

# Walt Ranch EIR Appeal

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**This is what is at stake**

Photo credit: Hardy Wilson



# Inadequate Groundwater Mitigation Measures

- Project extracts up to 69 million gallons of groundwater per year
- Applicant not required to stop pumping groundwater even if stream flows decrease or Circle Oaks wells run dry
- Applicant's geologist decides whether groundwater overdraft is due to Walt Ranch
- Actual mitigation is deferred – “trigger points . . . will be developed in the future for the project.” (FEIR, Appx. Q at 33)

## No Disclosure of Current Groundwater Conditions

- Applicant has steadfastly refused to provide drilling well logs
- Impossible to determine whether there is adequate water in the basin without well drilling logs
- An agency violates CEQA “where an agency [fails] to require an applicant to provide certain information mandated by CEQA” (*Sierra Club v. State Bd. of Forestry* (1994) 7 Cal.4th 1215, 1236.)

# No Acknowledgment Of Project's Significant Greenhouse Gas Impacts



- Project will destroy up to 28,000 trees
- Trees act as carbon “sinks,” so cutting them down will cause about 100,000 million tons of CO<sub>2</sub> emissions.



# EIR's “Business As Usual” Analysis Is Flawed

- “Business as usual” model = extent property can be developed in light of regulatory structures when model was approved in 2008
- 900+ acres of the site would “not be developable” under County Code
- Applicant cannot claim “reductions” in greenhouse gases for “preserving” the trees on the property

# Wildlife of Walt Ranch



Foothill Yellow-legged Frog (*Rana boylei*)

Photo Credit: Joshua Bertman  
U.S. Fish & Wildlife Service

# California Red-Legged Frog

- Federally Threatened – Endangered Species Act
- California Species of Special Concern





# Western Pond Turtle

- California Species of Special Concern
- Under Consideration for Listing Under the ESA



# Foothill Yellow-Legged Frog

- California Species of Special Concern
- Under Consideration for Listing Under the ESA



Foothill Yellow-legged Frog (*Rana boylei*)

Photo Credit: James Bettaso  
U.S. Fish & Wildlife Service



# Aquatic Species

- **Groundwater Pumping**

“Even short-term reductions in surface flow can have significant and sometimes lethal impacts to flows needed for aquatic resource survival.”

CDFW DEIR Comment Letter

- **Pesticides & Nutrients**



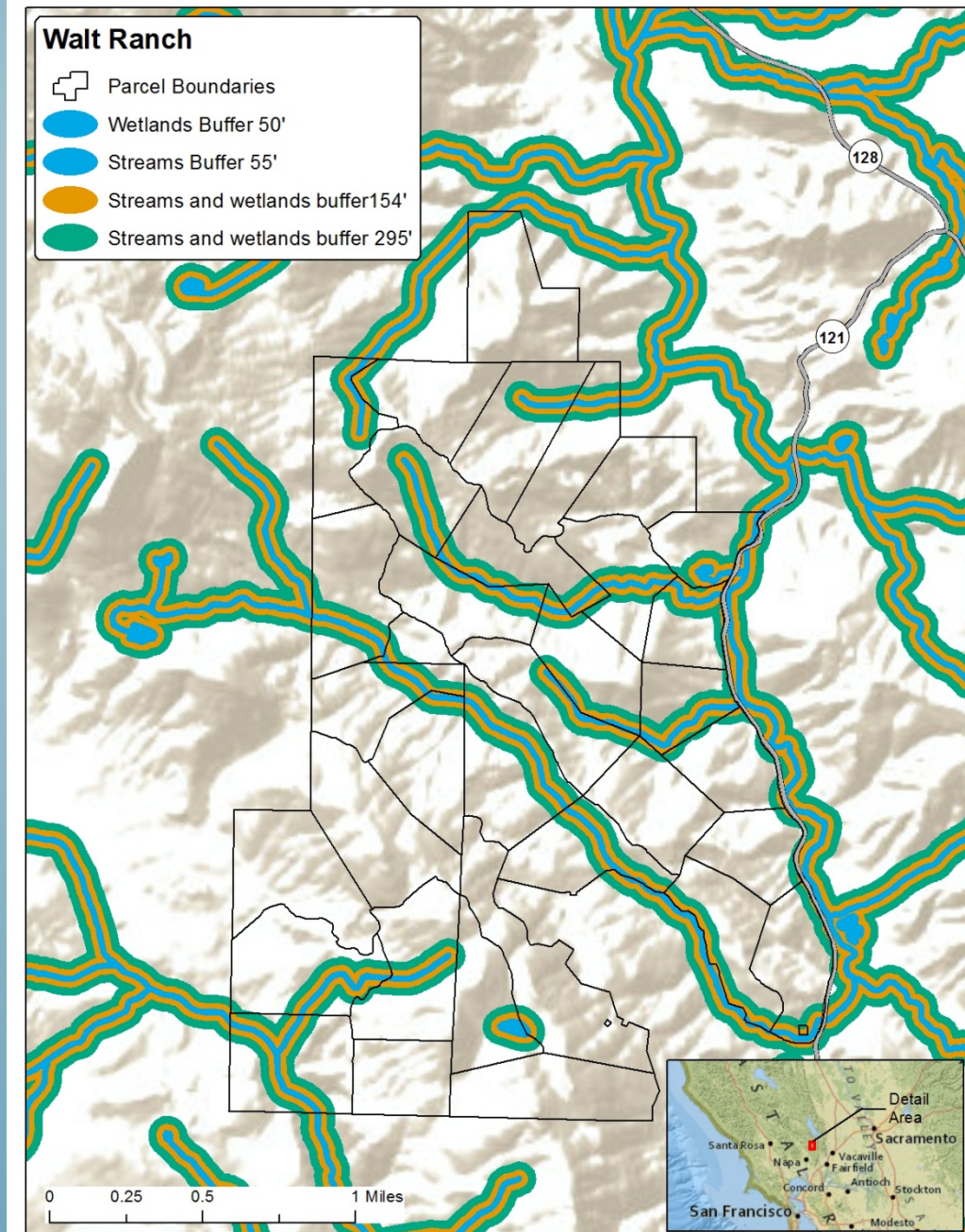
Foothill Yellow-legged Frog (*Rana boylei*)

