

1 NAPA COUNTY PLANNING, BUILDING & ENVIRONMENTAL SERVICES
2 DEPARTMENT

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5 IN RE: WALT RANCH DRAFT ENVIRONMENTAL IMPACT REPORT
6 EXTENSION OF PUBLIC COMMENT PERIOD
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10 TRANSCRIPT OF AUDIOTAPED PROCEEDINGS
11 MEETING OF AUGUST 6, 2014

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14 PRESENT:

14 BOB FIDDAMAN, Chair
15 MIKE BASAYNE, Commissioner
16 HEATHER PHILLIPS, Commissioner
17 TERRY SCOTT, Commissioner

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25 Transcribed by: Kathryn Johnson
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 AUGUST 6, 2014

1 CHAIR FIDDAMAN: We have three administrative items, as Ms.
2 Galina mentioned. The first of which is the Walt Ranch Draft EIR
3 Extension of Public Comment Period. And I'd like to mention in
4 response to the questions that have already been raised, this
5 actually is not a public hearing today on this item. It's an
6 administrative item. But we typically extend the courtesy to the
7 public to comment on an administrative item, and particularly
8 when it's one of obvious such interest to a lot of people.

9 Well, I think what we'll do at this point, we're going to
10 have a Staff Report first, and then I will make some other
11 comments before I will invite public comment. So, let's go with
12 the Staff Report. Thank you.

13 KELLI CAHILL: Chairman, or Chair Fiddaman, Commissioners,
14 Kelli Cahill with the Planning Department. Before you today is
15 consideration of possible action regarding a request for
16 extending the public comment period an additional 45 days for
17 the Draft Environmental Impact Report, or EIR, for the Walt
18 Ranch vineyard conversion project.

19 The project proposes development of approximately 356 net
20 vineyard acres and 507 gross disturbance acres in a 2,300-acre
21 parcel--or holding, I'm sorry. The project is located on the
22 west side of State Route 121, or Monticello Road, in the Capell
23 Creek and Milliken Reservoir watersheds in the southcentral Napa
24 County. And again, this is a 45-day extension to extend the
25 comment period ending currently August 25th to October 9th. If you
26 have any questions, I'll take them.

27 CHAIR FIDDAMAN: Any questions for Staff? Okay, I did want
28 to mention to the public, I mean, we're always happy to see lots

AUGUST 6, 2014

1 of folks out here to comment on items that concern them. But I
2 would like to ask first, is there anybody here to speak against
3 extending the time for this EIR? I see none.

4 And then I would remind everybody that this administrative
5 decision here today is only with respect to the amount of time
6 being devoted to the EIR response period. So we're not here
7 today to discuss the merits, or lack of merits of the project.

8 I would also point out that the Commission has received 122
9 pages of letters and petitions from the public, all of which
10 were in favor of extending this EIR response period for at least
11 45 days and to as much as six months.

12 I would also point out that the Staff has recommended that
13 the Commission approve this extension, and that the applicant
14 has agreed to the extension. And for that reason the applicant's
15 not even here today, they're assuming that it will be extended.

16 I would also point out that as soon as we've heard whatever
17 comment there will be from the public that it's my intention to
18 invite a motion to approve the extension from my colleagues.

19 So I'm simply pointing out that this is all but a done
20 deal. I'm not attempting to stifle public comment, but I'm also
21 reluctant for it to take a lot of time to hear comment on
22 something that's, for all purposes, a done deal.

23 But, with that, I will open it to public comment on this
24 administrative item.

25 GARY MARGADANT: Good morning Commissioners, my name is
26 Gary Margadant, I live up on Mt. Veeder Road. I just have one
27 little comment. I talked to Ms. Cahill about this extension
28 because I was concerned about the notification of it. And she

AUGUST 6, 2014

1 explained to me that the EIR was completed by a contractor, and
2 part of his contract was to--that he would take care of the
3 notification. So the notification didn't come through the
4 government offices, you know, and the Planning Department. And I
5 think that--so if all of us were expecting a notification, and
6 something coming from the County, which I would have normally--
7 because I'm on an email list for notifications of this sort--I
8 didn't get it.

9 And I would just say that that was one of maybe the flaws
10 in part of the process that I think that could be improved in
11 this. And that--that's essentially my feedback to you that I
12 would like to see that that was--that was a little disconcerting
13 to me to know that it was done by somebody else who wasn't
14 familiar with the procedures that we do it, and could not
15 duplicate it. So, thank you very much for your time.

16 CHAIR FIDDAMAN: Thank you. I'm sure Staff will take note
17 of your comment, Mr. Margadant, and make sure that in the future
18 when we've got a contractor responsible for the notification
19 process that they do it in accordance with our standard
20 procedure.

21 DEPUTY PLANNING DIRECTOR JOHN MCDOWELL: I believe there
22 was an exchange that occurred at the time the notice went out
23 between Mr. Bordona, and Ms. Cahill, and Mr. Margadant, and I
24 believe that our noticing obligations as prescribed by Code were
25 satisfied when this initial notice went out. Perhaps Brian or
26 Kelli can speak more to that.

27 CHAIR FIDDAMAN: Go ahead, Kelli.

28 MS. CAHILL: So in this case the environmental consultant

AUGUST 6, 2014

1 did produce the notification for the Napa Register, and the
2 legal notification for publication. The County produced
3 notification to the residents within 300 feet of the property,
4 including any other interested parties that had come along over
5 the years, had been notified as well. And in this case, Mr.
6 Margadant was on a separate list, and inadvertently left off,
7 however, his colleagues with the--correct me...

8 COMMISSIONER BASAYNE: Mt. Veeder Stewardship.

9 MS. CAHILL: Thank you. A few of them were notified. So as
10 a group they were notified, but Mr. Margadant, specifically, had
11 not been notified until he contacted me directly, in which time
12 I provided a CD copy of the report, as well as a notification.

13 CHAIR FIDDAMAN: Thank you, and for the members of the
14 public that may not be aware, the noticing procedures are
15 currently under review and have been discussed here at this
16 Commission, and, I believe, also with the Board of Supervisors
17 in our joint meeting. So I am anticipating that we're going to
18 be extending the noticing procedures and making it quite a bit
19 better. We're trying to do better than what the law requires.
20 So. All right, next speaker please.

21 DAVID HEITZMAN: My name is David Heitzman. I live in
22 Circle Oaks, 23 Rockrose Court, and I've served on the water
23 well advisory committee for the County at one time. I also
24 represent an ad hoc group trying to organize in Circle Oaks to
25 give a response to the EIR.

26 The EIR is a 1,500-page document. There's quite a few
27 questionable things on there that I don't believe meet best
28 practices. To have a response to that, this requires legal

AUGUST 6, 2014

1 counsel, and it's going to require expert witnesses, all of
2 which require money. To get money, because this is more of an
3 affordable housing place, probably one of the less expensive
4 places in the county. People up there do not have deep pockets,
5 which means we have to organize and we have to raise money
6 before we can even get the consultants on board. We need time
7 for that. Serious time for that. We need time to organize and
8 try and get people to open up their pocketbooks a little bit.
9 People don't believe, actually, what's going on.

10 Our first step has to be education, organization,
11 fundraising, get the experts to do their reports, and then file
12 it with the County. How can we do that, even in an additional 45
13 days? It's almost an impossible task, because we're all working
14 stiff. Could you go through a 1,500-page document and organize
15 and do this with a bunch of rural people? It's pretty difficult.

16 So we're trying to do a real response, not necessarily stop
17 the project, but it's got to be at least best practices. His
18 experts have to meet the same standards we're going to have to
19 meet. And I don't believe that that's the case in there. So
20 there's a lot to contend. And we need time. And 45--if it's the
21 45 days, we'll have to be back here again, and we will. Couldn't
22 we make this simpler for everyone and go as far as we can,
23 because it's going to take time. It's just too complicated, it's
24 just too big a shift. Legally maybe they can do it, but we're
25 shifting from ranch to vineyard.

26 There's a lot going on here, there's a lot of moving parts
27 here. All right? And if we can get more time, the more time for
28 us, the more we'll be able to respond, take less time with the

AUGUST 6, 2014

1 County, we'll be able to give a better response, a more thorough
2 and legal response. Thank you.

3 CHAIR FIDDAMAN: Thank you.

4 GEOFF ELLSWORTH: Geoff Ellsworth.

5 [AUDIENCE MEMBER:] Excuse me.

6 MR. ELLSWORTH: Geoff Ellsworth, St. Helena. I just wanted
7 to ask, is there going to be a public hearing at the end of the
8 public comment period, or is it just a period where people send
9 letters in? Because I was just going to request if there could
10 be a hearing, you know, that people could come to as well. Thank
11 you.

12 COMMISSIONER PHILLIPS: Should we talk about next time...

13 CHAIR FIDDAMAN: We can respond--I think we'll discuss that
14 in a little bit. As--my understanding is that the normal
15 procedure for a vineyard EIR approval is it's basically an
16 administrative decision and does not come to this Commission.
17 This is relatively unusual for the extension of the EIR response
18 period to come to this Commission. So, under that circumstance,
19 John, would the administrative hearing--would actually be a
20 public hearing that's announced, and?

21 DEPUTY DIRECTOR MCDOWELL: I'm smiling because I don't get
22 to answer this question, Brian Bordona does. [Laughter.]

23 CHAIR FIDDAMAN: Okay.

24 BRIAN BORDONA: The conservation regulations are not set up
25 in a way that brings the approval of the erosion control plans
26 before you. Such a change to the Code would be necessary,
27 directed by the Board. I suppose the only way this item would
28 come before the--in a public hearing would be in the form of an

AUGUST 6, 2014

1 appeal, if and when the County approved the project.

2 CHAIR FIDDAMAN: Right, and so an appeal would come to this
3 Commission before it would go to the Board of Supervisors?

4 MR. BORDONA: It would go before the Board of Supervisors.

5 CHAIR FIDDAMAN: It would. Okay.

6 COMMISSIONER PHILLIPS: Well then, so how would that work?
7 So if people are submitting comments, and we have to respond to
8 all comments, so we do that all--so they are--we then...

9 CHAIR FIDDAMAN: It's not us.

10 COMMISSIONER PHILLIPS: Well, I meant the County.

11 CHAIR FIDDAMAN: Yeah.

12 COMMISSIONER PHILLIPS: The County. So, then, so if you
13 were interested in this you would then read the responses to the
14 EIR. But then there is no--to the point that Mr. Ellsworth was
15 making, there is no public forum with which to discuss the
16 responses to your questions.

17 MR. BORDONA: That's correct. It would all be done by way
18 of written format in the context of a final EIR. Which,
19 essentially, is a response-to-comments document to all the
20 comments received during the Environmental Impact Report comment
21 period.

22 CHAIR FIDDAMAN: Commissioner Scott.

23 COMMISSIONER SCOTT: All right, then my understanding is
24 that this really doesn't come before us at all, except for the
25 extension of the comment period.

26 MR. BORDONA: That's correct. The County CEQA Guidelines
27 compel us to come to you before for the purpose of extending the
28 EIR comment period.

AUGUST 6, 2014

1 COMMISSIONER SCOTT: All Right. Is it within our purview to
2 extend the comment period beyond 45 days?

3 MR. BORDONA: I believe so. But, yeah, Laura's shaking her
4 head yes.

5 CHAIR FIDDAMAN: Okay.

6 COMMISSIONER PHILLIPS: Well, I actually am going to
7 comment on what you just said, which, based on the fact of the
8 process, and based on the comment that, and I'm sorry I forgot
9 the gentleman's name, made regarding 45 days...

10 CHAIR FIDDAMAN: Mr. Heitzman.

11 COMMISSIONER SCOTT: Mr. Heitzman. Yeah.

12 COMMISSIONER PHILLIPS: That I feel that 45 days is not a
13 great amount of time for a lay person to dig in to a 1,500-page
14 document. So, I don't know what direction you were going Terry,
15 but I would support discussing--I think what we're seeing is
16 these continual continuations, so to speak. And I would like to
17 try to nip that in the bud. So I would be interested in
18 exploring that.

19 CHAIR FIDDAMAN: Okay. With those comments then we will
20 continue with public comment on this administrative item.

21 EVANGELINE JAMES: Good morning, my name's Evangeline
22 James. I actually have three comments this morning. First of
23 all, I have to agree with Commissioner Phillips, I think 45 days
24 really is not a sufficient amount of time to allow the people
25 who want to oppose this EIR, the draft EIR, enough time to
26 oppose it, so I would join in a request to extend the public
27 comment period, up to as much as six months, although there may
28 be a certain time limit. Ms. Anderson I'm sure can answer that

AUGUST 6, 2014

1 question.

2 My second comment deals with the issues that you were just
3 discussing regarding the fact that there is no hearing at the
4 end of the public comment period on this particular application.
5 So, my observation is just that the people who oppose this
6 application, I'm not sure how they get notice if the project is
7 approved. I think that's of a concern to them. If they do want
8 to appeal, I'm not sure that they would know how to do that.

9 My third comment goes back...

10 CHAIR FIDDAMAN: Let me just comment. I think there is a
11 hearing, but it's an administrative hearing, is that correct?

12 MR. BORDONA: No, there's no hearing whatsoever.

13 CHAIR FIDDAMAN: There's no actual hearing, so it's just
14 approved administratively without any further comment from the
15 public other than written comments that are...

16 MR. BORDONA: Yeah, that's more or less correct. So, we
17 send the final EIR out, which contains all the County's
18 responses to the responses received. And within 10 days, or no
19 sooner than 10 days we'll be in a position to approve the
20 project. And we can notify folks of that approval at that time.

21 CHAIR FIDDAMAN: Okay.

22 COMMISSIONER PHILLIPS: They're just--it's just based on
23 written...

24 CHAIR FIDDAMAN: Right.

25 COMMISSIONER PHILLIPS: ...the responded, and then that's
26 it.

27 CHAIR FIDDAMAN: Right.

28 COMMISSIONER PHILLIPS: It's an interesting.

AUGUST 6, 2014

1 CHAIR FIDDAMAN: Sorry to interrupt you there, Ms. James,
2 but I wanted to get those thoughts.

3 MS. JAMES: That's fine. I appreciate the clarification. My
4 last comment, just very briefly, it is correct that I did
5 receive notice from Ms. Cahill when the documents were ready.
6 However, it was not because I was on the normal email list. It
7 was because I had been dealing with Mr. Bordona personally on
8 this issue earlier, and he asked that I be notified. So, I just
9 wanted to clarify that, and thank you very much.

10 CHAIR FIDDAMAN: Thank you.

11 DAN MUFSON: My name is Dan Mufson, I live on Atlas Peak
12 Road, and I represent many of my neighbors who are concerned
13 about this audacious project. This is the--these are the
14 documents that we're being asked to take a look at in 45 days. I
15 mean, we're just citizens, as David pointed out. I mean, what
16 sane person can really sit down and chew through these things.
17 So I really would hope that you would think about what the
18 Commissioner, Phillips, said, and extend this at least to six
19 months, because otherwise it's just not going to be appropriate
20 and fair.

21 And I would say that there are groups both at Circle Oaks,
22 and Atlas Peak, and people in the MST region who are quite
23 concerned about the impact of this project sucking the water off
24 at the top of the hill, and its impact on the Milliken and
25 Capell Valley watersheds. So, I hope that we will all join
26 together, and I hope you will give us some sufficient time to
27 respond to this.

28 CHAIR FIDDAMAN: Thank you. Okay. Any other public comment?

AUGUST 6, 2014

1 Thank you for restraining yourselves. [Laughter.] I know there's
2 a lot of you out there who would like to say me too. But we've
3 got the word, I think.

4 Okay, I'll bring it back to the Commission then, and I
5 think at least one Commissioner would like to have a little
6 dialogue on this and maybe ask a question or two of Staff. And
7 I'll let him start off. I have a question myself. So,
8 Commissioner Scott.

9 COMMISSIONER SCOTT: I agree. First of all, I would like to
10 have that dialogue with Staff and County Counsel. I have no
11 objection to an extension. And based on the comments from the
12 affected neighbors, I have no objections to an extended
13 extension beyond 90 days. I don't know what is appropriate, what
14 our limitations are, what can we recommend here. And I would ask
15 our County Counsel, Ms. Anderson, to address that.

16 COUNTY COUNSEL LAURA ANDERSON: So, there is no outer limit
17 on how far you can extend it. It's completely within your
18 discretion, and really you're just guided by a reasonable
19 standard. So, whatever you think is a reasonable amount of time
20 would be appropriate. I will let you know that when I talked to
21 Tom Adams who's representing the applicant, that they were
22 certainly comfortable with the 45-day extension. They understand
23 the document is voluminous and takes time. But, at the same
24 time, they are looking to get through the process. And so I
25 would imagine that they would view six months as being...

26 COMMISSIONER SCOTT: Excessive.

27 COUNSEL ANDERSON: ...out there. Yeah. But it's up to you.

28 CHAIR FIDDAMAN: Yeah, I think that is an aspect that we

AUGUST 6, 2014

1 need to keep in mind, is that the applicants have agreed to this
2 45-day extension. And in fact in an email exchange I had with
3 Mr. Paul, you know, I agreed with him that he probably didn't
4 need to be here today. But I don't think he had anticipated that
5 there might be longer than a 45-day extension, and in some
6 respects it's a little unfair to them if we extended
7 significantly longer when they're not here to make any comment.
8 So...

9 COMMISSIONER PHILLIPS: Well, I have to respectfully
10 disagree with you.

11 CHAIR FIDDAMAN: Just let me finish.

12 COMMISSIONER PHILLIPS: Okay.

13 CHAIR FIDDAMAN: Please.

14 COMMISSIONER PHILLIPS: All right. And my light was on, so.

15 CHAIR FIDDAMAN: Well I know but I'm speaking. [Laughter.]
16 So I think we just all need to keep that in mind, we have to be
17 fair to everybody. I'm not saying that I'm not in favor of a
18 longer extension, but I think we might also need to explore a
19 potential for granting a 45-day extension today, with the
20 expectation that we might extend it further at another
21 administrative meeting where the applicant would be here to
22 represent their interest. I am bothered by doing something
23 against an applicant's interest when they're not here. So. Okay.
24 Commissioner Phillips.

25 COMMISSIONER PHILLIPS: Well, I feel that you have to
26 respect that right. But they had every ability to be here today.
27 And I think you have to respect the right of--I mean it's not
28 easy to come down and spend a workday coming in to voice your

AUGUST 6, 2014

1 opinion as well. So, I think there has to be a balance. So
2 people have made the effort, and I don't think that--I think
3 that--I agreed--you did redeem yourself saying that we had to be
4 fair to everyone. But I do want to point out that they could
5 have come, and a lot of people have made the effort.

6 [Applause.]

7 CHAIR FIDDAMAN: All right. I didn't know I needed to
8 redeem myself. [Laughter.]

9 COMMISSIONER PHILLIPS: It was--no, no, but it's a...

10 CHAIR FIDDAMAN: But--let me point out...

11 COMMISSIONER PHILLIPS: It's a--you know, I think that we
12 have to be respectful of people that do make the effort to come.

13 CHAIR FIDDAMAN: Of course.

14 COMMISSIONER PHILLIPS: And so it wasn't redeeming, but
15 it's just I just want to make sure that we all understand what
16 it takes to come down here and do that. So.

17 CHAIR FIDDAMAN: Certainly.

18 COMMISSIONER PHILLIPS: Maybe redeem wasn't the right word.

19 CHAIR FIDDAMAN: We all respect that. But I might point out
20 that of the 122 pages of letters and petitions that we received,
21 which I went through last night, I do remember seeing one that
22 asked for a six-month extension.

23 COMMISSIONER SCOTT: Yeah.

24 CHAIR FIDDAMAN: And I don't--there--I might have missed
25 one, but all the rest of them that I saw were asking for the 45
26 days. So.

27 [MR HEITZMAN:] With all due respect, that's all we were
28 told we could have.

AUGUST 6, 2014

1 CHAIR FIDDAMAN: You can't speak from the back of the room
2 please, you'll have to come back up.

3 So I'm just pointing that out. If--we are trying to be fair
4 to everybody. If the applicants thought 45 days is what
5 virtually everybody wanted, then that's why they didn't show up
6 today.

7 Okay, so, hold on just a second, we have a couple other
8 Commissioner comments. Commissioner Basayne.

9 COMMISSIONER BASAYNE: I just wanted to say that given the
10 proposed scope and magnitude of this project, at least 45 days
11 is needed for the public to digest this, particularly the local
12 individuals who are being impacted.

13 And so, your concern absolutely resonates with me. And
14 obviously we have a process here that we're following, but I
15 definitely am supportive of the need for at least 45 days, if
16 not more time, in order to delve more deeply into the draft EIR.

17 CHAIR FIDDAMAN: Commissioner Scott.

18 COMMISSIONER SCOTT: I agree with Commissioner Basayne's
19 comments. Personally, I would have--I would be supportive of
20 actually an extended period beyond 45 days. I would agree with
21 several of the applicants' comments. They were not prepared for
22 an extended, you know, process in going through the application.
23 And this is something that's been in process on the applicant's
24 part for a long period of time.

25 CHAIR FIDDAMAN: Several years.

26 COMMISSIONER SCOTT: And they have not been necessarily
27 aware of it. I don't know what the awareness level was of the
28 community in this particular neighborhood. But I suspect it's

AUGUST 6, 2014

1 much more recent than that.

2 Long story short, is I don't think that 45 days is
3 adequate. I would agree with a longer extension. [Applause.]

4 CHAIR FIDDAMAN: Okay, next speaker please.

5 LISA HIRAYAMA: Hi, my name is Lisa Hirayama, I live in
6 Circle Oaks. I'm actually the one who asked for the six-month
7 extension. I'm actually the person who went out and talked to a
8 lot of the neighbors in the neighborhood. And a lot of us didn't
9 know what was going on. Or I should say that a lot of them
10 didn't know what was going on.

11 One thing I do want to point out is that Walt Ranch has
12 been working on this EIR for--since 2006, which is eight years.
13 You know, we get 45 days to comment on that huge mass of paper.
14 You saw that. Nobody in their right mind is going to be able to
15 go through that in 45 days. Like you said, we are the lay
16 people. We don't know what's in there. We need time to digest
17 all of that.

18 So, I just want you to take that into consideration that we
19 only get 45 days, and they've been working on this for eight
20 years. So I think six months is actually a minimum of what we
21 should get, quite honestly, because this is going to impact our
22 lives if this goes through. Our home values, our water sources.
23 And this drought, we don't know when this drought is going to
24 end. How can you guys justify allowing a vineyard to go in there
25 using this much water. This is our only water source. So, I just
26 want to point that out that, you know, eight years versus 45
27 days isn't very much time. Thank you.

28 CHAIR FIDDAMAN: Thank you.

AUGUST 6, 2014

1 MR. HEITZMAN: For the record, the applicant...

2 CHAIR FIDDAMAN: Mr. Heitzman, just give your name again if
3 you would.

4 MR. HEITZMAN: David Heitzman again. For the record, all of
5 the land in this proposed property is owned by Hall Bramblebee
6 Associates, Limited. It's a partnership based in Texas. It is
7 not Craig Hall. The only listed officer on that partnership is
8 Hall Phoenix Inwood Limited, which Craig Hall supposedly is an
9 officer on. Another Texas corporation, and all correspondence
10 for both these businesses are through their lawyer, all at the
11 same address in Frisco, Texas. This is not an individual. This
12 is--incidentally according to the Dallas Business Times, Hall
13 Phoenix Inwood is a billion-dollar corporation. This is what we
14 are up against. All of our comments that are going to have to--
15 that contest any of his experts that he put on the Environmental
16 Impact, or what he put on there, it's going to have to meet the
17 same credibility, or more, a higher standard than what he put on
18 there for the County to consider our comments because we are lay
19 people. Consider that. We're up against a mon--huge--the
20 largest--he's purchased more land--that corporation has
21 purchased more land in Napa in the last ten years than anybody
22 else. We're being run over, in my opinion.

23 We have to organize, and we have to raise serious money to
24 contest this. This is not a minor project. I realize all we're
25 doing is contesting the environmental impact, it is nothing more
26 than that. But there are some issues on there that were not
27 done, again, by the legal definition as best practices. They
28 were done minimal standards, at best. Which is, you know, how

AUGUST 6, 2014

1 businesses work. Why would you do more than what you have to?
2 But a lot of this stuff is contestable, including the comments
3 that I made. I was one of the people that made comments on the
4 initial Environmental Impact Report. And my comments were
5 addressed as it's insignificant. In the Environmental Impact
6 Report. This is what we're up against. It's frightening. It is
7 frigging frightening.

8 CHAIR FIDDAMAN: Thank you, Mr. Heitzman.

9 MR. MUFSON: Dan Mufson again. Just to set the record
10 straight, my letter to the Planning Commission requesting an
11 increase in time to look at this didn't put a time limit on
12 there. As a layman I have no idea what the boundaries were. But
13 certainly 45 days never entered in my mind that it had to be a
14 longer period of time. So I hope you'll consider that this
15 morning.

16 CHAIR FIDDAMAN: Thank you.

17 MR. MARGADANT: Good morning again Commissioners. This is
18 Gary Margadant. I just wanted to bring up a little point because
19 we're arguing--or excuse me, we're discussing the difference
20 between lay people and professional people and stuff, and the
21 amount of time that they have on a project. As they said, you
22 know, this project has been going on since 2006, so that's a
23 considerable period of time.

24 And the applicant, you know, has responsibilities to do.
25 He's got to produce all different types of reports, he's got to
26 set up, he's got to check for the red-legged frog, he's got to
27 find a guy who's going to do this first. Then he's got to make a
28 contract with him. Then he's got to set it up and the guy has to

AUGUST 6, 2014

1 go out and look in all of the wetlands up there, and things like
2 that. He's got to get a guy up there to count all of the trees.
3 And I don't remember--I can't remember, was it a figure of 6,000
4 trees?

5 AUDIENCE COMMENTS: Twenty-eight thousand--six hundred and
6 sixteen.

7 CHAIR FIDDAMAN: Twenty-eight thousand, yeah. A lot of
8 trees. [Laughter.]

9 MR. MARGADANT: My memory is fading, but I'm glad that
10 there's a lot of gray matter out here. But, you know, somebody
11 has to go out and count those trees. I mean, you know, so it
12 does take time to do that. And if, as Mr. Mufson said, you know,
13 they have to produce reports and get their own experts and stuff
14 like this, to counter this on the basis of a professional
15 opinion, well then it's very difficult, you know, to do that in
16 45 days. And you must remember that, you know, these people want
17 an equal chance, you know, to present their case. You know, as
18 you consider it to be dueling experts, that sort of thing.

19 But they do need more time. And I would heartily recommend
20 that you give them some type of reasonable thing, and--a
21 reasonable amount of time. And if you could have another hearing
22 just to--or administrative thing, just to talk about whether
23 they have had enough time, you know, to complete this subject, I
24 think that would be very--most helpful to the project. You know,
25 and a fair rendition of the ability to balance what is going on
26 here. So thank you very much.

27 CHAIR FIDDAMAN: Thank you, Mr. Margadant.

28 MS. HIRAYAMA: Could I just make one quick comment again?

AUGUST 6, 2014

1 Regarding the 45 days...

2 CHAIR FIDDAMAN: If you'll say who you are again for the
3 record.

4 MS. HIRAYAMA: Lisa Hirayama. Lisa Hirayama. The 45 days is
5 what we all thought that we had, and that was the maximum. Which
6 is--once I found out we had more time, you know, I started
7 telling people that. So some people put 60 days, and then some
8 people have even further out. I actually asked for six months
9 because I realize I don't know how much time I have. I figure
10 six months possibly you guys could give us, but if it, you know,
11 it would be less than six months. But that's--it's not that
12 everybody wanted only 45 days, it's because that's what we all
13 thought at the time. Thank you.

14 CHAIR FIDDAMAN: Okay. Looks like that is all the comment
15 from the public. I think that's been a good dialogue on the
16 issues here. I'll bring it back to the Commission for comments
17 and a motion, if necessary. Commissioner Basayne.

18 COMMISSIONER BASAYNE: Yeah, just to continue the
19 discussion about how many days is the correct number of days,
20 you know, certainly we've looked at a number of different
21 continuances in the past. And we felt that if indeed there is an
22 objection or a reason to continue we will continue, certainly
23 more than once.

24 And so I certainly don't want to assign an arbitrary number
25 here. Although the sense I get is perhaps six months might be
26 sort of an outer limit. Although I know that the public may
27 disagree with that, I absolutely don't feel that 45 is enough.
28 Nobody's applauded for me yet, though, so I'm waiting for that.

AUGUST 6, 2014

1 [Applause.]

2 COMMISSIONER BASAYNE: Thank you. Thank you. But, and I'm
3 not really looking for that. [Laughter.] But needless to say I
4 would throw in a number without being arbitrary, but at least 90
5 days at this point I think would make sense. So I'm interested
6 in what my fellow Commissioners have to say, and perhaps we can
7 come up with some kind of extension here that's meaningful.

8 CHAIR FIDDAMAN: Okay. Commissioner Scott.

9 COMMISSIONER SCOTT: Well I've been wrestling with this as
10 well. And given the starting point and the length of time that
11 this process has--or that this application and project has been
12 in process, I would be receptive to a 120-day extension. It
13 seems reasonable and a reasonable compromise between what the
14 neighbors would like and what the applicant must bear.

15 COMMISSIONER PHILLIPS: I would support that
16 recommendation.

17 DIRECTOR DAVID MORRISON: For the Commission's reference, a
18 120 days on top of the current 45 days would put the comment
19 period around Christmas Eve.

20 COMMISSIONER SCOTT: I wasn't talking about in addition to
21 the 45 days.

22 DIRECTOR MORRISON: So a total of 120.

23 COMMISSIONER SCOTT: I was talking about a total of 120
24 days.

25 DIRECTOR MORRISON: That would put the comment period to
26 approximately November 8th.

27 COMMISSIONER SCOTT: Okay.

28 CHAIR FIDDAMAN: Yeah, I, you know, I've already mentioned

AUGUST 6, 2014

1 that I have some discomfort with extending this too much longer
2 than the vast majority asked for, just out of fairness to the
3 applicants. But I'm not uncomfortable with a 90-day extension
4 myself, which gives them a total, which gives all of you a total
5 of 115 days to respond, which is almost four months. And so that
6 would be--that's where my comfort area lies, would be a 90-day
7 extension...

8 COMMISSIONER PHILLIPS: On top of the 45.

9 CHAIR FIDDAMAN: On top of the 45 days.

10 COMMISSIONER PHILLIPS: So, it's 115 days...

11 CHAIR FIDDAMAN: Right.

12 COMMISSIONER PHILLIPS: ...total, rather than 120 days
13 total.

14 DIRECTOR MORRISON: 90 plus 45 is 135. For clarification
15 are we talking about 90 plus 45 is 135.

16 CHAIR FIDDAMAN: Right, okay. 135 days, so it's more than
17 four months.

18 DIRECTOR MORRISON: Okay.

19 CHAIR FIDDAMAN: Bad math.

20 COMMISSIONER PHILLIPS: So you're saying 135, so you're
21 actually saying higher than what--the number that Terry said.
22 [Applause.]

23 CHAIR FIDDAMAN: Yeah, well. Somewhere in that range.

24 COMMISSIONER PHILLIPS: I didn't even coffee this morning.
25 Wow.

26 CHAIR FIDDAMAN: A hundred and twenty to 135 days. Yeah.
27 So, Commissioner Basayne.

28 COMMISSIONER BASAYNE: Chair Fiddaman, I would agree with

AUGUST 6, 2014

1 you, and let's just go for 135 days.

2 COMMISSIONER PHILLIPS: We're done.

3 COMMISSIONER BASAYNE: So if there...

4 COMMISSIONER PHILLIPS: Oh wait...

5 CHAIR FIDDAMAN: So what we'd be talking about here is
6 instead of a 45-day extension, a 90-day extension beyond...

7 COMMISSIONER PHILLIPS: On top of the 45.

8 COMMISSIONER BASAYNE: On top of the 45.

9 CHAIR FIDDAMAN: Beyond the existing 45-day response
10 period.

11 DIRECTOR MORRISON: Okay. We're over here furiously trying
12 to look at calendars. We believe that 135 days would put it to
13 November 23, which is a Sunday, so we would ask that the comment
14 period would end on November 24, which is the Monday before
15 Thanksgiving.

16 CHAIR FIDDAMAN: All right.

17 DIRECTOR MORRISON: Just for reference.

18 COMMISSIONER PHILLIPS: Okay.

19 CHAIR FIDDAMAN: So, you're saying a specific approval to
20 extend to November 24.

21 DIRECTOR MORRISON: Yes, the comment period can't end on a
22 weekend. People have the right to...

23 CHAIR FIDDAMAN: Right.

24 DIRECTOR MORRISON: ...the next business day. So we would
25 ask that it just be made the 24th.

26 CHAIR FIDDAMAN: Okay.

27 DEPUTY DIRECTOR MCDOWELL: And maybe instead of talking
28 about the actual number of days, maybe we should just pick a

AUGUST 6, 2014

1 date for clarity for everyone, and...

2 CHAIR FIDDAMAN: Right.

3 DEPUTY DIRECTOR MCDOWELL: Say...

4 COMMISSIONER PHILLIPS: It sounds like based on the days
5 that would be it. It would be November...

6 COMMISSIONER BASAYNE: 24th.

7 COMMISSIONER PHILLIPS: 24th.

8 CHAIR FIDDAMAN: Right.

9 DEPUTY DIRECTOR MCDOWELL: It might be better to do the
10 Friday before that.

11 CHAIR FIDDAMAN: Probably would.

12 DEPUTY DIRECTOR MCDOWELL: The Friday before that?

13 AUDIENCE MEMBERS: Why?

14 COMMISSIONER BASAYNE: Yeah.

15 CHAIR FIDDAMAN: Okay.

16 COUNSEL ANDERSON: You want the last weekend?

17 CHAIR FIDDAMAN: So the Friday before would be November
18 Twenty...

19 DIRECTOR MORRISON: 21st.

20 COMMISSIONER PHILLIPS: First.

21 CHAIR FIDDAMAN: First. Okay. I think that's fair. That's--
22 so. Commissioner Scott.

23 COMMISSIONER SCOTT: No comments. I was going to make a
24 motion. Go ahead, Commissioner Phillips.

25 DEPUTY DIRECTOR MCDOWELL: If I--Chairman Fiddaman, if I
26 could dive in.

27 CHAIR FIDDAMAN: Sure.

28 DEPUTY DIRECTOR MCDOWELL: For the benefit of the audience,

AUGUST 6, 2014

1 what occurs after the close of the public comment period, it
2 takes Staff several weeks, if not months, to digest the
3 comments, distill them, respond to them, before we send out the
4 notice of the final EIR being published. So, it's not like there
5 will be a decision made three days after all of these comments
6 come in. I imagine we're going to get volumes of comments on
7 this particular project. So, it might be spring of the following
8 year by the time the comments are all compiled and ready to be
9 published in a final EIR.

10 CHAIR FIDDAMAN: Thank you, John. That's a very helpful
11 reminder. So that everybody understands. You know, when a draft
12 EIR is put out for a response, all the responses are made, and
13 then all of those responses have to be responded to in the final
14 EIR. And so, it is a pretty lengthy process. And as John says,
15 it will probably be the following spring before you'd actually
16 have a final EIR.

17 And then for everybody, I'd just like to remind you all,
18 that, you know, once all of that has happened, there's still
19 appeal periods that go on to the Board of Supervisors and so on.
20 So. So I am--my own thought is that a November 21st deadline for
21 responses to this draft EIR is a pretty generous move on this
22 Commission's part. So. I would invite a motion.

