for the Napa County Region                                   | Napa County Flood Control and Water Conservation District |  | January 1991             | <ul style="list-style-type: none"> <li>Study Summary, Objective and Scope</li> <li>Description of Study Area</li> <li>Water Needs</li> <li>Water Quality</li> <li>Existing Water Supplies</li> <li>Balancing Water Needs and Supplies</li> </ul>                                                                                                                                                                                                                           | 02(f) – 249 To 02(f) - 323 |
| 2g | Groundwater Permit Application; Water Availability Analysis (Phase 1 Study) -FORM | Planning, Building and Environmental Services             |  | Undated                  | <ul style="list-style-type: none"> <li>Water use for vineyards should be no lower than 0.2 AF—unless irrigation records are available that show otherwise.</li> </ul> <p>** To determine your existing and proposed total water use in gallons, multiply the totals (in acre- feet) by</p>                                                                                                                                                                                 | 02(g) – 324 To 02(g) - 329 |

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| 2h | Ground-Water Hydrology of Lower Milliken-Sarco-Tulucay Creeks Area (Napa County, CA)             | By Michael J. Johnson, in cooperation with Napa County Flood Control and Water Conservation District | August 1977 | U. S. Geological Survey Water Resources Investigation 77-82                                         | 325,821 gal/AF.<br><ul style="list-style-type: none"> <li>Groundwater geology for Sonoma Volcanics and their water bearing properties</li> <li>Superficial Deposits and their water bearing properties</li> <li>Structural Features</li> </ul>                                                                                                       | 02(h) – 330 To 02(h) - 375 |
| 2i | Ground-Water Hydrology of Lower Milliken-Sarco-Tulucay Creeks Area (Napa County, CA) [2000-2002] | By Christopher D. Farrar and Loren F. Metzger                                                        | 2003        | U. S. Department of the Interior and Geological Survey Water Resources Investigation Report 03-4229 | <ul style="list-style-type: none"> <li>Geology: Sonoma Volcanics Quaternary Alluvial Deposits Ground-Water Hydrology Recharge Discharge Ground-water levels Ground-water movement Annual/Seasonal Fluctuations Groundwater level changes 1975-2001</li> <li>Surface water and Ground-water quality Methods of water sampling and analysis</li> </ul> | 02(i) – 376 To 02(i) - 481 |
| 03 | Draft EIR for Walt Ranch Erosion Control Plan Application No. P#11-00205-ECPA                    | Thomas N. Lippe, Esq., APC (7 pages)                                                                 | 11/21/2014  | Living Rivers Council                                                                               | <p>Draft EIR fails as informational document re project impacts on:</p> <ul style="list-style-type: none"> <li>Oak Woodlands</li> <li>Cumulative Impacts (Biological resources)</li> <li>Cumulative Impacts on past, present and reasonably foreseeable future projects</li> </ul>                                                                   | 003 – 482 To 003 - 488     |
| 04 | Draft Environmental Impact for Walt Ranch Erosion Control Plan Application #P1100205 ECPA        | Marc R. Wolfe, Esq. of Marc R. Wolfe and Associates, P.C. (13 pages)                                 | 11/21/2014  | Sierra Club, Napa Group                                                                             | <p>Attorney comments on issues:</p> <ul style="list-style-type: none"> <li>Draft EIR Analysis of Air Quality Impacts</li> <li>Fails to Address Potential Health Effects to Nearby Sensitive Receptors (Emissions of Diesel</li> </ul>                                                                                                                | 004 – 489 To 004 - 501     |

Index to Appeal filed by Circle Oaks Homes Association and Circle Oaks County Water District – September 1, 2016

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|    |                                                                    |                                                                                                                                                                      |            |                                                                  | <ul style="list-style-type: none"> <li>• Particulates) during Construction</li> <li>• Approach to Mitigation for Loss of Sensitive Habitat Areas Legally Flawed</li> <li>• Deficient as to Analysis/Proposed Mitigation of Project's Climate Impact Changes</li> <li>• Approach to Cumulative Impact Analysis is Legally Flawed</li> <li>• Project Improperly Ignores Potential Growth Inducing Impacts</li> </ul> |                              |
| 05 | Comments on Walt Ranch Project, Napa County California             | Matt Hagemann, P.G.,<br>C.Hg., QSD, QSP<br>SWAPE Technical Consultants, Data Analysis and Litigation Support for the Environment with Professional Resume (16 pages) | 11/20/2014 | Circle Oaks Homes Association; Circle Oaks County Water District | <p>Expert Comments on draft EIR and Project impacts upon:</p> <ul style="list-style-type: none"> <li>• Groundwater Supply</li> <li>• Insufficient consideration of drought impact upon aquifer</li> <li>• Groundwater Use Inconsistent with other vineyard projects</li> <li>• Water Quality</li> <li>• Inadequate analysis of construction impacts/erosion potential</li> <li>• Water Contamination</li> </ul>    | 005 – 502<br>To<br>005 - 517 |
| 06 | Walt Ranch EIR, Napa County, CA Peer Review (CSA Project: 14-0636) | Eric Yee, Principal<br>Consultant of Charles M. Salter and Associates, Inc. (4 pages)                                                                                | 11/17/2014 | Circle Oaks Homes Association                                    | <p>Expert comments on draft EIR:</p> <ul style="list-style-type: none"> <li>• Report does not Accurately Represent Existing Noise Levels</li> <li>• Report Does not Adequately Address all of the Significance Criteria Established by CEQA</li> <li>• The Report Over Estimates the Noise Reduction Provided by Noise Barriers</li> <li>• The Report does Not Establish a Minimum Safe Distance for</li> </ul>    | 006 – 518<br>To<br>006 - 521 |

