

WALT RANCH

November 7, 2016

Brian Bordona
Planning, Building and Environmental Services Department – Planning Division
County Administration Building
1195 Third Street
2nd Floor
Napa, CA 94559

RE: Walt Ranch – Appeal of Erosion Control Permit

Dear Mr. Bordona:

In November 2014 and December 2015, we provided information regarding the feasibility of further avoidance of sensitive natural plant communities and sensitive habitats.¹ We are providing this letter to update the County on this issue, in light of further revisions to the Walt Ranch project as approved by Director Morrison.

Chapter 4.5 of the Environmental Impact Report (EIR) provides extensive information on biological resources present on the property. The EIR identifies sensitive natural plant communities and sensitive habitats on the site, and quantifies the extent to which the project will avoid, preserve, or disturb those communities. Where disturbance will occur, the EIR identifies mitigation measures to compensate for these impacts. The EIR concludes that, as mitigated, the project will not have a significant impact on sensitive natural plant communities, or indeed any other biological resources. The EIR also concluded that the project was consistent with General Plan policies addressing impacts to sensitive natural plant communities.

The EIR analyzed the impacts of a much larger project. In particular, the project, as originally proposed, had the following attributes:

507 gross acres
356 vineyard acres

Since then, the size of the project has moved relentlessly in one direction: towards a smaller project. Many of these changes have been the result of Director Morrison's decision to approve the "environmentally superior alternative." Other changes have been made by the applicant, in an effort to address stakeholders' concerns, to ensure that vineyards are engineered to meet the County's stringent erosion requirements, and to improve farmability. The project, as approved by Director Morrison, has the following attributes:

316 gross acres
209 vineyard acres

¹ For the purposes of this letter, "sensitive natural plant communities" includes sensitive biotic communities, native grasslands, and special status plants.

Although the size of the project has declined, our mitigation obligations have not. The various mitigation measures recommended by the EIR, and adopted by Director Morrison, require the applicant to preserve sensitive habitats at various ratios. These mitigation measures have been assembled into a single document: the Biological Resource Management Plan. This plan identifies, for all the sensitive species and habitats present on the site, where areas will be preserved and managed for the long-term preservation of sensitive natural plant communities and other biological resources. Taken together, the following acreage must be permanently protected:

Woodlands	525
Native Grasslands	10.5
Northern California Black Walnuts	5.2
Hollyleaf Ceanothus	67
Narrow Anthered Brodiaea	41
Narrow Leaved Daisy	0
Jepson's leptosiphon	0.8
Napa Bluecurls	1.54
Gardner Yampah	7
Green Monadella	2.5
Plant avoidance (Subtotal)	135.54
Total	660.54

Director Morrison, in making his decision, found that the project would not have a significant impact on biological resources. Director Morrison also found that the project struck an appropriate balance between protecting and compensating for impacts on sensitive natural plant communities, in accordance with General Plan policies. We agree with his decision.

As explained in detail in the EIR, the project has been designed and re-designed to avoid sensitive plant species, though it is infeasible to avoid every species in its entirety. For the most part, the project does avoid sensitive plant species entirely, and the acreage of sensitive habitat that must be removed is small. Where removal cannot be avoided, the Mitigation Monitoring and Reporting Program requires mitigation in accordance with the General Plan policies and CEQA, generally at ratios of 2:1 or greater.

In determining where to develop vineyards on the property, we ensured that the project avoids sensitive habitat to the extent feasible, with particular emphasis on protection of areas with the greatest biological diversity. Whenever possible, the project preserves in-place areas where sensitive habitats overlap and sensitive-species plants are of high quality and likely to continue to flourish. Where sensitive habitat will not be preserved, that habitat is of lesser quality, with lower densities or more isolated populations of sensitive plant species; moreover, the areas where sensitive habitat will be removed are prime locations for vineyards, such that avoiding these areas would defeat the purpose of the project. Even in these areas, the project will mitigate for the loss of this habitat as set forth in the BRMP.

To provide a specific example, with respect to native grasslands, the original proposed project would have impacted 4.45 acres, or 45.4 percent, of this habitat. The project was subsequently re-designed to avoid additional habitat. The project, as approved by Director Morrison, will avoid an additional 4.45 acres. Taken together, the project will avoid approximately 8.9 acres, or 90.8 percent, of native grasslands mapped on the property. The remaining 0.9 acres of this habitat is located in the avenue around block 13, the avenue around blocks 16A and 16B2, and in blocks 16A and 16B2. These vineyard

blocks are prime vineyard areas; eliminating them would be inconsistent with the purpose of the project. In addition, these areas are relatively isolated, such that permanently preserving them would be unlikely to succeed on a long-term basis. The MMRP requires the applicant to compensate for impacts to this habitat at a 2:1 ratio. Accordingly, under the BRMP, the applicant must restore, enhance and protect 1.9 acres of this habitat elsewhere on the property. There will thus be a net increase in the amount and quality of this habitat.

As another example, a total of approximately 41.8 acres of narrow-anthered California brodiaea habitat is located on the property; most of this habitat is located on the portion of the property in the Milliken Reservoir watershed, which has the best conditions to cultivate high-quality wine grapes. The project, as originally proposed, would have disturbed 26.4 acres of this plant's habitat, or roughly 63 percent. The EIR recommended, and Director Morrison approved, avoiding an additional 18.5 acres. As approved, the project avoids 81 percent of this habitat, and places this habitat in a permanent preserve for its protection. The balance – approximately 7.8 acres – will be fully mitigated by replanting elsewhere; the replanted areas will also be permanently protected. Thus, a total of 41.8 acres will be permanently preserved for this species. There will thus be no net loss in this species' habitat on the property.

The EIR and BRMP include similar protections for every other sensitive plant species or habitat identified on the property. In each instance, species and habitats are avoided to the extent it is feasible to do so. Where complete avoidance is infeasible, compensation is provided at ratios of 1:1 or greater. The BRMP spells out these details. As noted above, a total of over 660 acres will be permanently protected.

Further avoidance is infeasible. We have prepared a map showing what the project would look like if 100% avoidance of all sensitive habitats and plants were required. The project would consist of approximately 50 acres of vineyards. That represents a little over two percent of the 2,300-acre property. (See Exhibit A.)

We have provided the County with information regarding how other vineyard projects have fared in the ECP process. No project has shrunk to a bare two percent of the property as a whole. By any measure, such a reduction would be beyond the pale.

We have also provided the County with information regarding how projects have been reduced in size as a result of the ECP/EIR process. That information is summarized in our letter submitted in November 2014. Here is the information we provided at that time:

Name of project	ECPA Number	Date County released CEQA document	Date County approved ECP	CEQA document	Property size (acres)	Total area proposed for conversion (gross acres)	Total area proposed for conversion (as % of property)	Total area approved for conversion (gross acres)	Total area approved for conversion (as % of property)	% of loss between proposed project acres and approved project acres
Suscol	P09-00176	4/13/2012	2/8/2013	EIR	2,123.0	561.0	26.4%	451.0	21.2%	-19.6%
Circle S	P06-01508	11/24/2008	12/22/2011	EIR	1,594.0	411.0	25.8%	344.0	21.6%	-16.3%
Upper Range (Rodgers)	P02-454	12/7/2006	2/14/2012	EIR	678.0	161.0	23.7%	157.0	23.2%	-2.5%
Stagecoach	P06-0042	11/14/2007	10/7/2008	EIR	1,129.0	107.0	9.5%	101.3	9.0%	-5.3%
TOTALS					5,524.0	1,240.0	22.4%	1,053.3	19.1%	-15.1%

Here is the same information for Walt Ranch, based on the project as approved by Director Morrison:

Name of project	ECPA Number	Date County released CEQA document	Date County approved ECP	CEQA document	Property size (acres)	Total area proposed for conversion (gross acres)	Total area proposed for conversion (as a % of property)	Total area approved for conversion (gross acres)	Total area approved for conversion (as a % of property)	% of loss between proposed project acres and approved project acres
Walt Ranch	P11-00205-ECPA	05/19/2008	pending	EIR	2,300	507	22.0%	316	13.7%	-37.6%

As this information shows, the project has been reduced in scale far more than any other vineyard proposed in the County. As approved, the project encompasses 13.7% of the property. That is less than any of the other vineyard projects listed above, with the exception of Stagecoach. The acreage lost between the original proposal and the final approval is 37.6%, nearly two times the percentage lost from the other recent projects.