23 COMMISSIONER SCOTT: So moved.

24 CHAIR FIDDAMAN: Second?

25 COMMISSIONER BASAYNE: Second.

26 CHAIR FIDDAMAN: All in favor, say aye.

27 COMMISSIONER SCOTT: Aye.

28 CHAIR FIDDAMAN: Aye.

AUGUST 6, 2014

1 COMMISSIONER BASAYNE: Aye.

2 COMMISSIONER PHILLIPS: Aye.

3 CHAIR FIDDAMAN: Opposed? So it's carried unanimously to
4 extend the response period for this EIR to November 21st, Friday.
5 Thank you very much everybody for being here today.

6 MS. HIRAYAMA: I just have one quick question.

7 CHAIR FIDDAMAN: Sure.

8 MS. HIRAYAMA: Lisa Hirayama. Are we allowed to ask for
9 another extension at that point, or is this a one-time thing.

10 CHAIR FIDDAMAN: Ummm. You know, you can always ask. I
11 don't know what...

12 MS. HIRAYAMA: I just want to make sure that, you know, we
13 have that option, as opposed to we find out after this has
14 happened that this was it. This is all the time that we get.

15 CHAIR FIDDAMAN: I can't personally give you an answer on
16 that, but, Laura.

17 COUNSEL ANDERSON: The only thing I can say is that, you
18 know, the Commission has decided to extend it to this period,
19 this is unusual to extend a comment period out this far on an
20 erosion control plan. And you can ask for anything you like.
21 But, Staff, I don't believe, would be inclined to bring this
22 forward to the Commission for a further extension. So I would
23 suggest if you have comments put them in now.

24 MS. HIRAYAMA: Okay, so then this is basically November
25 21st, you said, will be...

26 CHAIR FIDDAMAN: Right.

27 MS. HIRAYAMA: ...the only time we have.

28 DIRECTOR MORRISON: Well, you should also note that the

AUGUST 6, 2014

1 decision by the Commission to extend the comment period is
2 appealable by both neighbors and the applicant. So, assuming
3 that this does not get appealed up to the Board of Supervisors,
4 November 21st would be the comment. I agree with Ms. Anderson,
5 and absent any compelling evidence, I don't know that Staff
6 would support any further extensions. But, we'd have to look at
7 it when it comes in.

8 MS. HIRAYAMA: Okay. All right. Thank you.

9 CHAIR FIDDAMAN: Thank you. All right well thank you
10 everybody for being here today. And it's democracy in action.
11 We're going to take a brief recess before we move on to the next
12 administrative items.

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AUGUST 6, 2014

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1 I, Kathryn F. Johnson, do hereby certify and believe:

2 That the foregoing pages are a true and correct transcript
3 of the proceedings before the Napa County Planning, Building &
4 Environmental Services Department, Napa, California, excepting
5 words noted "inaudible" or words placed in [brackets] to the
6 best of my ability. Speech disfluencies, discourse markers and
7 pause fillers have been deleted, except when deemed function
8 words. Commas may be used for emphasis as well as for grammar.

9 I further certify that I am not interested in the outcome
10 of said matter or connected with or related to any of the
11 parties of said matter or to their respective counsel.

12 Dated this 19th day of September, 2016.

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15 Kathryn F. Johnson
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AUGUST 6, 2014

1 NAPA COUNTY PLANNING, BUILDING & ENVIRONMENTAL SERVICES
2 DEPARTMENT

3 --o0o--
4

5 IN RE: WALT RANCH ENVIRONMENTAL IMPACT REPORT PUBLIC
6 HEARING

7 --o0o--
8

9
10 TRANSCRIPT OF AUDIOTAPED PROCEEDINGS
11 MEETING OF NOVEMBER 12, 2014

12 --o0o--
13

14 PRESENT:

14 DAVID MORRISON, Director, Presiding
15 LAURA ANDERSON, County Counsel
16 MELISSA FROST, Administrative Secretary
17 BRIAN BORDONA, Supervising Planner
18 KELLI CAHILL, Senior Planner

19 --o0o--
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24 Transcribed by: Kathryn Johnson
25

26 --o0o--
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 NOVEMBER 12, 2014

1 DIRECTOR DAVID MORRISON: It looks like we're going to have
2 a lengthy meeting, so let's go ahead and get started please.
3 Could we have quiet please? Thank you.

4 I'm going to have a few opening remarks, then we'll get
5 started. Good afternoon, and thank you for coming to the Public
6 Hearing concerning the Draft Environmental Impact Report for the
7 Walt Ranch Erosion Control Project. My name is David Morrison,
8 I'm the Director for the Napa County Department of Planning,
9 Building, and Environmental Services.

10 I'll be presiding over this hearing. With me today are
11 Laura Anderson, Deputy County Counsel; Melissa Frost,
12 Administrative Secretary; Brian Bordona, the Supervising
13 Planner; and Kelli Cahill, the Senior Planner. Representatives
14 from Analytical Environmental Services, the firm that prepared
15 the EIR are also in attendance this afternoon.

16 The format for the hearing will be as follows: Staff will
17 provide a brief overview of the proposed project, and the
18 analysis in the EIR, and then public testimony will be accepted.
19 The following ground rules will be applied today. All public
20 testimony will be limited to three minutes. Testimony is being
21 recorded and will be transcribed for preparation of the Final
22 EIR. So far, I have 54 comment cards. If you haven't filled one
23 out and want to speak, we ask that you do so. If everybody has
24 three minutes, testimony will take approximately three hours.

25 We will take periodic breaks, and stay as long as needed to
26 get everybody's comments on the record this afternoon. Please
27 keep your remarks to three minutes out of respect for the other
28 people who wish to speak so that everyone can be heard today. If

NOVEMBER 12, 2014

1 you have more extensive comments that take longer than three
2 minutes, please provide them in writing. All comments, both
3 written, and verbal, will be responded to as a part of the Final
4 EIR. Written and verbal comments will be considered equally. One
5 does not have more weight or importance than the other.

6 We appreciate it if you state your name and address when
7 you speak so that we can identify the comments in the EIR. And
8 ask that you please direct your comments to me, and not to the
9 applicant, Staff, or members of the audience. Out of respect for
10 others, please refrain from clapping, cheering, or booing. If we
11 do that for 30 seconds after each speaker, we are not going to
12 get out of here for much longer than three hours. And some
13 people have--may not be able to sit for that long period of
14 time. Other people may have appointments, or may actually get
15 hungry and want dinner. So, out of respect so that everybody can
16 be heard tonight, please keep your remarks short, and please no
17 comment--or no verbal clapping or cheering in between.

18 This is a hearing, this is not a debate. Please keep your
19 testimony focused on the adequacy of the Draft EIR. Comments
20 regarding support or opposition to the project will not be
21 addressed in the EIR. There will be a second public hearing,
22 likely held early next year, when the decision will be reached
23 on the project. Your thoughts about whether the project should
24 be approved or denied will be the subject of that hearing. They
25 are not the subject of this hearing.

26 Please avoid repetitious comments. If other people have
27 already made the same points, or presented information you were
28 going to mention, then we'd prefer that you just acknowledge

NOVEMBER 12, 2014

1 that you agree with the other speakers, rather than reiterate
2 them. But, if you feel you must, please feel free to do so.

3 I understand that there are strong feelings regarding this
4 project; however, I ask that you respect the public hearing
5 process, and keep all remarks civil. If anyone is disorderly, I
6 will ask to have them removed from the public hearing room. I
7 also ask that everybody who wishes to testify fill out a
8 speakers card. It's not required, but it allows for a more
9 orderly hearing. I'll be calling up people in groups of three to
10 speak, so that we don't have a mad dash to the podium, so
11 everybody can get up there first, say their peace, and go home.

12 Someone is going to be at the end of three hours of
13 hearing, and so we're going to do it in groups of three so that
14 we don't have a long line, and you're not required to stand in
15 line for three hours waiting to speak. Remember that in order
16 for your comments to be included in the Final EIR, they must be
17 submitted by Friday, November 21, that's a week from Friday, at
18 4:00 p.m.

19 Finally, the purpose of this meeting is to give Staff and
20 consultants a chance to hear what each of you has to say this
21 afternoon. Success depends on your patience and consideration,
22 both of which are greatly appreciated. So, if you're ready,
23 let's begin. I'm going to ask Kelli to give us a brief overview,
24 and then we'll get going on the public testimony. Thank you.

25 KELLI CAHILL: Good afternoon. Kelli Cahill, with Staff. I
26 am the Project Planner, and your primary contact for the
27 project.

28 The Walt Ranch Project is a 356-acre vineyard project, 507

NOVEMBER 12, 2014

1 gross acres, of approximately 2,300-acre parcel, or holding.
2 This includes the removal of vegetation, earth moving, and
3 grading activity, as well as some blasting, ripping, rock
4 removal, and associated soil cultivation for the erosion control
5 plan features, and ultimate vineyard planting and harvesting. It
6 includes temporary and permanent erosion control measures, of
7 which are outlined in the EIR.

8 The scope of the EIR was primarily air quality, and
9 greenhouse gas emissions, biological resources, cultural
10 resources, geology and soils, hazardous materials, hydrology and
11 water quality, noise, transportation and traffic, as well as an
12 alternatives and cumulative analysis impact section. All other
13 sections were eliminated during the NOP process, or Notice of
14 Preparation, where an initial study was prepared for the
15 project.

16 I'll have Jeff queue up a couple slides just to illustrate
17 where the project is located. This first one is a--as you can
18 see--sorry, everyone turn around. So, the project is outlined in
19 red there, just south of Berryessa. The next slide is a closer
20 view with, as you can see in the lower corner, Circle Oaks. And
21 the next slide, and we'll just keep this one up for awhile, this
22 is the holding with the proposed project. And if you're curious,
23 the areas identified in the bright pink, or fuchsia, are
24 existing vineyard, those were planted on slopes less than five
25 percent, not requiring an erosion control plan.

26 And I think we can begin. I will note that I've reserved
27 some seats over here for everyone that wants to--for those
28 people queuing up to speak, so go ahead and use those seats,

NOVEMBER 12, 2014

1 just remove the paper. And I will turn it over to David.

2 DIRECTOR MORRISON: Thank you, Kelli. Okay, so, we will
3 give the applicant the first chance to speak, Mr. Hall, followed
4 by [Karin](#) Troedsson, and Jed Welsh.

5 CRAIG HALL: Good afternoon, my name is Craig Hall. My
6 wife, Kathryn and I, and our family, are the owners of Walt
7 Ranch. We are sorry that this vineyard has caused concerns to
8 so--to anyone. We are open to modifying the project in ways that
9 will improve it, or eliminate, or hopefully minimize concerns,
10 as long as we can figure out reasonable ways of doing so.

11 By way of very brief background, as Kelli stated, it is a
12 2,300-acre property. It does also have 35 legal parcels. It's
13 part of the [Ag](#) Preserve. We're talking about a vineyard on 12
14 percent of the property.

15 The Environmental Impact Report was started eight years
16 ago. It was slowed down in the beginning because of the Napa
17 Valley General Plan, which was completed in 2008. And this
18 project has been carefully designed to meet all of the
19 requirements of the Napa Valley General Plan, as well as the Ag
20 Preserve.

21 We're looking forward to everyone's comments, and
22 notwithstanding the fact that we believe it complies properly
23 with all of the General Plan and Ag Preserve, we are, again,
24 open to seeing if there are some ways to improve it. Thank you,
25 very much.

26 KARIN TROEDSSON: My name is Karin Troedsson, I'm the Staff
27 Attorney for the Land Trust of Napa County. The Land Trust of
28 Napa County is a non-profit community organization that works

NOVEMBER 12, 2014

1 with willing landowners to permanently protect their property in
2 Napa County. We are not an advocacy organization, and we do not
3 endorse or oppose development projects. Our Board has
4 specifically passed a policy that prohibits any advocacy on
5 projects with pending entitlements. I'm here today to let
6 everyone know that the Land Trust of Napa County does not have a
7 position on Walt Ranch. I'd also like to say that no one else in
8 this room here today is authorized to use our name in their
9 comments. If anyone has any questions about our organization, or
10 our efforts to protect the character of Napa County, please feel
11 free to contact me directly. My direct line is 261-6326. Thank
12 you.

13 JED WELSH: I'm Jed Welsh. I'm the President of the Board
14 of Directors of the Circle Oaks County Water District. And I'm
15 going to turn my time over to our next speaker, Ron Tamarisk,
16 who's another Director of the--another Director of the County
17 Water District, and he will read our prepared statement.

18 DIRECTOR MORRISON: As long as he can keep it within three
19 minutes, we're not going--I don't want to allow for...

20 MR. WELSH: He's the fourth speaker too.

21 DIRECTOR MORRISON: Pardon?

22 MR. WELSH: He's also the next speaker.

23 DIRECTOR MORRISON: I understand, as long as he can keep it
24 to three minutes.

25 RON TAMARISK: Okay. Good afternoon. My name is Ron
26 Tamarisk, I live on 11 Rockrose Court in Circle Oaks. And I am,
27 as Jed indicated, a Director of the Circle Oaks County Water
28 District. So, I speak on behalf of the entire Board of

NOVEMBER 12, 2014

1 Directors.

2 Our water district is the sole water supplier for
3 approximately 500 people in the community of Circle Oaks. We
4 have a responsibility, and legal obligation to the residents who
5 have depended upon this water source for 50 years. Our residents
6 and families rely exclusively upon one vertical well, and one
7 spring water source for drinking water and fire suppression.
8 Contrary to what has been said, there was no reasonable attempt
9 to contact us regarding the impacts of the project on our
10 community. Consequently our concerns were not registered during
11 the drafting of the project studies.

12 The water district has two employees, an answering machine,
13 an email address, a website, and a physical office building
14 within 50 yards of the main entrance to Walt Ranch. The Draft
15 EIR is inadequate, and incomplete, and fails to disclose the
16 type and degree of water impacts on the project's neighboring
17 water users.

18 The following represents some of our concerns. These
19 concerns will be detailed in our written comments on the DEIR.
20 Our first concern is water supply, and the cumulative impact of
21 more and more vineyards. In Section 4.6 of the DEIR we find the
22 one and only mention of the Circle Oaks Water District as
23 follows: "COCWD may also have two wells and a spring water
24 source located along the southern Walt Ranch property boundary."
25 In Appendix D, the pumping study did not include any assessment
26 of the impact or recovery rates on our nearby wells, including
27 one only 2,000 feet from their proposed well number four.

28 Our second major concern is groundwater quality. The impact

NOVEMBER 12, 2014

1 of all four of their wells, as well as the four Circle S Ranch
2 wells, drawing at peak usage for an extended period in the
3 summer, is not properly assessed. With 300 acres of new
4 vineyards, what is the potential for an increase in
5 particulates, chemicals, and pesticides into the aquifer and
6 existing offsite wells? If the groundwater were drawn down,
7 would boron, or other contaminants, increase to unacceptable
8 levels? Unanswered.

9 Finally, what effect will this project have on our
10 infrastructure? Our tanks are located on steep slopes below
11 proposed oak woodland clear cuts. Our water delivery and sewage
12 pipes underlie Circle Oaks Drive. These face potential
13 disruption from prolonged traffic by heavy vehicles, and by land
14 slippage exacerbated by the massive vegetation changes proposed
15 by this project. Without a safe and reliable water supply, all
16 communities are doomed.

17 We urge the Planning Department to consider our comments on
18 the deficiency of the Walt Ranch DEIR with the utmost attention.
19 We don't want yet another Napa County community with inadequate
20 or absent water. Thank you.

21 DIRECTOR MORRISON: Greg Gale, Dan Mufson, and Christy
22 Vough, please.

23 GREG GALE: [Morrison.] Is this my clicker?

24 [JEFF TANGEN]: It's just going to...

25 MR. GALE: Can I have you click for me?

26 MR. TANGEN: Yes.

27 MR. GALE: Okay, great.

28 MR. TANGEN: Which file is yours?

NOVEMBER 12, 2014

1 MR. GALE: It should be Walt Ranch dash G-G-a-l-e. Greg
2 Gale. I'm going to wait until you bring it up and get settled.

3 MR. TANGEN: Is that it?

4 MR. GALE: That's it. I'm good to go?

5 MR. TANGEN: Yes sir.

6 MR. GALE: My name is Greg Gale, I reside at 3380 Atlas
7 Peak Road, and have for 20 years now. I'm here to make comments,
8 but actually my comments are assertions. I have two assertions.

9 My first assertion is that the Walt Ranch DEIR is a
10 fraudulent document. That's my first. My second is that it's
11 woven into the fabric of another EIR that was approved by the
12 County, that's contiguous to it, the Circle S Ranch. That is
13 also fraudulent because it's built on the same false data that
14 this current DEIR is.

15 So what we have here, and what I'm saying with these two
16 boundary lines you see here, the Walt Ranch and the Circle S
17 Ranch. Next slide. Same with all the--with the parcel lines in
18 place. And I'm going to show you where I believe the fraudulent
19 play is in this--in this mix.

20 If you can go to the next slide. There we have the two
21 roads on the right. The black line is actually the Route 121.
22 Caltrans repairs that road, maintains that road. On the left is
23 the Atlas Peak Road, I actually don't know who maintains that,
24 in my 20 years here I've seen two people, two residents at two
25 separate times filling foxholes with their own macadam, so we
26 take care of ourselves, more or less.

27 My issue, if you can go to the next slide, my issue is the
28 blue circle down at the bottom. And now if we could go beyond

NOVEMBER 12, 2014

1 that slide, sir, to the next one, you see that little blue
2 trapezoidal, that's my property, that's where I live. Right
3 below the two contiguous properties, green being Circle S, and
4 red being the Walt Ranch.

5 I've lived there, as I've said, for 20 years. Right above
6 me, if we can go to the next slide, is old man Webster, Donald
7 Webster's property. He moved off the hill when he got too old.
8 In 2006 that property was bought by, next slide, it was bought
9 by Hall Michigan Investors, LLC, out of Frisco, Texas. And they
10 refi-ed again, I believe, in 2008.

11 If we can go to the next slide. So, that slide gave the
12 Walt Ranch access to their properties from both Atlas Peak, and
13 from Route 121. But it was not declared in the EIR. It's not
14 there. That parcel's not there. They have an easement with the
15 Circle S Ranch. They've noted that even in the past two weeks at
16 their Meritage--if you go to the next slide. This is from a 2009
17 document. If you read the yellow highlight, access for the
18 project is at 3438 Atlas Peak Road, and at two points, that are
19 not really defined, along Highway 121.

20 If we can go to the next slide. That document, that data
21 was released at this meeting in January 22, 2009. Up in the
22 upper-left-hand corner you'll see Diane Dillon was there, Mark
23 Luce was there. Down below you'll see an alternate, Keith
24 Caldwell was there. That's all the people were there.

25 We can go one more slide, I'm almost done. There at the
26 bottom of that slide, you'll see Circle S saying, you know, our
27 project will be approved in 2009. Now we'll go--next slide.

28 On this slide here we're back to where both projects--why

NOVEMBER 12, 2014

1 isn't that parcel, why isn't that parcel in the EIR? It has
2 access. They're going to plan the access to it. Why isn't the
3 easement in the EIR, and further, where's the traffic count?

4 So I'm maintaining the traffic and the noise issues in the
5 EIR are bogus. They have to be reworked. So, what I'm seeking on
6 that one, is revision. On the Circle S that was approved back
7 in, I believe, the Hilary Gitelman era, and then when that was
8 approved in 2011, it used the same false data.

9 DIRECTOR MORRISON: Okay.

10 MR. GALE: If we have to take into account all the roads,
11 all the 168 one-way trips per day, Atlas Peak Road simply can't
12 handle it. What we would like...

13 DIRECTOR MORRISON: ...Thank you for your comments, Mr.
14 Gale.

15 MR. GALE: I'd like a rescission on the Circle S property.
16 Revision, and rescission. Thank you very much.

17 DIRECTOR MORRISON: Mr. Mufson.

18 DAN MUFSON: Ready? My name is Dan Mufson. I live at 1877
19 Atlas Peak Road. I'm part of the Atlas Peak neighbors that live
20 on or around Atlas Peak. Next please.

21 Atlas Peak is a beautiful place. It has rugged beauty, and
22 we are aware of nature and we know we have to tread softly. We
23 love being close to the earth, and we have done so for 150
24 years. Next please. The only thing I like about this report is
25 the beautiful oak forest on the cover. The project is in the Ag
26 Watershed. But that being said, grapes are not the base--best
27 use of this land. Look at how much work is going to be required
28 to make this site conform to grape growing. Next please.

NOVEMBER 12, 2014

1 The sight and scope of this project is inappropriate. The
2 report lists numerous environmentally significant impacts which
3 require mitigation. Next please.

4 It threatens the Milliken and MST area. The MST is a
5 groundwater-deficient area created by the overdevelopment to
6 vineyards. And there are now huge public costs to bring in
7 recycled water to this region. Since the Walt Ranch will use at
8 least 69 million annually, there's also a concern about soil and
9 chemicals getting into the City of Napa water supply. Next
10 please.

11 There's also the potential threat of Lake Berryessa due to
12 runoff of chemicals and sediment from this project. Next please.

13 Maps are good, but we need to take a look at what's an
14 aerial view. You can see the Walt Ranch and the Milliken Creek.
15 There is Milliken Reservoir, all very close on Atlas Peak. Next
16 slide. It backs up a little bit and you--whoops, and we can see
17 the Circle Oaks community on this side of the bridge. Next
18 please.

19 This is a picture of the Walt Ranch, and Circle Oaks
20 community looking west, and you can see that the Circle Oaks
21 community is nestled into the hills there. Next please.

22 What does destruction of woodlands look like? If you take a
23 look at this picture taken across the Atlas Peak, you can see
24 that this vineyard took out the oak lands and that's what it
25 looks like when you take off trees from the top. The Walt Ranch
26 is in here. Down below is the Mead Ranch. The Mead Ranch has
27 planted their grapes on flat land, and all of the oak forest
28 that surrounds them has been given to the land trust. Next

NOVEMBER 12, 2014

1 please.

2 The Circle Oaks Water District tanks sit on the hillside
3 just underneath the peak. And the Walt Ranch property line runs
4 right across here behind those tanks. So, there's great concern
5 about taking water out of that hill, and there's great concern
6 about the possible pesticides coming down the hill. Next please.

7 The Walt Ranch proposes to have an entrance coming up
8 Circle Oaks Drive. Circle Oaks Drive does not have sidewalks.
9 Children walk there to school. Next please.

10 Why don't they use the entrance on Highway 121, or do they
11 plan to really do it on Atlas Peak Road. Next please.

12 At a recent meeting, we found out that there's a
13 possibility of 35 landfills, or recreational vehicle parks. Next
14 please.

15 DIRECTOR MORRISON: Are you about ready to wrap up Mr.
16 Mufson?

17 MR. MUFSON: Okay.

18 DIRECTOR MORRISON: Thank you.

19 MR. MUFSON: Two more. So, we're concerned about the
20 cumulative impact. Next please. Whether we're going to have to
21 truck water up the hill. Next.

22 Are we going to have habitat destruction? And lastly, next
23 slide.

24 It's a threat to our home and our land security. Next
25 slide.

26 And what is the future of biota on Atlas Peak?

27 CHRISTY VOUGH: So mine is set for automatic timer if you
28 could just wait before you start mine.

NOVEMBER 12, 2014

1 Hello, my name is Christy Vough, and I'm a resident of
2 Circle Oaks, 163 Ridgecrest Drive, and a science teacher at
3 American Canyon high school. I'm here to address the concern of
4 adequate water supply, and hope to enlighten people with some
5 facts, including scientific evidence that will show that this
6 concern is justifiable.

7 So in reference to the Section 4.6, I don't want to read it
8 and run out of time, but the reference Circle Oaks has a few
9 wells. It is difficult to understand how a groundwater study,
10 one purpose of which is to determine potential negative effects
11 on the groundwater supply in neighboring wells could draw any
12 accurate conclusions when it fails to take into consideration
13 the effects of current community, and makes no mention of the
14 fact that Circle Oaks is a planned community that will have
15 approximately 120 or more homes when full build out is reached.
16 Estimates of water use set for full build out should be included
17 in the environmental impact report. It is a known fact that more
18 homes are coming to the community. The Hall Brambletree
19 Corporation cannot claim ignorance in this fact, nor should they
20 be allowed to not consider this in the Environmental Impact
21 Report.

22 So evidence to support my concern for the adequacy of
23 groundwater. California is currently in severe drought. Napa has
24 been declared an extreme drought. The Governor has called for a
25 20-percent reduction of water usage by all residents of the
26 state. I'm not quite sure how an estimated 69-million gallons
27 per year can fall in that 20-percent reduction. There's new
28 legislation that will change how groundwater is to be monitored.

NOVEMBER 12, 2014

1 It's interesting that after a prolonged eight years of study
2 there seems to be a rush to push it through now that those
3 regulations are going to be going into effect.

4 The City of St. Helena would not fill the High School
5 swimming pool, approximately 75,000 gallons in their pool,
6 because of concern of drought. Yet, a project that is estimated
7 to use 69 million gallons annually is being considered. Climate
8 change is a fact. Glaciers worldwide are shrinking. The negative
9 impact of this is that as glaciers melt, dark rock is exposed,
10 it absorbs heat, the glaciers melt at a rapid rate. So, climate
11 change is a fact. The warmer temperatures and heat wave that
12 California and the southwest are experiencing is causing an
13 increase in evaporation rate. So, measuring rainfall in the
14 backyard is no longer accurate because of the increased
15 evaporation rate. It needs to take more rainfall to recover from
16 our drought.

17 When this Board considers the Walt Ranch project, please do
18 not forgot the drought conditions and the fact that climate
19 change is happening. Without dependable water supply, these
20 neighbors and Circle Oaks property owners, including those whose
21 property is not yet developed, will suffer. Continued
22 availability waters is a must--availability water. Okay.

23 So, these are just some images to verify the evidence that
24 there is concern for adequate water supply.

25 So it's the Sierra snow pack, which is non-existent. Lake
26 Folsom. Or Folsom Lake. Thank you.

27 DIRECTOR MORRISON: Thank you. Next three speakers. Gordon
28 Evans, Garret E. Brown, and Lindy--I'm sorry, Cindy Heitzman.

NOVEMBER 12, 2014

1 GORDON EVANS: Good afternoon, my name is Gordon Evans. I'm
2 a resident of Atlas Peak Road, and I thank Mr. Morrison for this
3 opportunity to speak, which might not have happened if the Halls
4 hadn't chosen to grade slopes greater than five percent, or the
5 Halls hadn't chosen to grade slopes higher than five percent on
6 the Walt Ranch property.

7 My main concern is not so much with the existing vineyards
8 as proposed, but that they might be used as--in whatever form
9 used as window dressing, or as my wife puts it, expensive
10 landscaping for the eventual development of the 35 parcels.
11 Indeed, the Halls have on many occasions expressed their
12 surprise that this hasn't been more of a point of contention in
13 people who are concerned about the project.

14 I'm not going to get into all the details because there are
15 people here who are far more learned than I about the science
16 involved. But I will say that while the Halls may have complied
17 with the EIR requirements in the past, this DEIR needs to be
18 thoroughly reviewed utilizing current information, not the dated
19 data that they currently have, or that existed, but was not
20 included. A few more acres of high quality grapes on
21 questionable ground, simply aren't worth the want^{on} destruction
22 of heretofore pristine and irreplaceable woodlands. Thank you.

23 GARRET E. BROWN: Thank you for the opportunity. My name is
24 Garret Brown. I live at 4016 Atlas Peak Road. I live on a 160-
25 acre ranch, which is bordered on the east by Circle Oaks, and
26 bordered on the south by Circle S.

27 Forty years ago I drilled a fairly deep well, set the pump
28 at 300 feet--oh I'm sorry. I set the pump at 300 feet. It

NOVEMBER 12, 2014

1 produced originally about 25 gallons a minute. Over the years
2 the well dropped down gradually until five years ago. It was
3 making three gallons a minute. So I drilled another well at a
4 different location, fairly deep, set the pump at 375 feet. It
5 originally produced 35 gallons a minute. It started dropping
6 down gradually, until today, it produces eight gallons a minute.
7 So, you see my concern.

8 Forty years ago Silverado golf course had the need for
9 deeper, and more wells; which they did. As a result, my son on
10 the hillside near there, his well went dry; it's been dry ever
11 since. So, I'm so concerned about people taking excess water
12 below me.

13 My other concern here with this proposal is the reservoirs.
14 I have a two--about two-and-a-half-acre reservoir on my ranch
15 that was there when I moved there 44 years ago. It's fed by
16 runoff from rainwater. This year because of low water I didn't
17 use any water out of the reservoir. And to my surprise, and
18 almost a shock, it had lowered six feet from evaporation.

19 So, in my humble opinion, the concept of open reservoirs
20 for storage to store well water, it seems like it's a terrible
21 waste of groundwater in the evaporation alone. And I'd just
22 appreciate your consideration for what I say.

23 CINDY HEITZMAN: My name is Cindy Heitzman. I live at 23
24 Rockrose Court, Circle Oaks. I've lived there for the past 29
25 years. First, I would like to thank Mr. Morrison for holding
26 this forum today to hear from all sides on this issue. It is
27 very important to us.

28 In an October 18 letter to the editor in the Napa Register,

NOVEMBER 12, 2014

1 Mr. Hall stated that the land use rights for this property
2 include the right to build 35 wineries, 35 recreational vehicle
3 parks, 35 campgrounds, 35 hunting lodges, and other
4 developments. End quote.

5 I am concerned that we are not seeing this project in its
6 entirety, and that the project is being segmented. The danger of
7 segmentation is that it chops projects into smaller bits, which
8 standing alone may not present the full range and intensity of
9 the adverse impacts resulting from this entire project. Mr. Hall
10 stated in the aforementioned Napa Register article that they are
11 [in there and--and in their] informational forum, quote, We have
12 been considering what additional development rights to maintain.

13 The Draft Environmental Impact Report should analyze how
14 the project will foster growth, what the growth-inducing impacts
15 are of this project. By putting vineyards on 34 parcels,
16 providing water and access to all parcels, the infrastructure
17 for growth and the future development is in place. As the CEQA
18 guidelines state, quote, environmental problems should be
19 considered at a point in the planning process when genuine
20 flexibility remains. Court decisions have, in fact, held that
21 construction of such infrastructure cannot be considered in
22 isolation from the development it portends. Therefore, the Draft
23 Environmental Impact Report should include present, and
24 reasonably anticipated future projects that are likely to
25 produce related, or cumulative impacts. To not do this would
26 undermine one of the core goals of CEQA. Though the land may be
27 zoned Ag Watershed, the notion that the land can be exploited
28 for agriculture makes us no different than those who would

NOVEMBER 12, 2014

1 deforest the rainforest for cattle, or for palm oil. This is a
2 time for change. Thank you.

3 DIRECTOR MORRISON: Okay, the next three speakers will be
4 Tim Mulligan, Gary Margadant, and Bill Fetzner.

5 TIM MULLIGAN: Thank you, again, Mr. Morrison. My name's
6 Tim Mulligan, I'm a biologist. I currently teach biology classes
7 at Napa Valley College. I've been in the Napa Valley for 45
8 years. I live at 18 Circle Oaks--18 Juniper in Circle Oaks--
9 homestead area. I have a very direct interest in this project,
10 obviously. Plots 68A, and 68B are probably within 150 feet of my
11 house. So, I would see all of the possible vineyard project
12 things going on, firsthand. It scares me a little.

13 As much as I'm interested in my own situation, I'm more
14 interested in the wildlife. I've watched the Napa Valley in
15 roughly 45 years go completely to grapes, up the hillsides, on
16 to the mountaintops, all of the well-known valleys, Gordon
17 Valley, Pope Valley, Chiles Valley, Wooden Valley, and I've
18 asked the question many times of many different people, what
19 about the wildlife. The answer, as you can imagine, is always
20 the same. Don't worry, they'll go somewhere else.

21 Walt Ranch is that somewhere else. This is where the
22 wildlife have holed up today. South of Walt Ranch, it's already
23 in grapes. North of Walt Ranch, the biome changes, the
24 microenvironment changes, there's not nearly as much diversity.
25 On the Walt Ranch there's the spotted owl, which is an
26 endangered species. There's two or three others up there. The
27 pygmy owl is not endangered, but protected. The pileated
28 woodpecker, the pygmy owl, as I mentioned before, the spotted

NOVEMBER 12, 2014

1 towhee. It says in the EIR 4.2-14 that we're going to make some
2 efforts to mitigate things like blasting, and the effects it
3 will have on wildlife.

4 Bats were mentioned specifically. I doubt there's anyone in
5 this room that thinks that blasting is going to be in any way
6 mitigated for an animal that echolocates. I can't believe that
7 particular part.

8 But, anyway, there's a tremendous, tremendous number of
9 mammals, birds, amphibians, reptiles, clear down to the insects
10 and the abiotic part of the biome that exists there. The
11 proposal of building a labyrinth of fences will force the
12 animals to run through a maze constantly. 4.2, 5, and 6 says
13 they're going to try to mitigate this. I don't know how you
14 mitigate allowing wildlife to go through areas where they've
15 been through for 100 years, way more than that.

16 There are probably, I won't say too much more, I think the
17 28,000--the removal of 28,000 trees speaks for itself. It says
18 they might even replant two for one. I think as most of you
19 realize, they could plant 56,000 seedlings up there and 50,000
20 of them would die. Because if they're not planted where nature
21 planted them, then they're not going to grow. There's no water.
22 And I don't think we can afford to send drip lines out to all of
23 them too. So, thank you very much, I appreciate it. I will get
24 out of here.

25 Mr. Hall's website says he and his wife are stewards of the
26 Napa Valley. Mr. Morrison, you're also a steward of the Napa
27 Valley. And please, please, I know owners have rights, but
28 stewards have responsibilities. Thank you.

NOVEMBER 12, 2014

1 GARY MARGADANT: Good afternoon, Director Morrison. I would
2 really want to thank you for holding this event. My name is Gary
3 Margadant. I'm the president of the Mt. Veeder Stewardship
4 Council, and I live at 4042 Mount Veeder Road. The Stewardship
5 Council has several comments about this project. And the first
6 one is is that we are--we don't understand how such a large
7 project of this size that removes so many trees, and uses so
8 much water, can actually be mitigated to less than significant
9 impact. We just don't understand how that is going to actually
10 play out, because it uses so much of the surrounding resources
11 in that area.

12 We also don't understand about the water analysis at this,
13 because there is not much about drought. In other words, you
14 know, we have water history of rain and recharge in the area,
15 but we don't have--this really doesn't cover the drought much at
16 all.

17 This leads us to what we call a margin of error. In other
18 words, the rainfalls will vary, they will go up, they will go
19 down. This is a margin that could be, you know, 20, 30 percent.
20 And we don't see that this project and the water analysis
21 actually includes that to say, well, okay, and in a really good
22 year you're going to get this much recharge, in a really bad
23 year, you're going to get this much. And to have the actual
24 flows and the removal of water out of the ground to, let's say,
25 follow that margin of error.

26 The hydrologist--the hydrologist in this case, I'm familiar
27 with him. He did the Carneros Inn, which is--now has problems.
28 He's also done the Yountville Hill Winery, and he's doing the

NOVEMBER 12, 2014

1 Walt Ranch here. I've--you know, we think that this hydrologist
2 has some questions--is questionable. And we don't really
3 understand how he does the water balance in this case. We don't
4 know how he did it down at the Carneros Inn, because they haul
5 so much water down there now. At least they haul about, oh, more
6 than 50 percent of their water they required for their resort.

7 And, this is where it comes to it at the end, what if
8 things go wrong up at Walt. If you give them everything that
9 they want, and they do it, which is up to you, what are you--
10 what is the County going to do if things go wrong, and if people
11 in Circle Oaks, or people adjacent like this landowner over
12 here, what is the County going to do, what is their Plan B? We'd
13 really, really like to see that. And thanks very much for your
14 time.