Photo Credit: James Bettaso  
U.S. Fish & Wildlife Service



## •USEPA Study:

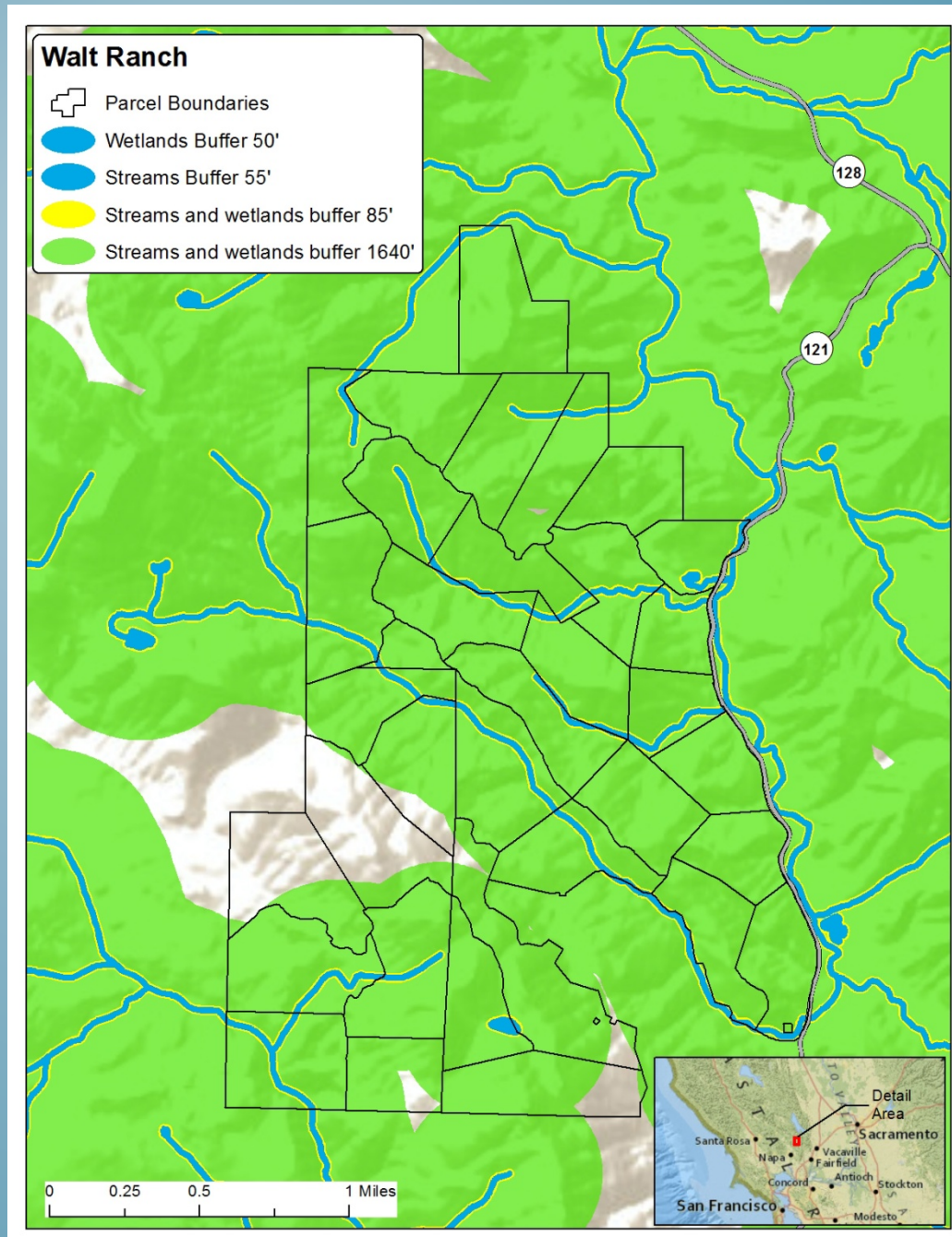
- Grassland buffer strips of approximately 50 feet effectively remove 50% of nitrogen in runoff
- 154 feet => 70% effective
- 295 feet => 90% effective