We previously provided the County with information on the relative cost of developing Walt Ranch, as compared to the cost of acquiring an existing vineyard of more or less the same quality. This information is relevant to the feasibility of further avoidance, because it illustrates how much a rational applicant ought to be willing to invest in establishing a new vineyard, when the applicant has the option of instead acquiring an established vineyard.

In November 2014, we reported that we had expended \$3.7 million on the entitlement/environmental review/engineering process. Since then, we have expended an additional \$1.5 million on this process. The total cost is now \$5.2 million.

These costs are fixed. They are the same regardless of the number of acres approved by the County. In November 2014, we estimated that, assuming the County were to approve a 270-acre vineyard, that translates into an entitlement cost of roughly \$13,700 per acre.

Entitlement costs of \$5.2 million, for a 209-acre vineyard, translates to a cost of \$24,900 per acre. That does not include land costs, or the costs of actually developing the vineyard. Thus, the entitlement costs have risen by \$11,200 per acre, or approximately 80 percent.

In November 2014, we estimated that vineyard development costs would be approximately \$190,000 per acre. Costs have risen. We now estimate those costs to be \$239,000 per acre, an increase of \$49,000, or roughly 26 percent.

In our November 2014 letter, we provided information on the "market" for developed vineyards of similar quality. We reported that a project that involves per-acre costs substantially higher than \$167,000 is infeasible. The cost of established vineyards in the area has increased. Based on recent sales in the Atlas Peak area, the cost is now in the neighborhood of \$234,000 per acre. That is, a developed acre of comparable vineyard can be acquired for this cost. Costs in excess of this amount are, from an economic perspective, infeasible, in that a rational investor would not pay more than this amount.

That is particularly true given that the entitlement process for a new vineyard is rife with uncertainty both as to timing and as to outcome. If anything, these uncertainties ought to result in a relative discount on the cost of establishing a vineyard, in that the applicant should be compensated for bearing this risk. If anything, our experience with this project drives home the truth of these principles.

Here, with a 209-acre vineyard, entitlement and development costs are now at \$263,900 per acre. The project is already infeasible. If the project is reduced further, the entitlement costs will be spread over fewer acres, and the per-acre cost will go up.

Again, these costs do not include land-acquisition costs. Those, too, are fixed. If those were added, the project would be even more infeasible.

A "total avoidance" project, resulting in 50 acres of vineyard, beggars description.

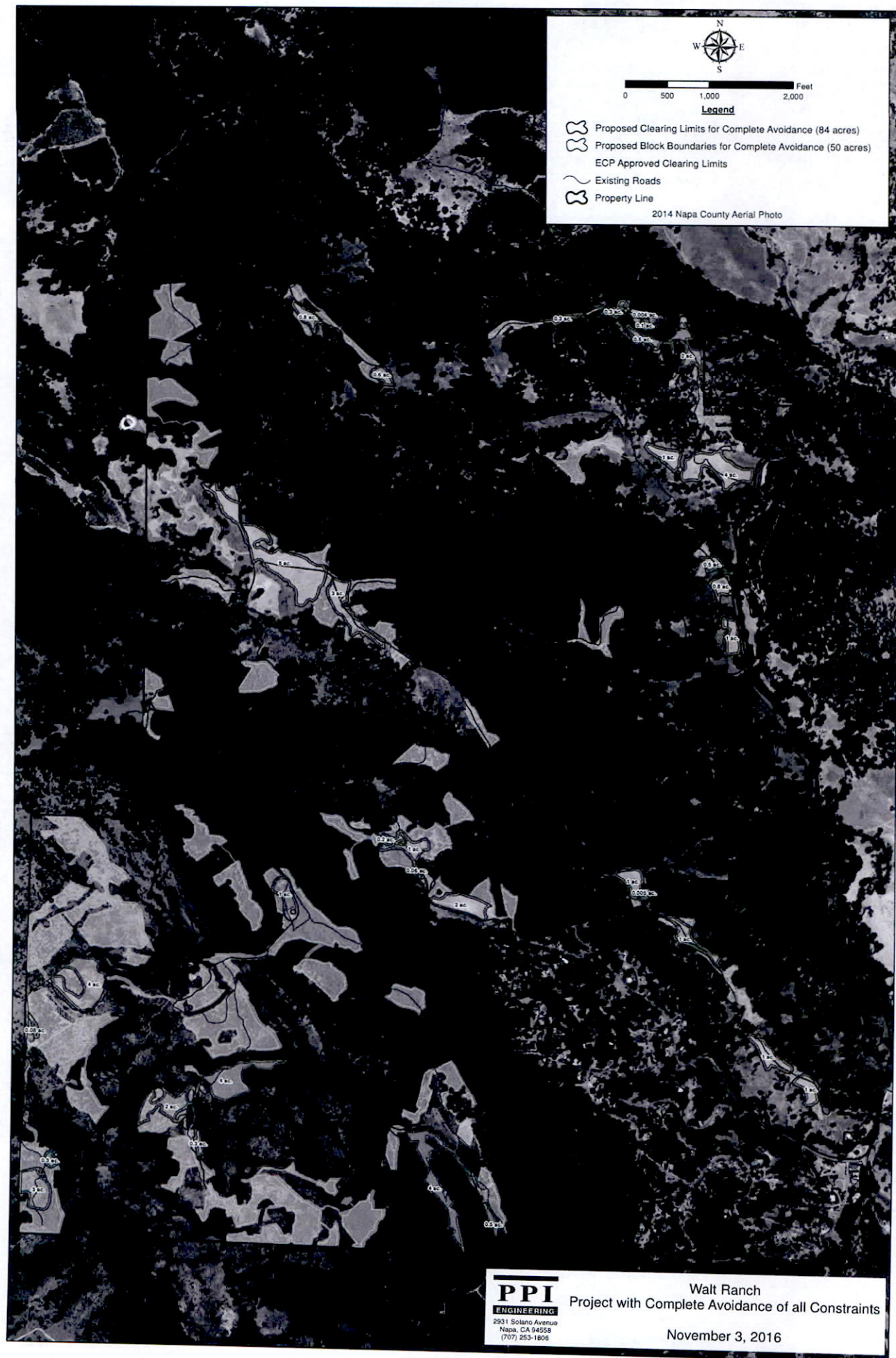
In total, the project will conserve over 660 acres of sensitive species habitat in order to develop 209 acres of vineyards. 316 acres will be disturbed. Thus, the conservation ratio is well in excess of 2:1.

In certifying the Final EIR, Director Morrison wrote that, "[t]he Project will result in the permanent protection of substantial open space.... The land permanently protected as a result of approval of the Project will be managed so as to preserve its value as sensitive habitat, as set forth in the BRMP. These substantial public benefits would not be achieved absent Project approval." We agree.

We appreciate the opportunity to provide this information, and would be happy to answer any questions you may have.

Very truly yours,

A handwritten signature in dark ink, appearing to read "M. L. Regan". The signature is fluid and cursive, with the first name "M. L." and the last name "Regan" clearly distinguishable.