15 BILL FETZER: Yes, good morning. Thank you for letting us
16 speak. I'm just going to read some prepared notes. My name is
17 Bill Fetzer, my wife and I live at 41 Columbine Court in Circle
18 Oaks. We've lived there for about ten years. We're relative
19 newcomers compared to the folks here. But, we feel very
20 passionately about the right to have a say in this process, and
21 we're very appreciative of letting you speak--letting us all
22 speak.

23 I am a neighbor of the proposed Walt Ranch development. The
24 Walt Ranch Draft EIR states that over 500 acres of land will be
25 cleared of nearly 29,000 significant trees. So that out-of-the-
26 state corporate owners of this property may exercise their right
27 to farm. We see in the news, and on documentaries, stories about
28 the slash and burn techniques used in equatorial rainforest to

NOVEMBER 12, 2014

1 clear land for agricultural purposes. Without exception, these
2 news stories and documentaries point out the damaging effects
3 this clearing of old growth trees has on the health of our
4 environment.

5 Science supports the position that this practice harms the
6 environment. The only cure is for time allowed for growth of
7 mature trees, a process requiring hundreds of years. In Napa
8 County, the Walt Ranch project proposes to clear nearly one
9 square mile of old growth, forested hill country for
10 agricultural purposes, a practice we decry in the Amazon and
11 other rainforests, we seem willing to consider in the beautiful
12 hills of Napa County.

13 What we see is harmful in other places, we are willing to
14 consider here. Why? Will the harmful effects not be the same?
15 Yes, they will be. And current science states that no planned
16 mitigation can compensate for this slash and burn technique. The
17 double standard is clear. We seem to be willing to sell our
18 birthright for more grapes. Shame on us if we do so.

19 On a personal note, all of us, I speak for many of you, I
20 don't even know most of you. We moved to Circle Oaks, we moved
21 to Atlas Peak because it's beautiful, because it's peaceful,
22 because we have our own space, because we have mature trees,
23 because we have wildlife. All that is imperiled by this project.
24 And I ask that everybody here keep their minds focused on that
25 process. We want to see something transparent. We want to see a
26 change that brings--that looks at this whole EIR and says, is
27 this realistic. Thank you very much.

28 DIRECTOR MORRISON: The next three speakers will be Berit

NOVEMBER 12, 2014

1 Muh, Parry Murray, and William Murray.

2 BERIT MUH: Good afternoon. My name is Berit Muh, and for
3 19 years we've lived at 2075 Atlas Peak. So we're a few miles
4 from the project, and as a result didn't get any of the official
5 notifications, the DEIR. We found out from our neighbors. Our
6 well is 640 feet deep and it used to give us more than adequate,
7 large amounts of water.

8 In the past couple of years, between the drought and all
9 the wineries currently on Atlas Peak, our water has gotten
10 scarcer. Enough so that we have to truck in water at significant
11 expense several times a month despite very careful water use and
12 conservation measures. The water studies done that are included
13 in this DEIR were done several years before the drought and only
14 checked the impact on the immediately adjacent properties. We
15 would like to see additional studies that reflect the current
16 drought conditions, include a larger geographic area of Atlas
17 Peak to determine the environmental impact on neighbors like us
18 some miles away, but with wells fed by a number of the same
19 interrelated water sources. Thank you very much for hearing our
20 consideration.

21 PARRY MURRAY: Good afternoon, I'm Parry Murray, I'm at
22 3393 Atlas Peak Road. My parcel is just across from Greg Gales
23 and down from the two large, contiguous projects that he
24 referenced in his slides.

25 I do have specific questions regarding groundwater testing,
26 and so forth, that I'll submit in writing, but today I'd just
27 like to pose a more fundamental question or two here.

28 We're at a crossroad in Napa's history, a place we've been

NOVEMBER 12, 2014

1 before, such as when the Ag Preserve was established to protect
2 ag land and our Napa way of life from rampant overdevelopment.
3 Today we're facing rampant overdevelopment again, but from
4 within the ag community itself. And it now threatens not only
5 our way of life, but the very watersheds that nurture it. I
6 stand before, and with, you in calling for courage and vision at
7 this junction.

8 My first question is, while California and many other
9 regions around the country and the world are under such severe
10 drought conditions, why would we consider one more such project
11 when cumulative data isn't even in yet from some of these other
12 currently permitted, large-scale projects? And since it's
13 claimed in the EIR that operations would cease if water tables
14 drop, how would you propose to, first of all, determine exactly
15 how much each and every one of these projects is contributing to
16 the problem, and secondly, actually enforce a shutdown. Also, is
17 there a financial plan in place to truck water in for those of
18 us when our wells run dry?

19 I'm here to say today that I really think as a county
20 concerning these large-scale vineyard projects and other
21 overdevelopment, we just need to slow down.

22 As far as the Atlas Peak aquifer and the Milliken watershed
23 is concerned, does it make one iota of sense to continue
24 approving new, expansive projects in that same aquifer? Looming
25 ahead is a dark cloud of unknowns. Several articulate letters
26 have addressed the shortage of groundwater data, the shortage of
27 actual water, as you've heard today, and the threat to a quiet
28 life chosen, and now palpably threatened.

NOVEMBER 12, 2014

1 Legitimate concern should not be pushed aside by bulldozer
2 blades, along with deer, every oak tree, Manzanita bush, and
3 snapping twig in the way. Given that the County itself has
4 already called for a revision of its own groundwater ordinance,
5 a confession, in essence, that there is inadequate data, why on
6 earth would we approve new projects until that ordinance has at
7 least been revised? How can we plan based on unknowns?

8 I join all of those who are here today, as well as
9 throughout the county for an immediate moratorium on large-scale
10 vineyard development until both County groundwater and winery
11 ordinances have been revised and completed. We simply need to
12 take a breather while we collectively work to define, and put
13 into place limits on what we allow to happen, or not, in our
14 watersheds.

15 Lest we forget, in terms of Atlas Peak and the Milliken
16 watershed, we're now contemplating contaminating our own
17 drinking water. Have we really come to that? A moratorium would
18 provide time to more carefully and conscientiously plan our
19 future in this corner of the world we share. Thank you very
20 much.

21 WILLIAM MURRAY: Good afternoon, Mr. Morrison. My name is
22 William Murray. I reside at 1055 Hedgeside Avenue. And I'd like
23 to talk a little bit about the history of water in our area.

24 Now, my home's location is not far from the hills of Atlas
25 Peak area, and within the Milliken Creek diminishing aquifer.
26 It's served directly by the watershed, which the Walt Ranch
27 project is contemplated. When our home well was developed in
28 1943, the water level rose to the top of the well's casing.

NOVEMBER 12, 2014

1 There were neighbors whose wells were artesian, as are many
2 artesian springs and wells on the hills nearby. Those artesian
3 wells, as far as I know, are all gone. I don't know of any
4 artesian springs in the hills anymore.

5 Sometime around--here's another example. Sometime around
6 1900, a well was dug at what is now the Silverado Springs
7 development at the corner of Atlas Peak and Monticello Roads.
8 When they dug this well it became artesian with great force.
9 This artesian well was so powerful that it cut a deep-water
10 course to Milliken Creek, turning Milliken Creek reddish brown
11 with sediment as it churned the soil in the path until its
12 source could be capped many days later.

13 Those plentiful water days are gone. I know of no artesian
14 wells in the area. Our own well water level has dropped
15 significantly over the years. Traditionally, the wells in our
16 area are shallow wells, reflecting our once plentiful aquifer.
17 Large-scale developments, such as the Walt Ranch project, are
18 pushing us to the tipping point in our water resources. It's
19 time for a moratorium on large-scale developments which
20 contribute to our already diminishing water resources. Thank you
21 for your time, Mr. Morrison.

22 DIRECTOR MORRISON: I'd like to commend everybody. We've
23 had 16 speakers, for about 48 minutes, and we've gone about 45
24 minutes in the hearing, so everything's going along very well. I
25 appreciate everybody's cooperation. Next three speakers, Carol
26 Kunze, Chris Malan, and Peter Krammer.

27 CAROL KUNZE: Um, do you have my slides? Yeah. Thanks. My
28 name is Carol Kunze, I'm speaking for the Napa Sierra Club.

NOVEMBER 12, 2014

1 Conversion of woodlands and upland habitat to agricultural use
2 in Napa is happening at such an aggressive rate that we're
3 beginning to cannibalize the county, threatening resources
4 needed by neighbors and wildlife alike. Acres and acres of
5 upland habitat are being destroyed, and what habitat is left is
6 fragmented.

7 Our wildlife is being left with no place to go, and the
8 health of our watersheds will suffer as a result. This map is
9 from Napa County's baseline data report. It shows land in green
10 that had no development and could be used to protect wildlife.
11 Pink represents parcels with development. Unfortunately those
12 green areas, which could be used to protect wildlife, are being
13 developed. Next slide.

14 This is a blowup of the map showing Walt Ranch, previously
15 identified as land that could be used for protection of
16 wildlife. Wildlife habitat is being fragmented throughout
17 California by roads, conversion of wild lands to agriculture,
18 and deer fences. All three threats to wildlife habitat are
19 present in this project. Could you show the next slide?

20 This slide you've seen before. Habitat fragmentation is one
21 of the greatest threats to biodiversity, and thus to species
22 survival. The DEIR concludes that the cumulative impact on
23 habitat fragmentation as a result of the proposed project is
24 expected to be less than significant. Unfortunately, as you can
25 see, although there're going to be less than 300 acres converted
26 to vineyard, and less than a total of 500 acres--sorry, about
27 500 acres of total development, wildlife habitat over the entire
28 2,300 acres will be fragmented.

NOVEMBER 12, 2014

1 As I said, the DEIR concludes that cumulative impact will
2 be less than significant, but this, quite frankly, is just not
3 believable on its face. Our written analysis, which will be
4 submitted by the 21st, will be--indicates that the DEIR is
5 inadequate in many respects. A number of known sensitive species
6 have not been included. There's been insufficient discussion of
7 edge impacts, and there has been inadequate discussion of the
8 impact of fragmentation for all possible species.

9 Walt Ranch is an area--is in an area designated for three
10 uses: agriculture, watershed, and open space. Given the
11 topography and the habitat of those three options, agriculture
12 is just not the proper choice. Thank you.

13 CHRIS MALAN: Hi. My name is Chris Malan. I'm the manager
14 of Living Rivers Council, and we've been in this discussion for
15 almost 20 years. So, I'm so happy to see so many people
16 realizing what this county is facing, with an industry out of
17 control, marching up the hillsides, and destroying the very
18 headwaters of our streams and our river. This is one third of
19 the documents in the EIR. The stack down at the County is really
20 like three times this. And you would think with the amount of
21 paper and the amount of time that the applicant and the County
22 did to produce this EIR, that we would get accurate information.
23 But we are not. We are not. And I'm so sad to say that the
24 applicant did not properly characterize the setting of this
25 project within the Napa River watershed, within the Milliken-
26 Sarco-Tulocay watershed.

27 This aquifer is going to be impacted by this project and
28 the applicant says it won't. This aquifer is in overdraft, and

NOVEMBER 12, 2014

1 the applicant says this project's not going to affect the
2 Milliken-Sarco-Tulocay aquifer. And we've had people here giving
3 historic information, testifying before the County what has
4 happened to their wells, and their springs, and their artesian
5 over the last 40 to 50 years. It promises to get worse.

6 So, the applicant did not say that Sarco and Tulocay creeks
7 are dry almost year round due to significant cumulative impacts
8 from agriculture and extraction of groundwater. The EIR doesn't
9 say anything about that. Those creeks are dead, and Milliken's
10 on its way. Okay, the Milliken aquifer and the Milliken
11 watershed is extremely unique. There are species there nowhere
12 else in the world. The applicant did not discuss that. The
13 applicant did not do proper protocols for Pallid bat, long-eared
14 Townsend bat, did not do proper protocols for California red-
15 legged frog, and Foothill yellow-legged frog. Severely lacking.

16 The applicant didn't talk about erosion coming off of the
17 project. They said, eh, you know, it's all going to stay on the
18 project. Wrong. Okay, it's going to go off the property, it's
19 going to go into Milliken Creek where there is still some
20 incredible habitat for Steelhead. And yes, it's below the dam,
21 but guess what, that water spills over the dam. And all those
22 sediments go and fill in the habitats below. So, I'm sorry to
23 say, the EIR is lacking. Thank you.

24 PETER KRAMMER: Hello, I'm Peter Krammer. I live at 351
25 Circle Oaks Drive, about 200 feet from Walt Ranch's Block 37. I
26 moved to Circle Oaks, as did most of the community, because it
27 is quiet. How quiet is it? According to a sound study conducted
28 over the last two weeks, it is 33 decibels. It is not 59 as

NOVEMBER 12, 2014

1 stated in Section 4.8 of the Draft EIR. Let me illustrate what
2 we're facing.

3 By turning Circle Oaks Drive into a major commuter road,
4 and increasing traffic eight times over now, ambient noise will
5 increase from 33 to between 54 and 90 decibels. Right now, three
6 to five large trucks per week travel uphill past my home. Yes,
7 they're a racket. About 85 to 90 decibels from 50 feet away. I
8 work at home, and have to close my windows when they go by. With
9 Walt Ranch, how many will we have per day during construction,
10 during harvest, or while Napa County is hauling up water because
11 the wells ran dry.

12 What about the drone of chainsaws and bulldozers clear-
13 cutting the wild land forest right behind us. Or the constant
14 grind of gravel crushing and sorting. What about the blasting?
15 Blasting, is this West Virginia we're talking about?

16 How loud is all this? The Draft EIR says the prevailing
17 background noise will increase to approximately 62 decibels five
18 or six days a week. The level I'm talking right now. And that's
19 not counting the dynamite blasts and the heavy trucks. What does
20 this mean? It simply means that it will get much louder where I
21 live.

22 What's loudness mean? Loudness is a response to sound. It's
23 agreed that a ten-decibel increase equals, and it is a perceived
24 doubling of loudness. Increasing the prevailing noise from 33 to
25 43 is twice as loud. 43 to 53 is twice again. 53 to 62 is about
26 twice again. Six times as loud as current. This isn't a little
27 bit folks. If you think my droning voice is irritating you,
28 imagine what everything you do is peppered with industrial

NOVEMBER 12, 2014

1 noises as loud as my voice, all day, five or six days a week.
2 And this isn't just for a week or a month, but for four years of
3 construction, and in perpetuity once it starts operation. And oh
4 yeah, those vineyard fans in the middle of the night.

5 So, what are the impacts of this noise? The Draft EIR
6 identifies annoyance, nuisance, dissatisfaction, interference
7 with speech, sleep, and learning, and physiological effects such
8 as hearing loss, and sudden startling. How does Hall propose to
9 remediate these things? They don't. They say they have the right
10 to farm where no farm now exists. They state that the proposed
11 project would not cause a substantial permanent increase, this
12 is in quotes, in ambient noise levels above what is in character
13 of the surroundings. And they also say that it would not cause
14 substantial temporary, or periodic increases in ambient noise
15 levels. So, this is an outright lie.

16 The surrounding uses are residential, not construction, and
17 not industrial agriculture. The Draft EIR does not address noise
18 pollution, other than to counter that Hall has the right to farm
19 where no farm exists, and destroy the quality of life of the
20 close to 1,000 people who live in its proximity. Thank you.

21 DIRECTOR MORRISON: Thank you. I'd like the next three
22 speakers, Michelle Benvenuto, Sue Wagner, and Sandra Ericson.

23 SUE WAGNER: Did you want us to go in order? I happened to
24 get here first. I was closest.

25 MICHELLE BENVENUTO: That's fine.

26 DIRECTOR MORRISON: Ms. Benvenuto, yields to--go ahead.

27 MS WAGNER: Thank you. My name is Sue Wagner. I live at 66
28 Juniper Drive in Circle Oaks. And I appreciate the opportunity

NOVEMBER 12, 2014

1 to come and talk to you today about my concerns about this
2 project.

3 Circle Oaks is a Napa County community of 182 residences,
4 which is nearly surrounded by the Walt property. Our rural
5 subdivision of 280 acres has dedicated 70 percent of its acreage
6 to greenbelt. The greenbelt will always remain undeveloped. Most
7 of it is oak woodlands, which adds to the ambience and beauty of
8 our community. We value our forests so much, in fact, that our
9 trees are protected by our CC&Rs, which prohibits cutting them
10 down without permission.

11 The people who live in Circle Oaks will be most profoundly
12 affected by this project. Many of us are average citizens and
13 have never before been politically active. Some of us have spent
14 hundreds of hours on this effort, trying to understand the DEIR
15 and reaching out to our neighbors to alert them to the concerns
16 that we have about this project. We have taken away time from
17 jobs, our families and our leisure time to devote as much time
18 as we can to understanding this project and the impacts that it
19 will have on our lives. I have personally donated hundreds of
20 dollars to various organizations committed to challenging this
21 project, as have many others. These are significant outlays for
22 folks of our income range.

23 Circle Oaks has been my home for 27 years. I chose to live
24 here because of its natural beauty, serenity, and the ability to
25 live a rural lifestyle with all the best amenities. I mention
26 these facts to help you gauge the level of deep concern which
27 has brought all of these people here today.

28 Circle Oaks is literally downhill, downstream and downwind

NOVEMBER 12, 2014

1 from Walt Ranch. While the DEIR does recognize that some project
2 activities may result in an impact on the quality of our lives,
3 I believe the impacts are grossly understated. Experts will
4 address these deficiencies in greater detail in the form of
5 written comments in the DEIR. Napa County officials who have the
6 power to approve this project need to understand the residents
7 of Circle Oaks fear literally losing their investments in their
8 homes.

9 The DEIR is deficient because it doesn't answer these hard
10 questions. If our wells go dry despite the best efforts of the
11 experts to assure us that there is plenty of water, who will
12 guarantee that there will be no loss of water to our community?
13 If land slippage caused by the conversion of hundreds of acres
14 of untouched oak forestland to vineyard causes cracks in our
15 home foundations, who will be responsible to repair them? If air
16 or water toxic pollution from construction or vineyard
17 operations causes illness or water quality concerns, who will be
18 responsible for paying medical bills or for toxic cleanup?

19 Our community dreads the destruction of our tranquil
20 lifestyle if we are subjected to three or four years of blasting
21 and rock crushing. It will be like living next door to a quarry.
22 Who will monitor this activity? Residents of Circle Oaks face
23 drastic increases in commercial vehicle traffic as was just
24 discussed.

25 Not only will our human population face untenable changes
26 to our environment, wildlife that we've grown to--all to enjoy
27 in our community on a daily basis will likewise be affected by
28 the destruction of their natural habitat.

NOVEMBER 12, 2014

1 Walt Ranch is bad for our community, bad for the watersheds
2 and bad for the environment. Please reject this project and send
3 a message to vineyard developers, hands off our hills and
4 watersheds. Thank you.

5 MICHELLE BENVENUTO: Michelle Benvenuto, the Winegrowers of
6 Napa County. Winegrowers are--our members are wineries, vineyard
7 owners and vineyard management companies.

8 Napa County is governed by the General Plan. This is a plan
9 that is a long-term plan that required extensive public input.
10 It's adopted by the Board of Supervisors and it recognizes that
11 preserving agriculture is the highest and best use of land. Our
12 General Plan is only six years old and it is the guiding
13 document. We are still operating within the projections of the
14 General Plan and our vineyard development is actually under the
15 projections.

16 When it comes to water, I sat on the groundwater advisory
17 committee for three years and Napa County has been monitoring
18 water since mid-1900s. And while we're currently in a drought,
19 it looked at long-term planning. And we realized that the Napa
20 Valley floor is stable and that there is site-specific analysis
21 needed for the hillsides. We talk about the water availability
22 analysis changes, that essentially--what it's looking at--is
23 looking at site-specific analysis in the hillsides, which this
24 does.

25 When it comes to vineyards, the success of vineyards and
26 the wine industry sustains the economic viability of the
27 valley's agricultural tradition. The industry is consistently on
28 the cutting edge of incorporating environmentally sustainable

NOVEMBER 12, 2014

1 practices that avoid or mitigate significant environmental
2 impacts. In order for Napa Valley to remain one of America's
3 treasured farming communities, we must work together to balance
4 growth, support long-term planning and protect our right to
5 farm. Thank you.

6 SANDRA ERICSON: My name is Sandra Ericson and I chair the
7 St. Helena Climate Protection Force, for six years, and
8 currently I run a website in St. Helena called shwindow.org in
9 which I attempt to bridge the gap between government and people
10 in terms of knowledge.

11 Because Napa County lags behind in its digital
12 communication with people, it too often--tacitly endorses the
13 use of public resources for private interests. It seems not to
14 recognize the growing limitations of future resources of water,
15 air, roads, natural environment, and it has not met the
16 enforcement challenge, which is currently now a lottery, and
17 therefore, enforcing something in such a distant, remote
18 location is not encouraging.

19 The zoning of the Walt Ranch property and most of the
20 immediately--most--needs to be immediately reviewed in light of
21 changing climate conditions, greenhouse gases, drought,
22 agriculture transition caused by climate change, because it
23 won't always be grapes here anymore. New pressures on wildlife
24 survival and the new tourism hurricane, as one person termed it.

25 The State has recently passed groundwater laws and has
26 mandated that Napa County, as a medium-high risk in both of its
27 aquifers, I think the point rank is 20.8, something to that
28 effect, is mandated to have groundwater management laws in place

NOVEMBER 12, 2014

1 and it's one reason why developers are rushing to get these
2 projects through before those laws are in place.

3 In the--University of Hawaii has come out with the Mora
4 Study, which predicts that for this latitude, 2049 is the
5 tipping point for when we will have more bad days than good
6 days. And that's another reason why they're rushing to get their
7 projects in place.

8 And further, the resources and the mapping of these kinds
9 of scientific studies have brought out new features that need to
10 be considered in EIRs. For instance, there needs to be a
11 measurement of the loss of carbon sink. Trees act as a carbon
12 sink up into the high 80s. Vineyards--I think it's two point
13 something. Very low. So taking out all those trees is taking out
14 more than the trees and more than the wildlife. It's taking out
15 future and how carbon is controlled in this county and at some
16 point there will be a carbon management plan that will be highly
17 detailed.

18 This review that should happen should stop development. It
19 should be open, inclusive, two-way, use current research and it
20 should realistically address this new, more limited future of
21 California land use. If this permit is approved, Napa County
22 will not get another chance soon enough to continue as it is
23 presently envisioned. And the information on the General Plan is
24 already old. Since 2006 to 2009 when it was put together, the
25 drought and climate information was simply not correctly
26 assessed. Thank you.

27 DIRECTOR MORRISON: I'm going to call the next group of
28 speakers, then I think we'll take a break. That will have been

NOVEMBER 12, 2014

1 about an hour and a half and we'll be halfway through the cards.
2 Again, if you want to speak, we encourage you to please fill out
3 a card just so that we can keep everything moving. So we'll do
4 three more and then we'll take a ten-minute break. Tom Vreeland,
5 Jane Mead and Jeff Roberts.

6 TOM VREELAND: Hello. I'm Tom Vreeland. I live at 2391 Atlas
7 Peak. I have lived there for about 17 years, but am a native
8 Napan. Thank you for--everyone, for being here today. I'll try
9 and make my questions brief.

10 Water, like most things, doesn't flow uphill. So the full
11 study was done looking at a flat area, in essence, not looking
12 at--further down Atlas Peak, all the residents there, to see
13 what the impact is on the well. And so my question is, is what
14 has been done to analyze the water level trends? Have permits
15 for deeper wells been tracked? Have permits for holding tanks
16 been tracked?

17 In the time I've lived on the hill, I watched--ah--the
18 surrounding areas. I drive up and down the road. When I first
19 moved up there, I only saw well-drilling rigs for new
20 construction. The past few years I see significant amount of re-
21 drilling of wells at existing properties. I see a lot of holding
22 tanks going in where there were no holding tanks before. Has
23 this been analyzed to see, you know, what is going to be the
24 impact of sucking all the water out up above to houses further
25 down? Granted, I live sort of near the pet cemetery, which puts
26 it in perspective relative to this project.

27 The other question is, is well service companies, when they
28 service a well, they log what the water levels are. Has any

NOVEMBER 12, 2014

1 attempt been to gather that information to see what the trend is
2 in terms of well water levels?

3 The last point, so I had said I'd try to be brief, is that
4 there's talk about monitoring of the wells, which I think is
5 great, on the whole property. My question is, it doesn't do any
6 good to monitor something if there aren't guidelines in terms of
7 what's going to happen if something happens. Meaning, where will
8 the water levels go before something has to happen and the
9 pumping stopped?

10 And so to me, for the project to move forward, there needs
11 to be some specification in essence to say if this happens, then
12 this happens. Not just we're going to monitor things and watch
13 the well go dry. Thank you very much.

14 JANE MEAD: My name is Jane Mead, I live at 3029 Atlas Peak
15 Road. And I'm going to read my comments. I'll just pick up where
16 Mr. Vreeland left off. But first of all I want to thank you for
17 the opportunity to have this meeting.

18 In the meeting that he held at the Montage [sic] Resorts on
19 November 6, Mr. Hall offered to install perimeter wells for the
20 purpose of monitoring water levels and promised that he would
21 stop water use if neighboring wells were affected. I appreciate
22 this and believe it should be spelled out in the EIR, including
23 monitoring and enforcement mechanisms.

24 Secondly, it strikes me as worthy of further explanation in
25 the EIR that the cumulative effects of water usage for the Walt
26 project and the neighboring Circle S project, each of which has
27 a small fraction of their total proposed vineyards already
28 planted, was established by halting the draw at Circle S and

NOVEMBER 12, 2014

1 drawing from one well at Walt Ranch, and I have more in a letter
2 about this, but for the sake of time.

3 It is no less perplexing to me that the recovery portion of
4 this test had to be cut short after five days and fifty-one
5 percent recovery because, and I'm quoting from the EIR, all
6 existing vineyards were in dire need of being irrigated. Both
7 Walt Ranch and Circle S Ranch had suspended vineyard irrigation
8 throughout the testing period and the air temperature had
9 increased in the area by the end of the recovery period. And
10 that's the end of the quote.

11 The average daily temperature in Napa during the well
12 recovery periods were in order by day: 64, 61, 58, 60 and 62
13 Fahrenheit. I'm not reassured by this. And I am not reassured
14 that our well, our grove of redwoods, our spring, all just on
15 the other side of Atlas Peak Road, are going to survive the
16 unprecedented water usage. I do not believe that these pockets
17 of Sonoma volcanics recognize property boundaries.

18 The Halls believe that the DEIR represents restraint. As
19 you go up into the hills around Napa Valley the proportion of
20 one's property that is suitable for vineyard decreases. To fail
21 to acknowledge this as a fact of hillside vineyard development
22 is disingenuous. The DEIR points out the efforts the Halls will
23 make to mitigate the potential destructiveness of this project
24 in accordance with the County regulations. But the larger
25 picture and the reason I believe that this project is so
26 controversial is that they seem to have no regard for the laws
27 of nature. I believe this is going to be a problem.

28 JEFF ROBERTS: Director Morrison, thank you for the time.

NOVEMBER 12, 2014

1 My name is Jeff Roberts and I live at 111 Ridgecrest Drive in
2 Circle Oaks. I've read many different parts of the DEIR prepared
3 by Staff and have several concerns with various parts of the
4 draft. One of my concerns is the dust created during the
5 construction period, which is for four years. The report states,
6 activity will occur within 30 feet of the nearest residence.

7 Two of the recommended mitigation items were sweep Circle
8 Oaks Drive daily with water sweepers if visible soil material is
9 carried onto adjacent streets. Another one is, suspend
10 excavation and grading activity when winds, instantaneous gusts,
11 exceed 25 miles per hour.

12 Please address who will be doing the monitoring of the wind
13 speeds every day and how it will be recorded. How can you assure
14 that this will be being done? Self-monitoring is not an option.
15 It's a conflict of interest. The impact from earth moving all
16 day every day during this period will require more than a street
17 sweeping. This area is historically windier than other areas of
18 Napa.

19 I also dispute the figure 25 miles per hour as being the
20 measurement, where even a ten-mile-an-hour wind in the right
21 direction is enough to move fine dust a great distance. I
22 believe that there are not enough trained expert or qualified
23 employees within the entire county to monitor, inspect and
24 ensure all the mitigation measures you have set forth will be
25 followed and enforced.

26 Have you considered all that is being monitored for this
27 one project? Self-monitoring is not an acceptable alternative.
28 The lack of manpower and funds by the County to monitor and

NOVEMBER 12, 2014

1 enforce is telling of the nature and scope of this project.

2 In closing I have a few questions for you. What will the
3 developer or the County do to remove or prevent the ensuing dust
4 over our homes, our outdoor plants, vehicles, buildings, and
5 from our air conditioning filters for the next four years? There
6 will be more than a little fine dust on the roads.

7 Will the County provide a study on wind conditions and
8 drift patterns over the entire Circle Oaks community before
9 assuming that there is not enough potential for dust to travel
10 further? Which of the mitigation components for each item
11 addressed in the DEIR or Final EIR will the County provide
12 qualified, trained staff to monitor, report and enforce
13 accountability. Self-monitoring is not acceptable because of
14 conflict of interest.

15 Who will be responsible for keeping all records of
16 monitoring and compliance for all the different mitigation
17 requirements? After all the mitigation protection for trees,
18 wildlife and ecosystems, where is the protection from the
19 emotional stress and psychological harm that this project may
20 have on the citizens you have a responsibility to consider? The
21 most obvious concern is that it is not a good fit for this
22 property and will potentially have devastating impact on human,
23 as well as wildlife that it affects. Thank you for the
24 opportunity.

25 DIRECTOR MORRISON: Okay. I don't know about you all, but I
26 could use a stretch, so let's break till forty after--or I'm
27 sorry, twenty till.

28 --o0o--

NOVEMBER 12, 2014

--43--

1 DIRECTOR MORRISON: I know we'd all like the break to go on
2 a little bit further, but we've still got a number of speakers
3 left who wish to be heard as the--and have the same opportunity
4 that the people have already had.

5 It is a little warm and dry in here. If anybody is thirsty,
6 there is some water and some paper cups out the door to the
7 right if you are getting a little dry. I know this room is kind
8 of arid.

9 So during the break we had one speaker ask to be removed,
10 we had two more added. But if we keep the same pace as we did
11 for the first part of the meeting, I believe we can probably
12 adjourn around 4:15, so, in which case we can all, perhaps, beat
13 the rush hour on Soscol and Silverado. Traffic is an entirely
14 different issue.

15 So if the next three speakers are ready, we'll go with
16 Lynna Roberts, Annette Krammer and Jim Lincoln.

17 LYNNA ROBERTS: Hello. My name is Lynna Roberts. I live at
18 111 Ridgecrest Drive in Circle Oaks. My husband and I moved to
19 Circle Oaks four years ago and before finding this beautiful
20 rural community in the hills of Napa, we never dreamed we could
21 afford to live in the country anywhere near Napa. We are now
22 living our dream.

23 To the investors of Hall Brambletree and Craig and Kathryn
24 Hall, our so-called neighbors, it may seem a humble dream. The
25 reason our home was affordable is because not everyone wants to
26 make the sacrifices of living so far out. It's a 20- to 25-
27 minute drive on a winding, two-lane mountain road just to town
28 or back. Circle Oaks residents make this drive because to quote

NOVEMBER 12, 2014

1 many who live there, it's worth it. Like others, we moved there
2 because it's quiet, peaceful and beautiful with nature and
3 wildlife abounding all around us. We never imagined that the
4 County would consider allowing a rural community of fifty years
5 to suffer the incredible negative impact of a project like the
6 Walt Ranch vineyard conversion. This project title makes it
7 sound so benign when in truth it should be called the Walt Ranch
8 destruction of 28,616 trees project or the Walt Ranch wipeout of
9 wildlife project or the Walt Ranch use of 69 million gallons of
10 water per year project.

11 I live at the top of Circle Oaks, where if permitted, the
12 Hall Brambletree Walt Ranch project will be just beyond the
13 hillside near our home. The stillness of rural living allows
14 every sound to be heard loudly. A voice, a cough, a birdsong
15 carries through the air across the distance. I ask you, the Napa
16 County Planning department, to honestly consider if it is
17 appropriate in such an area to allow a four-year construction
18 project of blasting, grinding, digging, heavy equipment traffic
19 and all other related sounds in such a close proximity to our
20 rural community.

21 Does the EIR justify harm to people and the environment? I
22 ask you. As you determine your decision to sincerely consider
23 how you would like living next to a four-year project of this
24 magnitude and forever after have gondolas roaring up and down
25 the streets of your once quiet neighborhoods and destroying the
26 roads and even endangering those who walk in the streets due to
27 no sidewalks.

28 Please ask yourself. Would you like pesticides and dust

NOVEMBER 12, 2014

1 rolling down over the hillsides with the often present wind and
2 fog, damaging the quality of the air you breathe, endangering
3 your health? And at any time, but especially in a state of
4 emergency drought, would you want the risk of depletion of the
5 watershed that supplies water to your homes? Would you invite
6 the devaluation of your property? Would you not rise up and
7 protest such an unreasonable project? Would you not stand before
8 those who are responsible for protecting you and ask for their
9 help?

10 I ask you to refuse the permitting of a construction
11 project of such dynamic size and such an extreme scope of
12 destruction to forests and wildlife and potential devastation to
13 the lifestyle of an entire existing community of 179 families. I
14 ask you to serve this county and its residents responsibly and
15 step up with compassion and the high integrity it takes to be
16 good stewards of this valley's remaining natural resources
17 before it's too late. I ask you to seriously consider when
18 enough is enough. Thank you for your time.

19 ANNETTE KRAMMER: Fellow Napa residents. I am Annette
20 Krammer, 351 Circle Oaks Drive, and I want to know who is taking
21 the risks if this development goes forward? What are the
22 benefits? Who is the beneficiary? The residents of the county
23 and the neighbors around the Walt Ranch are being asked to
24 accept a lot of significant costs, a lot of real risks.

25 We may lose our water, in which case we would lose much of
26 the value we have invested in our homes. We will lose the peace
27 and quiet that is the reason that we live where we do. During
28 four years of construction we will be living beside the

NOVEMBER 12, 2014

1 effective combination of a rock quarry and a logging camp with
2 construction traffic running past our doors. Anyone who needs to
3 sell their property during that period is unlikely to find an
4 enthusiastic buyer.

5 After the woods are stripped and the grapes are growing,
6 the substantial draw on the local water supply and the
7 infrastructure damage will continue to negatively affect our
8 property values, breaking apart a rare and genuinely wild
9 ecosystem, taking down thousands of mature trees, wildlife
10 destruction, smoke, pesticides, fungicides, traffic noise.
11 Really, these are bad enough on their own. But they are also
12 likely to damage the value of our modest homes. We cannot afford
13 it. And why should we for someone else's profit?

14 It seems like all the risks here are ours. Perhaps the
15 benefit to the county is in additional tax revenue. Of course,
16 if we lose our water, potable water will have to be trucked in,
17 water reserves elsewhere will get used up in the process, damage
18 to the roads and the infrastructure will cost the county. The
19 county is all of us. Do the property rights of one large
20 landowner trump the rights of several hundred small ones? If we
21 continue to approve projects that take down our woods and
22 deplete our water supply for the sake of more and more business,
23 more and more wine, more and more tourism, we will destroy the
24 value of all of these things. People visit Napa County from all
25 over the world for its beauty. And yes, of course, for its wine.
26 We already provide five million visitors a year with wine. How
27 much more do we need?

28 We need balance and we need a fair assessment of risks and

NOVEMBER 12, 2014

1 the benefits. If this and similar projects are approved, then
2 the residents of Napa County will want our representatives to
3 explain to us why we are expected to take these personal risks
4 on this massive scale for the benefit and profit of a private
5 venture. Thank you.