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| 07 | Review of Draft EIR, Walt Ranch Project, Napa, CA | Greg Kamman, PG, CHG and Principal Hydrologist of Kamman Hydrology & Engineering, Inc. with Resume (15 pages) | 11/20/2104 | Living Rivers Council | Blasting<br>Comments upon draft EIR and Project impacts on:<br><ul style="list-style-type: none"> <li>• MST Groundwater Deficient Basin</li> <li>• Project Estimate of Groundwater Storage is Unsubstantiated</li> <li>• Misleading Conclusion Regarding Available Groundwater Storage</li> <li>• Project Over-estimates Groundwater recharge-No Assessment of cumulative impacts</li> <li>• Insufficient site specific and cumulative impacts assessment of groundwater withdrawals</li> <li>• Invalid Mitigation Measure Association with potential impacts from Groundwater Pumping</li> <li>• Incomplete Hydrology Assessments of Potential Impacts to Ecosystem and water Supply</li> <li>• Inaccurate Quantification for Project Storm Water Runoff Estimates</li> <li>• Incomplete Erosion Potential Analysis; Potential Surface Erosion vs. Channel Erosion</li> <li>• Presentation of Cumulative Erosion Potential Impacts Obscure Potential On-site Impacts</li> <li>• Suitability of Project Erosion Control Measures</li> <li>• Project Potential to Active Dormant Landslides</li> <li>• Invalid Analysis of On-Site and</li> </ul> | 007 – 522 to 007 - 536 |
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|    |                                                                                     |                                                                                                                                                                                                                   |            |                                                                         |  | Cumulative Impacts                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                              |
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| 08 | Walt Ranch (#P11-00205<br>ECPA)                                                     | Joy Eldredge, P.E., Water<br>General Manager, City of<br>Napa<br>(5 pages)                                                                                                                                        | 11/21/2014 | City of Napa                                                            |  | <p>Comments on dEIR and adverse impacts of Project:</p> <ul style="list-style-type: none"> <li>• May increase overall delivery of sediment or other pollutants</li> <li>• Impact 4.-4 proposes well monitoring of water extracted for one year only</li> <li>• Volcanic aquifer system, climatic variations make it impossible to predict with certainty the long term impacts associated with groundwater extraction at the project site; GWMMP does not provide objective standards triggering action to prevent over-drafting and/or significant impacts to offsite wells</li> <li>• Threat to watershed by wildfire caused by vineyard activities resulting in organic loading not adequately addressed</li> </ul> | 008 – 537<br>To<br>008 - 541 |
| 09 | Comments on Draft EIR<br>for proposed Walt Ranch<br>Vineyard Development<br>Project | Aruna Prabhala, Chelsea<br>Tu, and Nicholas Whilpps,<br>Counsels for Center for<br>Biological Diversity; and<br>Marc Pandone, Chair,<br>Executive Committee,<br>Napa Sierra Club<br>(50 pages with<br>references) | 11/21/2014 | Center for<br>Biological Diversity<br>and the Napa<br>Group Sierra Club |  | <p>Attorney comments on dEIR and Project's impacts:</p> <ul style="list-style-type: none"> <li>• Establishes an Improper "Baseline in its Transportation and Traffic Impacts Section (pg. 31)</li> <li>• Analysis of Surface Water Resources is Flawed (pg. 35)</li> <li>• Fails to Adequately address Project Impacts regarding runoff and sedimentation (pg. 35)</li> </ul>                                                                                                                                                                                                                                                                                                                                          | 009 – 542<br>To<br>009 - 591 |

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|    |                                                   |                                                         |            |                          | <ul style="list-style-type: none"> <li>Provides Conflict and inadequate information regarding runoff and sedimentation impacts (pg 36)</li> <li>Provides Insufficient Mitigation Measures to Alleviate runoff and sedimentation impacts</li> <li>Provides an inadequate impact analysis and mitigation regarding nutrients and other pollutant impacts due to the project (pg. 38)</li> <li>Analysis of groundwater resources is Incomplete and in violation of CEQA mandates (pg. 39)</li> <li>Fails to adequately analyze the cumulative impacts of the project on groundwater resources</li> <li>Fails to adequately analyze impacts on other groundwater basins (pg. 40)</li> <li>Mitigation measures for Project impacts on groundwater resources are inadequate (pg. 41)</li> <li>Air Quality Analysis in the DEIR is inadequate (pg. 45)</li> </ul> | 010 – 592<br>To<br>010 - 617 |
| 10 | Comments on DEIR, Walt Ranch ECPA #O11-00205-ECPA | Nancy Tamarisk, Vice Chair, Napa Sierra Club (26 pages) | 11/21/2014 | Sierra Club – Napa Group | <ul style="list-style-type: none"> <li>Comments on draft EIR and Project impacts on: <ul style="list-style-type: none"> <li>Rock Crushing <ul style="list-style-type: none"> <li>Air Quality</li> <li>Noise</li> </ul> </li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                              |

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| 11 | Circle Oaks Drive | Mark Billings, CPII,<br>Certified Public<br>Infrastructure Inspector<br>(2 pages) | 11/21/2014 | Certified<br>Infrastructure<br>Inspector and<br>resident of Circle<br>Oaks | <ul style="list-style-type: none"> <li>• Sediment Production Analysis</li> <li>• Peak Run off Analysis</li> <li>• Impacts of Land Slippage on Circle Oaks</li> <li>• Seismicity</li> <li>• Access from Circle Oaks Drive</li> <li>• Oak Woodland Mitigation and Tree Disposal</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                               | 011 ~ 618<br>To<br>011- 619 |
|    |                   |                                                                                   |            |                                                                            | <p>Expert comments on draft EIR and Project concerning:</p> <ul style="list-style-type: none"> <li>• Poor condition of Circle Oaks Drive and lack of maintenance</li> <li>• Significant impact by increased vineyard traffic and usage by construction related equipment</li> <li>• Recommendation of use of pavement management program "Street Saver" to track/document condition of roads and for recommendations as to maintenance and repairs</li> <li>• Last maintenance treatment applied to C O roads was only one applied in last 13 years; Road is over 50 years old</li> <li>• Traffic volume and over-loads from construction will significantly impact "frail conduit" (roads)</li> </ul> |                             |

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| 12a | Comment Letter by David Heitzman   | David Heitzman<br>(7 pages)                                               | 11/21/2014 | Resident of Circle Oaks | <ul style="list-style-type: none"> <li>Comments and photographs documenting condition of Circle Oaks Drive, previous landslide mitigation to Circle Oaks Drive and Traffic Volume Study (2008)</li> <li>Potential future development into individual residential parcels</li> <li>Noise Levels and Sources</li> <li>Impacts on Circle Oaks Water Supply</li> <li>Cumulative Impact for access from Atlas Peak Road</li> <li>Protection of public water supply</li> <li>Zoning changes to General Plan</li> </ul> | 012(a) – 620 To 012(a) - 626 |
| 12b | Circle Oaks (2008) Traffic Study   | County of Napa Public Works<br>(1 page)                                   | 2/8/2008   | County of Napa          | Traffic Volume (Average Daily traffic) and Peak Volume values                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 012(b) – 627                 |
| 13  | Walt Ranch ECPA Draft EIR Comments | Chris Malan, Manager, Living Rivers Council<br>(7 pages with attachments) | 11/21/2014 | Living Rivers Council   | <ul style="list-style-type: none"> <li>MST Groundwater aquifer in detrimental over-draft</li> <li>Milliken Creek is one of only a few tributaries supplying fresh water to Napa River; DEIR fails to describe setting and recharge area of MST</li> <li>Walt Urbanization of vineyard conversion and additional 35 residential parcels increasing future ground water demands</li> </ul>                                                                                                                         | 013 - 628 To 013 ~ 733       |