WALT RANCH

November 21st, 2014

Ms. Kelli Cahill
Napa County Planning, Building, and Environmental Services
1195 Third St. Second Floor
Napa, CA 94559

RE: Walt Ranch Environmental Impact Report ('EIR') and the Erosion Control Plan ('ECP') Approval Process as experienced by the applicant

Dear Ms. Cahill,

The purpose of our comments today is to document for the record the process which we experienced in the Walt Ranch Erosion Control Plan Application No. P11-00205-ECPA. The property is zoned for Agricultural Use and the establishment of a vineyard is consistent with the Napa County General Plan (2008) designation of Agriculture, Watershed, and Open Space (AWOS) and zoning designation of Agricultural Watershed District (AW).

It is our view that the expense and time involved in this process have been unprecedented and extraordinary, which we will outline below. Further, the process for approval of ECPs, which was intended to be an administrative approval by the Napa County Planning Director, has been altered solely for this application to include Public Hearings. In our view, the process was designed to allow projects to be reviewed on the expert analysis and science included in the Draft EIR and minimize the impacts that politics might play in the approval process. It is also important to note that Napa County's Conservation Policies and Regulations are widely considered to be some of the most stringent regulations in the country.

I116-02

Project Time

The California Environmental Quality Act ('CEQA') suggests that the development of an EIR should take 1 year. This process has taken eight years in a process that we will describe below. We believe the extended application and subsequent EIR development period has worked to our detriment as applicants.

In fact, preliminary meetings with Napa County's Planning Director and Conservation Department began in 2006. We also initiated some initial studies to assess the feasibility of vineyards on the property at that time. In those meetings, we were urged to hold off on the submission of an ECP application such that we and the County would have clarity on any changes to the Napa County conservation regulations which were expected as a part of the 2008 Napa County General Plan. Once adopted, the 2008 General Plan would serve as a roadmap for County Staff and their environmental

I116-03

Comment Letter I116 cont.

consultants to assess the project for conformance and consistency with local conservation regulations.

As you know, in accordance with County Code section 18.108.080, we, as applicant, filed an ECPA for the development on our 2,300-acre Walt Ranch property. In 2008, an Initial Study ('IS') and Notice of Preparation ('NOP') was circulated to government agencies, environmental consultants, and neighbors requesting comments on the project. On October 22, 2012, Napa County issued a second NOP on a project with slightly reduced acreage.

I116-03
(Cont.)

On July 11, 2014, The Draft EIR was published and notices were sent to neighbors regarding a 45-day Public Comment period. In response to a public request for an additional 45-day public comment period, the Napa County Planning Commission held a hearing on August 6th, 2014 to determine if the extension was appropriate. We were contacted by Napa County to inform us of the hearing, and we consented to the 45-day extension. In addition, we were in direct contact with the Planning Commission chair and one other commissioner in advance of the meeting to let them know that we consented to the additional time. We were led to believe that the Planning Commission would extend the public comment period 45 days through our consent and, as such, did not attend the hearing. The Planning commission, instead, elected to hold the equivalent of a Public Hearing on the subject of the extension, and extended the Public Comment period to 133 days (an 88 day extension).

I116-04

The combination of the extraordinarily long time taken to process the ECP, EIR, multiple public notifications through the development of two NOP's, in conjunction with the unnecessary extended public comment period, are inconsistent with what is described in the law, has been detrimental to the project, and has been an unnecessary burden to us as the applicant.

Cost

As the applicant, we have been required to pay for consultant time for preparing the Draft EIR. These costs go back to 2006. These costs include paying Napa County staff to oversee the development of the Draft EIR; Analytical Environmental Services who compiled the Draft EIR and developed the mitigations and analysis, and all of the consultants who studied every aspect of the property over six to eight years. As of August 2014, we have spent more than \$3.7 million dollars in the preparation of the Draft EIR, in addition to countless hours of our internal staff time over eight years which is not captured in the numbers above.

I116-05

Given the substantial cost and timeline of the project to date, we suggest that the costs and time to reach this phase of the process are far more than we, or other similar applicants, should be required to bear. The intent of the ECP process was to streamline and ease the burden on applicants – not to make it more expensive and more difficult.

Mitigations

As previously discussed, Napa County's Conservation Regulations are widely considered the most stringent in the country. It is important to note that within the Draft EIR, published in July 2014, numerous mitigations have been recommended to reduce impacts the impacts of the vineyard development to less than a significant impact. We believe that it is important to point out that a number of mitigations suggested in the Draft EIR are more far reaching than those outlined in the Napa County Conservation Regulations as well as being more substantial than have been required for similar projects. Some of these intensive mitigations are highlighted below as compared to similar Napa County approved projects for the same biological resources.

Holly Leaf Ceanothus

Walt Ranch DEIR mitigations:

Walt Ranch mitigation requires avoidance of 80% (5:1) of the 66.3 acres found over the entire parcel, replacement of impacted species at 1:1 and preservation at 4:1.

Similar Project: Stagecoach:

Although some recent projects chose to avoid this species entirely only one projected of record, Stagecoach (#P06-0042-ECPA) had avoidance at 3.3:1, replacement at 0.24:1 and no preservation requirement.

Narrow Anthered Brodiaea

Walt Ranch DEIR mitigations

Walt Ranch mitigation requires avoidance of 80% (5:1) of the 41.8 acres found over the entire parcel, replacement of impacted species at 1:1 and preservation at 4:1

Similar Project: No other projects were found with this sensitive species to compare these mitigations to.

I116-06

Black Oak Alliance

Walt Ranch DEIR mitigations:

Requires avoidance of 89% (9:1) of the 318 acres found over the entire parcel, and preservation at 2:1.

Similar Project: Circle S Ranch:

Circle S Ranch (#P06-01508-ECPA) had to avoid only 74% of the Black Oak Alliance, with preservation at 2:1.

Blue Oak Alliance

Walt Ranch DEIR Mitigations

Walt Ranch mitigation requires avoidance of 86% (7:1) of the 18.5 acres found over the entire parcel, and preservation at 2:1

Similar Project: The Upper Range Vineyard Project – Rodgers Property

The Upper Range Vineyard Project (#02454-ECPA) were required to avoid 71% of the Blue Oak plant community, with preservation at 2:1.

Valley Oak Riparian Forest

Walt Ranch DEIR Mitigation

Walt Ranch mitigation requires avoidance of 100% of the 30.8 acres found over the entire parcel, and preservation of 100% of that habitat on the property.

Similar Project: Circle S Ranch (#P06-01508-ECPA) were required to avoid 94% of the Valley Oak Riparian Forest, with preservation at 2:1.

Specimen Trees

Walt Ranch DEIR Mitigation

The Walt Ranch DEIR has identified 108 specimen trees of which 69% (3:1) require avoidance and the 34 trees impacted require replacement at 5:1.

Similar Project: Three ECPs were found that identified specimen trees and they are the Circle S Ranch (#P06-01508-ECPA), Lamb Family Vineyards (#P10-0051-ECPA) and Suscol Mountain Vineyards (#P09-00176-ECPA). Circle S was required to avoid two trees, Lamb was required to avoid three trees and Suscol was required to avoid several trees (not specified). Neither of these projects was required to replace any of the specimen trees that were impacted but it appears that the mitigation was rolled up into the 2:1 preservation of oak woodland requirements for these three projects.

I116-06
(Cont.)

Below are the Napa County General Plan guidelines for habitats of limited distribution and oak woodlands.

Natural Resource Goals and Policies:

Goal CON-3: Protect the continued presence of special-status species, including special status plants, special-status wildlife, and their habitats, and comply with all applicable state, federal, or local laws or regulations.