6 JIM LINCOLN: Jim Lincoln, Napa County Farm Bureau. My
7 natural resources committee met with both the applicant and the
8 opposition to listen to both sides, hear their concerns, we
9 appreciate them taking time to come and speak with us and again
10 we encourage them to speak to one another.

11 I think there's a lot of misinformation going back and
12 forth, but I'm here today to speak against the additional burden
13 of a public hearing and an unprecedented additional step in the
14 already long, complex and arduous process that is the erosion
15 control program.

16 I was around in '91 when the erosion control programs were
17 started. There was pandemonium then, that that was going to be
18 the end of the industry. Since that time we've raised our game.
19 The standards have gotten more rigorous every year.

20 The--we're to a point now where the standard for erosion
21 control plans on a project is no increase in peak flow of water
22 off the project, no increase in soil erosion off the project
23 above the background levels, so it seems why are we adding a
24 public hearing and additional regulations to zero sum increases?

25 The County has a municipal process to meet these very
26 stringent standards, the highest in California, thereby the
27 highest in the nation, for agriculture. It's ministerial if the
28 project meets these stringent standards that it should be

NOVEMBER 12, 2014

1 approved. You know, we support the current process as robust,
2 and as costly as it is, we support the importance of allowing
3 agricultural use of the land. We support the right to farm. And
4 I always add the word, responsibly, after the right to farm. And
5 we support the right to farm with best management practices.

6 So in the future, if need be, we would appreciate the
7 opportunity to work with the County to minimize any further
8 burdens on growers obtaining permits for agriculture and keep
9 the industry healthy and not overburdened. Thank you.

10 DIRECTOR MORRISON: Next three speakers: Barbara Monnetta,
11 Chris Benz and Carl Schmitt.

12 [UNKNOWN:] Barbara Monnetta left.

13 DIRECTOR MORRISON: Okay. Thank you. Chris Benz. Thank you.

14 CHRIS BENZ: My name is Chris Benz. I've been a resident of
15 Napa for 25 years. I work in the wine industry and I'm familiar
16 with the water requirements for vineyards and wineries.

17 I'm very concerned about the amount of water that the Walt
18 Ranch vineyard development will use, particularly in light of
19 what we've been hearing about the state of the aquifers in the
20 area. I think this information was unknown to the County and I
21 don't know that it can be adequately measured.

22 I'm also concerned because of the potential for additional
23 development on the many parcels that make up this property due
24 to existing zoning. I do believe that the Halls intend to be
25 good environmental stewards. With Walt Ranch they have the
26 opportunity to be environmental heroes by foregoing development
27 as others have done and working with county agencies to protect
28 this land forever. They would leave a lasting and very personal

NOVEMBER 12, 2014

1 legacy to Napa County. Thank you.

2 CARL SCHMITT: Hi. My name's Carl Schmitt. My wife and I
3 live at 8 Rockrose Court, and I wanted to thank you, Mr.
4 Morrison, for giving us the opportunity to speak on this
5 important issue. I don't want to repeat the comments that have
6 already been made by the neighbors that have come up here and
7 spoken so eloquently.

8 I think it boils down to two points: Balancing the rights
9 of multiple homeowners versus the rights of investors. And where
10 does the line get drawn. At what point do we say there are
11 things bigger than having the 402nd winery in Napa Valley. We
12 already have more people coming here than Disney World. Tourists
13 come here because it's beautiful. There is 400 plus wineries.

14 I would echo the sentiments of the previous speaker, what
15 an opportunity to, instead of creating winery number 402, to
16 create a legacy that transforms this area of the Walt Ranch into
17 something that exists in perpetuity. That's a legacy. Winery
18 number 402, eh, pretty sure it's going to be another stop for a
19 Greyhound bus.

20 My wife and I moved out here from downtown Chicago. We
21 moved into Circle Oaks ranch--Circle Oaks, six months ago. The
22 first few weeks we were stunned, and Peter mentioned this
23 earlier. It is silent in Circle Oaks. Not quiet, not minor
24 traffic, but it's silent. And the increase in the decibel
25 sounds, and I know four years, you know, it's the time it takes
26 to go to high school, but the increase in the sound and the
27 change in the lifestyle factoring in, then, 69 million gallons
28 of water, where does that come from. Where do we say, you know,

NOVEMBER 12, 2014

1 enough is enough.

2 And so I would look to the County as the protector of our
3 rights. We only exist because you gave us the right to have our
4 houses there. And perhaps the best use of the land isn't
5 agriculture. The best use of the land is the natural existence
6 of the land. Thank you.

7 DIRECTOR MORRISON: Elizabeth Bosch, Tom Dinkel and Marcie
8 Dinkel.

9 ELIZABETH BOSCH: Good afternoon. I'm Elizabeth Bosch. I
10 live in Browns Valley in Napa. I've been here for 27 years and I
11 just think it's amazing what we've heard today and I want to
12 just add a few thoughts to that.

13 You know, our system of law, currently, I say, elevates
14 corporate decision making over people. Thus industry expands its
15 operations no matter what the impact on communities and nature,
16 which is what brings us here today.

17 Let's review just a few facts of life. Humans are
18 themselves over 70 percent water. We can live two months
19 without food, but only five days without water. Water is the
20 lifeblood of all living things. The oak woodlands, where my
21 neighbors and I now call home, are the lungs of this area, and
22 they help remove carbon and then release oxygen into the
23 atmosphere. Its leaf litter, roots and soil, carbon content are
24 like the heart, slowly distributing water downhill and
25 underground to bring life to our streams and aquifers.

26 The carbon content purifies the water as it percolates
27 through the soil, setting much--acting, really, much like our
28 own kidneys. The creeks it feeds are like arteries, bringing

NOVEMBER 12, 2014

1 life-giving water to the once-renowned steelhead runs that
2 filled our rivers and their tributaries. These streams have been
3 so decimated from tree clearances for hillside vineyards and
4 wineries and water removal from both creeks and aquifers that
5 our year-round streams are pitiful remains of what they once
6 were.

7 Our watersheds are imperiled. They cannot withstand further
8 amputations. Mitigations can never keep up with the attack on
9 our watersheds and this Draft EIR is no different. We protect
10 our--we need to protect our ancient woodlands. Why not let them
11 do their work?

12 Climate disruptions is upon us now. According to the IPCC
13 [sic] Fifth Assessment we just learned we are set to inflict
14 severe and irresistible impacts upon people and the natural
15 world unless carbon emissions are cut sharply and rapidly. The
16 idea of skinning alive hundreds of acres of vibrant, pulsing,
17 breathing, hillside woodlands all while suffering the worst
18 drought in recorded history is foolhardy. Forests temper our
19 carbon pollution. Their destruction cannot be mitigated. We
20 should be planting trees like there is no tomorrow. The window
21 of opportunity to save the oceans and the air that supports life
22 as we know it is about to slam shut.

23 Given this reality, how can the County ignore the science
24 of a climate in peril and rob its current and future generations
25 of the protections of our forests.

26 DIRECTOR MORRISON: Are Tom and Marcie Dinkel here?

27 [UNKNOWN:] No. It's been covered. Thank you.

28 DIRECTOR MORRISON: Okay, thank you. Does that go for

NOVEMBER 12, 2014

1 Marcie as well?

2 [UNKNOWN:] Yes.

3 DIRECTOR MORRISON: Thank you. You guys are making this
4 easy. Jim Wilson, Charlene Steen and Lisa Hirayama.

5 JIM WILSON: Thank you very much, Director Morrison, for
6 having this hearing for us. My name is Jim Wilson. I live at
7 5000 Monticello Road in Capell Valley. Our property shares about
8 a mile or more of the property line between ours and the Walt
9 Ranch. We're mostly downstream, or completely downstream from
10 their property.

11 I love where I live. I moved there as a young 25-year-old.
12 I raised a family with my wife there on her mother's property.
13 My children are fifth generation. I love it because I know it.
14 And because I love it I want to protect it like anything that
15 you would do when you love something.

16 This love for this land didn't come overnight. It came
17 because I was exposed to it over the years and I grew to love it
18 because I realized that I needed it as much as it needed me and
19 so we have a relationship.

20 I brought a little piece of reality to show today. This is
21 a piece of live oak that I took from our property. This is the
22 same sort of thing that grows all around Capell Valley. It
23 serves us well. We undervalue the ecological services provided
24 by our forestlands in our neighborhoods and over the entire
25 earth like we're hearing today. I don't want to rehash some of
26 what has been already mentioned about our slamming up against
27 physical limits of climate disruption and water scarcity. These
28 are reasons alone for a moratorium while we work out the current

NOVEMBER 12, 2014

1 situation we're in and try to understand it better so that we
2 can make more intelligent decisions about how to develop our
3 precious resources.

4 So imagine my surprise when I woke up the other day and I
5 realized that I liked Walt. I liked it because for the first
6 time I could see clearly what was going on around me and in my
7 county and so I'd like to share that piece of crystallized
8 enlightenment that came upon me.

9 This is what cumulative impacts look like. Ten acres here,
10 or a thousand trees removed. Twenty acres there, 2,000 trees
11 scraped clean down to bare ground. Got a problem with that?
12 Well, multiply five harmless acres of wine grapes times 65
13 blocks and you get 350 acres now. So why wait for cumulative
14 impacts to build imperceptively over time when you can--when
15 they can be fully felt today.

16 This is what I've learned from the Walt project. It's like
17 development on steroids so someone like myself, who is not all
18 that perceptive, can see, really, what's going on. So Napa
19 developers and planners, please take note.

20 It's unfortunate now, but there's more than meets the eye
21 on this 15-hundred-page Draft EIR. These cumulative impacts
22 don't stop here. Most everyone in this room knows that. The
23 County knows they don't stop here. It's the tip of the iceberg.
24 It's a Trojan horse. We need to call it out.

25 Why aren't we talking about reasonably foreseeable future
26 development? There are 35 parcels. There will be 35 LLCs with
27 vineyards, zoned for mansions, swimming pools, wineries complete
28 with their marketing events centers. Shouldn't the Draft EIR be

NOVEMBER 12, 2014

1 considering the future impacts of a possible wally world?

2 CHARLENE STEEN: I'm Charlene Steen. I live at 2100 Atlas
3 Peak Road. And as I looked over the EIR, I'm very concerned
4 about the water in the aquifer. The EIR says pumping of wells
5 may cause drawdown that could affect neighboring wells. [They're
6 finding] this unlikely because they say the water will be
7 recharged by rain and they use the standard that it's based--
8 their projections are based on an average rainfall of 35 inches
9 per year. I examined a bunch of different sites on rainfall in
10 Napa County and all I could find is that we have an average of
11 between 20 and 27 inches a year, not 35 inches, so the aquifer
12 will not be recharged the way the EIR suggests. I think they are
13 overlooking that.

14 In addition I wanted to say one word about the oxygen, that
15 removal of all the trees and all the plants, the loss of oxygen
16 versus vineyards. There are figures out there somewhere or it
17 can be measured that we will lose a tremendous amount of oxygen
18 because of the removal of all the trees and plant life, which is
19 not addressed in the EIR and that means that we will also have
20 climate change that it will probably be warmer in the Napa
21 Valley and I would like to see that addressed as well. Thank
22 you.

23 LISA HIRAYAMA: My name is Lisa Hirayama. I live at 16
24 Dogwood Court in Circle Oaks, which is in the Capell Creek
25 watershed. In the conservation section of the County's General
26 Plan on page 5, I found the following statement: Healthy
27 functioning watersheds are vital for a healthy environment and
28 healthy economy. And Napa County has made great strides in

NOVEMBER 12, 2014

1 acknowledging and protecting these natural systems. The
2 residents of the county rely on healthy watersheds to provide
3 adequate water for domestic and agricultural purposes, as well
4 as to support the existence, use and enjoyment of natural
5 resources.

6 Certain words from the General Plan need emphasis. In
7 particular, healthy, functioning watersheds, healthy environment
8 and healthy economy. A healthy environment and a healthy economy
9 depend on healthy watersheds. Stripping nearly a square mile of
10 hillside lands of 28,600 mature trees on slopes greater than
11 five percent, as the Walt Ranch project proposes, will degrade
12 the watersheds of both Milliken and Capell creeks.

13 Mitigation attempts offered in the Walt Ranch Draft EIR
14 cannot adequately compensate for this damage to the watersheds.
15 Planting two, three or more trees to replace these mature trees
16 is nothing more than fluff and window dressing. New trees, no
17 matter how many are planted, will not have the mature root
18 structure to prevent runoff and the accumulation of silt in the
19 creeks and streams of both watersheds.

20 Rector Reservoir suffered sedimentation problems when a
21 hillside vineyard was developed several decades ago. Since 1986,
22 erosion problems from vineyards have occurred in the Friesen
23 Lakes watershed, which is part of Angwin's water supply. That
24 area has suffered landslides, washouts and other problems caused
25 by vineyard runoff.

26 In 2003 an eroded hillside vineyard dumped--eroded hillside
27 vineyard dumped hundreds of cubic yards of soil into Lake
28 Whitehead, causing sedimentation problems for the filtration

NOVEMBER 12, 2014

1 system. Will this be the fate of the Milliken and Capell
2 watersheds if Walt Ranch is allowed to be developed?

3 Those in the City of Napa should be interested in how much
4 and how the removal of 28,600 trees could increase sedimentation
5 in the Milliken reservoir. How much will reach the Napa River
6 and ultimately The Bay? How much will reach Lake Berryessa?
7 Damage to these watersheds will have far-reaching, negative
8 effects. And for what. So a Texas-based corporation can make a
9 profit for its investors? These people are not our neighbors or
10 friends. Why should they be allowed to damage our environment
11 and economy?

12 Healthy watersheds do indeed promote a healthy environment
13 and a healthy economy. Who will ultimately pay the price for the
14 degradation of now-healthy watersheds. Is Napa County going to
15 guarantee that the watersheds will remain healthy? Once the
16 damage is done, it will be irreversible.

17 This Board must consider the greater good when it considers
18 the Walt Ranch project and the cumulative impact it will have on
19 wildlife, residents and the ecosystems. Thank you.

20 DIRECTOR MORRISON: Could we have Jim Mills, Nancy Tamarisk
21 and Pamela Cannon.

22 [Inaudible audience member comment.]

23 DIRECTOR MORRISON: Jim Mills? [Audience comment.] Oh,
24 okay.

25 NANCY TAMARISK: [I'm Jim Mills? What.] I have a couple
26 slides. These. Show the first one. It should say Sierra Club,
27 Nancy. There you go, yeah. The bigger the better.

28 Okay. My name's Nancy Tamarisk. I live at 11 Rockrose

NOVEMBER 12, 2014

1 Court, also in Circle Oaks, but today I'm speaking for the Napa
2 Sierra Club. Of the many--we have a lot of issues we have with
3 this EIR, so today I'm just combining myself--confining myself
4 to the oak woodland destruction.

5 Historians estimate that in the early 1800s, about 45,000
6 mature oak trees lived in the Napa Valley. These numbers have
7 shrunk from 45,000 to under 1,000 trees. The Walt project
8 proposes clear cutting over 300 acres of oak woodland, more than
9 28,000 trees.

10 Adjacent to Walt is the Circle S property. Their EIR in
11 2008 specified destruction of almost 14,000 trees on 289 acres.
12 So between the Walt and the Circle S properties, we're talking
13 about the loss of 42,000 trees on Atlas Peak, almost 600 acres
14 of woodland lost.

15 In less than a decade these two projects are taking out as
16 many oaks and other large trees that it took over a century to
17 destroy on the Napa Valley floor. Some might call that progress.
18 Let's be clear. We're not just talking about trees, but a
19 fragile ecosystem based on the trees, nesting spots for birds,
20 food for animals, the tree roots stabilize the unstable soil of
21 Atlas Peak, preventing sediment from choking the creek,
22 preventing landslides and ground shifts under homes and roads.

23 Tree respiration removes greenhouse gases, combating global
24 warming. Tree canopies slow the raindrops so that the water
25 recharges the aquifer rather than just running off into the
26 creek. The law requires mitigation for destruction of oak
27 woodland. On Circle S and Walt, the major mitigations are
28 conservation easements for other oak woodlands on the property.

NOVEMBER 12, 2014

1 Cut down 600 acres of trees, promise not to cut down another 600
2 acres of trees.

3 Let's see. If somebody stole half the money in your bank
4 account and promised not to touch the other half, would you feel
5 mitigated? Let's look at the mitigation plan. This map on the
6 back wall shows--is a slope map of the Walt Ranch produced by
7 the County. The areas in red are slopes over 30 percent. As you
8 see, most of the property is very steep, over 30 percent slopes.
9 Slopes over 30 percent cannot be planted in Napa County without
10 a use permit and expensive sediment and erosion control
11 measures.

12 Second slide please.

13 [Inaudible audience comment.]

14 MS. TAMARISK: That was the second slide? No. That's--
15 where's my second slide? Okay, yeah, it's hard to see, but
16 here's [the same] map with a proposed vineyard shown in cross-
17 hatching. The proposed vineyards take up virtually all of the
18 land that is less than 30 percent slope. The Walt Ranch proposal
19 is to plant practically every plantable acre on the property.
20 The proposed conservation easement of 248 acres is a legal
21 fiction. These acres are not under threat of development because
22 their slopes are too steep. Twenty-eight thousand trees will be
23 cut down. Their value will be lost forever. The roots will not
24 hold the soil in place and guide the water to the aquifer. The
25 developers will gain a tax break for a conservation easement,
26 but they will evade their legal responsibility to mitigate the
27 damages they are causing to the environment and to their
28 neighbors by destruction of the oak woodland. Thank you.

NOVEMBER 12, 2014

1 [REPRESENTATIVE OF JAMES MILLS:] I'm reading this for Jim
2 Mills. He's a neighbor of mine. He lives at 141 Ridgecrest
3 Drive. This is a response letter to the Hall Winery EIR.

4 I have lived in Circle Oaks for over 30 years and was a
5 Circle Oaks county water board member for seven years, 1985 to
6 1992. And during this time I served as president of the board
7 for five years. While serving as president I was directly
8 involved in developing the current water source for the
9 district.

10 When I first joined the Circle Oaks county water district
11 board, the only water source was spring water. And as the
12 community grew, we developed the horizontal wells in the area of
13 the springs. The purpose of the wells was to increase water
14 production and have greater control of our water. Unfortunately
15 these horizontal wells were very susceptible to earth movement
16 and the district pursued its third water source, vertical wells.

17 The district hired a geologist, hydrologist, that
18 specialize in locating aquifers. We drilled four wells. Two
19 wells did not produce water. One was troubled with long recovery
20 periods, and the fourth well is the current main water source.
21 The geologist described to me that the water source for Circle
22 Oaks is fragile, which is his words, and this fact has been
23 validated by the district's well recovery rate data.

24 While as president we keep data on the main wells' recovery
25 rate and during the dry season the recovery rate was
26 significantly greater than the wet season. According to the
27 geologist, the Walt Ranch shares the Circle Oaks county water
28 district's aquifer. It is of my opinion that the growth of Hall

NOVEMBER 12, 2014

1 Winery on Walt Ranch will most likely have a negative impact on
2 the Circle Oaks community water supply. I feel that without
3 extensive studies on this shared aquifer that the County should
4 disapprove the expansion of Hall Winery.

5 Respectfully, James P. Mills. Thank you.

6 DIRECTOR MORRISON: Is Pamela Cannon here?

7 [Inaudible audience comment.]

8 DIRECTOR MORRISON: Okay, Thank you. So the next three
9 cards I have are Pierre Pulling, John Matson and Brian
10 McLaughlin.

11 PIERRE PULLING: My name is Pierre Pulling. I live at 149
12 Circle Oaks Drive, at the beginning--near the entrance to Circle
13 Oaks community. My background is 50 years in construction
14 everywhere in the world, and everywhere in the Bay Area, every
15 county in the Bay Area.

16 This week I read an article where the National Security
17 Agency informed the U.S. Congress, to the biggest security issue
18 in the world in ten years and getting worse is water supply. But
19 I'm going to comment on the transportation portion of the Walt
20 project and subsequent consequences.

21 No one has mentioned so far the Circle Oaks community is
22 built on what is known as unstable or they call it landslide
23 soil. I have not studied that but it seems to be the experience
24 of my house. I've only been there five years. It settled four
25 inches on the side where the road is. I presume some of this
26 [sort of] thing has to do with vibrations from the road, but I
27 can't prove that.

28 Another question I have is on this designation of Napa

NOVEMBER 12, 2014

1 County defining a ranchland compared to agricultural usage. I've
2 always understood that ranchland is basically grazing land and
3 all of the sudden, since I've been here only five years in Napa
4 County, there seems to be some sort of equation. Ranchland is
5 vineyard land. Well, I question that.

6 Anyway, about the public road, the transportation, my main
7 issue. Have any of the County Supervisors personally driven over
8 to Circle Oaks to assess the safety of traffic on the steep
9 curves of Circle Oaks Drive, which is proposed to be used by the
10 Hall Winery construction vehicles?

11 The Circle Oaks community was developed and approved for
12 residential use over 50 years ago. It is a pre-existing
13 community of almost 200 homes. For Napa County to approve,
14 quote, initial construction traffic and ongoing industrial
15 traffic right to the center of an existing residential area is
16 irresponsible to me. Would a similar plan to the Hall winery
17 project be permitted with proposed construction and industrial
18 traffic going right through an established residential suburb in
19 the city of Napa itself, for example?

20 Other issues on the road. Pedestrian safety. Oh. First, the
21 steep and sharp turns. Not safe for heavy traffic. Even if a
22 semi-trailer is proceeded by a flagged vehicle, the oncoming
23 traffic would have no space to pull aside so that large trucks
24 could proceed.

25 Pedestrian safety. You must know the school children have
26 to walk up without a sidewalk from 121. Strength of the road. Is
27 it rated for heavy traffic? It's a long-term effect of heavy
28 usage. Who is monitoring the cause of--the repairs [brought]

NOVEMBER 12, 2014

1 that which Hall winery promises?

2 And the last thing is the slumping of the hills. It's been
3 a problem there and the vibration will affect, to me, it's
4 obvious, it will affect this community. The road safety and the
5 foundations of houses. Thank you for your attention.

6 JOHN MATSON: Thank you Mr. Morrison and Ms. Cahill. My
7 name's John Matson and I'm 37 Sunnyhill Lane, Napa, California.
8 And most of the things I wanted to say are pretty much been
9 covered so I'll try and expedite this.

10 I'm a concerned citizen of 35 years here in Napa. I'm
11 concerned about a few things about this project. The water
12 quality has got me a little concerned, the quality of the water-
13 -if it's--more water is pulled out in relation to like a glass,
14 if you put a spoonful of sugar in a full glass, you might not
15 taste as much, but if you get the glass two-thirds empty, it's
16 going to be stronger sugar taste. And I believe that's what's
17 going to happen to our water if they are allowed to pump out as
18 much water as they want to. It wouldn't be diluted as much.

19 The deforestation. That is a major concern for me. I live
20 at the bottom of the hill and if the root systems during heavy
21 rains don't hold it, the sediment running off could cause a
22 landslide. The property is a very fragile area. Circle Oaks is
23 very fragile. There has been slides in the past. It wouldn't
24 take much, a little bit of dynamite, a little bit of rain,
25 removal of root systems. I can't say enough about that.

26 I'm also concerned about the road and I'm concerned over
27 what Napa's going to do with the maintenance of the road. Our
28 infrastructure is under the road, our sewer and water lines. Who

NOVEMBER 12, 2014

1 takes care of the road? As it sat right now, all this traffic
2 going over it, we have to maintain, according to my knowledge,
3 we're responsible right now for the sewer and the water pipes
4 under it and the draft says we'll come back and take care of it
5 to a--those aren't the exact words, but they said they would
6 pretty much do patching, fixing it. I don't know if that's
7 resurfacing, is that just a slurry seal, are they going to go
8 around and just fill in the cracks? That's a concern, because,
9 again, we are--is Napa willing to take responsibility of the
10 road, Circle Oaks Drive?

11 Real quick. The wind machines. I've lived near them.
12 They're loud. And I believe that's an environmental impact.
13 That's an impact. The noise of the wind machines during the day
14 or the night. Blasting. Again, that scares me.

15 I'd like to ask this board to stand up and set a precedence
16 here. We need to stop this madness. The trees make oxygen.
17 Carbon footprint. Napa should stand up as leaders. We have
18 plenty of wine industry here, we should stand up as leaders to
19 stop bulldozing virgin forest for a bottle of cab.

20 Please stop this insanity. Do not approve this project.

21 BRIAN MCLAUGHLIN: Good afternoon. My name is Brian
22 McLaughlin. I live at 1871 Atlas Peak Road. I've been in Napa
23 for 32--34 years and at my current residence for over 20. When I
24 first moved in to that residence I had an ample water supply in
25 my well. By the way, my property's at the bottom. It's on the
26 valley floor at the bottom of Atlas Peak.

27 A few years ago I had to replace my well. Over 500 feet
28 deep, 27,000 dollars out of my pocket. And I believe it was all

NOVEMBER 12, 2014

1 because of the cumulative effects of various wineries that are
2 all going in up in the mountain regions above me. Now--excuse
3 me. I'm hoping that simply because this project was approved
4 initially, or the initial phases of it were approved back when
5 things were different, that we don't hold that as ironclad. You
6 know, when something's broken, you fix it. And if that requires,
7 you know, reevaluating our laws and the overall plans, then
8 that's what should be done.

9 On the odd chance that this project gets approved, I would
10 hope you would consider some serious limitations to it, such as
11 no access onto Atlas Peak Road, or maybe all the residents whose
12 wells go dry get free water out of those lovely reservoirs that
13 were going to be built.

14 Anyway, that's all I have to say. Thank you.

15 DIRECTOR MORRISON: Okay. We have nine more cards. Again,
16 if you haven't spoken and want to, please fill one out. Karla
17 Bailey, David Heitzman and Bob--I'm not sure. Wallin?

18 KARLA BAILEY: Good afternoon. My name is Karla Bailey. My
19 husband and I live at 3085 Atlas Peak Road and have been there
20 for 45 years. Over 45. We experienced a terrible devastation in
21 the 1981 Atlas Peak fire, caused by man. But the next huge
22 event, also caused by man, The Walt Ranch development, could be
23 more than devastating. It could well be catastrophic.

24 Bill Pramuk is an arborist in Napa County and writes an
25 article for the Napa Register and I will not go through what he
26 says about the value of trees. I think we all know that at this
27 point.

28 It is imperative that this project be disallowed and send

NOVEMBER 12, 2014

1 clear messages to wealthy potential developers that the
2 sustainability of people, wildlife, trees, endangered species,
3 etc. is more important than the sustainability of their wealth.
4 Craig Hall says he wants to be a good neighbor. Would that
5 include causing our property to become devalued when our water
6 supply is immeasurably diminished?

7 If I had applied for a project of this scope and then
8 realized the enormous opposition to it, quite frankly, I would
9 be embarrassed. I would withdraw my request, cut my losses
10 through tax write offs and truly be a good neighbor.

11 Napa County decision makers must realize that many local
12 residents are rather fed up with big money trying to make even
13 more money with huge developments at great expense and
14 inconvenience to local residents. An example is the Napa County
15 opera house.

16 Napa County must enact a moratorium on this type of
17 development until the status of our water availability is
18 truthfully known. I propose the Walt Ranch development be put to
19 the voters on the next ballot rather than be decided by so few.

20 One last comment in the form of a question. Mrs. Hall has
21 stated that the land gives her peace. Mrs. Hall, if the land
22 gives you peace, why would you want to destroy it? Thank you.

23 DAVID HEITZMAN: Good afternoon. My name is David Heitzman,
24 and I live at 23 Rockrose Court. I have four slides. There we
25 go. Thank you so much.

26 I've been up at Circle Oaks for 29 years. I've held a
27 General Contractor's license for 30 plus years. I've developed
28 property, had roads built, ran the equipment myself, paid for

NOVEMBER 12, 2014

1 the geotechnical engineers, etc., and developed a road right
2 next to Circle Oaks on a slope with the same inherent problems
3 that Circle Oaks roads have. I've also been on the architectural
4 committee for Circle Oaks for the better part of those 29 years
5 that I've been up there and evaluated, or read every
6 geotechnical report which is required by the County and soils
7 engineering report by the County. And literally every one of
8 them states that Circle Oaks is an ancient landslide. It is,
9 including the EIR, literally every one of them starts with that
10 same statement.

11 Tumbling down the hill. There is some volcanic flows
12 through there, but it's cretaceous shale that has tumbled down
13 the hill. It's hard to compact shale to get anything above 90
14 percent for a road is hard.

15 Now let's take a look at this. This is Circle Oaks Drive.
16 This is on the grade going up. This is their main access. Right
17 there, that's just a four-inch--excuse me--a four-foot level,
18 just so we have some sort of perspective. I didn't have enough
19 equipment here and probes to do this properly. This is shooting-
20 -looking straight up the hill. We have no curbs. You can see
21 that the County has resurfaced this and you've got three
22 different curbs right there piled one on top of one another.
23 There's a better picture later on.

24 Next slide please. This is the road that up where that--
25 where that level is, it has dropped an inch and a half. The
26 crack there is about an inch open at that time and you can stick
27 down a probe and it goes down about two feet. You know, cracks
28 aren't straight, so the cracks go down a lot deeper than that.

NOVEMBER 12, 2014

1 The hillside, it's peeling away there. This is an example, or an
2 apparent example of what the roads are up in Circle Oaks. This
3 would be the main way in. The alternative way in on Country Club
4 Drive has some additional problems. This is the biggest one of
5 concern.

6 Next slide please. That's about 22 inches in. Just take a--
7 that was a piece of ready bolt I was able to stick down in
8 there. Again you've got slough from the road and cracks aren't
9 straight, so the cracks are obviously much deeper and you can
10 see beyond there the other--where the cracks continue on.

11 Next one. This is the last one. Here you can see on the
12 side clearly how the road is sliding and moving up and down.
13 When you start running D8 cats, D8Hs up and down this road you
14 put great strain on it. They may want to think about using this
15 road as an access and you are increasing the--even pedestrian--I
16 mean regular residential traffic. That makes a big difference.
17 We have pretty light traffic and the--the one last thing was
18 that the traffic count is available at the Public Works
19 Department and it's nothing like what's stated in the EIR. It's
20 going to double our traffic even if it's just cars. [If this is
21 something] the County wants to get into. This blows out. It goes
22 down the creek, fills the creek up, we've got sewer running out
23 because we've got the sewer lines there. The creek, which is
24 running right now, fills up, because it drains from the [lower]
25 area, goes across the top of the fill and all that mud goes into
26 Capell Creek. And that's all I wanted to say with that. Maybe
27 they--maybe consider Highway 121 where you don't have those
28 problems. Thank you.

NOVEMBER 12, 2014

1 DIRECTOR MORRISON: Thank you.

2 BOB WALLIN: I am Bob Wallin, a resident of Napa County
3 since 1969. And first of all, Mr. Morrison, I'd like to thank
4 you very much for this opportunity and this hearing and the
5 opportunity we have to communicate and to learn. I think this is
6 the very basis, and very necessary in a democratic society. We
7 all have--well first of all, realtors are usually strong
8 proponents of property rights and that is with the understanding
9 that it can be tempered with projects and developments that may
10 impact or threaten neighbors or the Napa community as a whole.

11 It is stated before. We all have responsibilities with
12 these property rights. I'll make this quick now because a lot of
13 the issues have already been handled and I'll defer that. I feel
14 neighbors in many of the communities of Napa County are rightly
15 very concerned. The fable of the goose that laid the golden egg
16 cannot be the story of our beautiful Napa County. We need to
17 exercise our responsibilities as good--as stewards and
18 conservationists. If not, Napa's idyllic environment will have a
19 very sad and tragic ending. When is enough enough?

20 DIRECTOR MORRISON: Marcus Cox, Glyn Rixon and Bruce
21 Blondin.

22 MARCUS COX: Hello. First of all I'd like to thank you,
23 Director Morrison, for having this meeting today and listening
24 to our thoughts. First thing I want to say is I live at 233
25 Country Club Lane in Circle Oaks, and we moved up there from
26 Silicon Valley. We were between stereo freeways of 680 and 880
27 and it was very very loud and Circle Oaks was just
28 breathtakingly silent. Just beautiful. Instead of the roar of

NOVEMBER 12, 2014

1 the cars it was a roar of crickets, frogs and owls.

2 With this at risk it's very very concerning. And in talking
3 about the traffic, this is a--most of the things I was going to
4 talk about have already been covered, but this is a little more
5 detailed on the EIR. It indicates on page 4.7-4 that the project
6 traffic consultant has assumed existing traffic on Circle Oaks
7 Drive to 1,216 trips during eight hours, and that's based on an
8 ITE estimate of 152 peak hour trips.

9 How do they make that assumption? Twelve sixteen trips
10 would constitute almost one third of the daily traffic on
11 Highway 121, which has 4,000 trips per day. Twelve sixteen trips
12 would mean one trip per hour for every home in the Circle Oaks
13 community. Why doesn't their EIR data show that from an actual
14 traffic study done on Circle Oaks Drive?

15 The Napa County Public Works has a traffic count for Circle
16 Oaks Drive which is 722 one-way trips. That trip count is
17 available upon request at the Napa County Public Works, so all
18 you have to do is ask. Shouldn't the EIR be based on the actual
19 figures that are easily available?

20 And then the last question is why is Circle Oaks being used
21 to access the site, creating a major impact on a remote
22 community? It seems possible that they could access the site
23 directly off of 121. And everything else that I was going to
24 talk about has already been covered. Thank you.

25 GLYN RIXON: Good afternoon. I'm Glyn Rixon, 5310
26 Monticello Road. Thank you for holding this hearing today. Many
27 of my neighbors have already eloquently voiced their concerns
28 and opposition to this development and I stand with them. Most

NOVEMBER 12, 2014

1 of the impact they fear is in regard to water drawdown and
2 construction degradation. But I also want to speak for those who
3 can't, the wild creatures that live alongside us in the Napa
4 Hills, and in particular, for the bee population, both managed
5 and feral.

6 I'm a beekeeper with a small apiary on my property on
7 Monticello Road across from and slightly north of the Walt
8 Ranch. I think by now most people know that our honeybees are
9 facing numerous serious challenges, diminishing their numbers
10 worldwide. We need to retain our wild lands for safe habitat and
11 forage for these and other wildlife species that each keep the
12 balance of nature in check.

13 The rampant ongoing strafing of vast hillsides, acreage in
14 our county, state and nation in favor of mono-cropping will be
15 our undoing. Grapevines do not depend on bees for pollination,
16 but more and more land is being taken for that use and the
17 native plants and trees are unceremoniously being ripped out in
18 their favor. Replanting a seedling in place of a long-
19 established madrone, oak, pine or manzanita is not responsible,
20 earth-friendly farming, simply an empty gesture in order to
21 advance a project such as this.

22 Many of us enjoy drinking wine, one of life's true
23 pleasures. But it is a luxury and not essential to our
24 existence. We seem to have forgotten that sufficient clean water
25 and sustainably grown food highly dependent on our pollination
26 is exactly that, essential.

27 I urge you to put a halt to Walt and other mega-vineyard
28 projects waiting for approval and work to rebalance our

NOVEMBER 12, 2014

1 agricultural land use to be diverse and site appropriate. Thank
2 you.

3 BRUCE BLONDIN: Bruce Blondin, 5310 Monticello Road. I--we
4 built a house up on the hillside there in 1985 and we've gone
5 through water shortages, as well as occasionally we'd get a lot
6 of water. But the reality is in the last three to four years our
7 water table has dropped a great deal. So much so that this year,
8 and actually the last couple of years, a number of my neighbors
9 and including myself have had to have water trucked in. This is
10 not only just an expense, but it's very difficult for us and
11 we're real water conscious.