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| 14a | Conservation Elements of Napa County General Plan | Stephen Gort, General Manager of Circle Oaks Homes Association (1 page email) | 11/21/2014 | For Circle Oaks Homes Association | <ul style="list-style-type: none"> <li>Significant cumulative environmental impacts are not identified in DEIR</li> <li>Walt Ranch Access from Atlas Peak Road not included within DEIR</li> <li>Napa River is listed as a 303(d) impaired waterway on list of Clean Water Action based upon pollutants (e.g. sediment, nutrients and pathogens)</li> </ul>                                                                                                                                                                                                                                    | 014(a) - 734 |
|     |                                                   |                                                                               |            |                                   | <ul style="list-style-type: none"> <li>Comments regarding Napa County General Plan requires these conservation elements prior to approval of a discretionary plan (pg. 3-29)</li> <li>County shall protect groundwater and other water supplies and require discretionary projects to demonstrate adequate water supply prior to approval</li> <li>County shall maintain or enhance infiltration and recharge of groundwater aquifers</li> <li>Napa County Sensitive Domestic Water Supply Drainages are governed pursuant to section 18.108.027 – Napa Co Conservation Regulations</li> </ul> |              |

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| 14b | Comments on DEIR regarding Circle Oaks Roads                                          | Stephen Gort, General Manager, Circle Oaks Homes Association (1 page email) | 11/21/2014 | For Circle Oaks Homes Association                         | <ul style="list-style-type: none"> <li>• Page 4.7-6 of DEIR describes Circle Oaks Roads incapable of withstanding substantial or continuous traffic</li> <li>• The DEIR defines construction traffic as 60 worker and 15 material trips one way per day, claiming it represents a 4% increase in overall traffic</li> <li>• The addition of construction traffic is a 100% increase in HEAVY traffic within Circle Oaks</li> <li>• Normal vineyard operations are defined as 160 worker trips and 8 grape trucks, one-way per day.</li> <li>• The addition of vineyard related traffic is a 100% increase in HEAVY traffic within Circle Oaks</li> </ul> | 014(b) – 735           |
| 15  | Circle Oaks County Water District Statement from Board of Directors at Public Hearing | Ron Tamarisk, Director, Circle Oaks County Water District (2 pages)         | 11/21/2014 | For Board of Directors, Circle Oaks County Water District | <ul style="list-style-type: none"> <li>• COCWD sole supplier of water to 500 residential customers for 50 years</li> <li>• No reasonable attempt to contact COCWD by Halls</li> <li>• DEIR inadequate in that it fails to disclose type and degree of water impacts on Project's neighboring water users</li> <li>• COCWD water supply described incorrectly in DEIR</li> <li>• Groundwater quality</li> </ul>                                                                                                                                                                                                                                           | 015 – 736 To 015 - 737 |

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| 16 | Written comments submitted in Response to the dEIR                        | Peter Krammer<br>(2 pages) | 11/13/2014 | Circle Oaks resident | <ul style="list-style-type: none"> <li>(concerns about pesticides, etc. contaminating wells)</li> <li>Concerns about infrastructure</li> <li>Describing ambient sound in Circle Oaks pre-Walt</li> <li>Traffic noise monitoring using a decibel meter</li> <li>Construction noise for 4 years, causing exponential change in noise levels in community</li> <li>Current prevailing background noise is 33 dBA, not 62 dBA which represents a 6X increase in perceived loudness</li> </ul> | 016 – 738<br>To<br>016 - 739 |
| 17 | Draft EIR for Walt Ranch Erosion Control Plan Application P#11-00205-ECPA | Bill Garrison<br>(2 pages) | 11/12/2014 | Circle Oaks Resident | <ul style="list-style-type: none"> <li>Circle Oaks water customers pay an average of \$160/month for services</li> <li>Also paying for \$3.7 million upgrade to water treatment plant</li> <li>Concerns that Walt will impact water supply; hauling water is not an acceptable option</li> </ul>                                                                                                                                                                                          | 017 – 740<br>To<br>017 - 741 |
| 18 | Walt Ranch Development Project Draft EIR                                  | Ron Tamarisk<br>(3 pages)  | 11/21/2014 | Circle Oaks resident | <ul style="list-style-type: none"> <li>Draft EIR fails to address effects of surface water runoff on the waste-water system</li> <li>Concerns about infiltrates of pesticides, chemicals and nitrates entering COCWD waste water system</li> <li>Concerns about pedestrian safety</li> </ul>                                                                                                                                                                                              | 018 – 742<br>To<br>018 - 744 |

Index to Appeal filed by Circle Oaks Homes Association and Circle Oaks Water District – September 1, 2016

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| 19a | Walt Ranch Vineyard<br>Conversion Project #P11-<br>00205 | Sue Wagner<br>(16 pages)  | 11/21/2014 | Circle Oaks<br>Resident                                                                                                                      | <ul style="list-style-type: none"> <li>Lack of monitoring and enforcement for mitigations within draft EIR</li> <li>Failure to consider alternative access; significant impacts to community roads</li> <li>Impacts from increased traffic, noise and safety of pedestrians</li> <li>Impacts to roads and infrastructure not designed for commercial traffic</li> <li>Noise levels associated with construction and vineyard operations are unacceptable</li> <li>Lack of monitoring or complaint system regarding construction workers and vineyard personal activities to comply with mitigation measures</li> <li>Vibration/Blasting and Soil Instability</li> </ul> | 019(a) –<br>745<br>To<br>19(a) –<br>760  |
| 19b | Final Subdivision Public<br>Report                       | Department of Real Estate | 11/28/1977 | In the matter of<br>the application of<br>Robert H. Taylor<br>for Subdivision<br>Public Report on<br>Circle Oaks Unit #1,<br>Napa County, CA | <ul style="list-style-type: none"> <li>Report for the Circle Oaks Subdivision:<br/>Report covers 134 lots of original subdivision</li> <li>Original subdivision contained 331 lots</li> <li>Soil conditions classified as to each lot</li> <li>Lots classified as IIRC are not suitable for residential structures</li> </ul>                                                                                                                                                                                                                                                                                                                                           | 019(b) –<br>761<br>To<br>019(b) –<br>765 |

Index to Appeal filed by Circle Oaks Homes Association and Circle Oaks Water District – September 1, 2016