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

- a) Prevent removal or disturbance of sensitive natural plant communities that contain special-status plant species or provide critical habitat to special-status animal species.
- b) In other areas, avoid disturbances to or removal of sensitive natural plant communities and mitigate potentially significant impacts where avoidance is infeasible.
- c) Promote protection from overgrazing and other destructive activities.
- d) Encourage scientific study and require monitoring and active management where biotic communities and habitats of limited distribution or sensitive natural plant communities are threatened by the spread of invasive non-native species.
- e) Require no net loss of sensitive biotic communities and habitats of limited distribution through avoidance, restoration, or replacement where feasible. **Where avoidance, restoration, or replacement is not feasible, preserve like habitat at a 2:1 ratio or greater within Napa County to avoid significant cumulative loss of valuable habitats.**

I116-07

Oak Woodlands Goals and Policies:

Goal CON-6: Preserve, sustain, and restore forests, woodlands, and commercial timberland for their economic, environmental, recreation, and open space values.

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

I116-08

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

I116-08
(Cont.)

As demonstrated above, Napa County's Conservation Regulations are being applied at a higher level for the Walt Ranch project for these species than on any prior project in Napa County in addition to being at a substantially higher level than those called for in the 2008 Napa County General Plan.

The Erosion Control Plan Approval Process in Napa County

It is important to note that through the Public Comment period ECP application process has been subjectively changed for the Walt Ranch ECP application in an unprecedented way, and unprecedented changes to the process continue to be proposed going forward.

For the first time ever, Napa County held a public hearing on an ECP application to take public comments on the Walt Ranch Erosion Control process on November 12th, 2014. While we are in favor of hearing from the public, we feel that changing the process for our application has been detrimental to the fair assessment of our project. We also understand that a second additional hearing is being considered to take place at the time when the Planning Director is prepared to make a decision on the project. Again, we believe that this second hearing is unprecedented, inappropriate, and inconsistent with county regulations.

I116-09

The Napa County Code calls for the approval of Erosion Control Plan to be handled administratively by the Napa County Planning Director. This process was well-considered by Napa County and local stakeholders when it was established, and we do not believe changes to the process have been appropriate. It is also important to note that the Napa Valley Grapegrowers, the Winegrowers of Napa Valley, and the Napa County Farm Bureau, each organization being an important stakeholder in the

development of the Erosion Control Plan Approval process, have all voiced protest against changes to the process on the Walt Ranch ECP application or any subsequent plans.

These changes appear to be in response to the loud minority voices of people who are against not just this plan, but any new development and the Ag Preserve and by extension, to the land use policies outlined in the 2008 Napa County General Plan. As a result of these changes to the approval process, we believe the process has been unfairly politicized to the detriment of the project. Further, we emphasize that our application is to plant vineyards in land zoned as Ag Watershed, where the General Plan suggests that 'Agriculture is the highest and best use of the land.'

I116-09
(Cont.)

We wish to remind everyone that we (the County staff and applicant) have carefully worked within (and beyond) all of the policies and conservation regulations outlined in the Napa County General Plan, the Agricultural Preserve, as well as state laws. As a result, we believe the process should also follow the policies outlined in the Napa County General Plan.

Project Opponents and the Process

The Draft EIR is a long and complicated document which is hard to understand and intimidates people. Further, it is clear from listening to many of the comments from opponents of the project that they do not understand the Napa County General Plan, local zoning regulations and policies, and the Erosion Control Plan Approval process.

Due to the complexities of the documents above, we believe that a small number of people have created fear in the neighborhoods by sensationalizing this project through misinformation to suggest the Walt Ranch vineyard might adversely affect their lifestyle; including but not limited to water availability, property values, etc. Even today, key project opponents continue to promote misinformation about the projects and perceived impacts from the project. This is clearly in an effort to generate additional fear and further their own agendas, which are inconsistent with the Napa County General Plan.

I116-10

Conclusion

In summary, we believe the extended timeline involved in the development of the project, the extraordinary costs to develop the project, continued changes to the Erosion Control plan approval process (including Public Hearings and extensive public comment periods), have been detrimental to a fair and objective analysis of our project. In additions, the mitigations outlined in the DEIR are more intensive and far reaching than those called for in the Napa County Conservation Regulations as well as those applied to prior projects. Further, the recent application of the Erosion Control Plan Approval process, as it has subjectively been handled for the Walt Ranch project, has been inconsistent with the Napa County Code. The Napa County General Plan specifically encourages agriculture in the Agricultural Preserve. This ever-increasing burden applicants and changes to the process as have been experience in this application will only serve to discourage future applicants for agricultural uses and may lead to legal

I116-11

Comment Letter I116 cont.

challenges on the viability of the Agricultural Preserve due to the onerous barriers and burdens places on the applicant.

We believe the County Planning Department has done a great deal to protect environmental interests through the extraordinary scrutiny and process that this application has already been subjected to. This project should proceed in the normal administrative manner as past vineyards of similar applications.

Regards,

Craig Hall

Mike Reynolds

I116-11
(Cont.)

WALT RANCH

November 21st, 2014

Ms. Kelli Cahill
Napa County Planning, Conservation, and Environmental Services
1195 Third St., Second Floor
Napa, CA 94559

RE: Walt Ranch – DEIR Alternatives Feasibility discussion

Dear Ms. Cahill,

We have been asked by Napa County to provide the County with information regarding the feasibility of the project, and of alternatives to the project, in our comments on the Draft Environmental Impact Report ('Draft EIR'). The County published in the Draft EIR in July 2014, and under the extended review period, comments are due on November 21, 2014.

The County will adopt findings regarding the feasibility of alternatives at the end of the process, after the Final EIR is published, as part of its decision on the application. Those findings will be based on the entire record, not merely on information in the EIR. Although we understand the County's request, and are willing to oblige, the request is unusual and, in some respects, premature.

There are two reasons why this is true. First, the County cannot "close" the record with respect to information regarding the feasibility of alternatives. It may, therefore, submit additional information on feasibility as the process moves forward. So may other stakeholders. The County will decide what information to rely upon in adopting its findings concerning alternatives. If those findings are based on substantial evidence in the entire record, they will be legally sufficient. (Pub. Resources Code, §§ 21081, 21081.5.)

I116-12

Second, there are practical difficulties with providing information on feasibility at this stage of the process. The feasibility of alternatives is influenced by a host of factors, some of which have yet to be resolved. In particular, the Draft EIR recommends a large suite of mitigation measures addressing the project's impacts on biological resources. Many of these measures are overlapping, making it impossible to determine the combined effect of implementing all of these measures, in the event the County adopts them. The effect of these measures, however, is to reduce the acreage approved for vineyards. Indeed, some mitigation measures, if adopted, may raise issues regarding whether entire vineyard blocks are farmable by preventing access or the like. Other mitigation measures (e.g., those recommended for water supply) have the effect of increasing costs, without regard to the number of vineyard acres; to the extent these fixed costs are spread over a smaller number of vineyard acres, the project becomes incrementally less feasible.

In light of these considerations, we will make some preliminary comments on the feasibility of the different alternatives presented in the Walt Ranch Draft EIR, but we reserve the right to submit additional feasibility comments at a later date to augment what is submitted today.

Project Objectives

Simply stated, our objective has always been to develop high quality vineyards on our 2,300-acre Walt Ranch property, which is zoned AW. This vineyard development and subsequent operation would be designed to adhere with the all of the policies, rules and regulations outlined in the 2008 Napa County General Plan.