12 Almost everything that I had prepared to say has been
13 covered so I'll take it to this extent. To me this is like the
14 quick and the dead. Let's quickly have them get their permit.
15 The dead is many of us that live around the area and certainly
16 it will be just about that. It will kill off a lot of us that
17 are here in the area. So I hope that you will reconsider the
18 Walt Ranch project. Thank you.

19 DIRECTOR MORRISON: I have three cards left, so if anybody
20 else wants to speak, now is getting to be the time. The last
21 three: Kathleen Matthews, Tony Le Blanc and Claire Camp.

22 [Inaudible audience comment.]

23 KATHLEEN MATTHEWS: Hi. My name is Kathleen Matthews. We
24 live at 13 Juniper in Circle Oaks. By looking at the maps here
25 it looks like one of the vineyards will be like a hundred feet
26 from my home. So that should be pleasure. But what I'd like to
27 talk about is we moved up to Circle Oaks about four years ago.
28 We had been living up on--down on the valley floor for the last

NOVEMBER 12, 2014

1 sixteen years next to a winery and vineyard. We watched this
2 winery and vineyard build not to their permit, build septic
3 tanks that were flying or spraying effluent over the vineyards
4 that polluted my neighbors' wells. They put a pipe in on
5 Memorial weekend at 5:30 in the morning, drilling a hole and
6 putting a pipe out to Highway 29 drainage to get rid of their
7 vineyard waste in front of my Bed and Breakfast.

8 Now I went to the County. Many people went to the County.
9 Many, many times. This business has never been stopped. In fact
10 they've just gotten another approval for something that is
11 against their permit. How this continues to happen in Napa
12 County I have no idea. I was so excited with the new
13 restrictions, the river set--and creek setback, the restrictions
14 on building on primary and secondary ridgelines, watching the
15 vineyards going up nothing over a 30 percent--and then I see the
16 development proposed for Yountville Hill, which was right across
17 the street from my--it goes against every single one of those
18 new guidelines by the County.

19 And I just--I have to say I'm scared. I'm really scared. I
20 mean, water is almost gone. Nobody's talking about global
21 warming. Nobody's talking about all the people down line. You're
22 just narrowly looking at this one project and I think you really
23 do need to take a look at how it's going to affect the whole
24 valley. There's got to be a better place for them to put
25 vineyards. Thank you.

26 TONY LE BLANC: Director Morrison. Thank you. Three quick
27 points. There's been plenty said I think. I'm amazed at this
28 really concentrated turnout of opposition to this project, but

NOVEMBER 12, 2014

1 I'm also amazed that this whole process was created outside the
2 established criteria for approval or for discourse. And I feel
3 it represents a really troublesome example where agricultural
4 use of land is subjected to an ever-moving target for approval.

5 Secondly, the Napa Valley General Plan is not old. It's
6 quite recent. It was well debated with industry, citizens, and
7 legal and scientific advisors and I believe that the growth that
8 was estimated in that plan is consistent or perhaps even less
9 than what the actual development and growth for the valley has
10 been since then and can't really understand how--it's--such a
11 robust plan can be so easily dismissed.

12 Lastly, I'm just very concerned that the right to farm is
13 taken so lightly by residences and residents in preserved Ag
14 land. That's all. Thank you very much.

15 CLAIRES CAMP: Good afternoon Mr. Morrison and Kelli Cahill.
16 I've been here for 82 years. I live at 4964 Monticello Road and
17 my name is Claire Camp. I would like to end the comment period
18 on a positive, lighter, uplifting note.

19 From the creator of a classic, Shel Silverstein has written
20 the Giving Tree, an inspirational winner. If you have not read
21 or heard of it, read it. Read it again and again. I have read it
22 to my own classes for--over a hundred times. I truly--it truly
23 sends a message to both the young and old at heart. It may
24 enkindle your heart, I know it has enkindled mine. Thank you.
25 And this is the book.

26 DIRECTOR MORRISON: I have received two more comment cards.
27 We have two more speakers who wish to talk this afternoon. Lisa
28 Evans and Robert McLeish.

NOVEMBER 12, 2014

1 LISA EVANS: Hello and thank you for giving me the chance
2 to speak. I didn't write anything because I did not picture
3 myself up here at all. I just wanted to let the Board know, and
4 I don't know if this is information that you have, but the
5 reason also why Circle Oaks is so concerned about our water is
6 that several years ago, the fire department, as well as the
7 water, or the Napa department, gave a huge--God, I'm not good at
8 this--okay, gave a very large--500,000-dollar--against the
9 height--for up in the highlands for polluting the water in
10 Berryessa and we took it upon ourselves as the association of
11 Circle Oaks to redo our water system. And at the cost of 10,000
12 dollars per lot, we have had our--they tacked it onto our
13 mortgages, so our mortgages have gone up, so that we would be
14 able to be responsible--and with the containment of water and
15 Hill--or Hall has said that they wanted--that it was originally
16 their land and they gave it to us and so on and so forth, but
17 they didn't give it to us. We paid a lot of money into this and
18 we're still to this day paying for a water system and for them
19 to want to come in now and drill right next to a new water
20 system to affect our old water system, this is just unheard of
21 to me and why then is it that we as a small community had to do
22 this charge all by ourselves if they're going to come in and
23 reap the benefits of taking our water when it cost us 10,000
24 dollars per household to--with--you know.

25 That's all I have to say besides that I'm really upset
26 about the animals. If I lose my foxes I'm really going to be
27 angry. The down--and people that live in Circle Oaks know that
28 down at the end of the hill is a pond. We used to have a

NOVEMBER 12, 2014

1 beautiful breeding pair of eagles across that pond, that--and
2 nest is--has been empty for the last two years because as we all
3 know there is no water in the pond. The frogs aren't making
4 their noises, and, you know, the animals have to go to other
5 places, which cost us yet more water because we put little wells
6 out so that the deer and the turkey and the fox, and at night
7 the coyotes, and anything else that wants to come around and
8 drink water because there is no water in Circle Oaks for them to
9 drink anymore. I'd like to have my eagles back. I would hate to
10 see my foxes leave. Thank you very much.

11 ROBERT MCLEISH: 295 Country Club Lane. I just want to get
12 a couple topics that weren't covered on the public comment that
13 I haven't written about. Number one is the state threshold for
14 nuisance dust is 25 miles per hour.

15 Anybody who lives in Circle Oaks or drives Highway 121
16 knows that from [June-uary] until August, maybe into September,
17 our temperatures are different from Napa and our weather is more
18 like it tends towards Vacaville. It's a little warmer. When the
19 fall comes in, the cold air of Napa meets the warmer air that we
20 have and we create that turbulence. That turbulence easily
21 excesses [sic] 25 miles per hour. You notice that as you go up
22 Monticello grade on your way into Napa and you'll see it if you
23 go to the top of Circle Oaks up there on Ridgecrest Drive.
24 That's turbulent and it stays turbulent all day. Maybe it
25 subsides by three. If it's a nuisance, threshold is 25 miles per
26 hour for dust. Who is going to regulate that? Who is going to
27 stop all that construction every day until August? They are not
28 going to stop. Okay. Enough on that point. That's my question.

NOVEMBER 12, 2014

1 How are you going to regulate that. It happens. I've been up
2 here 27 years.

3 Number two, I brought this up last week's meeting, Thursday
4 evening, I didn't get a really good answer for it. In the EIR it
5 talks about water drawdown. The June test, when the groundwater
6 is at its highest, they do their water tests. Well number three
7 was drawn down and did not recover. That's on the Walt property,
8 well number three. It didn't recover in September when they had
9 checked it. And in the EIR it says it did not ever reach pre-
10 test conditions. That says a lot to me about the water there.

11 I've got two more points. This many people, this kind of
12 response, I don't know any of these people except for what
13 brought us together here. We're all pretty reclusive. We all saw
14 something very wrong. We're not all crazy. And I like the sound
15 of the Hall wildlife sanctuary. Thank you.

16 DIRECTOR MORRISON: Last call? All right. I thank everyone
17 for participating. You were all very civil and very polite
18 group. I appreciate that very much.

19 We'll be taking all these comments, as well as all the
20 written comments we've received to date and will continue to
21 receive through the end of next week. And we'll be responding to
22 each of them in the Final EIR, which will be available as soon
23 as we can plough through the many many comments that we are
24 looking at.

25 Certainly everybody who has already within the noticing
26 period, I'm sorry, within the noticing radius or who has asked
27 to be put on our mailing list as an interested party will be
28 notified when the Final Environmental Impact Report is ready and

NOVEMBER 12, 2014

1 will also be notified when the Public Hearing on the decision
2 will be scheduled.

3 Again, thank you very much and have a good evening.

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NOVEMBER 12, 2014

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1 I, Kathryn F. Johnson, do hereby certify and believe:

2 That the foregoing pages are a true and correct transcript
3 of the proceedings before the Napa County Planning, Building &
4 Environmental Services Department, Napa, California, excepting
5 words noted "inaudible" or words placed in [brackets] to the
6 best of my ability. Speech disfluencies, discourse markers and
7 pause fillers have been deleted, except when deemed function
8 words. Commas may be used for emphasis as well as for grammar.

9 I further certify that I am not interested in the outcome
10 of said matter or connected with or related to any of the
11 parties of said matter or to their respective counsel.

12 Dated this 26th day of November, 2014.

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15 Kathryn F. Johnson
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NOVEMBER 12, 2014

IN RE IN THE MATTER OF:

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KATHLEEN M. SOLOAGA, CSR No. 6957

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I N D E X

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PAGE

APPEARANCES

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OPENING REMARKS BY DIRECTOR MORRISON:

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PRESENTATION BY ANALYTICAL ENVIRONMENTAL
SERVICES:

MS. SANBORN

. . . .

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PRESENTATION BY THE APPLICANTS:

MS. WALT HALL

. . . .

28,44

MR. MANLEY

. . . .

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COMMENTS BY MEMBERS OF THE PUBLIC:

46

APPLICANT REBUTTAL:

MR. REYNOLDS

. . . .

119

MR. MANLEY

. . . .

122

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REPORTER'S CERTIFICATE

PAGE

128

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A P P E A R A N C E S

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I N D E X
(Continued)

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Walt Hall Ranch

WHITMAN F. MANLEY, ESQ.
REMY, MOOSE, MANLEY, LLP
500 Capitol Mall, Suite 800
Sacramento, CA 95814

MIKE REYNOLDS, President
Walt Wines

Donald Munk, Director of Vineyards
Walt Wines

--o0o--

ALSO PRESENT: Members of the Public.

--o0o--

1 MONDAY, APRIL 4, 2016

9:04 O'CLOCK A.M.

2 --o0o--

3 P R O C E E D I N G S

4 --o0o--

5 DIRECTOR MORRISON: All right. Well, thank you
6 all for being here. Good morning and welcome to the
7 public hearing for the proposed Walt Ranch Erosion
8 Control Plan and the Environmental Impact Report.

9 So, in the interest of everybody's valuable
10 time, we'll go ahead and get started. I understand there
11 are some -- we are using overflow rooms. This room has
12 reached its maximum capacity, and there is -- there are
13 people also in the lobby and in the first floor HR
14 conference room. We do have other spaces available if
15 additional people show up, but for right now we seem to
16 be -- have more than adequate capacity for the audience
17 that we have today.

18 My name is David Morrison. I'm the Director for
19 Napa County Department of Planning, Building, and
20 Environmental Services and will be presiding over the
21 hearing. With me today are Laura Anderson, Deputy County
22 Counsel; Melissa Frost, Administrative Secretary; Brian
23 Bordona, the Supervising Planner; and Kathleen So --
24 Soloaga?

25 THE REPORTER: Yes.

1 DIRECTOR MORRISON: -- who's our court
2 transcriber and will be taking -- recording this meeting
3 today.

4 Representatives from Analytical Environmental
5 Services, the firm pre -- that prepared the EIR, are in
6 attendance, as are the Applicants and their
7 representatives.

8 Mr. Bordona, would you please lead us in the
9 Pledge of Allegiance this morning.

10 MR. BORDONA: Sure.

11 (Pledge of Allegiance taken.)

12 DIRECTOR MORRISON: Before getting along too
13 far, I'm going to probably take more than three minutes
14 and go through a few comments.

15 I've read the materials, the correspondence, the
16 Draft and Final EIRs, comments, reports, studies
17 conducted and am familiar with the project and the issues
18 involved.

19 At this time I would also like to disclose that
20 I have received correspondence, met with, and/or
21 discussed this project with various County staff; the
22 Applicants, their attorneys and representatives; the City
23 of Napa staff, Board members, Commission members, members
24 of the press, neighbors, and opponents and other
25 interested groups. Because of the correspondence alone,

1 to list the hundreds of people here would be -- would
2 take up a great deal of time.

3 The format will -- for the hearing will be as
4 follows: Staff will provide a brief overview of the
5 proposed projects and their recommendation; AES will
6 review the analysis with regards to the final EIR; the
7 Applicant and their team will be provided time, about 15
8 minutes, to make their presentation, and then public
9 testimony will be accepted. After hearing all public
10 testimony, the Applicant will get an opportunity for
11 rebuttal. I will then close the public hearing.

12 Depending on the testimony received today and
13 any comments, I expect -- I hope to announce a Tentative
14 to Action regarding the project and would direct staff to
15 prepare written findings consistent with the intended
16 decision.

17 The final decision will be reflected in a
18 written decision that will be issued and posted on the
19 County's website for the Walt Ranch Project on June 13th
20 by the close of business. Anybody who is interested can
21 request staff to be notified of that decision. It will
22 also be posted on the website.

23 If the decision is timely appealed -- and the
24 appeal period runs after June 13th, so the appeal -- the
25 15-day appeal period would run beginning June 13th. If

1 that appeal is made, then that would be heard by the
2 Board of Supervisors.

3 To ensure that the hearing runs as effeciently
4 as possible, a few ground rules today: Please don't move
5 the chairs around. There's no saving of seats. If
6 anybody wants my seat, they can have -- they're welcome
7 to it this morning. (Laughter.)

8 We have overflow rooms, as I mentioned earlier,
9 and we'll be calling each of those rooms into the Board
10 chambers in turn so that we don't overcrowd the room.

11 There -- we just have one podium, that's fine.
12 We have a podium, so once your group is called, please
13 come to the Board chambers and get in line.

14 To adhere to fire safety requirements, no more
15 than ten people can stand in line, and we have deputies
16 here this morning who will help us make sure that
17 everybody takes their turn and that we don't violate any
18 fire code.

19 Please keep your remarks to three minutes out of
20 respect for the other people who wish to speak so that
21 everyone can be heard today. There's a timer on the
22 podium to keep track of your time. If you have more
23 extensive comments that would take longer than three
24 minutes, please provide them in writing. Written and
25 verbal comments are considered equally. One does not

1 have more value or importance than the other.

2 Testimony is being recorded today audiolly --
3 actually, we have two -- to prevent the issue we have
4 this -- we have two audio recordings and we have a
5 transcriber today.

6 Please fill out the speaker cards or sign-in
7 sheets if you want to offer your testimony. State your
8 first and last name, be sure to speak clearly for the
9 transcriber. The audio recording will be the official
10 record of the proceeding today.

11 We have about a hundred and -- looks like 110,
12 120 people here today. I'm not sure how many we have on
13 the sign-in sheets. It looks like maybe 30 or 40. If
14 everybody has three minutes, we're probably looking at
15 somewhere in the neighborhood of two to two-and-a-half
16 hours of testimony in addition to staff and the
17 Applicant.

18 We will be taking periodic breaks and stay as
19 long as needed to make sure that everybody who wants
20 their -- who has comments to make today will be heard.

21 We may also take a brief -- a brief break.
22 There has been fairly extensive documents that have been
23 submitted this morning and we may take a break around
24 lunchtime, if we haven't finished up by that time, in
25 order to review the materials that have been submitted

1 just this morning.

2 Please avoid repetitious comments. If other
3 speakers have already made the point that you were going
4 to mention, please acknowledge your agreement rather than
5 just repeat them again. I do reserve the right to reduce
6 the time limit if testimony is repetitive or off topic,
7 as reasonably necessary, to keep the meeting running
8 orderly and efficiently.

9 I understand there are strong feelings regarding
10 the project. I ask that you respect the public hearing
11 process and keep your remarks civil and polite. If
12 anyone is disorderly, I will ask them to be removed from
13 the hearing room.

14 And please turn off and silent your cellphones
15 out of courtesy for those who are speaking.

16 I would also ask that anyone who wishes to fill
17 out the speaker's card or sign-in sheet is not required,
18 but it does allow for a more orderly hearing. I will be
19 calling people up in groups of three, so we don't --
20 please don't make a mad dash for the podium. Everybody
21 will get to speak.

22 The purpose of this meeting is to allow me to
23 hear what each of you has to say and to ensure that your
24 comments are included in the administrative record.
25 Success depends on your patience and consideration, both

1 of which are greatly appreciated.

2 So we'll now begin things, and I will turn it
3 over to Mr. Bordona to begin to give presen -- his
4 presentation.

5 MR. BORDONA: Thank you, Director Morrison.
6 Thank you, Director Morrison.

7 I'm joined here with County's consultant AES,
8 Annalee and Analise, and Annalee is gonna take us through
9 a presentation and provide an overview of the project as
10 well as the EIR.

11 MS. SANBORN: Okay. So thank you for that
12 introduction, Brian. My name is Annalee, and I'm with
13 Analytical Environmental Services. So to begin, as my
14 PowerPoint slides are being loaded, I would like to first
15 just kind of briefly go over what AES's role is in this
16 process.

17 AES is the County consultant hired to assist
18 with the preparation of the EIR. We function as an
19 extension of the -- of the County staff because we have
20 various environmental technical experts available on
21 staff who can assist with some of the more technical
22 aspects such as air quality, biology, archeology, so we
23 assist with the preparation of the EIR.

24 Do you have the clicker?

25 Excellent. Thank you.

1 Forward? Perfect.

2 So the purpose of the EIR is to be an
3 informational document and to provide an unbiased
4 analysis of project-related impacts to both the
5 decision-maker and to the public.

6 As an informational document, we look at the
7 different components of the proposed project and the
8 potential impacts they would have to the environment
9 or -- to the environment, excuse me, and then compare
10 those impacts to various federal, local, county, state
11 laws, and significant thresholds as mandated by CEQA.

12 And for anything that the project is not in
13 compliance with, the EIR analyzes various strategies to
14 bring the project in compliance with those laws, and
15 those strategies are the mitigation measures. The
16 mitigation measures presented in the EIR would be adopted
17 if the decision-maker were to approve the project.

18 As I move forward today, I'm going to try and be
19 careful in my terminology. When I discuss the proposed
20 project, I am referring to the full original application
21 for 356 net acres of vineyard. But after the avoidance
22 mitigation measures that were imposed upon the project,
23 the total net acreage was reduced, and that is the
24 mitigated project, and that is approximately 288 net
25 acres within 429 gross acres.

1 So, a brief description of the proposed project:
2 The original proposal was to develop 356 net acres of
3 vineyard within 507 gross acres. I would also like to
4 mention that the Applicant voluntarily removed 9 blocks,
5 almost 20 gross acres before this meeting. I believe
6 they will be discussing it more in their presentation
7 after this one.

8 In addition to the development of vineyards,
9 they will also improve and maintain approximately 21
10 miles of existing roads that are on the property, in
11 addition to installing drainage and erosion-control
12 features associated with each of the vineyard blocks.
13 They include various measures such as level spreaders,
14 subsurface drainage, sediment basins, and cover crops,
15 just to name a few.

16 Finally, the vineyards will be irrigated with
17 groundwater. There are three existing wells on the
18 property, and the project would construct up to four new
19 groundwater wells and four offstream reservoirs.

20 So today I'm here to go over the various
21 environmental impact areas that were discussed in the
22 EIR, starting with air quality. The analysis for air
23 quality was broken up into both the project construction
24 phase and the project operation.

25 So, in order to assess air-quality impacts, the

1 various assumptions of the project, such as the acreage
2 that would be developed, the types of construction
3 equipment that would be used, were all inputted into an
4 air-quality model called CALEEMOD, and that model is
5 approved by California Air Resources Board, or CARB, and
6 the Bay Area Air Quality Management District, which
7 governs the San Francisco Bay Area Air Basin. That model
8 then estimates the amount of air pollutants that would be
9 produced by the project for each phase. And according to
10 that model, the -- there would be a potential significant
11 impact due to the development -- or production of
12 fugitive dust.

13 As such, the EIR provides several different
14 mitigation strategies, including a Fugitive Dust
15 Abatement Program, and requires compliance with the Bay
16 Area Air Quality Management District Construction
17 Mitigation Measures, that includes such things as
18 covering stockpiles, reducing travel speeds, and sweeping
19 the roads.

20 For project operation, the components that were
21 entered into the model includes the number of worker
22 trips and the somewhat smaller amount of construction
23 equipment that would be used, as well as grape truck
24 trips. And the model predicted that there would be no
25 exceedance of the Bay Area Air Quality Management

1 District's thresholds, and therefore no mitigation was
2 required there.

3 For biological resources, the EIR analyzed these
4 resources as recommended by the State, including both
5 California Environmental Quality Act, or CEQA; California
6 Department of Fish & Wildlife, CDFW; the federal
7 government, the U.S. Army Corps of Engineers, and the
8 U.S. Fish & Wildlife Service, and, of course, local
9 regulations, such as the Napa County General Plan and
10 Napa County ordinances.

11 The resources that were looked at were divided
12 into 16 different impact analyses that covered such
13 topics as special-status species, both plants and
14 animals, sensitive habitats, or habitats of limited
15 distribution within the County, wetlands and waters of
16 the U.S., wildlife corridors and habitat fragmentation,
17 including tree loss.

18 Based on the many comments that were received on
19 the Draft EIR, it became apparent that some of the
20 public's concerns that were most repeated were overall
21 tree loss that would be caused by the project, as well as
22 wildlife corridors and wildlife displacement.

23 The EIR looked at several different mitigation
24 strategies, starting with avoidance. Seventy-eight acres
25 were required by mitigation to be removed from the

1 project, which represents about 15 percent of the
2 requested land.

3 After avoidance, the EIR also requires
4 preservation. Initially, the Draft EIR required a
5 smaller amount, but the mitigation was expanded in the
6 Final EIR such that now 551 acres will be placed into a
7 permanent method of protection, whether that is a deed
8 restriction or a conservation easement, and that would
9 result in the protection of plants, habitats, animals,
10 and other habitats.

11 Finally, the EIR also requires mitigation
12 replanting for four special status plants, for native
13 grasslands, and for specimen trees.

14 It's a very complicated set of mitigation
15 measures, which is why for the Final EIR the Biological
16 Resources Management Plan, or BRMP, was prepared and was
17 included as an attachment; and that specifies the
18 different techniques that would be used to make sure
19 these mitigations are successful, as well as where and
20 how they would be conducted and -- including the success
21 criteria and monitoring after it's completed.

22 For cultural resources, several different
23 cultural investigations have occurred of the project site
24 over the years by qualified archeologists. Those include
25 numerous site surveys, as well as consultation with the

1 Native American Heritage Commission and local Native
2 American tribes, and a review of the California
3 Historical Resources Information System. As a result of
4 those studies, six cultural resources have been
5 identified on the project site, and the EIR requires
6 mitigation for avoidance of all of those sites.

7 The EIR then looks at geology and soils, and
8 I'll start my discussion with the stability and the
9 landslide risk. If you'll draw your attention to the map
10 that's on the slide, the red in the southwest corner of
11 the property is the Milliken Creek portion, and that is
12 Sonoma Volcanics, which is generally considered to be a
13 fairly stable geologic formation; whereas, in the
14 northeastern portion of the site, the Capell Creek
15 Watershed is underlain by Great Valley Sequence rocks,
16 which are somewhat less stable than Sonoma Volcanics. In
17 addition, you'll notice that there's some splashes of
18 yellow mixed throughout the property, including, off of
19 the property, the entirety of the Circle Oaks
20 neighborhood, and that yellow is a landslide deposit that
21 is known in the area.

22 In order to make sure the project would not have
23 any significant impacts due to slope stability, an
24 engineering geologist conducted a site-specific
25 evaluation of each of the vineyard blocks, including test

1 pits, which resulted in specific recommendations for 29
2 of the vineyard blocks, and each and every one of those
3 recommendations has been incorporated as a mitigation
4 measure.

5 The geology and soils section of the EIR also
6 goes into the erosion and sedimentation risk. The EIR
7 acknowledges that grading and earth-moving could loosen
8 topsoil, it could result in erosion, and therefore it
9 assesses the probability of that considering the
10 erosion-control features that are required in the
11 Erosion-Control Plan.

12 Modeling was conducted for each of the vineyard
13 blocks and found that there would be a net decrease of
14 erosion in the Milliken Reservoir Watershed by 43 percent
15 from the project site, and on the Capell side there would
16 be a net decrease of 13 percent.

17 The EIR then goes into a hazardous materials
18 discussion, and that included both during the
19 construction period of the project and the operation.
20 Common construction hazards that are used include oils,
21 lubricants, gasolines, and the EIR assesses the risks of
22 those materials entering the natural environment;
23 whereas, the operational side generally includes the use
24 of pesticides, fertilizers, and herbicides on the
25 vineyards.

1 In addition, the EIR acknowledges that a portion
2 of the property, about one-third of the southern portion,
3 is in the Milliken Reservoir Watershed, which does
4 provide drinking water to the City of Napa.

5 It's important to note that some risk of
6 hazardous materials is inherent in all vineyard projects,
7 but every effort has been taken to minimize that risk
8 here, and I'll briefly go into some of the mitigation
9 measures that were required.

10 First, the EIR requires the development of a
11 Hazardous Materials Business Plan. And some of the
12 commenters on the Draft EIR requested a little bit more
13 clarification, because that term can be kind of vague,
14 and so that was provided in the Final EIR and that spells
15 out exactly where and how chemicals may be used and
16 stored on the site, including spill containment and
17 notification procedures.

18 The EIR also provides limits to construction
19 equipment, making sure they stay out or far away from
20 riparian zones and local waterways.

21 In addition, the Applicant has prepared an
22 Integrated Pest Management Plan, which was also required
23 by a mitigation measure in the EIR, and that Integrated
24 Pest Management Plan, or IPM, ensures that fewer
25 chemicals would be used during operation of the project,

1 and of all of the different chemicals that are available,
2 the least toxic options would be chosen.

3 And finally, the project is required to follow
4 the Napa County Agricultural Commissioner's rules and all
5 local, state, and federal regulations.

6 So, after inclusion of all of those mitigation
7 measures, the risk of any kind of hazardous materials
8 incident has been substantially lessened in accordance
9 with CEQA.

10 The EIR then discusses hydrology and water
11 quality, beginning with surface water. I've already
12 briefly discussed this under several other sections, so I
13 won't repeat myself. Suffice it to say that this section
14 of the EIR summarizes the information available in those
15 other sections and compares the projected impacts to
16 local, state, and federal rules and found that with the
17 mitigation provided in the other sections, there would be
18 no significant impacts.

19 It is also important to note that the project
20 meets or exceeds all County requirements for hydrology.
21 There will be a no-net increase in runoff volume, no-net
22 increase in runoff rates.

23 Also, the 60/40 rule for vegetation removal in a
24 sensitive domestic water supply drainage has been met
25 and, as I mentioned, there will be a decrease in

1 sedimentation on the project site.

2 So the vineyards would be irrigated with
3 groundwater. The full proposed project would use 213.5
4 acre feet. That includes a small portion of that for
5 frost protection as well. After consideration of the
6 avoidance measures in the biological section, the
7 mitigated project would use only 187 acre feet per year.

8 Numerous geologic investigations and
9 hydrogeologic investigations of this property and the
10 property to the immediate west have shown that they are
11 not hydrologically connected to the Milliken-Sarco-
12 Tulucay, MST, Groundwater-Deficient Area.

13 The MST Groundwater-Deficient Area is miles to
14 the southwest of this site and has a much different
15 geological makeup. The groundwater in that area is more
16 of an alluvial basin; whereas, underneath the project
17 site, it is in the Fractured Sonoma Volcanic Rocks.

18 That being said, there are potential impacts to
19 the neighboring wells due to overall lowering of
20 groundwater or draw-down, and as such, the technical
21 groundwater consultant for the project has prepared a
22 Groundwater Mitigation Plan which is also an attachment
23 to the Final EIR.

24 So the proposed project for the transportation
25 and traffic section, it would use public roadways in the

1 area, and that includes Highway 121 and Circle Oaks
2 Drive, and the entrance to the project site is through
3 the Circle Oaks neighborhood.

4 There are other entrances to the property
5 directly off Highway 121 and they were considered, but
6 each one of those has a very different significant
7 constraint that prevents it from being used. And some of
8 those constraints include either safety issues, due to
9 line of sight or no turning lanes, biological resources
10 and special-status species habitat directly in the area,
11 or archeological constraints.

12 So the EIR, to assess this impact, first looked
13 at the estimated traffic that would be -- excuse me --
14 that would be generated by the project during both
15 construction and operation, and then looked at the
16 current capacity of the local roadways and determined,
17 when those were added together, whether or not they would
18 exceed any of those capacities, and the EIR found that
19 they would not -- they would not exceed any of those
20 local roadway capacities.

21 And that being said, there were still
22 mitigations placed on the project to keep the traffic
23 from occurring within the peak hours where there is
24 expected to be commuter traffic in the neighborhood. In
25 addition to -- safety concerns due to large trucks

1 entering roadways was also considered, and mitigation was
2 provided in the form of limiting traffic speeds and some
3 safety signage and warning signs.

4 The EIR also assessed the condition of Circle
5 Oaks Drive. The road is not in very good condition, as
6 you can see in the photos here on the slides, and that --
7 so the EIR provided mitigation for if the project
8 resulted in additional wear and tear to that roadway.

9 Commenters to the Draft EIR pointed out that the
10 roadway itself is not the only issue there. There is
11 also expensive and very important infrastructure located
12 beneath that roadway in the form of the water and sewer
13 lines, and so the mitigation in the Final EIR was
14 expanded to provide protection for that subsurface
15 infrastructure as well.

16 Okay. So, bear with me folks. There will be
17 noise emitted during construction and operation of the
18 project, which was looked at in the EIR. The
19 construction noise is limited by Napa County Noise
20 Ordinance, and so mitigation measures have been provided
21 to make sure the project stays below those County
22 thresholds.

23 Some of those mitigation measures include:
24 installing mufflers on equipment, limiting the hours of
25 construction, and using temporary sound walls for the

1 closest residences.

2 The operation of agricultural on an
3 agriculturally zoned property is protected via the Napa
4 County Right to Farm Ordinance, and so the EIR does not
5 provide a quantitative analysis there. But based on
6 feedback provided by the public, the Applicant has agreed
7 to install mufflers on any wind machines that might be
8 closest to nearest residences, and that's also provided
9 in the Final EIR Mitigation.

10 In addition, after comments received on the
11 Draft EIR, further limitations were placed on the
12 project, and blasting was prohibited within 775 feet from
13 the nearest homes.

14 Okay. So one of the last environmental areas
15 that was looked at was climate change. Greenhouse gas
16 emissions were quantified for both the construction and
17 the operation of the proposed project, using
18 methodologies approved by CARB, California Air Resources
19 Board, and the Bay Area Air Quality Management District.
20 Those emissions were then compared to the significant
21 thresholds.

22 For the construction period, the significant
23 threshold was the Adopted Climate Action Plan of Solano
24 County; whereas, the operation period looked at the CEQA
25 Guidelines provided by the Bay Area Air Quality

1 Management District.

2 Subsequent to the release of the Final EIR, the
3 California Supreme Court released a statement -- or
4 excuse me -- the Newhall Ranch decision, which stated
5 that additional analysis should be conducted before using
6 the reduction and business-as-usual significant
7 threshold, which was what was used for the construction
8 analysis; and as such, a revised analysis was prepared
9 last month and has been submitted to the County -- that,
10 I believe, is an attachment to the Staff Report -- and it
11 ensures that the climate-change analysis is up to date
12 and in compliance with the most recent guidance provided
13 by the California Supreme Court.

14 Mitigation that was required for climate change
15 includes the on-site preservation of woodlands to provide
16 permanent carbon sequestration benefits.

17 CEQA also requires that the EIR look at
18 alternatives to the proposed project. The first one that
19 was reviewed was the Reduced Intensity Alternative. This
20 alternative would be a smaller vineyard footprint with
21 areas of the most biological sensitivity removed, so it
22 would be about 100 gross acres less than the full
23 proposed project.

24 The Multiple Resource Protection Alternative was
25 chosen by mapping the areas where two or more biological

1 resources overlapped and then selectively removing that
2 from the footprint, resulting in approximately 82 gross
3 acres fewer.

4 It's important to note that should either
5 alternative be approved, all the mitigation measures
6 required of the full proposed project, for instance, the
7 traffic mitigation or air quality, would still be
8 required for the alternatives.

9 A qualitative analysis was provided in the EIR.
10 That provided just a comparison-based metric for our --
11 each alternative to the proposed project. But since
12 then, as you can see on the screen here, we have started
13 going into a more quantitative, very detailed analysis of
14 each of the alternatives to the mitigated project to help
15 the decision-maker determine exactly what the levels of
16 impact would be, and this table is an excerpt from the
17 Biological Resources Management Plan.

18 Almost done. The cumulative impacts were also
19 reviewed for each of the environmental areas that I've
20 discussed previously. The geographic area for each
21 environmental topic, it varied, whether or not it was,
22 for instance, the watershed level for hydrology or the
23 entire San Francisco Bay Area Air Basin for air quality.

24 A two-step process was used to determine
25 cumulative significance. First, the impact of the

1 proposed project was looked at in combination with other
2 known projects in the area, both past and future, to
3 assess that they were cumulatively significant, and then
4 the effect of the proposed project was assessed to
5 determine if it was a considerable contribution to that
6 impact.

7 So a few conclusions before I turn over -- turn
8 over the mic. I would just like to mention that all
9 impacts of the proposed project were reduced to
10 less-than-significant levels with mitigation, meaning
11 that there are no impacts known, in CEQA terminology, as
12 significant and unavoidable.

13 And finally, that Napa County Legal Counsel has
14 reviewed the Draft EIR and the Final EIR and found that
15 it was prepared in compliance with CEQA and the CEQA
16 Guidelines.

17 Thank you all very much for your time today.

18 MR. BORDONA: That concludes the presentation
19 for now, and we can turn it over to the Applicant, and
20 then, of course, we're available to answer any questions
21 that may come up.

22 DIRECTOR MORRISON: I do have one question.

23 You mentioned that the avoidance scenario
24 resulted in a reduction of 78 acres.

25 MS. SANBORN: Mm-hmm.

1 DIRECTOR MORRISON: And then so is the
2 Applicant's further reduction of 18 acres in addition to
3 that? And then, also, would the reduced intensity or
4 Multiple Resource Alternatives be in addition to that, as
5 well?

6 MS. SANBORN: So the Applicant's reduction of
7 their nine vineyard blocks would be in addition to the
8 avoidance areas, and then the addition of the, excuse me,
9 the -- either of the alternatives would be an additional
10 restriction upon that.

11 DIRECTOR MORRISON: Thank you.

12 If the Applicants would like to make their
13 presentation? I don't know who -- okay.

14 MS. WALT HALL: Good morning, Director Morrison,
15 Ladies and Gentlemen. My name is Kathryn Walt Hall, and
16 I'm here to speak on behalf of my husband, Craig Hall,
17 and our family, as the Applicants.

18 My husband had intended to be here, could not at
19 the last minute, and I can tell you he is very
20 disappointed to not be here to be making this
21 presentation himself.

22 I plan to provide some brief background from our
23 perspective as the Applicant and then I will turn the
24 Applicant's opening portion over to Whit Manley, our
25 attorney from Sacramento, who will briefly describe the

1 legal process as it applies to this application, and then
2 finally I will make a brief comment to close the
3 Applicant's opening portion.