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| 19c | Report to the County of Napa                                                                                | Crosby and Associates     | August 1969 | Soil and Geologic Investigation for Circle Oaks Unit 1, Napa County CA               | <ul style="list-style-type: none"> <li>Letter to Engineering and Road Department concerning Type III lots</li> <li>Listing of lots, typed by stability classification</li> </ul>                                                                                                                                                                                                                                                                                                                                | 19(c) – 766 To 019 (c) – 775 |
| 19d | Modified Topographical Map of community of Circle Oaks identifying street routes and previous road failures | Enhanced by Sue Wagner    | 11/21/2014  | Circle Oaks community road structure and routes potentially to be used by Walt Ranch | <ul style="list-style-type: none"> <li>Identifies location of extensive road failure on Circle Oaks Drive (previously repaired by County of Napa)</li> <li>Identifies location of extensive road failure on Country Club Lane (previously repaired by County of Napa)</li> <li>Identifies location of Capell Creek in relation to subdivision</li> </ul>                                                                                                                                                        | 19(d) - 776                  |
| 20  | DEIR Walt Ranch Erosion Control Plan Application (P#11-00205-ECPA)                                          | Jeff Roberts (3 pages)    | 11/20/2014  | Circle Oaks Resident                                                                 | <ul style="list-style-type: none"> <li>Existing noise levels are not properly measured</li> <li>Only one nearest noise receptor is documented when 178 families will be impacted</li> <li>EIR fails to evaluate completely the impacts of noise from the Project</li> <li>Lack of information about consequences of blasting and vibration; no complaint process established</li> <li>Rock crushing equipment to be used on site for road construction is not set forth or evaluated within the DEIR</li> </ul> | 020 – 777 to 020 - 779       |
| 21  | Walt Ranch Draft Environmental Impact                                                                       | John Harrington (7 pages) | 11/6/2014   | Resident of Atlas Peak (Napa)                                                        | <ul style="list-style-type: none"> <li>Hall Brambletree/Hall's investment in political</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                               | 021 – 780 To                 |

| Report (DEIR) |               |                          | County)                         | 021 - 786                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|               |               |                          |                                 | <ul style="list-style-type: none"> <li>campaigns in Napa Valley</li> <li>DEIR does not adequately address impacts on water quality and quantity</li> <li>Impact from severe drought not considered in DEIR</li> <li>Impossible to predict amount of groundwater in Sonoma Volcanics</li> <li>Seismic activity and changes in water availability</li> <li>No definition of when ground water is significantly impacted to require County to take action</li> <li>No mitigation to provide water to residents with wells affected by over-draught of aquifer by Walt Ranch</li> <li>Napa County is a mono-culture of grapes and wine without any planning for long term viability</li> </ul> |
| 22            | DEIR Comments | Bob McLeish<br>(3 pages) | 27 year resident of Circle Oaks | <p>022 ~ 787<br/>To<br/>022 - 789</p> <ul style="list-style-type: none"> <li>Draft EIR does not correctly state the daily traffic in Circle Oaks</li> <li>225' dirt Road at end of Circle Oaks Drive will not support transportation of heavy equipment or increased traffic volume placing Circle Oaks infrastructure at risk</li> <li>Draft EIR should require alternate access for all Walt</li> </ul>                                                                                                                                                                                                                                                                                  |

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| 23 | Walt Ranch Erosion Control Plan Application (P#11-00205-ECPA) | Daniel Mufson, Ph.D. | 11/19/2014 | Resident of Atlas Peak area, Napa County | <p>Ranch traffic to reduce risk of failure of residential infrastructure</p> <ul style="list-style-type: none"> <li>• Questions ownership of property</li> <li>• Erroneous use of Napa State Hospital rainfall records</li> <li>• Fails to address true volume of water to be pumped annually</li> <li>• Project threatens water supply for all who depend on watersheds from Project to recharge MST &amp; Capell aquifers</li> <li>• Cumulative effects of Circle S not properly considered</li> <li>• Water pumping tests are inaccurate assessment of abundance of water (well recovery time too slow)</li> <li>• Project does not comply with County's Conservation elements of Master Plan</li> <li>• Scant data and improper assumptions used to conclude adequacy of water supply</li> <li>• Project violates General Plan Safety Elements by failure to address geologic hazards and landslide risk to Circle Oaks</li> </ul> | 023 – 799<br>To<br>023 - 806 |
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|    | <b>Final EIR COMMENTS</b>                                        |                                                                                      |          |                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                              |
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| 24 | Walt Ranch Development<br>Project Final EIR (P#11-00205-ECPA)    | Rachel Mansfield-Howlett,<br>Provencher and Flatt,<br>Attorneys at Law<br>(14 pages) | 4/4/2016 | Attorney<br>representing Circle<br>Oaks Homes<br>Association     | <p>Attorney comments on FEIR and <u>Project mitigations</u>:</p> <ul style="list-style-type: none"> <li>• Road Conditions and Project Access Way (third party examination of Circle Oaks Drive; surety bond)</li> <li>• Failure to address alternative access option as reasonable alternative to avoid serious impacts</li> <li>• Impacts to Circle Oak's Wells (deferred analysis of mitigation without requiring specific performance standards)</li> <li>• Community's wells are vulnerable to depletion due to lack of appropriate mitigation measures</li> <li>• Noise Impacts were inadequately responded to in the EIR</li> <li>• Exhibits Attached</li> </ul> | 024 – 807<br>To<br>024 - 820 |
| 25 | Walt Ranch Development<br>Project Final EIR<br>(P#11-00205-ECPA) | Rachel Mansfield-Howlett,<br>Provencher and Flatt,<br>Attorneys at Law<br>(9 pages)  | 4/4/2016 | Attorney<br>representing Circle<br>Oaks County Water<br>District | <p>Attorney comments on FEIR and <u>Project mitigations</u>:</p> <ul style="list-style-type: none"> <li>• Road Conditions and Project Access Way (third party examination of Circle Oaks Drive; surety bond)</li> <li>• Failure to address alternative access option as reasonable</li> </ul>                                                                                                                                                                                                                                                                                                                                                                          | 025 – 821<br>To<br>025 - 829 |

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|    |                                                                                                     |                                                                         |          |                                             | <p>alternative to avoid serious impacts</p> <ul style="list-style-type: none"> <li>• Impacts to Circle Oak's Wells (deferred analysis of mitigation without requiring specific performance standards)</li> <li>• Community's wells are vulnerable to depletion due to lack of appropriate mitigation measures</li> <li>• Exhibits attached</li> </ul>                                                                                                                                                                                                                                                                                                                 |                              |
| 26 | Walt Ranch Erosion Control Plan Application (P#11-00205-ECPA) and Final Environmental Impact Report | Thomas N. Lippe, Esq., of Law Offices of Thomas N. Lippe, APC (5 pages) | 4/4/2016 | Attorney representing Living Rivers Council | <p>Attorney comments on FEIR and Project mitigations</p> <ul style="list-style-type: none"> <li>• Mischaracterizes rate of groundwater recharge</li> <li>• Mischaracterizes hydraulic connection and groundwater flow between the project and MST aquifer</li> <li>• Fails to include reliable surveys of threatened and sensitive wildlife, including CRLF, FYLF, WPT and Townsends' Big Eared Bat</li> <li>• Fails to address significance of pumping more groundwater than is recharged</li> <li>• Fails to analyze significance of channel erosion and sediment production caused by increases in peak runoff/caused by engineered drainage structures</li> </ul> | 026 ~ 830<br>To<br>026 - 834 |