As a part of the preparation of the Draft Environmental Report, prepared at the direction of Napa County by Analytical Environmental Sciences, Napa County added additional project objectives which are described in Section 3.3 of the Draft EIR which are presented below:

Section 3.3 – PROJECT OBJECTIVES

Specific project objectives associated with the installation and operation of the proposed vineyard are to:

- *Develop up to 356 acres of vineyard within approximately a 507-acre cleared area on these portions of the site that are suitable for the cultivation of high-quality wine grapes;*
- *Minimize soil erosion of vineyard development and operation through vineyard design that avoids erosion-prone areas and controls erosion within the vineyard rather than capturing soil after it has been displaced;*
- *Design the vineyard to minimize the reduction of Wildlife movement to the maximum extent possible, in accordance with General Plan Policy CON-18(e)*
- *Protect water quality by protecting wetlands, seeps, springs, and streams to the maximum extent feasible through avoidance, the incorporation of appropriate setbacks, and the implementation of various erosion control measures;*
- *Minimize impacts on rare, endangered, and candidate plant and animal species to the extent feasible, while providing for avoidance, preservation, and replacement in accordance with accepted protocols, including but not limited to the Napa County General Plan;*
- *Provide opportunities for vineyard employment and economic development in Napa County;*
- *Farm vineyards in a sustainable manner that includes use of integrated pest management (IPM) practices and participation in the Napa Sustainable Winegrowing Group and California Sustainable Winegrowing Alliance;*
- *Use of water efficiently from existing and proposed water resources; and*
- *Preserve a majority of the property as woodlands, riparian, and open space which has the greatest value as wildlife habitat.*

It is our belief that Napa County and its consultants have developed these alternatives in accordance with the Project Objectives stated above and numerous project mitigations have been incorporated to remain in accordance with all of the rules and policies of the General Plan.

Project History and Perspective

Our first meeting with Napa County to discuss the Walt Ranch Vineyard took place in 2006. In that meeting, we let Napa County know that we intended to bring forward a vineyard proposal, and discussed what studies would be required as well as the process for submitting an Erosion Control Project ('ECP') in Napa County. The initial studies on the viability of a vineyard project began in 2006.

In 2008 and again in 2012, Notices of Preparation ('NOP') were prepared and distributed to Walt Ranch neighbors to give them an opportunity for public comment on the proposed vineyard, and to incorporate mitigations to those comments if a potentially significant impact was found. Public comments were received and incorporated into the projects.

As the applicant, we have been required to pay for studies and consultant time for preparing the Draft EIR. These costs go back to 2006. These costs include paying Napa County staff to oversee the development of the Draft EIR; Analytical Environmental Services who compiled the Draft EIR and developed the mitigations and analysis, and all of the consultants who studied every aspect of the property over six to eight years. As of August 2014, we have spent more than \$3.7 million dollars in the preparation of the Draft EIR, in addition to countless hours of internal staff time over eight years which is not captured in the numbers above.

I116-14

Given the substantial cost and timeline of the project to date, we believe the costs and time to reach this phase of the process are far more than we, or other similar applicants, should be required to bear. The intent of the ECP process was to streamline and ease the burden on applicants – not to make it more expensive and more difficult.

As a result, the feasibility analysis is relatively simple. These costs are fixed, and have been incurred without regard to the size of the project approved by the County. A greater number of resulting vineyard acres makes the project more feasible. Less acres make the project less feasible.

Given the expenses to date, under the Reduced Mitigation proposal (+/- 270 acres), we are nearing \$14,000 in entitlement costs per acre, and the extended process we are in will be expected to continue to increase that number. As we discuss the different alternatives below, we will give further detail on this subject, but the expenditures and time required in this process have been extraordinary.

Information Regarding Feasibility of Alternatives

The "market" for approved vineyards. In June 2014, an 88-acre vineyard parcel was sold in the Atlas Peak area – the same general area as Walt Ranch. The vineyard was roughly 10 years old and of medium to medium-high quality viticultural practices. The selling price of the vineyard was \$167,000 per acre of planted vineyard. This sale establishes the "market" for developed vineyard land in the vicinity of Walt Ranch. A project that involves per-acre costs substantially higher than \$167,000 is infeasible, in that a person interested in establishing a vineyard in the area will instead purchase an existing vineyard. This is particularly true in light of the fact that an established vineyard does not involve the delays, costs and uncertainties associated with the County's ECP process.

I116-15

Comment Letter I116 cont.

As noted above, these delays, costs and uncertainties are substantial. The entitlement process for Walt Ranch has spanned roughly eight years. The entitlement cost for consultants and County staff has totaled roughly \$3.7 million. We still do not know when this process will end, how much it will cost, or how many acres the County will approve. In light of these costs and uncertainties, the cost of developing new vineyards should be substantially below \$167,000 per acre, in order to be competitive to the option of simply acquiring established vineyard in the area.

I116-15
(Cont.)

ECPs approved by Napa County. We have compiled information regarding ECPs approved by the County since 2008, when the County adopted the current General Plan. The 2008 General Plan includes policies regarding vineyard development, so ECPs approved earlier than 2008 are less relevant than those approved since that time. We recognize each ECP application is unique, for the simple reason that each landscape is unique. One would not expect the same outcome, in terms of vineyard acreage, on different parcels. Each has its own potential and constraints, in terms of slopes, drainages, sensitive habitat, cultural resources, suitability as vineyard, and the like. Nevertheless, the County's approach towards other ECPs provides a general indication of what a rational landowner might expect in submitting an ECP application.

The attached table lists ECPs approved by the County since 2008. This information has been compiled from publicly available sources, including County files. We have included all the large ECP projects of 100 acres and larger for which EIRs were prepared.

Name of project	ECPA Number	Date County released CEQA document	Date County approved ECP	CEQA document	Property size (acres)	Total area proposed for conversion (gross acres)	Total area proposed for conversion (as % of property)	Total area approved for conversion (gross acres)	Total area approved for conversion (as % of property)	% of loss between proposed project acres and approved project acres
Suscol	P09-00176	4/13/2012	2/8/2013	EIR	2,123.0	561.0	26.4%	451.0	21.2%	-19.6%
Circle S	P06-01508	11/24/2008	12/22/2011	EIR	1,594.0	411.0	25.8%	344.0	21.6%	-16.3%
Upper Range (Rodgers)	P02-454	12/7/2006	2/14/2012	EIR	678.0	161.0	23.7%	157.0	23.2%	-2.5%
Stagecoach	P06-0042	11/14/2007	10/7/2008	EIR	1,129.0	107.0	9.5%	101.3	9.0%	-5.3%
TOTALS					5,524.0	1,240.0	22.4%	1,053.3	19.1%	-15.1%

I116-16

As this table shows, the ECP process has resulted in projects with the following attributes:

- Total parcel size for all ECP applications represented here are over 500 acres in size.
- The ECP applications are all over 100 acres of proposed conversion. They thus constitute relatively large projects.
- Percent of parcel applied for vineyard conversion ranges from 10% -26% with the average application being 22.4% of the total parcel.
- The ECP process resulted in reducing the size of the proposed conversion (proposed versus approved) from 3% - 20% with an average reduction of 15.1%.

In light of this record, a rational applicant would anticipate that, during the course of the County's consideration of an ECP application, the approved acreage would be 85% of the initial application. The

landowner would also anticipate that portion of the property improved as vineyard would be in the range of 20% of the property as a whole. An applicant would not expect the ECP process to result in reducing the amount of land improved as vineyards below 20% of the property as a whole, absent some site-specific constraint unique to the property.

We recognize Walt Ranch is unique, in the sense that no other property is exactly like it. As the Draft EIR makes clear, however, the biological resources present on the site are much like those present on other parcels in the area. The site features drainages, but we have engineered around them, much like any other ECP would do. A rational landowner would therefore anticipate that the ECP process would result in vineyard improvements encompassing in the range of 20% of the site. A rational landowner would not, based on the County's process, anticipate even greater reductions.

I116-16
(Cont.)

Alternatives – Feasibility Analysis

After reviewing the Draft EIR on the Walt Ranch project, published in July 2014, we find three project alternatives that have been analyzed and presented in Section 5.2.

- Alternative 5.2.1 – No Project Alternative.
- Alternative 5.2.2 – Reduced Intensity Alternative.
- Alternative 5.2.3 – Multiple Resource Protection Alternative.