4 Before starting, I'd like to introduce Mike
5 Reynolds, our President of the winery, and Don Munk, our
6 Director of Vineyards, who is -- who are both here. And
7 in addition, I believe most if not all of the consultants
8 who worked with us over the last ten years are here. I'm
9 not gonna take everyone's time to introduce them, but
10 they are here and they will comment, are prepared to do
11 so, if required, on any specific issue.

12 Let me start by saying we are sorry that this
13 proposal has caused concerns for people. We have sought
14 to meet people who have concerns, we've sought to listen
15 to their concerns, and, where practical, we have made
16 adjustments to this proposal.

17 Our proposal -- I'm on the next slide. Oh, I
18 can move this. Is it this one? Thank you.

19 This proposal is a proposal to plant a
20 vineyard -- a vineyard and to implement a comprehensive
21 Erosion-Control Plan in the ag watershed portion of Napa
22 County's agricultural preserve.

23 We have, as I said earlier, listened to
24 community concerns, and we've made changes to reduce the
25 size of the project, and we've made additional

1 environmental protections, as was mentioned earlier in
2 the presentation by the County. The mitigated proposal
3 vineyard will cover 11 percent of the Walt Ranch
4 property.

5 We'd like to talk a little bit about who we are.
6 We've seen some things written about us that seemed
7 uninformed. Craig and I purchased this property in 2005.
8 Our plans have always been to plant a vineyard on the
9 property. Contrary to what has been said in some cases,
10 there are no investors on this property. It is owned by
11 my husband, by me, and by our children.

12 Shortly after purchasing the property, we met
13 with neighbors at Circle Oaks in Napa County to let them
14 know that we had intention to plant a vineyard, and in
15 both cases we were encouraged to proceed.

16 We've been in Napa now for more than two decades
17 and been in the wine business together since 1995. I
18 actually have been in this business a good -- most of my
19 life. We started farming in the early 1970's up in
20 Mendocino, growing grapes and selling them to other
21 wineries, and I have owned and operated vineyards for
22 more than 30 years. My family has been in Northern
23 California for several generations.

24 We own four ranches in Napa Valley, and they
25 encompass just under 200 acres of vineyard, and we employ

1 over 150 local residents.

2 We believe in environmental stewardship and
3 responsible agriculture, and we believe in balance. We
4 think this is critical, and we continue to use the best
5 practices we know in both our vineyard and in our winery
6 operations.

7 All four of our Napa Valley vineyards are
8 certified organic. Our winery in St. Helena was the
9 first Gold LEED Certified winery in California. And when
10 we added an addition more recently to the vineyard, to
11 that winery, that also received Gold LEED Certification,
12 so now we are the only winery in California to have two
13 such certifications.

14 We have been recognized for our work to remove a
15 fish barrier and restoration of the riparian areas on Dry
16 Creek, that was back in 2008, and we're a member of the
17 Napa Fish Friendly Farming and the Putah Creek Watershed
18 group.

19 We -- in 2010, we launched the -- our annual
20 Cabernet Cook-Off to raise funds for local nonprofits,
21 including many of those that are listed here on this
22 slide, and, in addition, we have made donations and
23 supported many local nonprofits.

24 It's not comfortable, really, for me to be
25 listing all these, and we don't -- I don't think we have

1 ever listed in public the organizations that we support,
2 but I do so here because this seems to be the right --
3 the right forum to talk about the fact that we really do
4 care about our community and so I share these. In
5 addition, we have numerous schools and educational events
6 and organizations that are far too numerous to list that
7 we support.

8 My husband and I strongly believe that it's
9 important to be a good citizen. I have served on boards
10 in our county, on the Napa County Legal Aid, on the Napa
11 Emergency Women's Shelter, the Napa Valley -- I'm on the
12 Vintners' Charitable Giving Committee.

13 In addition, our staff serves on boards for the
14 St. Helena Chamber, the California Wine Institute, Napa
15 Valley College, and the Napa Little League. And we have
16 a program at the winery where each of our full-time
17 employees is given up to one week paid leave each year to
18 volunteer in the community.

19 Now to the property itself. This is a 2300-acre
20 property. It's located between Atlas Peak Road and
21 Highway 121. It has, as was mentioned earlier, about 21
22 miles of existing roads. It is zoned ag watershed.

23 We began these studies back in 2006. We had an
24 MOU with the County that was started in 2008. Our Draft
25 EIR was published in July of 2014 with more than 1500

1 pages of review, and that Final EIR was published in
2 February of 2016 with 2200 pages. That made an attempt
3 to respond to all of the questions and the concerns that
4 we had learned and tried to address over the course of
5 this period.

6 This property is so large that I think it's
7 important to keep it in perspective. It is more than
8 twice the size of Golden Gate Park, it is nearly three
9 times the size of Central Park, and it's more than 800
10 acres larger than The Presidio.

11 We have reduced the project dramatically from
12 its original proposal in response to the concerns that
13 we've heard from the community. The vineyards themselves
14 are now only one-fourth of the original application and
15 only 11 percent of the property as a whole.

16 The Final EIR calls for a combination of
17 avoidance, replanting, and preservation. I would point
18 out that this proposal is consistent with Napa County's
19 voluntary Oak Woodland Management Plan, which is the
20 highest Napa standard. Over 90 percent of all the trees
21 are being preserved.

22 Now, to erosion and sedimentation. Contrary to
23 some recent public statements about this property, the
24 water quality in the Milliken Watershed is expected to
25 improve during -- due to the reduction of sedimentation

1 and soil loss in both Milliken and Capell watersheds.
2 Sedimentation soil loss is expected to decrease in both
3 the Milliken, by 43 percent, and Capell, by 13 percent,
4 watersheds, as was mentioned earlier; and this is largely
5 supported by the about 21 miles of existing roads that
6 will be graveled and improved, and this is really an
7 important part of reducing the sedimentation load.

8 So the data provided by the scientists who've
9 studied this project closely point to the conclusion that
10 developing these vineyards is the responsible way, and
11 the responsible way proposed will actually materially
12 benefit this watershed.

13 To water availability. This property has ample
14 available groundwater. We have conducted well monitoring
15 and pump testing to determine if there was any impact on
16 the neighboring wells, and during the pumping test, no
17 impact was measured in any of the seven neighboring
18 wells. We have ongoing monitoring of wells and
19 mitigation in part of our EIR going forward.

20 In addition, the water use for the vineyards has
21 been reduced by 18 percent from our initial proposal.
22 And I'd point out that under about one-third of our land
23 is just, in very general terms, a huge amount of water.

24 So, based on empirical data, the hydrologist has
25 concluded that the project will not have a significant

1 impact on groundwater levels or on neighboring wells.
2 Despite these conclusions, however, an extensive
3 Groundwater Monitoring and Mitigation Plan has been
4 developed as part of the project, and we have listed the
5 five key steps on this chart and I'm not going to take
6 the time and reread.

7 We started this process over ten years ago with
8 Napa County as the lead agency. This has been the most
9 extensive Vineyard Erosion-Control Plan through the EIR
10 process that has ever been seen in Napa County and we
11 think probably in the world. This proposal complies with
12 Napa County Regulations, with the Napa County General
13 Plan, and with CEQA.

14 The public has been included since 2008 with our
15 first Notice of Preparation. We have had hearings --
16 unprecedented hearings. This is the first time there's
17 ever been a -- in the history of Napa County that a
18 history -- that a public hearing has been held on a
19 Vineyard Erosion-Control Plan, and not only one, but
20 today marks the second of such hearings.

21 In addition, we held a public meeting of our own
22 on November 6th. In all cases, we have solicited
23 feedback from the public following the meeting that we
24 had on November 6th, and recently we mailed a large
25 portion of the Napa community and received very valuable

1 feedback, much support, and we have taken that feedback
2 into account.

3 I'd also note that we attempted for months, back
4 in 2014, to reach out to both the Circle Oaks Homeowners'
5 Association and the Circle Oaks Community Water District,
6 and in both cases we were told they were unwilling to
7 meet with us. At the same time, many folks have given us
8 very valuable input, and we have done our best to include
9 this in our proposal.

10 At the bottom line, through all of our
11 interactions, this project has been reduced
12 substantially.

13 I'd like now to turn this portion of our opening
14 statement to our attorney, Whit Manley.

15 MR. MANLEY: Good morning, Director Morrison,
16 Staff, Members of the Public, appreciate the opportunity
17 to speak.

18 My name is Whit Manley. I'm an environmental
19 and primarily CEQA lawyer out of Sacramento, and I've
20 been working with the Walts on the project for a number
21 of years. And needless to say, we're delighted to be
22 here.

23 I'm going to talk very briefly about the legal
24 backdrop to the decision before the Director today, with
25 reference to both state and local law. There are two

1 aspects to this, process and substance.

2 First of all, to speak about the substance.
3 Under state law, under CEQA, public hearings are not
4 required. Under the local code for Erosion-Control
5 Plans, public hearings are not required, they are
6 encouraged. And when the County has desired to have
7 public meetings, we've supported that. And, in fact, in
8 this instance, numerous public hearings have been held on
9 the Draft EIR.

10 On the scoping plan, there were actually two
11 scoping processes that took place. And now today, as
12 Ms. Hall mentioned, as the Director knows, this is
13 unprecedented for the County to hold a hearing on an
14 Erosion-Control Plan.

15 We think that's fine. It's fine for people to
16 have an opportunity to weigh in, but this does exceed
17 dramatically what's legally required.

18 Similarly, under state law, the County has to
19 provide notice and an opportunity to weigh in on the
20 Draft EIR in particular, and the guidelines state that
21 the comment period should generally be between 45 and 60
22 days. In this particular instance, the County decided to
23 extend the comment period to 133 days.

24 I've worked on a variety of projects in a career
25 of about 25 years involving CEQA. This is the longest

1 comment period that I've ever been involved in, and it
2 certainly dramatically exceeds what the state law
3 requires.

4 Generally speaking, under the CEQA Guidelines,
5 the EIR process was supposed to take no more than a year.
6 In this instance, the EIR process has been going on
7 roughly eight years, and that's part of the reason why
8 we're so excited to be here today, because it has been a
9 long march.

10 Generally speaking, under state law, the
11 guidelines provide that an EIR should be no more than
12 about 300 pages in length. In this instance, the Draft
13 EIR spans a little over 1100 pages. The technical
14 appendices that accompanied the EIR span another 1100
15 pages. It's a -- roughly a 2200-page document, and I
16 don't think anybody could look at that record with a
17 straight face and say that somehow the analysis has been
18 cursory. In fact, it's been quite exacting.

19 And I will point out that Napa County has a very
20 good reputation for performing meticulous environmental
21 review. Your track record is excellent in that regard.
22 I realize that there are some comments by folks that
23 don't like the project who have stated that the
24 environmental document is in some fashion a sham. They
25 certainly are entitled to their position. You'll hear

1 that today. We've heard that before.

2 In my judgment, that's not a credible critique.
3 This was an analysis that was performed by technical
4 consultants with expertise in the various resource areas
5 that are covered.

6 Now, I'd like to talk briefly about substance.
7 The legal obligation that the County has under CEQA is to
8 make a good-faith effort to describe the project's
9 impacts on the physical environment, and in this instance
10 AES was retained. They have an excellent staff,
11 excellent reputation, particularly with respect to
12 biological resources, but a number of other resource
13 areas as well, supplemented (sic) by other technical
14 experts focusing on such things as sedimentation, soil
15 loss, hydrogeology, groundwater, and so forth. And all
16 of that technical analysis has been performed in keeping
17 with the County's approach with respect to other vineyard
18 projects. These are qualified experts, they are weighing
19 in.

20 The environmental review process has been
21 overseen by County staff, not by the Applicant.
22 Certainly we've weighed in, as have many other folks. We
23 provided information, we provided our perspective, but
24 this is a County-driven process, as it should be. Any
25 information that the Applicant has provided on technical

1 issues has been subject to County oversight and peer
2 review.

3 Another legal obligation we have is if the EIR
4 discloses that there might be a significant impact on the
5 environment, then the EIR is supposed to identify
6 potential solutions or mitigation measures, ways of
7 avoiding those impacts. And, in fact, that's what the
8 EIR does.

9 In fact, I do want to point out that the EIR, in
10 each instance where it identifies a potentially
11 significant impact, also identifies mitigation that
12 avoids that impact. As Ms. Sanborn mentioned, there are
13 no significant unavoidable effects. In layman's terms,
14 where a problem is identified, in every instance a
15 solution is identified as well.

16 Actually, the EIR goes somewhat further than
17 that. In some resource areas, the analysis concludes
18 there is no significant impact. I would like to identify
19 one example of that, traffic. The traffic analysis
20 concludes that this project won't have a significant
21 impact on Circle Oaks or on the roadways in the area.

22 However, the EIR also identifies mitigation to
23 provide further assurance to make sure that certain
24 traffic stays out of peak periods, for example. There
25 are other mitigation measures, as well. They provide

1 further assurance that will avoid impacts.

2 Now, that isn't legally required under CEQA, but
3 the County recommends those measures and the Applicant is
4 prepared to implement them. We're not resisting those.
5 We're not saying we can't or won't do them.

6 Also, there is a very comprehensive Groundwater
7 Monitoring Plan, a mitigation measure that has been
8 incorporated into the Final EIR. It's in Appendix R to
9 the Final EIR. And I do want to note that that
10 mitigation measure calls for monitoring of both of the
11 Circle Oaks wells if we're provided access by Circle
12 Oaks. We can't monitor that which we don't have access
13 to, but if we're given access, we will monitor.

14 And if any adverse effect is shown in the water
15 supply of either one of those wells, we will ramp back
16 pumping, we will switch to other wells, we will scale
17 back the project, if need be, to avoid an adverse impact
18 on those wells. All of those mitigation measures and the
19 others identified will be enforced by the County under
20 the Mitigation Monitoring Plan that's been provided to
21 you.

22 Now, another way that CEQA requires lessening of
23 environmental effects is by looking at alternatives to
24 the project. And in this particular instance, because
25 there are no significant unavoidable effects, we could

1 arguably not consider adopting alternatives because all
2 the environmental problems have been solved.

3 In this instance, the EIR does analyze a range
4 of alternatives and identifies the reduced-intensity
5 alternative as the environmentally preferable approach.
6 We endorse that alternative. We accept that alternative,
7 even though legally it's not essential that we do that.

8 I want to read one quick statement from the
9 Staff Report to the Director. This is at page 6 and I'm
10 quoting:

11 "Staff believes that sensitive
12 biological resources, particularly
13 sensitive plant species and Oak
14 Woodlands, have been avoided to
15 the extent feasible and that the
16 level of avoidance is consistent
17 with what the County has accepted
18 on other projects and sufficient
19 to achieve compliance with the
20 General Plan."

21 That is in endorsing the reduced-intensity
22 alternative. We accept that recommendation of Staff and
23 hope the Director will accept it, as well.

24 On top of that, as Ms. Hall indicated, we have
25 voluntarily agreed to eliminate nine additional blocks

1 comprising -- I think it's 18 acres, Mike, is that right?
2 Yes, approximately 18 acres of additional blocks that we
3 have decided to eliminate even below the reduced-
4 intensity alternative.

5 The other substantive obligation the County has
6 is to provide good-faith responses to comments. There
7 are extensive responses to comments provided, including
8 very lengthy master responses at the beginning of the
9 document for those issues that came up on a recurring
10 basis.

11 Now, you have received information from a
12 variety of interested parties disagreeing about this or
13 that aspect of the conclusions in the EIR. Where there
14 are disparate views on an issue, basically that provides
15 the County with a robust record in which it could decide
16 which evidence to rely upon.

17 We do believe that the Final EIR provides an
18 abundant, robust record upon which you can base your
19 decision, including, we hope, the approval of the
20 reduced-density alternative.

21 The County also must consider the application of
22 General Plan policies. They are quoted in the Staff
23 Report, the key policies with respect to the protection
24 of biological resources. Staff has concluded that we're
25 consistent with those policies. We agree, and, again,

1 recommend approval of the reduced-density alternative.

2 Our team is here, our technical experts are
3 here, and we hope that among the many other things that
4 are going to happen today, Director, if you have any
5 questions of them, you ask them, so that we have an
6 opportunity to respond.

7 Our goal is to make sure that from your
8 perspective, you've received all of the answers that you
9 need in order to make a thoughtful decision. We really
10 appreciate your time. Thank you.

11 And I'm going to try and back away without
12 knocking over everything.

13 MS. WALT HALL: Thank you very much for your
14 time. This is a proposal to plant a vineyard in a
15 County-zoned area for agriculture in Napa Valley and
16 nothing more.

17 During the last two decades, we, as Applicants,
18 have been trying to demonstrate, and I think we have
19 demonstrated, our commitment to responsibility and to the
20 environment through our actions, through organic farming,
21 through LEED construction, and through our engagement in
22 the community.

23 We are proud of this proposal. We believe it is
24 balanced, responsible, and that it has been responsive to
25 the public comment as well as being consistent with Napa

1 County's General Plan.

2 We have, over the course of this protracted
3 period, followed and complied with all the rules. We
4 have -- we have and we will continue to do what is
5 required and to go beyond what is required.

6 We thank you for giving us this opportunity, and
7 we ask for your support and approval of our application.
8 Thank you.

9 DIRECTOR MORRISON: Melissa, do we have the
10 sign-in sheets?

11 MS. FROST: They are on their way now.

12 DIRECTOR MORRISON: Okay. How long do we need,
13 five-minute break or --

14 MS. FROST: (Nodding head.)

15 DIRECTOR MORRISON: Oh, we'll go ahead and break
16 to 10:05, while the sign-in sheets are being collected
17 from the overflow rooms, and we can start the public
18 comment period.

19 Thank you.

20 (Recess taken - 10:00 a.m. to 10:11 a.m.)

21 DIRECTOR MORRISON: Thank you.

22 So it looks like we have about 50 to 55 speakers
23 who have put their names down, so we're probably looking
24 at around three hours of public testimony. I am
25 anticipating we will probably break for lunch at some

1 point, but we will try and get as many, if not everybody,
2 in.

3 We have also received correspondence from --
4 this morning, which we're in the process of printing out,
5 and I understand currently runs about three-and-a-half
6 inches of documents. So I don't know that a tentative
7 decision we'll be able to get to today, but we will do
8 whatever we can to try.

9 So, I'm gonna go through -- we have about three
10 speaker sheets: One from the Board of Supervisors' room,
11 one from the lobby, and one from the HR conference room.
12 We'll get with the Board of Supervisors' conference room
13 speaker sheet first. I have had requests from two people
14 to speak early so they can get out of here on other
15 responsibilities, and we'll grant them that privilege.

16 Jed Welsh, do you want to speak? Come up.
17 Followed by Joy Eldredge, and then we'll go with the top
18 of the list with Martha Schmitt.

19 MR. WELSH: Thank you, Director Morrison.

20 I'm Jed Welsh. I'm on the Board of the Circle
21 Oaks County Water District. I want to address an
22 oversight on Mitigation Measure, Measure 4.6-4.

23 At the bottom in there it says: COCWD
24 horizontal wells that are going to be mitigated, and we
25 have both horizontal and vertical wells, so that needs to

1 be changed to where it includes all our wells, both the
2 horizontal and the vertical wells.

3 Thank you.

4 DIRECTOR MORRISON: Any questions?

5 MR. WELSH: Any questions?

6 DIRECTOR MORRISON: No.

7 Did you have any other comments?

8 MR. WELSH: No, that's it.

9 DIRECTOR MORRISON: AES, do we have any -- do
10 you know why the vertical wells were not included? Was
11 that an oversight, or were they concluded not to be
12 affected?

13 Mr. Reynolds, do you have somebody who can
14 respond to that?

15 MS. SANBORN: Yeah.

16 MR. REYNOLDS: I can do it.

17 So the mitigation measure which is referred to
18 in AES's report is a summary of the broader Mitigation
19 and Monitoring Program, and the vertical wells are
20 included in the broader plan but not in the summary.

21 THE REPORTER: Sir, could you state your name,
22 please.

23 MR. REYNOLDS: I'm sorry, Mike Reynolds.

24 THE REPORTER: Thanks.

25 DIRECTOR MORRISON: So I'm -- I understand that

1 there would be no problem or opposition to ensuring that
2 the horizontal wells are included in the Ground Water
3 Plan?

4 MR. REYNOLDS: (Nodding head.)

5 DIRECTOR MORRISON: Okay. Thank you for that
6 correction, sir.

7 MR. WELSH: Thank you, Mike.

8 DIRECTOR REYNOLDS: Ms. Eldredge? Is she still
9 here?

10 MS. ELDREDGE: I was downstairs and was informed
11 we'd have a 15-second time period to get up here.
12 Apologize. I'm only vertical to be here today.

13 So the nature of the City's comments -- and I've
14 submitted a letter today, I have submitted a letter today
15 providing additional information. And the nature,
16 basically I am here to speak on behalf of -- first of
17 all, I'm Joy Eldredge, Water General Manager for the City
18 of Napa, to speak on behalf of the City and County
19 residents who do drink the water that -- municipal water
20 that is supplied from both Lake Hennessey and Milliken
21 Reservoirs, our two local water service supplies.

22 Now, the nature of the comments I have is to be
23 just responsible and to ensure that there is no further
24 degradation of our water quality. We have seen through
25 the years, and you will see in my comment letter, we have

1 seen degradation in the water quality in Hennessey. I
2 firmly believe, and we can see by the nutrient loading,
3 that that is a result of vineyard production throughout
4 Hennessey Watershed. The watersheds are by nature very
5 different. The Milliken Watershed, however, has not seen
6 a lot of development upstream of where it is.

7 And what I'm requesting is that we take very
8 prudent actions just to ensure that there are no impacts
9 to that water quality as it runs off, and if it does,
10 that we have a commitment to moving forward to either
11 improve upon the BMPs that are requested and address
12 those issues as we are moving forward.

13 The Milliken treatment plant, really the key to
14 it is it's -- it's a very basic plant. Our Hennessey
15 plant has full conventional treatment. Our Milliken
16 treatment plant does not have the capability to remove
17 constituents that are commonly entered into most
18 watersheds.

19 So this watershed is effectively pristine as it
20 is today, and we just need to make sure that we are as
21 cautious as possible with protecting that water supply.
22 And as we can, you know, do our best to ensure those BMPs
23 are enacted, that will serve us an ounce of -- you know,
24 the old saying goes, "An ounce of prevention is worth a
25 pound of cure." I'm feeling that right now. Pardon me.

1 But that's really my goal with representing the
2 Napa Municipal Water customers. If we do get to the
3 point of needing the next train of treatment on this --
4 on this existing plant at Milliken, it comes with a hefty
5 price tag. So I think that it's prudent that we just
6 ensure that it's not the water rate-payers that are going
7 to be burdened with that extra added treatment train, but
8 that we do our best to prevent it first. That's the
9 ideal, ideal situation, prevent the need to add that
10 extra treatment train.

11 And I -- what I'm proposing is some monitoring,
12 very basic monitoring, that we -- and I have specifics in
13 there, and it all relates to nutrients. I think there's
14 an inherent -- inherent error in the EIR that states:

15 "As we reduce erosion, we've
16 stopped all potential for other
17 impacts to water quality."

18 I wish it were that easy. It's really not that
19 easy when you look at respects to municipal drinking
20 water. Nutrients are the biggest concern.

21 And so what I'm proposing are phosphates --
22 phosphates, nitrogen, sulfates, things of that nature
23 that -- that we see in our treatment process that are the
24 items that need to be addressed, and so I lay out the
25 specifics in the -- in the letter that I have left for

1 you today.

2 So I know we've talked in the past about needing
3 to work together to protect our municipal water supplies
4 and our watersheds. I've met with you, David, and Brian,
5 thank you, over the past several months, and I think what
6 I've got proposed here is, you know, just prudent actions
7 moving forward. And I'd just like an opportunity to work
8 together, including this project and other projects
9 moving forward, so that we are, in fact, protecting our
10 very important municipal water supplies.

11 Let's face it, we're still going to be drinking
12 this water in hundreds of years from now, so whatever we
13 can do now to be prudent and, you know, wise with -- with
14 how we protect it moving forward, I think, will serve us
15 all for the best, so...

16 DIRECTOR MORRISON: Thank you. We have a copy
17 of that letter?

18 MR. BORDONA: I believe Melissa is rounding up
19 all the copies of letters that were submitted this
20 morning.

21 DIRECTOR MORRISON: Thank you, Joy.

22 Martha Schmitt, followed by Karl Schmitt, and
23 Peter Krammer.

24 MS. SCHMITT: Just want to say that I'm a Circle
25 Oaks resident. I'm also a certified sommelier through

1 the International Sommelier Guild, and I'm in the fourth
2 level my Master of Wine Program through the Wine Edu --
3 the Wine & Spirits Education Trust.

4 I have read very -- very carefully the EIR. I
5 have also read very carefully the information provided by
6 UC Davis. The proposed project plans to use about
7 90 million gallons of water a year, whereas the people in
8 my neighborhood only use between 12 and 13 million.
9 That's close to three-and-a-half times the water usage.

10 This is actually for a proposed planting density
11 of seven-and-a-half-feet-apart vineyard land. The actual
12 planting program is a density of three feet between the
13 rows. That is double what the 90 million gallons of
14 water would cover.

15 So, if you're planning on planting your vineyard
16 three feet apart, you actually need 180 million gallons
17 of water. That's compared to a 12 to 13 million gallon
18 usage by the people in Circle Oaks.

19 I think it's -- after 50 years of living out
20 there, the water district cannot find any evidence of 180
21 million dollars additional -- or 180 million gallons of
22 additional water, and, in fact, has not been contacted
23 over the last eight years by the Hall Brambletree
24 experts. So, in over eight years that we've been working
25 on this, one phone call with, um, no return phone calls,

1 that's not really -- not really an acceptable response,
2 especially because you drive past it every day.

3 So, for 90 million to 180 million gallons of
4 water, based on a community that only uses 12 to 13 in a
5 year, that's really not -- it's not an acceptable usage
6 of water. And I am not certain where you think it's
7 gonna come from, but it's not gonna come from my well.

8 Thank you so much for your time.

9 MR. SCHMITT: Good afternoon, good morning, Dave
10 Morrison, and the Residents of Circle Oaks, and the
11 Associated Members from Hall Brambletree. My name is
12 Karl Schmitt. I live at 8 Rockrose Court in Circle Oaks.

13 Three things that I want to bring up. The first
14 thing is Mark Billings' -- and I'll submit this letter
15 into evidence. Mark Billings -- Mark Billings is a
16 certified public inspector, and basically for 20 years
17 he's gone around and inspected roads.

18 And he's inspected the road in Circle Oaks, the
19 primary one that would be used for ingress and egress of
20 construction, as well as seasonal for planting and
21 harvesting. And the bottom line, and the question that I
22 hadn't heard addressed is, with six access points coming
23 off 121, why aren't those being looked at instead of the
24 road that comes up through Circle Oaks?

25 We have a person that's gonna show a picture of

1 our Circle Oaks Road that is already experiencing the
2 degradation. And for those of you that aren't familiar,
3 on 121 a few months ago we experienced complete
4 degradation of the road on 121.

5 So, when that happens on Circle Oaks -- and it's
6 already started to happen -- because you are going to be
7 hauling gravel trucks up there for the next four years
8 for the construction, then you're gonna be hauling trucks
9 up there for the harvesting and the planting.

10 Six access points on 121. We haven't heard a
11 good reason why you're not gonna use those and improve
12 those to make those your access points.

13 I'm trying to maintain the civility, but there's
14 a tone of benevolence that I felt needed to be addressed.
15 This is not a kind act that you are doing, to use this
16 land. This is our home land. So, I'm gonna get a little
17 pissed off.

18 Point number one was the water -- point number
19 one was the road. Why don't you want to use the access
20 points that are on 121?

21 Second point is liability. Craig and Kathy have
22 made a point of saying that they're the local residents,
23 you know, the face of Hall Winery, so I went onto the
24 Internet, a source of tons of information, some good,
25 some bad. I looked up Hall Brambletree Associates LP,

1 and I'd submit this paperwork.

2 Hall Brambletree Associates LP has an employee
3 of one. That employee of one is a corporation. We know
4 that corporations are people, my friend. So, we looked
5 up that one employee at Hall Brambletree Associates, who
6 I believe is the one that filed the EIR, not Craig and
7 Kathy. Hall Brambletree and Associates LP is not Hall
8 Brambletree and Associates Limited. That's another
9 employee. Of the one company that is listed on Hall
10 Brambletree Associates LP, Phoenix Ironwood (sic),
11 employee of one. Between Donald Braun, the employee at
12 Phoenix/Inwood, Craig Hall, Kathy Hall, 64 different
13 companies exist. In my lifetime, I've worked for four
14 companies. One of those was the Air Force.

15 I have no problem with people using their land.
16 I do have a problem when the impacts of people using that
17 land affect other people, and it will, significantly.

18 So what I'm asking is about liability. I looked
19 at Phoenix/Inwood, and I found another one of those kind
20 of one person owning the company. So I looked at Craig
21 and Kathryn Hall Foundation, no connection to Hall
22 Brambletree. Kathryn Hall Foundation, no connection.
23 Craig Hall, no connection. All of these corporations --
24 and particularly noteworthy, on the Craig Hall network of
25 business connections, there's over 200 companies

1 associated with that.

2 In terms of liability, when one of your workers
3 clearing land starts a fire, when a road sheers,
4 catastrophic failure on our road and, God forbid, our
5 water, who do we go after? This is like a Three-card
6 Monte, only there's 264 coconut shells and we've got to
7 figure out where the accountability is.

8 So my question is, where do we go for
9 accountability when inevitably this plan doesn't work?

10 Thank you.

11 DIRECTOR MORRISON: After Mr. Krammer, we'll
12 have Lisa Hinayama, John Murphy, and Jim Wilson.

13 MR. KRAMMER: Good morning. I am Peter Krammer.
14 I live at 351 Circle Oaks Drive.

15 I submit that the construction of Walt Ranch is
16 a gross violation of the intent and the spirit of current
17 Napa County Zoning Ordinances stating that agriculture is
18 the highest and best use of Walt Ranch land.

19 Let me start with the most egregious violation,
20 massive deforestation and deep ripping of over 400 acres
21 of watershed. Destruction of watershed is not farming.
22 Might be creating a farm, but it's creating a farm where
23 no farm exists today and where all of you know that no
24 farm should exist. Farms should not exist in watersheds
25 and at a drought-challenged area no less. I challenge

1 you on this.

2 Second, introducing pesticides, herbicides,
3 fungicides, and other construction and farming runoff
4 into water sources. You talked about it today, it's a
5 possibility. Well, folks, it's a probability. Ask the
6 people in Flint how they feel about this. So I would
7 like to hear how that is going to be addressed.

8 Next, the FEIR states that up to 105 buildings,
9 including gravel manufacturing facilities, will be -- can
10 be constructed. This is real estate development. This
11 is not farming.

12 Next, and is the craziest, dynamiting the
13 hillsides is not farming. It is an inexcusable insanity.
14 This is not West Virginia, this is Napa. This is my
15 home. I live close to your blast areas, okay?

16 And -- and besides that, what -- what are the
17 dangers to the stability of the hillside which already
18 slides in the flows of water? Find some other way to
19 build your vineyard besides dynamiting.

20 Next, creating four years of noise pollution for
21 thousands of residents on both sides of Atlas Peak for 12
22 hours a day, 6 days a week. Massive construction
23 disturbance and noise pollution is not farming.

24 Finally, turning Circle Oaks streets, which --
25 yes, you are going to stay away from commuting hours.

1 Well, guess what, people live there, people walk on those
2 streets, and you'll be -- what you're doing is you're
3 turning a residential community into a major commuter
4 artery for construction and industrial operations. Build
5 your own damn road into your winery.

6 Folks, I ask you to look at the absurdity of
7 this proposal: destruction, chemical and noise
8 pollution, dynamiting, and completely altering of an
9 intact ecosystem, destroying the lives of thousands of
10 residents next door to an operation for four years. This
11 isn't for two weeks. This isn't for six months. This is
12 four years that you're gonna be constructing your
13 operation.

14 This is madness. You know it, I know it, every
15 person in this room knows it. Kathryn and Craig Hall
16 also know this.

17 Now, we know it's a developer's business to
18 develop. They build other developments like this, and
19 the only way that you're gonna develop this is to fool
20 us. They fool us by funding the supervisors and buying
21 them. Don't be bought. Don't be fooled.

22 I challenge you to deny this proposal on the
23 very grounds on which it's meant to stand, that the
24 proposed development is not farming and it is most
25 certainly not the highest and best use of this land.

1 Thank you very much.

2 (Applause.)

3 MS. HIRAYAMA: My name is Elisa Hirayama. I
4 live in Circle Oaks. Everyone was hoping that El Niño
5 would materialize and wash away the drought, but it
6 didn't happen. It put a dent in the drought, but the
7 snow pack needed to be 150 percent of normal by
8 April 1st, but statewide it's at 87 percent.

9 With climate change, there's no telling if we'll
10 ever again have a normal rainfall year. Experts warn
11 that a long-term trend of dryer weather may return this
12 year and we'll continue to have droughts for several
13 years to come.

14 How does Napa County continue to justify
15 allowing the massive Walt Ranch Vineyard Project that
16 will use 60 million gallons per year when fully developed
17 during the drought?

18 According to the Protestant's experts, the water
19 usage is more actual -- accurately three to five times
20 that amount per year. Circle Oaks uses 12 to 13 million
21 gallons per year, and that is for lives, not grapes.

22 Because of climate change, there is no longer an
23 average rainfall year that can be counted on to replenish
24 the aquifer.

25 Ms. Hall that says Walt Ranch would be operated

1 organically, but the Final EIR states otherwise, Volume
2 1, page 4-299. So why is it being allowed to use
3 pesticides in the Milliken/Capell Watershed which
4 services 80,000-plus customers through the City of Napa
5 Water Division? That division has opposed the Walt Ranch
6 development, yet the County says there are no significant
7 impacts on water quality because pesticide use is highly
8 regulated.

9 Nothing can be guaranteed. Will the County pay
10 for the filtration system if Milliken Reservoir is
11 contaminated with runoff and pesticides?

12 The Final EIR has pretty much mitigated away all
13 the concerns from the residents of Circle Oaks, Atlas
14 Peak, Monticello Road, and any other protestants. It
15 says there are no facts to back up all of their concerns.

16 I find that basically akin to the police telling
17 a victim that they cannot arrest the stalker until he has
18 harmed or killed the victim. We all know that the danger
19 is there, but by the time the facts have emerged to
20 satisfy the County, the damage will have been done and be
21 irreversible.

22 Two days ago, Circle Oaks residents received a
23 letter from Walt Ranch stating that the Circle Oaks
24 Homeowners' Association was circulating misinformation in
25 a March 23rd letter.

1 As is typical in any kind of conflict, it is all
2 in the way one wants to spin the information. The Halls
3 state that the land they donated to the Circle Oaks
4 County Water District, when it become aware it had built
5 the 50,000-gallon water tank on the Walt Ranch property,
6 that they donated it. In fact, the property was not
7 donated but instead exchanged for the spike strip in
8 front of the Walt Ranch property gate at the end of
9 Circle Oaks Drive.

10 As a real estate developer, Craig Hall knew the
11 value of that spike strip because it allowed him to use
12 Circle Oaks Drive to access his property. I would say he
13 got the better end of the deal.

14 As for Walt Ranch's claim that the Final EIR has
15 already been published and comments regarding an
16 alternative route were not studied or addressed during
17 the public review period, that is also incorrect. There
18 were comments submitted during the Draft EIR review
19 period that requested an alternative entry point to be
20 considered other than Circle Oaks Drive. The Final EIR
21 even states that in Volume 1, page 4-31.