|    |                                                                       |                                                                        |          |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                            |                              |
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|    |                                                                       |                                                                        |          |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"><li>• Fails to analyze significance of herbicide/pesticide drift</li><li>• Project unlawfully defers development of mitigation measures until after Project approval</li><li>• MMRP is incomplete</li><li>• Project's cumulative impacts from Circle S Ranch Vineyard conversion are incorporated by reference</li></ul> | 027 - 835                    |
| 27 | Written Comment Sheet presented at Public Hearing on P#11-00205-ECPA  | Thomas N. Lippe, Esq., of Law Offices of Thomas N. Lippe, APC (1 page) | 4/4/2016 | Living Rivers Council          | <ul style="list-style-type: none"><li>• Attorney comments on FEIR and Project mitigations:</li><li>• The processes set forth in Mitigation measure 4.6-4 and Appendix R are not public</li><li>• Deferring process(es) to post approval deprives public in ability to participate in ground water availability and the causes of shortages and the appropriate County response</li><li>• Public process should be established for post approval implementation of mitigation measures</li></ul> |                                                                                                                                                                                                                                                                                                                                                            | 028 - 836<br>To<br>028 - 899 |
| 28 | Napa Sierra Club Final EIR Comments (Walt Ranch ECPA #P11-00205-ECPA) | Nancy Tamarisk, Chair of Napa Sierra Club (64 pages with attachments)  | 4/4/2016 | Chair, Sierra Club, Napa Group | <ul style="list-style-type: none"><li>• EIR is flawed and should not be certified</li><li>• No plan for disposal of cut trees</li><li>• Water usage calculations are incorrect and should be recalculated; ground water demand and effects need to be reassessed</li></ul>                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                            |                              |

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|    |                                                                       |                                                                                                                                                                                                             |          |                                                             | <ul style="list-style-type: none"> <li>• Groundwater recharge rates under conditions of climate change are inaccurate</li> <li>• Circle Oaks Drive as Access Road to Walt Ranch</li> <li>• Environmental concerns regarding revisions to existing Circle Oaks Drive access to Walt Ranch not addressed</li> <li>• Safety/pedestrian concerns not addressed</li> <li>• Lack of mitigation for carbon sequestration of cut trees</li> <li>• Land and Soil instability and correlation to recent failure of SR121</li> </ul> |                                |
| 29 | Comments on FEIR for proposed Walt Ranch Vineyard Development Project | April Rose Summer, Aruna Prabhala, Jenny Loda, and Nicholas Whipps, Counsels for Center for Biological Diversity; and Marc Pandone, Chair, Executive Committee, Napa Sierra Club (50 pages with references) | 4/1/2016 | Attorneys for Biodiversity and Napa Group Sierra Club       | <p>Attorney comments on FEIR and <u>Project mitigations</u>:</p> <ul style="list-style-type: none"> <li>• Air quality and pesticide drift hazards not addressed</li> <li>• Incomplete/unstable project design</li> <li>• Need to issue an Amended EIR</li> </ul>                                                                                                                                                                                                                                                          | 029 – 900<br>To<br>029 – 1,267 |
| 30 | Circle Oaks Drive (update to Comment Letter i111)                     | Mark Billings, CPII (Certified Public Infrastructure Inspector)                                                                                                                                             | 4/3/2016 | City of American Canyon, Public Works, Circle Oaks Resident | <p>Expert comments in reply to <u>DEIR comments</u>:</p> <ul style="list-style-type: none"> <li>• Inadequate mitigation for Circle Oaks Drive</li> <li>• EIR Response did not address “road failure”</li> <li>• Circle Oaks Drive in “state of failure”</li> </ul>                                                                                                                                                                                                                                                        | 030 – 1,268                    |

Index to Appeal filed by Circle Oaks Homes Association and Circle Oaks County Water District – September 1, 2016

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|     |                                                                              |                                                                         |              |                                                                    |  | <ul style="list-style-type: none"><li>EIR did not address continued use for transport of grape harvest</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  |
| 31a | Update to Comment Letter i114                                                | David Heitzman                                                          | 4/3/2016     | Circle Oaks Resident                                               |  | <ul style="list-style-type: none"><li>EIR did not address failure of Circle Oaks Drive; no baseline analysis of road condition has been established</li><li>Increased vineyard related and construction traffic</li><li>Current condition report of Circle Oaks Drive road failure</li><li>Reasonable alternative not addressed to re-route construction and heavy equipment thru alternative access to Walt</li><li>Circle Oaks community situated on ancient landslide; concerns about effects on ground water recharging</li></ul> | 031(a) – 1,269 To 031(a) – 1,288 |
| 31b | Landslide Mitigation Report (254 Circle Oaks Drive), Napa County, California | Report Prepared by Matriscope Engineering Laboratories, Inc. (95 pages) | 10/2/2006    | Frank Lucindo, Asst. Engr., Napa County Department of Public Works |  | Report includes data review, field investigation, laboratory testing, and engineering analysis. Includes: Site geologic characterization report and recommendations for repair of landslide                                                                                                                                                                                                                                                                                                                                           | 031(b) – 1,289 To 031(b) – 1,383 |
| 31c | Photograph of landslide mitigation at 254 Circle Oaks Drive                  |                                                                         | October 2006 |                                                                    |  | REF: Landslide mitigation work performed in Circle Oaks in October 2006 (See also Landslide Mitigation Report (See Exhibit 31b))                                                                                                                                                                                                                                                                                                                                                                                                      | 031(c) – 1,384                   |

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| 32 | Comments on Final EIR for Walt Ranch and Need for Conditions to Protect municipal Water Supplies within Milliken Reservoir | Joy Eldredge, Water General Manager of City of Napa                  | 4/4/2016  | City of Napa Municipal Water Department | <p>EIR fails to:</p> <ul style="list-style-type: none"> <li>• Acknowledge SWRCB Anti-degradation policy that prohibits Ag storm water runoff or irrigation drainage from causing degradation of receiving waters</li> <li>• Characterize water quality impacts as significant or potentially significant with respect to nutrients</li> <li>• Prescribe mitigations requiring water quality monitoring for nutrients and turbidity</li> <li>• Prescribe a BMP modification triggered by monitoring results</li> <li>• Prescribe as a condition of approval, that project will be revoked for failure to implement mitigation measures</li> <li>• Approve no project alternative for vineyard development in Milliken watershed as best alternative</li> </ul> | 032 – 1,385 to 032 – 1,412 |
| 33 | Walt Ranch Erosion Control Plan                                                                                            | Jack MacDonald, General Manager of Circle Oaks County Water District | 7/22/2014 | Circle Oaks County Water District       | <p>Former General Manager's concerns about Circle Oaks <u>water supply</u>:</p> <ul style="list-style-type: none"> <li>• Circle Oaks community could be affected by the numerous Project wells and reservoirs</li> <li>• Hall Well #4 is located 1,800 feet from Circle Oak's (16)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 033 – 1,413                |