Alternative 5.2.1 – “No Project Alternative”

Under the No Project alternative, the development of the project would not occur, and the impacts of the project, whether beneficial or adverse, would not occur under this alternative. While this alternative would remain consistent with Napa County's Conservation Regulations, it would not achieve the projects objectives previously outlined. Given the extraordinary time, effort, and expense invested in this project to this point, Alternative 5.2.1 is not feasible. In addition, this alternative would achieve none of the objectives set forth in the Draft EIR.

Alternative 5.2.2 – “Reduced Intensity Alternative”

Under the Reduced Intensity Alternative, the majority of sensitive natural plant communities, wildlife corridors, springs, streams, seeps, and wetlands would be avoided and as a result, less vineyard acreage would be developed. This would further reduce impacts beyond the mitigated project which is described and depicted in Section 6.1 and Figure 6.1 of the Draft EIR.

I116-17

The Reduced Intensity Alternative would employ all mitigation measures required in section 4.0 and include further adjustments of block boundaries to preserve additional special status species, individual trees noted to be specimen or notable trees, enhance wildlife corridors as well as other avoidance of other biological resources. The Draft EIR depicts the Reduced Intensity Alternative in Figure 5.1. Our independent assessment of this alternative suggests that this alternative will result in approximately 270 or less vineyard acres. It should be noted that in some instances, some vineyard blocks included in Figure 5.1 would not likely be developed due to the irregular shapes and/or infeasibility of the blocks due to their small size after the addition of the Reduced Intensity adjustments. We have noted some of these problems in a separate letter submitted by PPI, our engineering consultant.

A detailed summary of impacts to the property based on the addition of the Reduced Intensity Alternative Mitigations is found in Section 5.2.2 and Section 5.4 of the Draft EIR. As is discussed in

detail, the impacts in the Reduced Intensity Alternative are similar to those that were analyzed in the Mitigated Project, with the reduction in impacts to sensitive species, notable trees, improvements in wildlife corridors, etc.

We have done some preliminary cost estimates for the vineyard development on the property, assuming the full development of 356 acres. This would include water development, vineyard development, replanting of sensitive species as outlined in the EIR, road improvement, fencing, and the installation of erosion control measures to reduce erosion and sedimentation from existing conditions. Based on this estimate, development costs for a high-end vineyard are preliminarily expected to be \$190,000 per acre – without any allocation of land cost or entitlement expenses (which were previously described).

If we add the allocated land cost and allocated entitlement costs to the proposed development costs, one can see that the cost invested in the vineyard would be substantially higher than the current value of producing vineyards in the area. For that reason, the record supports the conclusion that this alternative is infeasible.

After studying this proposal, despite our concerns, we believe that this alternative can be implemented if approved by the County. It is important to note that we remain concerned that additional reductions in acreage will have the net effect of driving vineyard entitlement costs further beyond the current value of vineyards in the area and make further avoidance of sensitive species potentially infeasible.

Alternative 5.2.3 – “Multiple Resource Protection Alternative”

As with the discussion above about the Reduced Intensity Alternative, the Multiple Resource Protection Alternative would further reduce impacts beyond the mitigated project which is described and depicted in Section 6.1 and Figure 6.1 of the Draft EIR. This alternative specifically looks at avoiding areas where two or more resources overlap and can be avoided to provide the most environmental benefits per acre of vineyard removed.

The Multiple Resource Protection Alternative would employ all mitigation measures required in Section 4.0 in addition to the avoidance of overlapping resources as outlined in Table 5.2 and Figure 5.2. Our independent assessment of this alternative suggests that this alternative will result in approximately 288 or less vineyard acres.

A detailed summary of impacts to the property based on the addition of the Multiple Resource Protection Alternative is found in Section 5.2.3 and Section 5.4 of the Draft EIR. As is discussed, the impacts in the Reduced Intensity Alternative are similar or less than those that were analyzed in the Mitigated Project.

After studying this proposal, despite our concerns, we believe that this alternative can be implemented if approved by the County. It is important to note that we remain concerned that additional reductions in acreage will have the net effect of driving vineyard entitlement costs further beyond the current value of vineyards in the area and make further avoidance of sensitive species potentially infeasible, as described in above in the discussion of the Reduced Intensity Alternative.

Conclusion

I116-17
(Cont.)

I116-18

Comment Letter I116 cont.

As previously stated, the request to submit the applicants' comments on the feasibility of Project Alternatives prior to the conclusion of the Public comment period is unusual. Further, due to the fact that Project Alternatives may change prior to certification of the Final EIR, any comments on feasibility are inherently premature.

Therefore, we reserve the right to submit additional feasibility comments at a later date to augment what is submitted herein.

The process to develop and produce a Draft EIR to evaluate the impacts of planting vineyards at the Walt Ranch have taken an extraordinary amount of time and expense to this point and has resulted in two Draft EIR project alternatives (Reduced Intensity Alternative and Multiple Resource Protection Alternative) that reduce the impacts of the project to a less than significant level. We believe we can implement both alternatives. Based on our preliminary review, we are deeply concerned that any further reductions in acreage would make the project infeasible.

We should note that we have repeatedly tried to meet with neighbors to understand their concerns and consider additional modifications to the proposal. Unfortunately, all of the organizations who have stated concerns about the project have declined to meet with us until after the public comment period is complete. There may be additional modifications or mitigations which are proposed by us (the applicant) after the conclusion of the Public Comment period. We are trying very hard to address our neighbors' concerns, while still ensuring the viability of our proposal. We will keep the County informed of our progress.

Regards,

Craig Hall

Mike Reynolds

I116-18
(Cont.)

Comment Letter I103



VINEYARD DESIGN
EROSION CONTROL
WATER DEVELOPMENT
DRAINAGE
PERMITTING
GPS/GIS

2931 Solano Avenue
Napa, California 94558
707-253-1806
Fax 707-253-1604

November 20, 2014

Kelli Cahill
Napa County Planning, Building & Environmental Services
1195 Third Street, Room 210
Napa, CA 94559

Via e-mail: Kelli.Cahill@CountyOfNapa.org

Dear Kelli,

As the Civil Engineer and design engineer who prepared the Erosion Control Plan (ECP) for Walt Ranch (#P11-00205-ECPA), we have reviewed the mitigations required in the DEIR as they relate to the design of the ECP and have the following comments on the mitigated project:

1. The following blocks have had their access removed for various mitigations and need to have it restored in order for the block to be constructed: Blocks 1, 3A (and Blocks 1, 2 and 4 – see comment #2), 8, 9A1, 9A2, 9A6, 10, 11, 12, 16B2, 19A & 19B & 19C, 45A and the rock disposal area near Block 9A2. Please see the attached spreadsheet for details, including the acreages that would be affected. We request that the FEIR mitigation language be revised to ensure that these access areas are not included in the avoidance areas.
2. Blocks 5A1/5A4/5A5: the avoidance of a combination of brodiaea, ceanothus and yampah in approximately 0.7 acres (within a larger avoidance area) will make the proposed road realignment impossible to construct. The proposed realignment is the only feasible location for access if the severely-eroding current location is to be decommissioned. The road realignment requires the associated sediment basin to be constructed in order for the road to be constructed. The road realignment is a very important component to the project from a water-quality perspective as the road in its current location contributes a significant amount of sediment to the stream system every year despite the owner's winterization measures. We request that the FEIR mitigation language be revised to ensure that the approximately 0.7 acres is not required in the avoidance areas.
3. Block 5A3: the increased buffer around the wetland in Block 5A3 will make the proposed reservoir construction at the desired capacity impossible. We request that the FEIR mitigation language be revised to not require the additional buffer area of approximately 0.2 acres around the wetland in Block 5A3.
4. Block 9A2: the avoidance of brodiaea and ceanothus in the central area of the block makes the proposed erosion control measures impossible to build. Because of the way in which the remaining block is fragmented after mitigations are applied, alternative locations of the erosion control measures are not possible. Removing the erosion control

I103-1

I103-2

I103-3

I103-4

Kelli Cahill
November 20, 2014
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measures would result in a loss of the entire block, approximately 9 acres, rather than the approximately 3.7 acres as shown in the proposed mitigated project, which is simply the footprint of the avoidance areas. We request that the FEIR mitigation language be revised to not require avoidance of the brodiaea and ceanothus in Block 9A2.