22 Please reconsider and do not allow Walt Ranch to
23 be developed as it is stated in the Final EIR at this
24 point.

25 Thank you.

1 MR. MURPHY: Hello. My name is John Murphy, and
2 I'm a concerned citizen.

3 Basically, I think what's going on is we're
4 operating with good intentions on all parts. However,
5 there's -- the way the system is set up, it's flawed from
6 the standpoint of logic.

7 Let me explain real quick. I don't know if
8 anybody knows here, but on the whole western spine of the
9 Sierra-Nevadas, there's immense amount of clear-cutting
10 going on right now. And what's happening is, is that
11 Sierra Pacific Industries and other lumber companies,
12 they come in and they take out 20-acre parcels of timber
13 and then the -- they spray herbicides to kill the
14 competing species. They do a monoculture of a single
15 species to grow in its place. And as a result -- I
16 actually, you know, suggest everybody here actually look
17 that up to see what's going on.

18 The end result is that you have a huge crash in
19 the biodiversity in the whole western slope of the -- of
20 the Sierra-Nevadas. I mean, the amount of ecological
21 devastation is just unbelievable. I can't believe it's
22 happening in California.

23 The point in that is, is that all those timber
24 harvest plans went through their EIRs, and the cumulative
25 effect and the initial outlay of those was very minimal.

1 They said that it wasn't going to do the immense
2 degradation of the water resources, it wasn't going to
3 affect the biodiversity, et cetera, and yet you have
4 things like the deer herd in the area going from 160,000
5 strong down to 50-something thousand strong in it within
6 a 15-year period.

7 The flaw in the system is this: The flaw in the
8 system is -- is the march of the -- of the unintended
9 consequences. What happens is, is that you come out with
10 the initial EIR, which takes a snapshot of what's going
11 to happen potentially with the first development, with
12 the first vineyards, based on their -- on their -- their
13 impact in -- on the hillside as it stands right now, but
14 that's not gonna be the ultimate end result.

15 The end result is 20, 50, 60 years from now,
16 when the land is subdivided, when the individual
17 30-something, 50-something new landowners have their own
18 vineyards up there, and now the expanse from a couple
19 hundred acres goes to a couple thousand, and lo and
20 behold, it's gonna be just like the Western Sierras.

21 So, I think it's the job of the Planning
22 Commission and local government not to view the EIR of
23 what it's going to do on a snapshot of today. Where
24 can -- where can it go?

25 But here's the flaw in a nutshell, and it's a

1 very simple concept: Compromise is always what people
2 are looking for. Everybody, from the attorneys to the
3 Halls, they are all good people trying to do their job.
4 I'm sure the -- the EIR folks did a great job in trying
5 to put together that with their concerns.

6 The flaw is simple. If we compromise in the
7 middle, we're at 50 percent. Further down the road, you
8 compromise again, now you're at -- now you're at the 25
9 percent. Compromise again, 12 and a half, to when you're
10 left with just a few percent.

11 I really urge the Planning Commission to view
12 what is the potential impact for the potential of the
13 program 20, 30 years from now.

14 Thank you.

15 DIRECTOR MORRISON: Mr. Wilson will be followed
16 by Chris Benz, Nancy Tamarisk, and Michelle Benvenuto.

17 MR. WILSON: Thank you, Director Morrison. Jim
18 Wilson, 5000 Monticello Road, Napa.

19 The goalposts have been moved again. They are
20 going to continue to move because they have to. People
21 aren't happy with the status quo. We all know about
22 that. We know the science. We know where this is
23 heading.

24 Dirty energy systems and a profit from those are
25 gonna have to stop, deforestation and the disaster that

1 results from that. The cumulative impacts from removal
2 of negative-emissions technologies are gonna have to
3 stop, and we're gonna have to get actual protective
4 climate action soon. They have to be fast-tracked, and
5 we're looking for the political leadership to help us to
6 do that.

7 The biogenic greenhouse gas issues in this Final
8 EIR are a failure to actually mitigate the direct loss of
9 carbon sequestration capacity and the indirect carbon
10 dioxide, methane, nitrous oxide, and black carbon
11 emissions due to the disposal of dead vegetation.

12 While the theoretical loss of carbon
13 sequestration capacity over time must be mitigated, so
14 too must the existing carbon stored in the project, some
15 28,000 dead trees and associated vegetation, which will
16 be released as carbon dioxide, methane, nitrous oxide,
17 and PM2.5 emissions during the decomposition or
18 combustion processes.

19 CEQA mandates that these, while indirect,
20 biogenic emissions be proportionally mitigated in
21 accordance with the State of California's 2020, 2030, and
22 2050 greenhouse gas reduction goals.

23 MS. BENZ: Chris Benz, 315 Greenback Street,
24 Napa.

25 I think it's very important that we realize that

1 conditions are changing as our climate changes due to
2 global warming. In particular, the California Natural
3 Resources Agency points out in their report *Safeguarding*
4 *California*, which was published this March, that:

5 "Climate scientists have shown that
6 climate change will cause more
7 precipitation to fall in fewer but
8 heavier events, making water
9 management more difficult. Soil
10 erosion often results during heavy
11 precipitation events as the soil's
12 ability to take in water is
13 exhausted," end quote.

14 My concern is with the possibility of landslide
15 due to these future heavy precipitation events on the
16 Walt Ranch property.

17 Both parts of Walt Ranch and Circle Oaks are on
18 a cretaceous-period landslide. In Circle Oaks, a
19 geotechnical report is required before a building permit
20 is issued because of ground instability.

21 Just recently, as we mentioned, a section of
22 Highway 121 in this area was closed due to sliding during
23 heavy rains. It seems a better alternative is not to
24 access Walt Ranch through Circle Oaks but to access the
25 property directly from Highway 121.

1 As you evaluate the erosion-control plan, please
2 keep in mind that what seems to work today may not be at
3 all adequate in the future.

4 Thank you.

5 MS. TAMARISK: Good morning. I'm Nancy
6 Tamarisk, and I'm speaking for the Napa Sierra Club.
7 Excuse my voice, please.

8 We believe that this FEIR is still incomplete
9 and should not be certified. It does not provide
10 information in all areas, as required by CEQA. The
11 sponsors -- responses to commenters are rife with
12 evasion, misinformation, and referrals and -- sorry -- in
13 reference to irrelevant mitigations.

14 To cite a few examples, the County maintains
15 that there is no wetland at the entrance road off of
16 Circle Oaks Drive. Anyone who visits the site can
17 plainly see the wetland. You can get your feet muddy in
18 it if you want.

19 The document simply ignores data from a
20 structural engineer, Mr. Billings, about potential for
21 catastrophic failure of Circle Oaks Drive, dumping sewage
22 into Capell Creek. He's resubmitting his comments since
23 they weren't answered the first time.

24 The County refers to a drainage under the Circle
25 Oaks entrance road. Instead, its own maps show a

1 perennial stream. The FEIR failed to answer the direct
2 question we asked about how 24,000 trees are to be
3 disposed of.

4 Most of these flaws were noticed by lay people,
5 who lack the time, expertise, deep pockets, and access to
6 the land itself to thoroughly vet this EIR. We come away
7 distrusting the supposedly non-biased work of AES and
8 wondering what even greater flaws would be uncovered were
9 a team of neutral experts to examine the document and the
10 land itself. The EIR lacks credibility.

11 Additionally, we note how difficult it was for
12 us and other commenters to obtain expert testimony. The
13 Circle Oaks Water District, a County agency, spent weeks
14 seeking a hydrologist. They were turned down by several
15 experts who were too intimidated to go up against the
16 wine industry, fearing that they would be black-balled.

17 This experience was replicated again and again
18 as experts would offer us advice anonymously but refused
19 to commit themselves on paper. Others stated that they
20 would have been fired by this project if they had worked
21 on it and provided honest analysis.

22 The game is rigged. Thank you.

23 MS. BENVENUTO: Hi, Michelle Benvenuto, Wine
24 Growers of Napa County.

25 I think we need to remember that this is an

1 agricultural use on an agriculturally zoned parcel. They
2 have addressed all environmental concerns and followed
3 the policies and procedures.

4 The amount of time, effort, and public comment
5 is unprecedented, and we would hope that continued ag
6 production would be supported in Napa County and not
7 discouraged.

8 I also have a comment or a statement from
9 Michael Mondavi, who couldn't be here today. He says:

10 "I have been following the
11 progress of the Walt Ranch
12 Vineyard Proposal and am impressed
13 by the care for the environment
14 and the amount of study conducted
15 by Craig and Kathryn Hall since
16 2005. They have shown they are
17 very good stewards of the land and
18 practice what my grandfather
19 taught me, which was we all have a
20 responsibility to leave the soils
21 in a healthier condition when we
22 pass them on to our children than
23 when we received them from our
24 parents.

25 "I urge the Planning

1 Commission to support the Walt
2 Ranch Vineyard Proposal and
3 potentially use it as a positive
4 model for future development."
5 And that, again, was from Michael Mondavi.
6 Thank you.
7 DIRECTOR MORRISON: Thank you, Michelle.
8 We have Jeff Roberts, Lynna Roberts, and Edward
9 Parker, please.
10 MR. ROBERTS: Thank you, Director Morrison and
11 Planner Bordona.
12 My name is Jeff Roberts. I live at
13 111 Ridgecrest Drive in Napa. I'm concerned for the
14 safety of the residents during the construction period of
15 the Walt Ranch Project.
16 The proposed access to the project is through
17 the only entrance to our community by way of State
18 Highway 121. The proposition of heavy equipment,
19 traffic, and over 150 construction-related trips daily
20 over the course of a projected four-year period is
21 unsafe, and there's several reasons.
22 The main entrance has a bus stop where students
23 gather daily. I don't know if, Director Morrison, you've
24 seen that bus stop? They -- the children are dropped off
25 by their parents, load the bus and leave, and in the

1 afternoon return. Um, that in itself is cause for
2 concern. The proposition of excessive traffic at that
3 entrance poses a threat to any child or adult that may be
4 injured by drivers that are unfamiliar with that area.

5 The traffic congestion with construction-related
6 vehicles daily poses not only a safety threat but an
7 undue burden on residents coming or going from our
8 community. This northbound access from State Route 121
9 does not have a turn lane from the highway and will
10 create a safety hazard by traffic being backed up while
11 the left turn onto the property is being negotiated.

12 There have been proposed alternate accesses to
13 the construction project that are in place but
14 undeveloped. These access points are on the construction
15 site. They are directly connected to State Route 121.
16 The argument against using these alternative routes is
17 that this access is more convenient. This may be true,
18 but at what risk?

19 I ask you, if your children were using that bus
20 stop and even one unfortunate accident happened, and it
21 was in your power to prevent it by not allowing
22 construction access at that entrance, how would you feel?
23 I know that everyone would ask this question. Could it
24 have been prevented? The answer is yes. It was
25 preventable but less than convenient for the construction

1 project.

2 There's an alternative to using this access
3 point. I would urge you not -- not to allow this project
4 to endanger our children and residents with an unwise and
5 unsafe decision to permit construction and worker traffic
6 to use the only entrance and exit to our community.

7 If there is an accident, it will reflect back on
8 this decision and the ability to what is possible to
9 prevent, so thank you very much.

10 MS. ROBERTS: Good morning. My name is Lynna
11 Roberts. I live the 111 Ridgecrest Drive, Circle Oaks.

12 I am concerned for the health and safety of
13 residents during construction and business thereafter
14 with the Walt Ranch Project. Four years of construction
15 will bring heavy equipment on Circle Oaks roads.
16 Afterwards, with vineyard production, heavy gondolas will
17 travel our neighborhood roads.

18 At the entrance to Circle Oaks off
19 Highway 121/Monticello is a school bus stop where
20 children and parents gather, as you heard. Huge trucks
21 coming off and onto the highway in -- will endanger lives
22 gathering there.

23 Another threatening factor is if our roads that
24 are insufficient to bear the wait of such traffic fail in
25 any critical area, it could impede the only entrance and

1 exit for emergency vehicles. And when these roads fail,
2 our water and sewage pipes are below. In the event of a
3 fire, there would not be access to water during the
4 duration of these repairs on the roads and the pipes.

5 Another safety factor to be considered is that
6 Circle Oaks has few sidewalks. I personally walk the
7 hills most mornings with a friend, and the -- there are
8 very few sidewalks in Circle Oaks. If any of you have
9 been up in that area, you'll see that you have to walk in
10 the street, and this is okay because there's not a lot of
11 the traffic. There's 189 families live there. It's a
12 rural -- rural streets, so there's no place to move off
13 the side of the road to avoid large construction
14 equipment passing.

15 The County must be responsible for the welfare
16 of Napa Valley residents. The Walt Ranch has access to
17 their property from Highway 121 within a short distance
18 from the Circle Oaks entrance. The use of that entrance
19 would be a safer and a more responsible entrance for
20 their project.

21 These endangerments are a serious concern and
22 must be responsibly considered by our County officials.

23 Thank you.

24 MR. PARKER: Good morning, Director Morrison,
25 Fellow Citizens.

1 My name Edward Parker. I have lived in Circle
2 Oaks for 28 years, and I love the trees around my house.
3 I have big trees around my house that shades it, it's
4 beautiful. There is bigger trees right next to it that
5 go all the way down towards Walt Ranch, which would and
6 could conduct fire from that area.

7 Now, I would like to give a little history.
8 There was the Atlas Peak fire. I'm sure anyone who has
9 lived here a long time can recall that. It burned a lot
10 of the fuel off of Atlas Peak. It didn't break into
11 Circle Oaks area, but it got close.

12 There was a fire in the early 90's from the
13 Mt. Vaca side that burned towards Circle Oaks for about a
14 week, reducing the fuel load in that direction.

15 To my knowledge, there has been no fire to the
16 northwest or in the vicinity of Walt Ranch. It's heavily
17 wooded. Now -- so, it's heavily wooded, as we all know.
18 We've been writing about how many trees might be cut or
19 how many trees there are.

20 So, in the fall, there are several weather
21 occasions where the wind blows from the north, across
22 Walt Ranch, in our direction, and those are very dry days
23 and they happen every year. If there's a fire -- and
24 some day there will be a fire that will conduct from
25 beyond Walt Ranch, or from Walt Ranch, towards our

1 vicinity.

2 I think it's very important and I'm very pleased
3 they are going to reduce the wood load by creating these
4 vineyards. It will create fire breaks.

5 Furthermore, the water resources and the
6 reservoirs will also be accessible by firefighters to
7 really -- I think a very effective block against a fire
8 that I've always thought would be a threat to our
9 neighborhood that wouldn't be likely to be stopped
10 through that wooded area. And we, of course, know what
11 happened up at Lake County with their fire. So, I feel
12 very good about the project's ability to protect our most
13 dangerous flank to fire.

14 Another -- just from another side point in my
15 own personal interest, there's a lot of the discussion,
16 you know, about economic growth, why economic growth is
17 slow and why it's a problem for government at large.
18 Well, I can see it today, because it's hard to grow
19 grapes. It takes a lot of expense and cost to put some
20 grapes in the ground, which means there's less jobs,
21 there's less tax revenue. We need that tax revenue. We
22 need to sell that wine, the Walt's wine, sell it
23 overseas, bring trade. It's in our benefit. And Napa
24 has been made great by grapes. So thank you very much.

25 DIRECTOR MORRISON: Next speakers would be David

1 Heitzman, Brian Bender, and Kim Richard.

2 MR. HEITZMAN: Good morning.

3 Is my PowerPoint loaded up? And a clicker?

4 I'll be ready to go.

5 Okay. David Heitzman, 23 Rockrose Court. I'm a
6 licensed general contractor, had my license for 35 years
7 now. I worked with lots of soils engineers, so I gotta
8 go through this quickly and I want to do this as
9 rationally as possible.

10 So, if you look on the -- this is Circle Oaks
11 Drive, the one in question here, between 189, 244. The
12 circled area is -- you can see subsidence in the road.
13 The County has been putting -- what you're looking for is
14 the waviness in the road and the thickness of the asphalt
15 there.

16 The County has been trying to level this out
17 over the years, the road crews, God bless 'em, but we're
18 in excess of a foot of asphalt and it's still moving.
19 This was taken just before the last -- before the Draft
20 EIR.

21 Let's see, right click? Okay. Really? There
22 we go.

23 Okay. This next -- taken at the same time,
24 you'll see that there's no cracks there at this time, no
25 visible, obvious cracks.

1 Next one. This is after this last rainstorm,
2 same spot. It's opened up about half an inch, and the
3 cracks up -- further up above, though I can't prove that,
4 I don't have the documentation, the road base had
5 dropped, previously it was down about half an inch with
6 the -- previously, when we had the Draft EIR, but that,
7 too, has opened up a half plus. The road is -- it's
8 still active. It's moving.

9 This is 254 Circle Oaks Drive. There was two
10 landslides there, two -- two movements there, both
11 repaired by the County. The first one didn't work so
12 well, and this is the second one.

13 I would suggest to please go in and talk with
14 the Engineering Department, Road Works, and ask them
15 about this fix and this road. This was, if I remember
16 right, was in excess of half a million dollars. This is
17 just the start of the project. It got much bigger than
18 that. Again, the road has problems.

19 In the red is Circle Oaks Drive, and the yellow
20 is the identified places where it's actively moving.
21 This is what road failure looks like. This is
22 Highway 121. I realize it's a mile-and-a-half away from
23 Circle Oaks, but it is still in a slide body and it's
24 still created with cretaceous shale, the same thing that
25 Circle Oaks Drive was built with. It's not good

1 road-base material.

2 I've had to put a quarter mile of road in the
3 mountains around Circle Oaks on a pretty serious grade,
4 we were -- averaged about 18 percent, and it's very hard
5 to get compaction. That being said, it is tough to do,
6 but it can be done and make it stable. This -- but if
7 you don't do it, this is what we end up with, and Circle
8 Oaks doesn't have that.

9 On my letter, I-111, and Mark Billings' letter,
10 I-114, we both specifically called for -- for this to be
11 reviewed by a geotechnical engineer. We specifically
12 mentioned that the road was failing and we called for a
13 geotechnical engineering firm to evaluate the road, find
14 out if there was a weight limit, if heavy trucks should
15 go on it, or if indeed you could increase the traffic, or
16 maybe even don't put much of anybody, or maybe even close
17 down one lane.

18 Will the Circle Oaks Drive peel off?
19 Eventually, it will. The cracks go down, who knows, 20,
20 30 feet. It's possible. They don't heal themselves,
21 they only get worse in time. Eventually, it's going to
22 have to be addressed.

23 So, I guess that's it. Time's up.

24 Any questions, anybody?

25 DIRECTOR MORRISON: No.

1 Thank you, David.

2 MR. HEITZMAN: All right. Thank you.

3 MR. BENDER: Good morning to all. Brian Bender,
4 199 Waters Road.

5 My wife and I have lived there since 1979, and
6 our property is about one-half mile south of Circle Oaks
7 and the proposed Walt Ranch Vineyard. I have no training
8 in geology or hydrology.

9 However, in the EIR, the groundwater study
10 predicts sufficient water for the project. I'm aware of
11 conflicting professional opinions about groundwater
12 supplies in the area from two different companies, and
13 the fact that one of these companies provided incorrect
14 information for another project in the County.

15 Groundwater testing procedures are complex and
16 can be hard to understand for a layperson. Despite all
17 the science of test-well drilling, well logs and studies,
18 it is still a prediction, correct? This isn't a lake or
19 river where quantities are obvious.

20 I wonder, does anybody really know how much
21 water is under this area? Enough to support a major
22 water consumer? It is still a prediction, correct? And
23 experts have been wrong before.

24 Climate change effects are all around us, so
25 predicting rainfall or hoping for wet years don't count

1 as a water source.

2 Our well puts out about three gallons a minute,
3 and the drought of 2014 and '15 dropped the output some.
4 Yes, even our little well suffered, but our tank kept
5 refilling, however slowly. I keep track of my
6 gravity-tank level, well-pumping depth, and static head.

7 Although we are further from the vineyard
8 project, I still have doubts as to the water source
9 prediction at hand and how it will affect us. Any
10 negative change in our supply aquifer may drop production
11 level to a point where we can't exist without
12 supplementary supply.

13 What will happen to the sources of those
14 families closer than us after pumping multi-millions of
15 gallons of water on dry years or any year?

16 Our water supply has always been sacred. That's
17 why when we built the place in 1980, we installed the
18 best available low-flow faucets, toilets, showers, and
19 drip irrigation, and have upgraded as more efficient
20 products arrived. For all those years we have been
21 conserving water and do not want our efforts to be for
22 nothing in the end.

23 We are worried that the production reduction on
24 our well may occur should pumping ever begin at Walt
25 Ranch. Please reject the proposed development because of

1 local residents' questions about actual true existing
2 supplies of water.

3 Thank you for your time.

4 MS. RICHARD: Good afternoon, Director. I'm
5 Kimberly Richard. I am the Chair for the Environmental
6 and Wildlife Committee for the Democrats of Napa Valley.
7 I'm also the Democratic County Central Committee for
8 District 4. And Kathy and Craig Hall are friends of
9 mine, but that being set aside, I'm here as a resident of
10 Napa of personal concern.

11 Napa County is home to bats, raccoons, deer,
12 grey fox, ringtail cats, bobcats, mountain lions, and
13 black bears, and eagles.

14 And speaking of bats, the Townsend bat is up for
15 listing on the CESA and will be voted on by the
16 California Fish & Wildlife Commission in June of this
17 year. The Pacific Pallid bat is a species of special
18 concern. Both species live here.

19 With the trees being cut down, what will be done
20 to replace the habitat loss? Bat boxes? Fracture
21 perches?

22 What impact on the Northern Fisher? As you
23 know, there is less than a thousand Northern Fishers left
24 in the world, and they also -- a petition is being put
25 forth to list them on the CESA, as well, like their

1 counterpart, the Southern Fisher, which is protected.

2 So, in moving forward with this, what -- and
3 speaking a little bit with Kathy this morning, what's
4 gonna be set in place to replace the trees? What's gonna
5 be set in place to help compromise?

6 People talk about drinking water, they are
7 losing drinking water, that's going to be polluted; but
8 what about the natural, true residents that's lived there
9 far longer than anybody else, and that is, our wildlife.
10 What impact is this gonna have on our wildlife? What
11 is -- what are y'all planning to do to replace suitable
12 housing or suitable habitat for the wildlife that lives
13 there?

14 And I think that needs to be addressed too
15 because bats play a very key role in our ecosystem. One
16 bat can eat between seven and eight thousand insects in
17 one night. There are certain species of bats that live
18 here in Napa that eat the Sharpshooters, feed mostly on
19 them, so what impact is this gonna have on our -- on our
20 wildlife?

21 As y'all may know or not know, for the first
22 time White-Nose pat (sic) disease -- bat disease is now
23 here in the United States. We were hoping to keep it out
24 of the United States and it stay in Canada, however that
25 is not the case. It is not here in California, but that

1 is an additional threat that this species is facing.
2 And as most know, our bat population is down 59 percent
3 in maternity rates because female bats, due to the
4 environment, due to the ecosystem, due to the climate
5 change, female bats can actually, um, say when she's
6 going to -- to get pregnant, herself, and have a pup of
7 her own. A lot of people doesn't know that, but -- you
8 know, and a bat only has one pup a year.

9 So we need to take that into consideration, what
10 are we going to do to make sure that this wildlife is
11 protected?

12 Thank you.

13 DIRECTOR MORRISON: I would like Stu Smith,
14 Chris Malan, and Tom Lippe to come up, please.

15 MR. SMITH: Good morning. Stuart Smith, Smith
16 Madrone Winery, 4022 Spring Mountain Road, St. Helena.

17 I urge you to approve the Walt Ranch Vineyard
18 Development Project. The EIR may be the most thorough
19 and expensive document produced for a vineyard project in
20 Napa County history, and it is positive for the project.

21 The development is consistent with the General
22 Plan and is zoned for exactly this type of use. The
23 Halls have worked within Napa County -- within the Napa
24 County regulatory system, and that should be
25 acknowledged. The Halls have a history of successfully

1 operating both vineyards and wineries within Napa County.

2 If you deny this project, you will effectively
3 kill all future hillside developments in Napa County,
4 which unfortunately --

5 (Applause.)

6 MR. SMITH: Which is exactly what these people
7 want. It's not project-specific, it's an overall design.

8 If you deny this project, you will also affirm
9 the tyranny of the minority rules in Napa County.

10 With best management practices, water can be
11 reduced to a de minimis level.

12 California loses farmland at a -- an alarming
13 rate, and here is an opportunity to actually create some
14 new farmland for Napa County.

15 The Board of Supervisors has determined --
16 pardon me. On the back of every tax envelope that we
17 get, it states:

18 "The Napa County Board of
19 Supervisors has determined that
20 the highest and best use for
21 agricultural open-space land is to
22 develop and preserve said lands
23 for the purpose of agricultural
24 operations. If you live near
25 agricultural lands in Napa County,

1 you must be prepared to accept
2 those inconveniences or
3 discomforts that are caused by
4 agricultural operations as a
5 normal and necessary aspect of
6 living in a county with a strong
7 rural character and a healthy
8 agricultural sector."

9 Lastly, the Walt Ranch is not public property.
10 It is not national, state, county, or city park land. It
11 is not national or state forest land.

12 What it is, is private property purchased by the
13 Halls with private money, it will be developed with
14 private money, and it is -- and the taxes will be paid
15 for by private money.

16 Napa Valley is not public land, it is not a
17 public park.

18 Thank you very much.

19 MR. LIPPE: Good morning. My name is Tom Lippe.
20 I represent the Living Rivers Council, and I did bring
21 some written comments today that I'd like to submit.

22 I have a letter from myself, one from Greg
23 Kamman, a hydrologist I retained; another from Gretchen
24 Padgett-Flohr, who is a wildlife biologist who I
25 retained; and then there's a CD which has those three

1 letters plus another 12 exhibits which are too voluminous
2 really to pass over the counter, so I'm going to submit
3 those today.

4 So I was gonna talk about biology on the MST
5 aquifer, but after hearing Mr. Manley talk about the
6 Appendix R, I think I'll spend most of my time on that.

7 The groundwater -- local groundwater impact here
8 is real because the project -- and this is not a
9 difficult hydrologic concept -- it's going to pump more
10 water than is recharged on the land, so at some point it
11 is going to start the water table declining in this area.

12 So Appendix R is not referenced in Mitigation
13 Measure 4.6-4 in the MMRP, the Mitigation Monitoring and
14 Reporting Program; so because the MMRP is the document
15 that actually sets forth what the mitigations will be,
16 Appendix R, which is the Groundwater Mitigation Plan, is
17 not included at this time. I don't know if that's an
18 oversight or a strategy.

19 So with what we have right now that's proposed,
20 the Mitigation 4.6-4, it does not have any actual
21 enforceable standards in it. It says that some
22 additional analysis will be done in the future based on
23 monitoring, but it doesn't have any definitive triggers
24 for requiring action by the County to reduce the amount
25 of water that this project will use. Therefore, it

1 doesn't comply with CEQA because CEQA requires
2 enforceable mitigation measures.

3 There's no reason the analysis can't be done now
4 as to how much water is available and limiting this
5 project to only what is recharged on the property each
6 year, but that hasn't been done, so that also -- that
7 doesn't comply with CEQA, to defer the development of
8 mitigation measures to another time post-approval.

9 So the mitigation measure 4.6-4 talks about
10 minimizing the impact based on future analysis. Well,
11 minimizing is not the right standard under CEQA. CEQA
12 requires that significant impacts be reduced to less than
13 significant where that's feasible, and that's a different
14 standard, so minimizing simply doesn't capture what CEQA
15 requires.

16 If you then turn your attention to Appendix R,
17 which is the Groundwater Mitigation Plan, that has more
18 detail as to what kind of analysis will be done. But
19 like the mitigation measure in this MMRP, it doesn't have
20 clear triggers that require clear responses. It says the
21 County has the authority to reduce the amount of water
22 the project would use in the future, but it doesn't have
23 a clear trigger on which that would be based.

24 There is a goal, and it's stated in terms of
25 making sure -- or evaluating whether this project's use

1 of water will cause there to be not enough water for
2 other existing or permitted land uses, "permitted"
3 meaning land uses that have an existing permit or a
4 permit that has been issued even if the land use hasn't
5 arisen.

6 Well, it's vague as to time. Does that mean
7 now, when this project is approved? And if that's true,
8 then you're essentially granting this project the right
9 to take all of the water that's under the ground there
10 that is not currently being used for other land uses and
11 therefore there will be no future expansion of any land
12 use whatsoever, or is that point in time where that
13 evaluation will be made sometime in the future? Unclear.

14 So even the Mitigation Monitoring Plan doesn't
15 comply with CEQA because it doesn't have the clear
16 standards and the clear responses.

17 Thank you.

18 MS. MALAN: Chris Malan, 2945 Atlas Peak Road.

19 The Milliken-Sarco-Tulucay aquifer has been in
20 decline for decades. The Planning Department fails to
21 adequately inform the public of this decline.

22 Last year on Atlas Peak Road, six wells went
23 dry, requiring -- those are only the ones that I know
24 about -- costly new deeper wells to be drilled.
25 Throughout the MST, other wells are going dry, causing

1 neighborhood alarm and concern.

2 How many wells going dry in the MST is the
3 County aware of? What is the safe yield, and does the
4 County require a water budget for all new projects?

5 A hydrologist working for another nonprofit,
6 iCare, which I'm affiliated with, recently made this
7 statement regarding USGS WDR MST 1977 versus the 2003
8 reports on the MST aquifer.

9 By looking at the map of the MST in the 1977
10 version, there was -- there is significant important
11 information that can be identified in this larger map,
12 where you can see the resolution better, that the
13 cross-sections clearly show the sedimentary volcanic and
14 unwelded tufts are basin-filling units and not volcanic
15 flows. The ash-fall tufts in the main water-bearing unit
16 and that water level within it may still be declining, or
17 at least flat, and have not recovered in a few decades.

18 I'm concerned that accurate information is not
19 being used to determine the cumulative impacts of
20 groundwater pumping impacts on the MST. Residential
21 wells are competing with the major land use extractor
22 vineyards having to drill deeper and deeper to reach
23 aquifer surface levels.

24 As the groundwater diminishes, it depletes
25 surface water and critical habitat to threatened species

1 such as steelhead, which migrate, spawn, and rear in the
2 MST streams. This is an undesirable outcome of aquifer
3 depletion.

4 Year after year, these streams are depleted due
5 to direct surface-water diversions combined with
6 groundwater extraction which are pushing steelhead into
7 extirpation in the Napa River Watershed.

8 Groundwater depletion exceeds ten years in
9 sedimentary aquifers with undesirable outcomes. It
10 qualifies the MST for groundwater management, according
11 to the Sustainable Groundwater Management Act passed by
12 the State legislature in 2014.

13 Planning chooses to ignore this significant
14 cumulative impact. Significant cumulative erosion from
15 erosion-control plans, in combination with this
16 erosion-control plan, the wall, in combination with
17 another 700-plus acres of existing vineyard ECPAs in this
18 watershed have not been discussed as a cumulative impact
19 in the watershed. This ongoing erosion continues to
20 impair the Napa River that was listed for sediment,
21 nutrient, and pathogen impairment since 1988.

22 While ECPAs far exceed background natural
23 erosion off undisturbed lands, additionally they continue
24 to erode for the life of the vineyard.

25 I have more comments, but I'll respect the time.

1 Thank you.

2 DIRECTOR MORRISON: Thank you, Chris.

3 We have Richard Loft, Sue Wagner. I understand

4 that Harris Nussbaum has chosen not to -- you do?

5 MR. NUSSBAUM: No.

6 DIRECTOR MORRISON: Do not, okay.

7 So, Richard Loft and Sue Wagner and -- I'm

8 sorry, I'm having trouble read this name. Mel Rayborn or

9 Wayburn?

10 Mr. Loft.

11 MR. LOFT: Hi everybody. My name's Richard

12 Loft. I live at 1350 Pueblo, Rexer Mobile Home Park.

13 Three years ago, I started a fly-fishing guide

14 service and take out mostly tourists that come to this

15 valley, and they come to this valley primarily for the

16 wine but they also want to do other things. And I'm able

17 to take them up to Putah Creek at the south end of Lake

18 Berryessa, and they always comment how beautiful it is

19 and they are not talking about the vineyard. They are

20 talking about the rolling hills, with all the oaks and

21 the other shrubbery.

22 And I think it's really -- forgive me, I'm

23 nervous, so -- I'm not used to speaking in front of

24 people and everything's going out my head right now. But

25 I think it's important to realize that people come here

1 because it's a rural area, and I think it's important to
2 maintain that.

3 There is going to be a lot of habitat loss if
4 this project is allowed. There will be water-table
5 issues, and the steelhead obviously are losing habitat by
6 diminished water supplies into the creeks, and -- you
7 know, I wished I could really speak more clearly, but I
8 am just gonna encourage you guys not to approve this
9 project, and that's all I got.

10 Thank you.

11 MS. WAGNER: Good morning, Director Morrison and
12 the remainder of the people in the room, many of whom
13 have already commented.

14 I would like to say from the get-go that I live
15 at Circle Oaks. I've lived there for 30 years. I've
16 observed a lot of the changes in our community over the
17 years, but none would be so -- quite as profound as what
18 the Walt Ranch is preparing to do to our community if
19 it's approved by this Board.

20 The current zoning of the Walt Ranch as ag use
21 for the Walt Ranch property is the source of the problem
22 in my view. Had the County actually thought about the
23 fact that the watershed should have been protected in the
24 first place, we wouldn't be worrying about considering
25 having ag uses up in the watersheds, and that's where

1 we're going to be having the problems stemming from, the
2 chemicals leaching into our water supplies and the
3 dramatic effects on the environment, which also includes
4 the biological issues.

5 I'd like to talk a little about bats today. I
6 earlier submitted to you some written comments on that.
7 The FEIR does not fully address the concerns of the
8 residents of Circle Oaks on many issues and contains many
9 serious flaws.

10 And as I was browsing through the FEIR, I saw
11 that the AES, which has determined that there were
12 absolutely no bats on the project area -- now, I know
13 that it has been since amended and they've conceded that
14 there are bats in the area -- but no actual bat survey
15 was ever conducted. This is disturbing to me because
16 there's at least two or three varieties of bats who are
17 either threatened or species of special concern.

18 What I'd like to talk about is that while living
19 in Circle Oaks for these pass almost 30 years, I have
20 observed bats flying during the warm summer months.
21 They've been in my house. They -- they use my fishpond
22 as a source of water. They are there. And a bat survey
23 needs to be done because we need to know which bats are
24 there so that when you look at the mitigation measures
25 which were proposed, they actually will mitigate for

1 these mammals.

2 The mitigation measures as proposed do not go
3 far enough. For example, they are only going to be
4 looking for bat roosts within 200 feet of the
5 earth-moving activities; they are going to be looking in
6 trees that are slated for removal that might have loose
7 bark or holes or crevices in the trunk; they will be
8 looking for rock piles, when, in fact, the Townsend's Big
9 Eared bat does not roost in the -- in the side of the
10 holes or crevices of trunks or rock piles, they actually
11 roost in the trees themselves.

12 If the people who did the study that said there
13 were no bats are the same ones that are going to go up
14 there and be looking for the avoidance plan information,
15 which would include the evaluation of the kinds of
16 disturbances that are going to be allowed and the habitat
17 that is going to be disrupted, I would be concerned that
18 they know where to look and they go at the right time of
19 the day or night. Most of these bats are nocturnal.

20 I have many other comments I'd like to give to
21 you today, but I have to admit I was up until 2:00 a.m.
22 this morning working with our attorney to present
23 comments to you today, so I'm gonna use my last ten
24 seconds to say thank you very much.

25 DIRECTOR MORRISON: I mentioned I am having

1 trouble reading this last name. Is there anybody here in
2 the Board conference room that wanted to speak but hasn't
3 spoken yet?