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|    |                                                                       |                                                                                                               |          |                       | horizontal wells which supply one third of community water supply; <ul style="list-style-type: none"><li>• Hall Well #4 is 3,400 feet from CO's main vertical well which supplies 2/3 of community water supply</li></ul>                                                                                                                                                                                                                                                                        | 034 – 1,414 to 034 – 1,416 |
| 34 | Regarding FEIR #201202046 (ECPA #P11-00205 Walt Ranch Project)        | Chris Malan, Manager of Living Rivers Council (19 pages)                                                      | 4/4/2016 | Living Rivers Council | <ul style="list-style-type: none"><li>• Cumulative impacts on Napa River watershed, not discussed in Walt FEIR</li><li>• MST in decline</li><li>• Groundwater impacts are not accurately assessed</li><li>• Significant cumulative erosion created by deep ripping and grading of soil for installation of ECP infrastructure</li><li>• Deforestation of native trees</li><li>• County must work in collaboration with City of Napa to study impacts and protect future water supplies</li></ul> |                            |
| 35 | Review of Final EIR: Walt Ranch Erosion Control Plan (P11-00205-ECPA) | Greg Kamman, PG, CHG and Principal Hydrologist of Kamman Hydrology & Engineering, Inc. with Resume (15 pages) | 4/2/2016 | Living Rivers Council | Expert's comments on Review of FEIR: <ul style="list-style-type: none"><li>• Unmitigated impacts to Ground-Water and Milliken Reservoir Watershed</li><li>• Estimate of Groundwater Recharge as Percentage of Rainfall</li><li>• Hydrologic Connections to the MST Study Area</li><li>• Hydrology: Surface Water Impacts (Response 15 in FEIR)</li></ul>                                                                                                                                         | 035 – 1,417 to 035 – 1,429 |

Index to Appeal filed by Circle Oaks Homes Association and Circle Oaks County Water District – September 1, 2016

|    |                                                        |                                                                          |           |                                   |  | Erosion and Sedimentation Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                  |
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| 36 | Update to Comment Letter i122                          | Sue Wagner                                                               | 4/4/2016  | Circle Oaks Resident              |  | <ul style="list-style-type: none"> <li>• Mitigation 4.7-4 refers only to Circle Oaks Drive and does not reference any other surface roads within the community to be used by Walt Project</li> <li>• No restrictions within DEIR re use of Juniper Drive;</li> <li>• Response to Comments inadequate related to mitigations</li> <li>• Mitigation 4.7-4 does not specify limits and restrictions as to when third party consultants recommendations will be implemented</li> <li>• Road maintenance within Circle Oaks is an extremely low priority for Napa County</li> <li>• Circle Oaks Roads poorly designed; not safe for commercial use</li> <li>• Noise levels from construction activities are unacceptable and create a significant impact which cannot be mitigated</li> <li>• Blasting and Vibration; long term effect on unstable hillsides</li> </ul> | 036 – 1,430<br>To<br>036 – 1,450 |
| 37 | Walt Ranch EIR, Napa County, CA (CSA Project: 14-0636) | Eric A. Yee, Principal Consultant, of Charles M. Salter Associates, Inc. | 3/29/2016 | For Circle Oaks Homes Association |  | <ul style="list-style-type: none"> <li>• Expert comments in response to Final EIR:</li> <li>• Report does not address traffic</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 037 – 1,451<br>To<br>037 – 1,454 |

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|  | (4 pages) |  |  |  | <p>noise impacts (mitigation measure 4.8-1)</p> <ul style="list-style-type: none"> <li>--Noise Exceeds Federal and State Standards</li> <li>--Noise during peak AM and PM hours exceeds 10 dBA</li> <li>--Add'l truck traffic with increase day-night average to 13 dBA.</li> <li>--Truck noise not exempt under agriculture operations exemption</li> <li>• Report does not address noise from additional truck traffic for transportation of grapes</li> <li>• Report does not address noise from alternative methods of rock demolition and removal</li> <li>--Project to use noisier equipment than less noisy options</li> <li>--Rock crushing equipment will generate noise exceeding 90 dBA at 50'</li> <li>• Noise barriers are impractical as mitigation</li> <li>• Better mitigations are prescribed</li> <li>• Project related excavation and bedrock removal will expose residents to excessive groundborne vibration or groundborne noise levels</li> <li>• Report over-estimates value of</li> </ul> |
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|    |                                                                                                   |                                                                       |           |                                          |  | mitigation from sound walls                                                                                                                                                                                                                                                                                                                                                                                                                        |                                  |
|    |                                                                                                   |                                                                       |           |                                          |  | <ul style="list-style-type: none"><li>Recommendation of continuous noise monitoring program to measure and prove the noises do not exceed State and Federal guidelines</li></ul>                                                                                                                                                                                                                                                                   |                                  |
| 38 | The People of Circle Oaks have a simple question for the County: What if these Experts are Wrong? | Kathleen Maxim, President, of Circle Oaks Homes Association (2 pages) | 3/23/2016 | Circle Oaks Homes Association            |  | <ul style="list-style-type: none"><li>Concerns about sharing water supply with Walt Ranch</li><li>Access thru Circle Oaks is not suitable for heavy vehicles</li><li>Circle Oaks' infrastructure is threatened if the roads fail</li><li>Access points along SR 121 are available to Walt Ranch</li><li>Over 24,000 trees are to be removed during the dry season with plans to burn the debris at an increased fire risk to Circle Oaks</li></ul> | 038 – 1,455<br>To<br>038 – 1,456 |
| 39 | Walt Ranch Development Project Final EIR                                                          | Ron Tamarisk (7 pages)                                                | 4/4/2016  | Circle Oaks resident                     |  | <ul style="list-style-type: none"><li>Failure to consider alternate access by Project</li><li>Safety and stability concerns regarding Circle Oaks Roads</li><li>Failure of SR 121</li><li>Seismic risk not adequately reviewed</li></ul>                                                                                                                                                                                                           | 039 – 1,457<br>To<br>039 – 1,463 |
| 40 | Update to previous Comment Letter submitted to dEIR                                               | David Heitzman (31 pages)                                             | 4/3/2016  | Circle Oaks Resident                     |  | <ul style="list-style-type: none"><li>Vineyard water consumption under-estimated per UC Davis Study</li></ul>                                                                                                                                                                                                                                                                                                                                      | 040 - 1,464<br>To<br>040 – 1,494 |
| 41 | Walt Ranch Erosion Control Plan Application P11-00205ECPA                                         | Greg Gale (3 pages)                                                   | 4/4/2016  | Atlas Peak Road resident, County of Napa |  | <ul style="list-style-type: none"><li>Responses in DEIR and FEIR appendices are contradictory regarding groundwater</li></ul>                                                                                                                                                                                                                                                                                                                      | 041 – 1,495<br>To<br>041 – 1,497 |