I103-4
(Cont.)

5. Block 12: the avoidance of one specimen tree (#3629) in the southwest area of the block makes the proposed level spreader impossible to build. Because of the block's terrain an alternative location is not possible. Removing the level spreader would result in a loss of approximately 0.7 acres, rather than the approximately 0.1 acres as shown in the proposed mitigated project, which is simply the footprint of the tree. We request that the FEIR mitigation language be revised to not require avoidance of the specimen tree #3629 in Block 12.
6. Block 15B: the avoidance of one specimen tree (#PPI1901) will prevent installation of erosion control measures as designed. Re-design would result in a loss of approximately 0.3 acres, rather than the approximately 0.1 acres as shown in the proposed mitigated project, which is simply the footprint of the tree. We request that the FEIR mitigation language be revised to not require avoidance of the specimen tree #PPI1901 in Block 15B.
7. Block 28: the avoidance of one specimen tree (#28672) will prevent the headcut repair mitigation required by Gilpin Geosciences (see Table 1, Page 6, in Gilpin Geosciences, Inc.'s *Engineering Geologic Evaluation* dated March 6, 2013). We request that the FEIR mitigation language be revised to not require avoidance of the specimen tree #28672 in Block 28.
8. Block 29B2: the avoidance of Western Pond Turtle upland habitat and native grasses in the upper (western) portion of the block will prevent the construction of necessary erosion control measures. An approximately 30-foot wide strip (approximately 0.2 acres) would be required to build the erosion control measures at the top of the block. In addition, the avoidance of Western Pond Turtle upland habitat and Valley Oak Riparian Forest vegetation alliance in the lower (eastern) portion of the block makes the proposed level spreader impossible to build. Because of the block's terrain an alternative location is not possible. An approximately 25-foot wide strip (approximately 2.4 acres) would be required at the bottom of the block in order to build the proposed level spreader. If the necessary erosion control measures at the top of the block and the proposed level spreader at the bottom of the block cannot be built then the entire block cannot be built, resulting in a loss of 5.3 acres, rather than the approximately 3.4 acres as shown in the proposed mitigated project, which is simply the footprint of the avoidance areas. Even though the lower area is proposed for avoidance because it is within Valley Oak Riparian Forest vegetation alliance, there are no trees in the area of the proposed level spreader, therefore no trees would be removed during construction. We request that the FEIR mitigation language be revised to not require avoidance of approximately 0.2 acres of Western Pond Turtle upland habitat and native grasses in the upper portion of Block 29B2 as well as not require avoidance of approximately 2.4 acres of Valley Oak Riparian Forest vegetation alliance in the bottom portion of Block 29B2 to allow for construction of the level spreader where trees are not present.

I103-5

I103-6

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9. Block 31: the avoidance of one specimen tree (#14481) will prevent installation of erosion control measures as designed. Re-design would result in a loss of approximately 0.2 acres, rather than the approximately 0.1 acres as shown in the proposed mitigated project, which is simply the footprint of the tree. We request that the FEIR mitigation language be revised to not require avoidance of the specimen tree #14481 in Block 31.
10. Block 34A2: the avoidance of the Western Pond Turtle (WPT) upland habitat in the northeast area of the block includes the location of the proposed level spreader. Because of the block's terrain an alternative location is possible but would require restoring approximately 0.8 acres of WPT upland habitat back to the block. We request that the FEIR mitigation language be revised to not require avoidance of approximately 0.8 acres of WPT upland habitat in Block 34A2 to allow for construction of the relocated level spreader. This would result in 1.2 acres of the block still being removed for WPT mitigation.
11. Block 36B: the avoidance of one specimen tree (#10539) will prevent installation of erosion control measures as designed. Re-design would result in a loss of approximately 0.1 acres, rather than the approximately 0.04 acres as shown in the proposed mitigated project, which is simply the footprint of the tree. We request that the FEIR mitigation language be revised to not require avoidance of the specimen tree #10539 in Block 36B.
12. Block 57B: the avoidance of the Valley Oak Riparian Forest vegetation alliance in the bottom (eastern) portion of the block makes the proposed level spreader impossible to build. Because of the block's terrain an alternative location is not possible. If the proposed level spreader cannot be built then the majority of the block cannot be built, resulting in a loss of 1.8 acres, rather than the approximately 0.2 acres as shown in the proposed mitigated project which is simply the mapped area of the Valley Oak Riparian Forest vegetation alliance in the block. There are no trees in the area of the avoidance around the proposed level spreader, therefore no trees would be removed during construction. We request that the FEIR mitigation language be revised to not require avoidance of approximately 0.2 acres of Valley Oak Riparian Forest vegetation alliance in Block 57B.
13. The intent of the Mitigation 4.2-16 as it relates to the mapped specimen trees is to avoid specimen trees that are at the edges of blocks, however the following specimen trees are not at the edges of blocks and would be "islands" surrounded by vineyard:
 - a. Block 16B1: #7095, 7159, 7308 and 7314
 - b. Block 18A2: #14021
 - c. Block 21B: #29467
 - d. Block 37G: #9287
 - e. Block 57B: #30449 and #30593

We request that the FEIR mitigation language be revised to not require avoidance of specimen trees #7095, 7159, 7308, 7314, 14021, 29467, 9287, 30449 and 30593 in Blocks 16B1, 18A2, 21B, 37G and 57B.

I103-7

I103-8

I103-9

I103-10

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All of the above comments on the mitigated project also apply to the Alternatives listed in the DEIR. In addition to the above comments, we have the following comments on the Reduced Intensity Alternative (RIA):

14. Block 1A: the RIA calls for avoidance of 0.3 acres of area that was formerly mapped as Winter-Rain Sclerophyll Forests and Woodlands Formation, and ceanothus. Winter-Rain Sclerophyll Forests & Woodlands Formation is no longer a vegetation category & was re-classified in this area to Chamise Alliance, which is not a sensitive habitat type. Only 0.02 acres of ceanothus are protected with this reduction of 0.3 acres. We request that the FEIR mitigation language be revised to not require the 0.3 acres in the RIA reduction in Block 1A.
15. Avenue between Blocks 3A and 5A4: the RIA calls for avoidance of 0.2 acres of area that was formerly mapped as Winter-Rain Sclerophyll Forests and Woodlands Formation. Winter-Rain Sclerophyll Forests & Woodlands Formation is no longer a vegetation category & was re-classified in this area to Common Manzanita Provisional Shrubland Alliance & Madrone Forest Alliance, neither of which is a sensitive habitat type. Please see comment #2 for the road relocation discussion, which is where this area is located. We request that the FEIR mitigation language be revised to not require the 0.2 acres in the RIA reduction in the avenue between Blocks 3A and 5A4.
16. Block 5A3: the RIA calls for the avoidance of 0.2 acres of yampah in Block 5A3 which will make the proposed reservoir construction in the desired location impossible. We request that the FEIR mitigation language be revised to not require avoidance of 0.2 acres of yampah in the RIA reduction in Block 5A3.
17. Block 11: the RIA calls for the avoidance of brodiaea and ceanothus, which prevents access to the remainder of Block 11 as well as Block 10. In order to have access to the blocks we request that the FEIR mitigation language be revised to not require 0.1 acres required for access in the RIA reduction in Block 11.
18. Block 12: the RIA calls for the avoidance of Black Oak Alliance, which prevents access to the eastern section of Block 12. In order to have access to this area we request that the FEIR mitigation language be revised to not require 0.1 acres where the access would be located in the RIA reduction in Block 12.
19. Block 31B: the RIA calls for the avoidance of the isolated wetland in Block 31B which will prevent installation of erosion control measures as designed. Because of the block's terrain alternative locations of the erosion control measures are not possible. Removing the erosion control measures would result in a loss of the entire block, approximately 1.9 acres after the Black Oak Alliance RIA reduction is taken into account, rather than the approximately 1.3 acres as shown in the RIA, which is simply the footprint of the avoidance areas. We request that the FEIR mitigation be revised to not require avoidance of the isolated wetland in the RIA reduction in Block 31A in order for it to be removed following issuance of necessary permits by the appropriate agencies prior to the development of the block.