4 Perhaps you're my mystery guest.

5 MR. BOYBOSA: My name's Mel Boybosa, and I would
6 like to tell a true story that occurred. I'm a volunteer
7 for a ancient cemetery, and a man purchased land adjacent
8 to the cemetery to put in a winery and vineyard.

9 In the meantime, he was bringing heavy equipment
10 across the cemetery, trespassing, so I went to talk to
11 him. When I was talking to him, a Division of Forestry
12 man came there about clear-cutting. I was amazed that
13 when -- when they approached each other, they didn't
14 shake hands, they hugged each other. And I said, "The
15 man hasn't really applied -- finished the process for a
16 timber harvest," but, uh, it was a done deal. I really
17 respect government, but I don't trust certain government.

18 For example, the people in Coombsville are out
19 of water. They are hauling water. We're nice enough to
20 give them some sewer water. Are we gonna give sewer
21 water to the people in Circle Oaks? I hope not.

22 The Valley floor has reached its capacity. We
23 can't destroy our water. We hope -- if you destroy
24 water, you're also destroying wineries, residentials, um,
25 the habitat. It's all about money.

1 But the Halls ought to move back to Texas.
2 Thank you.
3 DIRECTOR MORRISON: Had a request from Michelle
4 Montgomery; is she here?
5 MS. MONTGOMERY: Hi. My name is Michelle
6 Montgomery. I'm a resident of Circle Oaks. My family
7 and I moved here from St. Louis, Missouri, the Midwest.
8 My husband is a carbon-fiber seismic engineer, so he does
9 retrofitting.
10 I wrote a letter. I don't really know how
11 exactly appropriate -- I've heard about the water table,
12 I've heard of how it's going to affect our roads, which
13 are already horrible.
14 Um, I am concerned. My son, Merrick, who people
15 in Circle Oaks know, he is a wild, long-haired boy
16 walking around the neighborhood with a staff. He's our
17 adventurer. My family and I decided to move to Circle
18 Oaks because my husband and I both grew up in areas where
19 we could go into the woods and experience nature and be
20 among the animals and the trees.
21 But whenever -- Walt Ranch, whenever they
22 decided to do the vineyards, the main thing that
23 concerned me was the pesticides that will be going, that
24 will be blowing around, which will be seeping into the
25 groundwater.

1 Whenever it was first proposed that Walt Ranch
2 was going to build the vineyard, it was claimed that it
3 was going to be organic. Since then, they have changed
4 their mind, and it's been proven time and time again that
5 grapes -- they can thrive without dangerous pesticides.

6 I think it would be in his best interest to
7 instead be a forerunner of the organic movement for his
8 properties instead of being like the other vineyards in
9 Napa, who will be scrambling to eliminate the use the
10 pesticides. It is in our air. It is seeping into our
11 watersheds.

12 Napa has -- I haven't heard anything about this,
13 I probably missed it. Napa has the highest rate of
14 cancer in children in the state of California. Childhood
15 deaths from cancer are 22.8 per 100,000 people. Sonoma's
16 percentage is 20.6.

17 If the kids don't get cancer, they could very
18 likely lose their parents to it. Napa has the second
19 highest rate of cancer for adults in the state with
20 488.9 deaths per 100,000. Sonoma has 463.62.

21 California Department of Pesticide Regulations
22 reported that in 2013 that Napa used 1,259,700 pounds of
23 pesticide in one year.

24 Both of my children's schools are right next to
25 vineyards. Why have Napa and Sonoma not enforced law

1 AB 289, the School Protection Zone Act, which helps
2 protect children from being poisoned by the drift of
3 pesticides. And how many people in the world will want
4 to drink wine from these vineyards who are killing
5 children and their families, albeit from the prestigious
6 Napa.

7 California is mother to the organic movement.
8 Why should vineyards not follow suit? They must and will
9 be held accountable eventually for their actions.

10 The City of Flint, Michigan, knowingly poisoned
11 their city with lead and is now facing the consequences.
12 If the wineries do not take responsibility, thinking only
13 of their bottom line, will Napa be following not far
14 behind?

15 Napa County, do you hear us? Governor Brown, do
16 you hear us?

17 Thank you.

18 DIRECTOR MORRISON: Thank you.

19 Let's take a brief, say, ten-minute break to
20 allow the people from the lobby and the HR conference
21 room to come up who want to speak. We'll reconvene about
22 10 -- at 11:35.

23 (Recess taken - 11:25 a.m. to 11:38 a.m.)

24 DIRECTOR MORRISON: Okay. Can we all start
25 sitting down and -- it looks like we're about halfway

1 through our speakers. The first round took about an hour
2 and a half.

3 I'm thinking we should be able to get through
4 everybody by 1:00 o'clock, so I'm going to keep going
5 rather than ask people to come back after lunch 'cause I
6 know that can take up a lot of time in people's day; so
7 we'll continue to press on and see how far we get so that
8 nobody's deprived of the opportunity to speak today.

9 If everybody's ready, looks like the next -- I
10 have a couple people -- several people on the list here
11 who wrote "No Comment" after their name, so I'm assuming
12 they are not wanting to testify.

13 So we'll go with Jerry Cohn, Crystal Pettigrew,
14 and David Turner, if they are available; Jerry, Crystal,
15 David.

16 How about Ray Sisemore, Ray Bowman, and Gary
17 Margadant; are any of them in the room?

18 Gary's always in the room.

19 MR. MARGADANT: Good morning. I'm Gary
20 Margadant from up on Mt. Veeder Road.

21 And, first of all, I wanted to -- to thank you,
22 David, for setting this up and allowing people to come
23 here and speak in the forum of this. I -- and I noticed
24 that nobody else has complimented you yet, so I thought I
25 would be the first to do that, but thank you very much

1 for this. You've done this before, and I think the
2 public really owes you a debt of gratitude, you know, for
3 your ability to listen to them and -- and seek out their
4 advice.

5 A couple of points that I wanted to make on this
6 EIR. One is the proposition that the erosion off of the
7 mountains are going to be reduced. And now this may be
8 so based on the soil calculations that are taking place
9 on this project, but you wonder how that they're doing
10 this.

11 And I believe that the way that this goes is
12 they are reducing the amount of water that actually flows
13 across the surface, they are directing it into pipes,
14 they are directing it into a source that is a point
15 source that drops it into a creek and drops it into some
16 other place.

17 Now, what you do in this case is that you're
18 actually increasing the flows in that creek in the
19 incision in that creek, and I was wondering if that might
20 be a greater source of erosion off the property that's
21 going to affect especially the watershed that goes into
22 Milliken and I was wondering if this was actually
23 considered in that respect.

24 And if the nutrients and the mitigations really
25 aren't -- or are managed well, then I think that you

1 might want to look at what -- what this really is doing
2 is, it's taking another source some other way into --
3 into the Milliken Reservoir.

4 And I would certainly say that the nutrient
5 load, especially if it's going to be any type of
6 chemicals that are coming off of the -- off of the
7 erosion area around the vineyards and stuff like this, I
8 think that that should be measured to make sure, because
9 Joy Eldredge was certainly concerned about this, as to
10 anything that actually goes into the -- into the
11 reservoir that's going to be detrimental to her position
12 of trying to maintain good water for the City of Napa.

13 I did want to discuss another thing about the
14 use. I know that Stu Smith was up here talking about,
15 you know, everybody's right to go ahead and move into the
16 hills. But since Napa County has an overabundance of
17 production amongst all of the -- all of the wineries in
18 the Valley, to the point where they cannot, nor even
19 close to coming to having enough grapes on the mountains
20 and in the Valley that's going to support this
21 production. And this dichotomy, I think, is something
22 that really, really needs to be looked at because this is
23 forcing people to look for vineyards in the mountains, in
24 the hills, and taking care and using this watershed is
25 what you see typical now.

1 Thank God that they have a 28 percent limit, you
2 know, on the erosion-control plans and stuff. If they
3 didn't, I -- I hate to think what the -- what the Valley
4 would look like because people want to make the money
5 from the -- from the wine.

6 I think that these are, you know --

7 (Beeper sounding.)

8 MR. MARGADANT: Oh, excuse me. I'll finish
9 then.

10 DIRECTOR MORRISON: I'll -- I know a couple
11 people came in. I'll go ahead and ask for Jerry Cohn,
12 Crystal Pettigrew, and David Turner again.

13 If not, double-check for people that said they
14 didn't want to comment. Neil Watter, Lisa Evans, or Jay
15 Evans, did you want to speak?

16 MS. EVANS: Yes, I do.

17 Hello, my name is Lisa Evans, and I live at
18 174 Country Club Lane, which is up in Circle Oaks. I
19 just wanted to, um -- I don't have the brains and
20 everything that everybody else has, but my concern is, of
21 course, with the roads and the water. And Mother Nature
22 has taken out Highway 121 in the last ten years three
23 times. The County can't fix that road. It's in one mile
24 of the other times that you've tried fix it, and it's
25 gone again.

1 When all of the water came out and washed down
2 the road of 121 again, you guys came out to fix it and
3 we're back on the one, you know, road system that -- we
4 get to use to your lights and all that. Thank you for
5 that, though. At least we don't have to try and travel
6 56 miles in order to get out to, um, Napa from our
7 mountain.

8 And the other thing is, is that I don't think
9 anybody has brought up the fact that right after that
10 happened on Highway 121, we have our own water situation
11 up there, ha-ha, the well that the Halls, of course,
12 would like to claim as theirs.

13 Um, the water that ran under the mountain
14 through the lava tubes, or the lava whatever, um, it made
15 our water depleted. Within two days, we had phone calls
16 from the association of our water district up there
17 telling us that we had to cut back on our water use
18 because the iron was so high that it couldn't -- it
19 wasn't -- and it also wasn't filling up to a level that
20 was needed.

21 So my question is, if Mother Nature has been
22 giving the County or City of Napa so much problem on just
23 a one-mile stretch of road, how are you going to be able
24 to protect all of our houses that are underneath 22 miles
25 of asphalt?

1 And the fact that you're even talking about
2 letting them use our access -- my understanding is y'all
3 own the roads, great; we own the pipes underneath it.
4 So, if the pipes break, just like the \$500,000 that we
5 had to spend on the well that they supposedly didn't
6 want, or supposedly said that they graciously let us use,
7 now, then they should reimburse us for the \$500,000 that
8 each -- each property is -- is responsible for \$10,000
9 each on our escrow.

10 What's gonna happen to the people that don't
11 have a \$520,000 home, or excess of that up there, the
12 smaller \$100,000 homes, how are we going to be able to
13 afford to replace all of the piping?

14 That all of these trucks are going to be coming
15 up -- they talk about regular day use. I'm talking
16 about, what about picking times? And what about, you
17 know, all of the people that they're gonna have coming up
18 to pick theirs grapes and all of the trucks that are
19 gonna be used for four years?

20 And who is going to be responsible for replacing
21 the under -- the substructure underneath the road, since
22 the City says they don't own it, so now you're making us
23 become -- it's a viable expense to us that we're not
24 going to be able to afford because of somebody else's
25 greed and wanting yet another winery.

1 And I was also told -- don't know this if this
2 is true -- but that Hall apparently owns some places up
3 in Yountville, and he's got these major winery -- little
4 sections like he wants to do up there, and he can't sell
5 'em. Nobody wants to by them.

6 They are not buying across the road from us in
7 that other division that they made, so why are you
8 allowing them to build something that nobody will buy
9 into the wine anyway? He can't sell his property in
10 Yountville, why the hell are you letting him do it up
11 there?

12 That's it.

13 DIRECTOR MORRISON: I'll ask for Ray Sisemore
14 and Ray Bowman again, then Helen Bowman and then Bonnie
15 Thompson.

16 Anybody here? No.

17 How about Masako Kasen, Robert McLewis, or
18 Pamela Jackson?

19 Melissa, are there still people down in the
20 lobby? Is everybody up here?

21 MS. FROST: I have three right there.

22 DIRECTOR MORRISON: How about Angela, I think,
23 Camp? It looks like Roland -- Roland Geid and William or
24 Parry Murphy? I'm sorry, Murray.

25 UNIDENTIFIED SPECTATOR: I think some people are

1 still in the other room.

2 DIRECTOR MORRISON: Are they still in the HR
3 conference room?

4 UNIDENTIFIED SPECTATOR: Yeah, that's what I
5 heard.

6 DIRECTOR MORRISON: Could you have somebody
7 check? Yeah. Thank you.

8 Well, let me -- in the best interest of our
9 time, let me call up people who have recently signed up:
10 Julia Winiarski, Susanne von Rosenberg, and Ginny Simms.

11 MS. WINIARSKI: Hello, I am Julia Winiarski. I
12 live at 9 Bonita Avenue. That's in Alta Heights, not
13 Circle Oaks. I'm here in Napa city, and I am concerned
14 about the points raised by Joy Eldredge regarding the
15 potential cost to Napa residents of increased need for
16 water treatment.

17 I think we need to start thinking about the
18 interconnectedness of issues across the city and county
19 lines and the unintended consequences raised by another
20 speaker that was cascading unintended consequences.

21 I was raised in the wine business. I value
22 what the wine business and grape-growing have done to
23 protect the Valley from some kinds of development, but I
24 think we need to begin to challenge some of our
25 assumptions.

1 And I know it's sort of working -- some of the
2 working tenants of the County that ag is the highest and
3 best use. It's a mantra, it's a philosophy, it's a
4 belief. And I'm not sure that that's really true
5 anymore; because when the ag preserve was established, we
6 lacked a certain amount of understanding about the value
7 of watersheds and forests and the idea that land could
8 have value, forest could have value, rivers could have
9 value, by being untouched.

10 Our understanding has come a long way and we
11 know better now, that those forests are doing a job for
12 us. The watersheds are doing a job for us. They are
13 filtering water. They are stabilizing hillsides. They
14 are sequestering carbon.

15 The idea that we have to do something to the
16 land to leave it in better shape for our children or to
17 add value to it is, I think, an outdated and no longer
18 useful idea.

19 (Applause.)

20 MS. VON ROSENBERG: Susanne von Rosenberg,
21 2168 Penny Lane in Napa.

22 And Julia stole all of my thunder. The point
23 that I wanted to make is, we're at a tipping point as a
24 valley, as a county, and this project is completely out
25 of scale with what's appropriate for any future

1 development.

2 In the context of planning, of looking at the
3 overall good for the County, of balancing the needs for
4 its various residents, as well as its non-human residents
5 and animal and plant life, this project just doesn't make
6 any sense.

7 And a lot of folks have gotten into a lot of
8 details about why or why not, and I'm not gonna reiterate
9 those, but I just want to say that I'm opposed to this
10 project for that reason, because it's just -- it doesn't
11 make sense for the many impacts that it would have.

12 Thank you.

13 MS. SIMMS: Good morning, Mr. Morrison, and
14 others.

15 My name is Ginny Simms. I live at 3460 Villa
16 Lane. My comments are just going to be the reading of a
17 list, with apologies. I was not able to gather my
18 thoughts or get it together because I haven't been very
19 well, but I -- they're just a list here, and I'll make a
20 copy and submit them later, but I just want them in the
21 record, please.

22 Number one comment is that in 1967, there was a
23 grand jury hearing because the roads at a new
24 development, Circle Oaks, that the roads had failed, the
25 sewers had thus failed, and so had the water system. And

1 when they turned to a bonding agency to fix them, the
2 bonding agency was a phony, a new corporation set up for
3 just that purpose, without any money.

4 Two, there is a creation of a small water system
5 here with 35 different customers, and it has no reliable
6 funding mechanism indicated, and I believe that that
7 should be looked at by the local agency formation
8 commission, who are in charge of making certain that
9 districts can and will be able to continue their service.

10 There is no roadbed reconstruction required in
11 the most recent EIR of the internal roads of Circle Oaks,
12 and there is no responsibility for those roads or that
13 main road after five years.

14 This does not -- also, maps or information does
15 not reveal where roads, the existing roads, have been
16 changed to all-weather surface along the way. And the
17 reason for this omission, I believe, is to eliminate any
18 idea that it might cause somebody to want to live up
19 there, and I think that should be shown. Where are the
20 proposed road fixes that would create an all-weather road
21 patch?

22 The lot-line adjustments after 2010, although I
23 have done only minor research, look to me as though many
24 of them are in violation of the Subdivision Map Act
25 because the lot-line adjustment section of the County

1 code did not require them.

2 I believe that the BMP ought to be open to a
3 hearing and comment when it is finished. It is not due
4 at this time and we do want one, but I think it should be
5 reopened for comment and circulation, at least to the
6 locals.

7 I believe that all erosion-control measures
8 should be re-monitored every time there has been more
9 than four days of rain. My experience has been that they
10 are designed for about three days of heavy rain, and that
11 when you go about much longer than that, you are going to
12 discover that they are failing, and they will need
13 monitoring consistently for as long as the land is
14 farmed.

15 And finally, I think that you need to reconsider
16 the Tree Removal Plan after the Climate Plan has been
17 done because we may be following -- this may be a model
18 for all the way around the Valley.

19 Thank you for your time, Mr. Morrison.

20 DIRECTOR MORRISON: Okay. I'm told there are
21 four people left downstairs, and none of them wish to
22 speak.

23 So how about Kerry Iman, Angela Camp -- I
24 already asked those people -- Roland Geid.

25 How about -- I'm sorry, James Hinton was the

1 next one, I'm sorry. I skipped you, James, my fault.

2 And after him, Richard Niemann, Kassie Pagaling,
3 or Draselle Muscatine?

4 MS. WILSON: Can I speak for my sister? We're
5 on the same page.

6 DIRECTOR MORRISON: Absolutely, please. Right
7 after James.

8 MS. WILSON: Yeah.

9 MR. HINTON: Good morning --

10 DIRECTOR MORRISON: Good morning.

11 MR. HINTON: -- Director.

12 James Hinton, 3574 Hunter Circle, Napa,
13 California. I am a life-long Napa resident of 41 years,
14 and recently, a year ago, I started receiving notices
15 from the City of Napa that my water, drinking water
16 coming to my house, was contaminated with high amounts of
17 trihalomethanes.

18 And we know that the City of Napa has three
19 water supplies: the Delta, Milliken, and Hennessey. So
20 according to our City Manager, who was here today,
21 Milliken is our cleanest, purest drinking water, and she
22 said we're gonna count on this for the next hundred
23 years.

24 Should this kind of deforestation and the kind
25 of farming practices that incorporates glyphosate, which

1 we know is a carcinogen, it is harmful, the trickle-down
2 effect on that on our watershed is nothing we want to
3 incur.

4 So I understand that Kathryn Hall, the former
5 Ambassador to Austria during the Clinton administration
6 and her successful Wall Street banker and fracker
7 husband, have an unlimited amount of economic support.
8 And when you look around this City of Napa, in this
9 community, many people are tied into mortgages with
10 extremely high interest rates, and these people are
11 invested in our community. We want clean drinking water.
12 We have nothing if we don't have clean drinking water.

13 If you're a millionaire and you can't get a
14 glass of clean water or you can't take a shower, it does
15 not matter. We need clean drinking water. We cannot
16 allow these people with unlimited economic resources to
17 fool us into this kind of development for an event
18 center. They want to have a party at the top of our
19 hill, on the top of our cleanest drinking water.

20 Please oppose this, and please do not go any
21 further with this project. Let us all rest at night
22 peacefully, knowing that we're gonna have clean drinking
23 water no matter what, even if the Sacramento River, the
24 Delta, runs dry or gets too polluted. We always want to
25 have something clean to fall back on. And if we protect

1 our forest, we protect our watershed, we'll always have
2 this, so I encourage you to please stop this.

3 (Applause.)

4 MS. WILSON: Can I speak for my sister?

5 DIRECTOR MORRISON: Yeah, go ahead.

6 MS. WILSON: Hi, I am Leanore Wilson. I live at
7 5000 Monticello Road. I've lived there for 57 years.

8 My family established the ranch in 1919. My
9 mother has lived on the ranch for 35 years as a holistic
10 rancher, that is, we put cattle in only special times of
11 the year, so we are very aware of the biodiversity.

12 Sixteen tributaries come to our ranch. We have
13 been summers without water, this is a big cause. Sixteen
14 tributaries from the Walt Ranch. My sons hike the ranch,
15 know the fauna and flora. I ask you, Kathryn Hall and
16 Craig Hall, have you actually hiked the Walt Ranch?

17 They have bought up 400 more acres in Pope
18 Valley. My husband and I went to Alexander Valley to
19 look at what they are doing. They are putting in
20 ranchettes. Don't have them think otherwise. They put
21 in vineyards as a false front. They develop it into
22 ranchettes.

23 They sent a threatening letter to us and Circle
24 Oaks saying: We can put in 35 ranchettes, we can put in
25 35 hunting clubs, we can put in our two reservoirs. "We

1 can." It's a "we" mentality. "I can do what I want on
2 my land." But we are all in this together.

3 I ask you, too, look at AES. Look at the
4 Ascension development in San Mateo that they were behind.
5 They developed beautiful land and took it from the
6 neighbors. The neighbors were like Circle Oaks. They
7 protested this for six years. AES buys up Native
8 American land and wants to put it in development.

9 I do not believe in AES. I do not believe in
10 the Halls, they are involved in fracking. Now tell me,
11 is that preserving land? That is destroying land.

12 So, I come up with a very passionate viewpoint.
13 My mother is 86 years old. She has blessed the land.
14 Listen to her. Listen to people who have lived and cared
15 for the land and tended it and dedicated themselves to
16 the land and been responsible citizens, not foreign
17 investors, not people that come from Texas and they say,
18 "I can do what I want," deforestation.

19 Please, water is gold, trees are gold. Listen
20 to us who have lived here and care for the land.

21 Thank you.

22 (Applause.)

23 DIRECTOR MORRISON: I have read all of the names
24 who -- of people who signed on the sign-in sheet.

25 UNIDENTIFIED SPECTATOR: Excuse me.

1 DIRECTOR MORRISON: I'm sorry, you're right.
2 There is the people from the other room.
3 How about Sandra Kerst, Tom Waven (sic), or Dana
4 Smith; are any of those here?
5 MS. MURRAY: No, but you read my name earlier,
6 Parry Murray.
7 DIRECTOR MORRISON: Oh, please. Step up.
8 MS. MURRAY: I was downstairs, so I didn't know
9 where I fit in.
10 DIRECTOR MORRISON: Oh, go ahead.
11 MS. MURRAY: All right. Thank you.
12 My name is Parry Murray, 3393 Atlas Peak Road.
13 I'm also here on behalf of my family from Mead Ranch,
14 3029 Atlas Peak Road, and I also thank you for the
15 opportunity to speak today. I really appreciate all the
16 general as well as the very astute specific remarks that
17 have been made today.
18 I recognize that given the Halls' background,
19 goals, and plans, they are following due diligence, and
20 maybe it's true that what they're doing exceeds former
21 and general EIR requirements. Again, given their
22 perspective, they have indeed made changes to mitigate
23 the overall impact of their project.
24 The essential problem is that it's, once again,
25 the age-old dilemma of experiencing paradise gradually

1 being paved over at the cost of local inhabitants, both
2 human and wildlife, and our watershed. It's truly
3 disingenuous to say a project of this magnitude has
4 less-than-significant effect on the environment.

5 What I am here to specifically say today is
6 that, one, this is a policy problem. This is a zoning
7 problem. This is a General Plan problem. The definition
8 of ag preserve today needs to be revisited to include
9 permanent protection of the upper reaches of our
10 watersheds. This project, in essence, represents the
11 breaking point, in effect, of planning, and people's
12 patience, and in true sustainability.

13 Great comments have been made, as I noted, and
14 in terms of cumulative impact and climate change, we're
15 in a new era. As a family with a cumulative presence of
16 over a hundred years on Atlas Peak Road since we bought
17 our property in 1913, my -- my grandfather and his
18 brothers, we not long ago took the stand in the early
19 1990's to place a conservation easement over the entire
20 13 acres of our property. We did so out of consideration
21 for our watershed, our neighbors, and a truly sustainable
22 future. We also did so to set an example for our
23 neighbors as well as the County.

24 As a family who has demonstrated a hundred years
25 of good stewardship, we believe that as a county we also

1 need to take the brave step of declining this project,
2 putting a hold on all mega development, especially in the
3 upper reaches of our watershed, and begin an earnest
4 re-evaluation of a climate-smart, 100-year plan.

5 Thank you very much.

6 (Applause.)

7 DIRECTOR MORRISON: Is there anyone here who has
8 not yet spoken who wants to speak? Last chance.

9 Please.

10 MR. HALLETT: David Hallett, Soda Canyon Road,
11 Napa. Good afternoon, Director Morrison, Members of the
12 Public.

13 Earlier today, Ms. Hall went to great lengths to
14 tell us that the application was for a winery -- for a
15 vineyard. We saw various maps showing the convoluted
16 parcels inside that 2,300 acres where there was plans to
17 put in vines.

18 I'm not a farmer, but I know that those little
19 tiny parcels, individual parcels, can't be economically
20 farmed no matter what they say.

21 Mr. Hall is a very astute businessman. Does
22 anybody in this room believe that he bought 2,300 acres
23 of land to put in 400 acres of vines?

24 He has 35 legal parcels in that 2,300 acres.
25 Thirty-four of them are gonna have their own waterlines

1 going to them, 80-acre parcels. Does anybody in this
2 room not consider that the ultimate plan is not vines but
3 houses?

4 This is a development for building homes in the
5 agricultural watershed. It's not a -- it's not a
6 vineyard. If it was a vineyard, it would be like the
7 vineyard at the top where I live, at the top of Soda
8 Canyon, Stage Coach, massive acreages all joined up
9 together, not little plots. So please consider this,
10 Director.

11 If Ms. Hall absolutely wants us to believe it,
12 then I would say actions speak louder than words. Take
13 the lot lines out. Take the lot lines out completely,
14 turn it into 2,300 acres. I will come back anytime and
15 apologize to Ms. Hall for not believing her that it's
16 just a vineyard, but take the lot lines out.

17 Thank you.

18 (Applause.)

19 DIRECTOR MORRISON: If there's no one else?
20 Okay, then I am going to go ahead and close the public
21 hearing today. Thank you all for coming, and thank you
22 all for speaking.

23 As I mentioned earlier, I had hoped to come to a
24 tentative decision today, but we have received a very
25 large amount of information just this morning from

1 several of you and from others. Much of this information
2 raises concerns that we've not yet had an opportunity to
3 evaluate or assess, and so it would be -- not be possible
4 for me to review all of this material and come to any
5 conclusion in the time we have left this afternoon.

6 I'm sorry, you're right, the Applicant gets
7 rebuttal. Let me re-open the public hearing for the
8 Applicant rebuttal, my mistake.

9 This is the first time I've done a hearing.

10 MR. REYNOLDS: Thank you, Director Morrison.

11 So there were a lot of public comments on a
12 whole wide range of things and also read all of the
13 Applicant letters that were submitted to the County by at
14 least last Friday. I think there was a new tranche
15 today, which I haven't seen yet.

16 Unfortunately, there are a lot of things being
17 said about our project and a lot of accusations about
18 what the project is and isn't that are not true, and so I
19 want to reiterate what Ms. Hall said earlier. This is an
20 application to plant a vineyard on 11 percent of a
21 2300-acre property.

22 There are two things that came out today that I
23 think I might be more uniquely qualified to talk about
24 than the rest of the assembled experts that are here
25 today, and so I want to touch on them quickly.

1 The first is Joy Eldredge's discussion about the
2 watershed at the Milliken Reservoir. So we've heard a
3 lot of large adjectives being attributed to the size of
4 the Walt Ranch Project as it relates to the Milliken
5 Watershed, and I want to put some real numbers to it
6 because I think that's important for people to
7 understand.

8 The Milliken Watershed is 6140 acres, and the
9 entire vineyard and roadway area that surrounds the Walt
10 Ranch Development within the Milliken Watershed is --
11 depending on which proposal we're talking about, is
12 somewhere between 2.6 and 2.8 percent of that watershed,
13 so we're talking about a very small part of the Milliken
14 Watershed.

15 And then if I compare that area to the amount of
16 area in vineyard that is in the Milliken Watershed, if
17 fully developed, the Walt Ranch will encompass less than
18 15 percent of all of the existing and permitted vineyards
19 in the Milliken Watershed; so the idea that suddenly the
20 arrival of the Walt Ranch property and vineyards in this
21 watershed is somehow going to be an egregious threat to
22 the health of the City water is just wrong.

23 And then further, I heard Mr. Hinton talk about
24 a number of pesticides and spoilage organism -- spoilage
25 chemicals that might end up in the water supply, and I

1 just want to remind everyone that we have been committed
2 to organic farming in all of our properties in the Napa
3 Valley for almost a decade.

4 I brought here the CCOF Certifications for all
5 of our properties in the Napa Valley, including the Walt
6 Ranch, which is certified organic, and it is our
7 intention to farm it sustainably. And, as we said in our
8 initial presentation, once the vineyard is developed and
9 growing, we are committed to moving to organic farming
10 also. So, that's the first thing I wanted to talk about,
11 and I'll leave this for the County if they want it.

12 The second thing that I want to talk about, and
13 it is a little painful to hear all of the things that we
14 are accused of over the course of the last two years, but
15 one thing came out today by Mrs. Tamarisk, and I
16 personally think that it was an outrageous statement and
17 offensive for me, personally, and I'm sure for Craig and
18 Kathryn Hall, to imply that somehow we have been
19 intimidating our consultants, which are actually not our
20 consultants but they are the County's consultants, when,
21 in fact, the opposite is the truth.

22 I have, in many meetings with County staff, with
23 the consultants, in individual conversations, made the
24 statement repeatedly that if we are having an impact on
25 something that cannot be mitigated, we need to remove the

1 vineyard block or shrink the project, and I have said
2 that repeatedly and over and over again. So the
3 implication that we have done anything other than that is
4 frankly very offensive, and I want to make sure that --
5 that we say that on the record.

6 So thank you for your time. I know that the
7 consultants are here to answer specific questions, and
8 they are much better armed than me to discuss that.

9 THE REPORTER: Excuse me. Could you state your
10 name for the record, please?

11 MR. REYNOLDS: Mike Reynolds.

12 THE REPORTER: Thanks.

13 MR. MANLEY: Director Morrison. Whit Manley,
14 once again.

15 There are just a couple of points. By in large,
16 the comments that we've heard today are deeply held,
17 sincere. They are not comments that we haven't heard
18 before. They are comments that have been addressed in
19 the EIR at great length.

20 Now, I haven't had the benefit of taking a look
21 at the documents that were submitted today. It's a
22 regrettable part of the CEQA process and the hearing
23 process that some folks, for whatever reason, decide to
24 submit their comments literally at the last possible
25 moment rather than submitting them at a time when they

1 actually can be reviewed and responded to. It's the
2 nature of the beast. The hearing is open until the
3 hearing is open.

4 I have been admonished by your staff repeatedly
5 that if I had comments, I really need to get them in in
6 time so that you can read them, and I've tried to do
7 that. Probably failed at times, but that's the way to
8 actually get information submitted in a constructive way,
9 not to do last-second document dumps.

10 I haven't read the information that's come in
11 today. Perhaps that was by design. We'll review it now.
12 If there's information that requires a response, then
13 your staff should respond. Nature of the beast.

14 What I have heard today are a couple of
15 statements that I do want to respond to. One is that
16 there was a statement that the amount of groundwater
17 pumping from the site actually is gonna exceed the
18 recharge capacity of the property, and that's actually
19 not true.

20 This is 2300 acres, and if you use very
21 conservative assumptions about precipitation and
22 infiltration rates on the property, the amount of
23 recharge on this property ranges anywhere from 161- to
24 242-acre-feet per year.

25 Again, that's under very conservative

1 assumptions. It might be quite a lot higher than that,
2 even taking into account the potential for drought, so
3 that's a recharge of 161 to 242 acre feet per year.

4 The demand for the project as recommended by
5 your staff, and taking into account the relinquishment of
6 certain blocks, is estimated, ballpark, at about 168 acre
7 feet per year, way at the low end of the range of annual
8 precipitation, so we are not going to be mining
9 groundwater. The amount of recharge will exceed the
10 long-term demand of this project, and that's just simply
11 a function of the fact that it's such a very large piece
12 of property.

13 There was a statement that somehow the analysis
14 of groundwater impacts has been deferred or the can has
15 been kicked down the road. That's actually not true.

16 The groundwater analysis in the EIR is based on
17 actual pump testing that has been performed to show the
18 ability of the on-site wells to produce water, observing
19 whether there are impacts in adjacent wells, and that's
20 why the EIR concludes that the impacts on groundwater are
21 likely to be less than significant.

22 There is a detailed Groundwater Monitoring Plan
23 included in Appendix R. That is and should be
24 incorporated into your mitigation measures. We fully
25 expect that. If it wasn't included in the MMRP, I'm here

1 to say include it, because we certainly intend to carry
2 out that plan. The idea there is to provide further
3 assurance that there aren't negative impacts on nearby
4 wells. That's the point. It's belt and suspenders.

5 Modeling is inherently forecasting and therefore
6 uncertain, and so it makes sense to have follow-up
7 modeling to confirm that as the vineyard builds out and
8 groundwater wells are used to irrigate the grapes that we
9 don't have an adverse impact on the Circle Oaks wells.

10 And if we do have an adverse impact, if there's
11 any way in which we affect their ability to rely on those
12 wells for their domestic water needs, we need to switch
13 to other wells that are further away or scale back our
14 water use. That's what the mitigation measure provides.

15 I do understand that there are people that are
16 troubled by the notion of a now roughly 255-acre vineyard
17 being approved. This is on a 2300-acre piece of
18 property, and so that represents about 11 percent of the
19 property.

20 If you look at the history of ECPs that have
21 been approved by the County, this is way at the low end
22 in terms of the size of the property overall and the
23 amount that is proposed for vineyards. I'd also -- so
24 that's about 11 percent of the property.

25 We are required under the BRMP to record a

1 conservation easement covering roughly 550 acres, or
2 roughly twice the size of the vineyards, 24 percent,
3 so -- and that's property that simply will be subject to
4 a conservation easement, will never be developed for
5 vineyards or anything else. It's there to preserve
6 biological resources.

7 So I look forward to reading the big stack of
8 paper you received today, and if you do have any
9 questions, this is a good opportunity to call the
10 consultants up to the podium and perhaps answer as many
11 as we can.

12 Really appreciate your time. Thank you.

13 DIRECTOR MORRISON: So with that, I will close
14 the public hearing.

15 As I said, there has been a fairly significant
16 amount of information that's been submitted today. I
17 will be asking staff to -- and the consultants to go back
18 and review that information, and once we've had a chance
19 to evaluate both the testimony received today and the new
20 written comments, that will be factored into the
21 decision.

22 As I said, I had hoped to have a tentative
23 decision today but obviously cannot since I have not had
24 a chance to review the new records that have been
25 submitted. As a result, the decision will be made in

1 June 13th -- on June 13th, and that will begin the appeal
2 period for any interested parties who may wish to appeal
3 my decision.

4 And with that, again, thank you very much and
5 appreciate you coming.

6 (Whereupon, at 12:22 p.m., the hearing was
7 adjourned.)

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1 STATE OF CALIFORNIA.)
2) ss:
3 COUNTY OF NAPA)
4

5 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

6 I, KATHLEEN M. SOLOAGA, CSR No. 6957, Certified
7 Shorthand Reporter for the State of California, do hereby
8 certify that said proceedings were had at the time and
9 place therein stated; that the proceedings were reported
10 by me, a Certified Shorthand Reporter and disinterested
11 person, and were thereafter transcribed under my
12 direction by computer-aided transcription; that the
13 foregoing is a full, complete, and true record of said
14 proceedings.

15 I further certify that I am not of counsel or
16 attorney for either or any of the parties in the
17 foregoing proceedings or in any way interested in the
18 outcome of the proceedings.

19 I have hereunto set my hand this 21st day of
20 April, 2016.

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23
24
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KATHLEEN M. SOLOAGA
CSR License No. 6957