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|    |                                                                |                            |          |                      |                                                                                                                                                                                                                                                                                                                                                                                               | <p>pumping and neighboring wells</p> <ul style="list-style-type: none"> <li>• FEIR includes 82 new pages in the GWMMP which was not circulated for full review</li> <li>• Not enough testing and correlation to rainfall recharge to aquifer</li> <li>• MM 4.6-4 improperly defers mitigation</li> <li>• GHG analysis and mitigation does not comply with CEQA</li> <li>• FEIR defers mitigation under CEQA and does not comply with General Plan</li> </ul> |  |
| 42 | Walt Ranch Development Project Final EIR                       | Jeff Roberts<br>(1 page)   | 4/4/2016 | Circle Oaks resident | <ul style="list-style-type: none"> <li>• Unwise/unsafe to allow construction and vineyard worker traffic to use Circle Oaks Roads</li> <li>• 150 construction related worker trips per day unacceptable</li> </ul>                                                                                                                                                                            | 042 – 1,498                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |
| 43 | Walt Ranch Vineyards Agricultural Erosion Plan #P11-00204-ECPA | Laurence Carr<br>(3 pages) | 4/3/2016 | Circle Oaks resident | <ul style="list-style-type: none"> <li>• Hall-Brambletree not using organic farming methods; concerns about pesticides in water supply</li> <li>• Gross miscalculation of water usage by vineyard</li> <li>• Future development of Walt Ranch into residential vineyard parcels</li> <li>• Drought conditions remain persistent; climate change is affecting ability of aquifer to</li> </ul> | 043 – 1,499<br>To<br>043 – 1,501                                                                                                                                                                                                                                                                                                                                                                                                                             |  |

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|    |                                                   |                                                                  |          |                       |                                                                                                                                                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>Napa County needs to be steward of land and protect hillsides and watersheds</li> </ul> |             |  |
| 44 | Comment on Walt Ranch Vineyard Conversion         | Chris Benz<br>(1 page)                                           | 4/4/2016 | City of Napa resident | <ul style="list-style-type: none"> <li>Climate change is making water management more difficult</li> <li>Landslides due to heavy precipitation are of concern</li> <li>Walt Ranch and Circle Oaks located on cretaceous period landslide and has ground instability</li> <li>SR 121 recently failed during a period of heavy rains</li> </ul>                                    |                                                                                                                                | 044 ~ 1,502 |  |
| 45 | Walt Ranch Vineyard Development Project Final EIR | Lynna Roberts<br>(1 page)                                        | 4/3/2016 | Circle Oaks resident  | <ul style="list-style-type: none"> <li>Heavy equipment for construction and later heavy gondolas will travel roads traversed by pedestrians with no sidewalks</li> <li>Road failure will impede emergency response vehicles to Circle Oaks community</li> <li>Walt Ranch should be required to use their own access which is a safer and more responsible alternative</li> </ul> |                                                                                                                                | 045 ~ 1,503 |  |
| 46 | Comments on Walt Ranch Vineyard Conversion        | Tim Mulligan, Biology Professor, Napa Valley College<br>(1 page) | 4/5/2016 | Circle Oaks resident  | <ul style="list-style-type: none"> <li>Needless destruction of continuous oak biomes is not environmentally responsible</li> <li>Need buffer zone between Circle Oaks and proposed vineyards to prevent overspray from pesticides,</li> </ul>                                                                                                                                    |                                                                                                                                | 046 ~ 1,504 |  |

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| 47 | Comments on FEIR Walt Ranch Vineyard Conversion Project | Robert McLeish<br>(2 pages) | Undated<br>(submitted on 3/23/2016) | Circle Oaks resident | <p>herbicides and sulfur from impacting local residents</p> <ul style="list-style-type: none"> <li>• This Project will cause lasting environmental effects that cannot be undone</li> <li>• Average rainfall incorrectly assumed at 35 inches per year</li> <li>• 168 vehicle trips per day is a significant impact on Circle Oaks Roads</li> <li>• Unfavorable experiences with Hall employees who do not obey speed limit in community</li> <li>• No sidewalks creates safety challenge for pedestrians; he walks community every day</li> <li>• Alternate access to Walt Ranch is only solution..cheaper and safer than endangering Circle Oaks residents</li> <li>• Mitigation for infrastructure (inspection and monitoring) DOES NOT ADDRESS LOSS OF SERVICE</li> <li>• Commercial vehicles on the dirt road at end of Circle Oaks Drive constitutes an excessive burden on an easement</li> <li>• 25 trees have been marked for removal near existing Walt Ranch entrance at end of</li> </ul> | 047 – 1,505<br>To<br>047 -1,506 |
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Index to Appeal filed by Circle Oaks Homes Association and Circle Oaks County Water District – September 1, 2016

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| 48 | Response to Walt Ranch<br>FEIR                                                                                                                                                                        | Peter and Annette<br>Krammer<br>(6 pages)   | 3/31/2016  | Residents of Circle<br>Oaks | Circle Oaks Drive which are<br>situated in a wetland not<br>addressed in the FEIR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 048 – 1,507<br>to<br>048 – 1,512 |
|    |                                                                                                                                                                                                       |                                             |            |                             | <ul style="list-style-type: none"> <li>• Challenging County's definition of "right to farm"</li> <li>• Hall's Alexander Valley Vineyard McMansion conversion</li> <li>• Vineyard related traffic and safety concerns</li> <li>• Circle Oaks Roads in poor condition</li> <li>• Mandate an alternative access to Walt Ranch</li> <li>• Environmental concerns regarding herbicides, pesticides, fungicides seeping into CO water supplies;</li> <li>• concerns about pesticide drift</li> <li>• Concerns about noise, vibration and blasting</li> <li>• Construction and Traffic Noise caused by vineyard operations</li> </ul> |                                  |
| 49 | Appeal of Approval of<br>Agricultural Erosion<br>Control Plan No. P11-<br>00205-ECPA and<br>certification of Final<br>Environmental Impact<br>Report under the<br>California<br>Environmental Quality | Thomas N. Lippe, Esq.,<br>APC<br>(21 pages) | 08/29/2016 | Living Rivers<br>Council    | Attorney comments on basis for<br>Appeal: <ul style="list-style-type: none"> <li>• List of specific factual and legal determinations being appealed;</li> <li>• EIR fails as to sediment impacts on Special Status Fish species</li> <li>• EIR fails as to impacts upon wetlands, amphibians and reptiles</li> <li>• EIR fails to analyze impacts upon groundwater</li> </ul>                                                                                                                                                                                                                                                  | 049 – 1,513<br>To<br>049 – 1,521 |