I103-11

I103-12

I103-13

I103-14

Comment Letter I103 cont.

Kelli Cahill
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20. Block 66: the RIA calls for the avoidance of specimen tree #20504 in the central area of the block, which makes the proposed erosion control measures impossible to build. Because of the block's terrain alternative locations of the erosion control measures are not possible. Removing the erosion control measures would result in a loss of the entire block, approximately 1.4 acres, rather than the approximately 0.2 acres as shown in the proposed mitigated project, which is simply the footprint of the avoidance areas. We request that the FEIR mitigation language be revised to not require avoidance of specimen tree # 20504 in the RIA reduction in Block 66. I103-15
21. Block 69: the RIA calls for the avoidance of 0.8 acres of Black Oak Alliance. The avoidance of the upper portion of the block will significantly restrict the ability to correct the severe erosion problem in the existing road. Restoring 0.3 acres back to the block will allow the problem to be corrected. We request that the FEIR mitigation language be revised to not require avoidance of 0.3 acres of Black Oak Alliance in the RIA reduction in Block 69. I103-16

In addition to the above comments for the mitigated project, we have the following comments on the Multiple Resource Protection (MRP) Alternative:

22. Block 1A: please see comment #15 for details. This area does not have multiple sensitive resources, and only one sensitive resource on 0.02 acres. We request that the FEIR mitigation language be revised to not require the 0.3 acres in the MRP reduction in Block 1A. I103-17
23. Avenue between Blocks 3A and 5A4: please see comment #16 for details. This area does not have any sensitive resources. We request that the FEIR mitigation language be revised to not require the 0.2 acres in the MRP reduction in the avenue between Blocks 3A and 5A4.
24. Block 11: the MRP calls for the avoidance of brodiaea and ceanothus, which prevents access to the remainder of Block 11 as well as Block 10. In order to have access to the blocks we request that the FEIR mitigation language be revised to not require 0.03 acres where the access would be located in the MRP reduction in Block 11. I103-18
25. Block 12: the MRP calls for the avoidance of Black Oak Alliance, which prevents access to the eastern section of Block 12. In order to have access to this section we request that the FEIR mitigation language be revised to not require 0.03 acres where the access would be located in the MRP reduction in Block 12.
26. Block 33: the MRP calls for the avoidance of CA Bay/Coast Live Oak/(Madrone/Black Oak/Big Leaf Maple) Alliance. This is not a sensitive resource. We request that the FEIR mitigation language be revised to not require the 0.4 acres in the MRP reduction in Block 33. I103-19

As these comments explain, in certain instances the County should delete the requirement that the project avoid certain habitat or features, since avoidance makes it infeasible to construct improvements necessary to address erosion or provide access to vineyard blocks. The County should revise the "preservation" mitigation as appropriate so that the impact is addressed via I103-20

Comment Letter I103 cont.

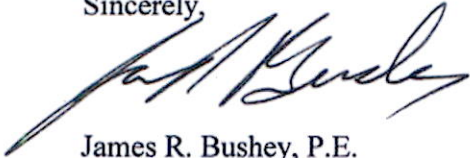
Kelli Cahill
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preservation rather than avoidance. For example, comment 18 requests that the County delete the requirement that the project avoid 0.1 acres of Black Oak Alliance habitat on Block 12. If the County makes this change, then there should be a corresponding revision to the requirement to preserve Black Oak Alliance habitat at a 2:1 ratio. In particular, rather than preserving 71.6 acres of Black Oak Alliance habitat, the project should preserve 71.8 acres of Black Oak Alliance habitat. That will ensure that the 2:1 preservation ratio is maintained, such that the impact to Black Oak Alliance habitat remains mitigated. A corresponding change should be made for other comments.

I103-20
(Cont.)

Please let us know if you have any questions.

Sincerely,



James R. Bushey, P.E.
Principal Engineer



Rachel LeRoy
Project Manager

Comment Letter I103 cont.

Walt Ranch PPI Engineering comments

Blocks with access problems in DEIR mitigated project

Block	Access from	Acreage needed for access to be restored	Reason for avoidance	Notes
1	north (Blocks 2A1/2A2 & 24)	0.1	Western Pond Turtle (WPT) upland habitat	two locations totaling 0.1 acres
3A (and 1, 2 & 4)	east (Blocks 5A1/5A4/5A5)	0.7	brodiaea	see also comment #2 in letter
8	north (Block 7)	0.1	yampah	existing road negatively impacts a small drainage, relocating the road will result in improved water quality
9A1	within	0.0005	brodiaea	two locations totaling 0.0005 acres
9A2	within	0.1	ceanothus, brodiaea	four locations totaling 0.1 acres
9A6	west (Block 9A5)	0.1	brodiaea	
10	south (Block 11) & within	0.1	ceanothus, brodiaea	four locations totaling 0.1 acres
11	west (Block 9A3)	0.1	brodiaea	
12	within	0.2	notable oak stand	location and acreage is approximate, construction of road will avoid all specimen trees
16B2	within	0.03	native grass	
19A & 19B & 19C	east (Block 18A2)	0.3	WPT nesting habitat	two locations totaling 0.3 acres; location and acreage is approximate, construction of road to 19C will avoid all specimen trees
45A	northeast (existing road)	0.03	WPT nesting habitat	
rock disposal area near Block 9A2	south (Block 9A2)	0.1	ceanothus	
Total		1.9		

I103-21

WALT RANCH

November 21, 2014

Ms. Kelli Cahill
Napa County Planning, Building, and Environmental Services
1195 Third Street, 2nd Floor
Napa, CA 94559

Re: Walt Ranch Applicant comments

Dear Ms. Cahill,

While it is our understanding the record stays open until the County takes action on the application, at the request of County staff we are providing some comments as part of the November 21st comment period.

This Erosion Control Plan application is for a vineyard only. The vineyard proposal, depending on the alternative selected, occupies approximately 12% of the land which is zoned AW (Ag Watershed). It comes after eight years of studies (and millions of dollars spent) required by Napa County to develop a Draft Environmental Impact Report ('EIR'). We have attached comments from the applicant concerning six areas as follows:

1. Comments on the Erosion Control Plan Application Process and our experience as applicants through this process.
2. Preliminary comments on the Feasibility of the Alternatives presented in the Draft EIR.
3. The Power Point slides we presented at the November 6th public meeting. As you know, we as the applicant, planned and hosted the meeting.
4. Efforts regarding Communications with neighbors (particularly Circle Oaks). As we have discussed with Director Morrison, our efforts to meet with neighbors and opponents have been repeatedly rebuffed.
5. Chart of False Statements and half-truths designed to create fear and incite people to take political actions against the Ag Preserve and Napa General Plan.
6. The Circle Oaks false website and our responses to their comments from that website.

We appreciate the opportunity to provide these comments, and look forward to working with the County as the process moves forward to decision.

Sincerely Yours,

Craig Hall

Mike Reynolds

I116-01