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|    | Act for the Walt Ranch Vineyard Conversion Project                                                        |                                                                                                                                  |           |                       | <ul style="list-style-type: none"> <li>EIR fails re: project impacts on Oak Woodlands</li> <li>EIR fails to as to assessment of cumulative impacts</li> <li>EIR fails to provide adequate environmental setting</li> <li>EIR fails to recognize significance of impacts by ignoring them entirely</li> <li>EIR unlawfully defers development of mitigation measures</li> <li>EIR fails to provide legally adequate responses to comments</li> <li>EIR contains inadequate Assessment and Mitigation of groundwater drawdown impacts</li> <li>New Information regarding Increased Runoff</li> <li>New Information regarding Landslide Risk</li> <li>New Information and De Novo Review</li> </ul> |                                  |
| 50 | Landslide Hazard Assessment Walt Ranch Erosion Control Plan (P11-00205-ECPA) Walt Ranch Project, Napa, CA | Greg Kamman, PG, CHG and Principal Hydrologist of Kamman Hydrology & Engineering, Inc. with Resume (72 pages including exhibits) | 8/26/2016 | Living Rivers Council | <ul style="list-style-type: none"> <li>Expert's comments on Responses by Analytical Environmental Services <u>Responses to FEIR Comments:</u></li> <li>Nothing stated by AES (July 2016)_changes Opinion of Kamman as stated in previous reports</li> <li>Runoff Curve Number Adjustments by Ripping Soil</li> <li>Effect of vineyard drainage</li> </ul>                                                                                                                                                                                                                                                                                                                                        | 050 – 1,522<br>To<br>050 – 1,593 |

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|    |                                                                                                                         |                                                                      |            |                           | <p>elements on Storm runoff rates</p> <ul style="list-style-type: none"> <li>• Project effects on landslide potential</li> <li>• Stream flow and sediment yield monitoring</li> <li>• Conclusions</li> <li>• References (attached exhibits)</li> </ul>                                                                                                                                                                                                    |                            |
| 51 | <p>Request for Driller's Logs</p> <p>REF: Draft EIR for Walt Ranch Erosion Control Plan Application P#11-00205-ECPA</p> | <p>Thomas N. Lippe, Esq., of Law Offices of Thomas N. Lippe, APC</p> | 10/23/2014 | For Living Rivers Council | <p>Attorney's letter to County of Napa Seeking information:</p> <ul style="list-style-type: none"> <li>• Request for Well Driller's logs for Walt Ranch Wells (WR-1 through WR-5);</li> <li>• Request for Well Driller's logs for Circle S Ranch (Wells CS-1 through CS-4)</li> <li>• Request for Well Driller's logs for Gale Well</li> <li>• Request for clear legible pages of Appendix A of draft Erosion Control Plan (pps. 1-15, 91-105)</li> </ul> | 051-1,594                  |
| 52 | <p>Request for Boring Logs for Wells Discussed in Hydrology Report for Walt Ranch Project</p>                           | <p>Greg Kamman, Kamman Hydrology and Engineering</p>                 | 10/23/2014 | For Living Rivers Council | <ul style="list-style-type: none"> <li>• Review of 2014 RCS Hydrology study</li> <li>• Selection of sites for wells may not include those pre-screened which resulted in poor water availability</li> <li>• Sonoma Volcanics vary in density and understanding the geology/hydrogeology conditions at each site drilled requires review of Driller's logs</li> </ul>                                                                                      | 052 – 1,595<br>To<br>1,596 |

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|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| 53 | Second Request for Driller's Logs to County of Napa and Hall Brambletree<br><br>REF: Draft EIR for Walt Ranch Erosion Control Plan Application P#11-00205-ECPA | Thomas N. Lippe, Esq., of Law Offices of Thomas N. Lippe, APC                                                                                             | 11/10/2014 | For Living Rivers Council              | <ul style="list-style-type: none"> <li>Previously requested Driller's Logs on 10/23/2014 and County advised it cannot legally disclose logs without consent of owner</li> <li>Formal request for Hall-Brambletree to provide consent</li> <li>Request for contact information for Hall Brambletree (info at Secretary of State's office does not provide adequate contact information)</li> </ul> | 053 – 1,597 To 1,598 |
| 54 | Transcript of DEIR Public Comments on November 12, 2014                                                                                                        | <a href="http://www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=4294982660">http://www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=4294982660</a> | 11/12/2014 | County of Napa Walt Ranch PBES Website | Website link only, no documents submitted                                                                                                                                                                                                                                                                                                                                                         |                      |
| 55 | <u>Walt Ranch Draft EIR</u><br>Walt Ranch Erosion Control Plan Application No. P11-00205-ECPA                                                                  | <a href="http://www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=4294982038">www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=4294982038</a>        | July 2014  | County of Napa Walt Ranch PBES Website | Website link only, no documents submitted                                                                                                                                                                                                                                                                                                                                                         |                      |
| 56 | Walt Ranch Final EIR <u>Volume 1 – March 2016</u><br>Walt Ranch Erosion Control Plan Application No. P11-00205-ECPA                                            | <a href="http://www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=4294985736">www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=4294985736</a>        | March 2016 | County of Napa Walt Ranch PBES Website | Website link only, no documents submitted                                                                                                                                                                                                                                                                                                                                                         |                      |
| 57 | Walt Ranch Final EIR <u>Volume 2 – March 2016</u><br>Walt Ranch Erosion Control Plan Application No. P11-00205-ECPA                                            | <a href="http://www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=4294985737">www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=4294985737</a>        | March 2016 | County of Napa Walt Ranch PBES Website | Website link only, no documents submitted                                                                                                                                                                                                                                                                                                                                                         |                      |

Index to Appeal filed by Circle Oaks Homes Association and Circle Oaks County Water District – September 1, 2016

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|----|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-------------------------------------------|-----------------------------------------------------------------------------|--|
| 58 | FEIR Public Comments submitted in writing to County of Napa | <a href="http://www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=429498601">http://www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=429498601</a> <sup>8</sup> | 4/1/2016  | County of Napa<br>Walt Ranch PBES Website | Website link only, no documents submitted                                   |  |
| 59 | FEIR Public Comments submitted in writing to County of Napa | <a href="http://www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=429498601">http://www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=429498601</a> <sup>8</sup> | 3/28/2016 | County of Napa<br>Walt Ranch PBES Website | Website link only, no documents submitted                                   |  |
| 60 | FEIR Public Comments submitted in writing to County of Napa | <a href="http://www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=429498601">http://www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=429498601</a> <sup>8</sup> | 3/23/2016 | County of Napa<br>Walt Ranch PBES Website | Website link only, no documents submitted                                   |  |
| 61 | FEIR Public Comments submitted in writing to County of Napa | <a href="http://www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=4294986018">www.countyofnapa.org/WorkArea/DownloadAsset.aspx?id=4294986018</a>                   | 4/4/2016  | County of Napa<br>Walt Ranch PBES Website | Update with website link And/or submit via PDF (Note: need to renumber #55) |  |