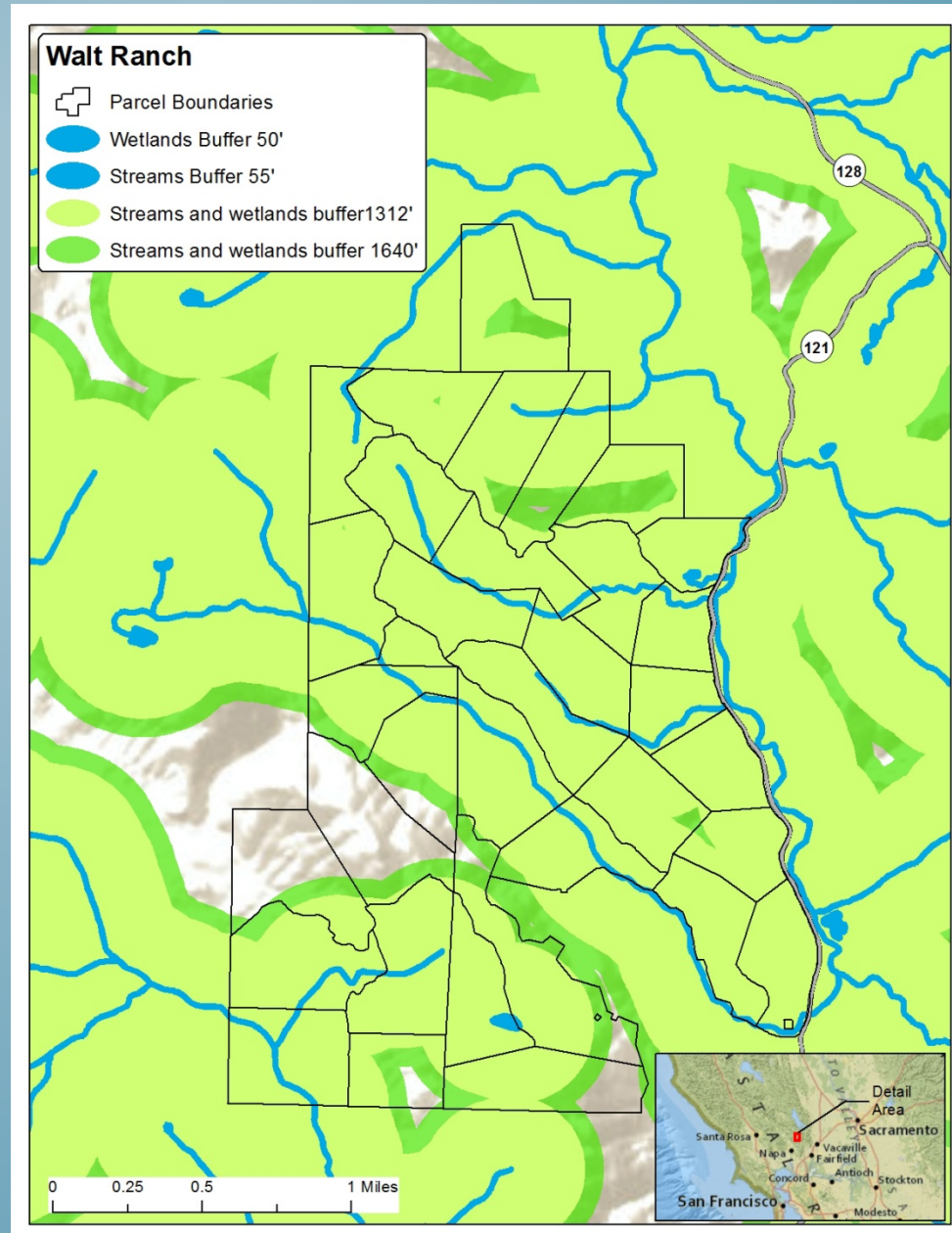
## California Red-Legged Frog

- Varying results:
  - disperse up to 1.7 miles
  - most within 1,640 ft
  - within 85 ft for 65 days



# Western Pond Turtle

- Nests up to 1312 feet (400 meters)
- Overwinters up to 1640 feet (500 meters)
- Sensitive to auditory/visual stimuli at ~328 feet





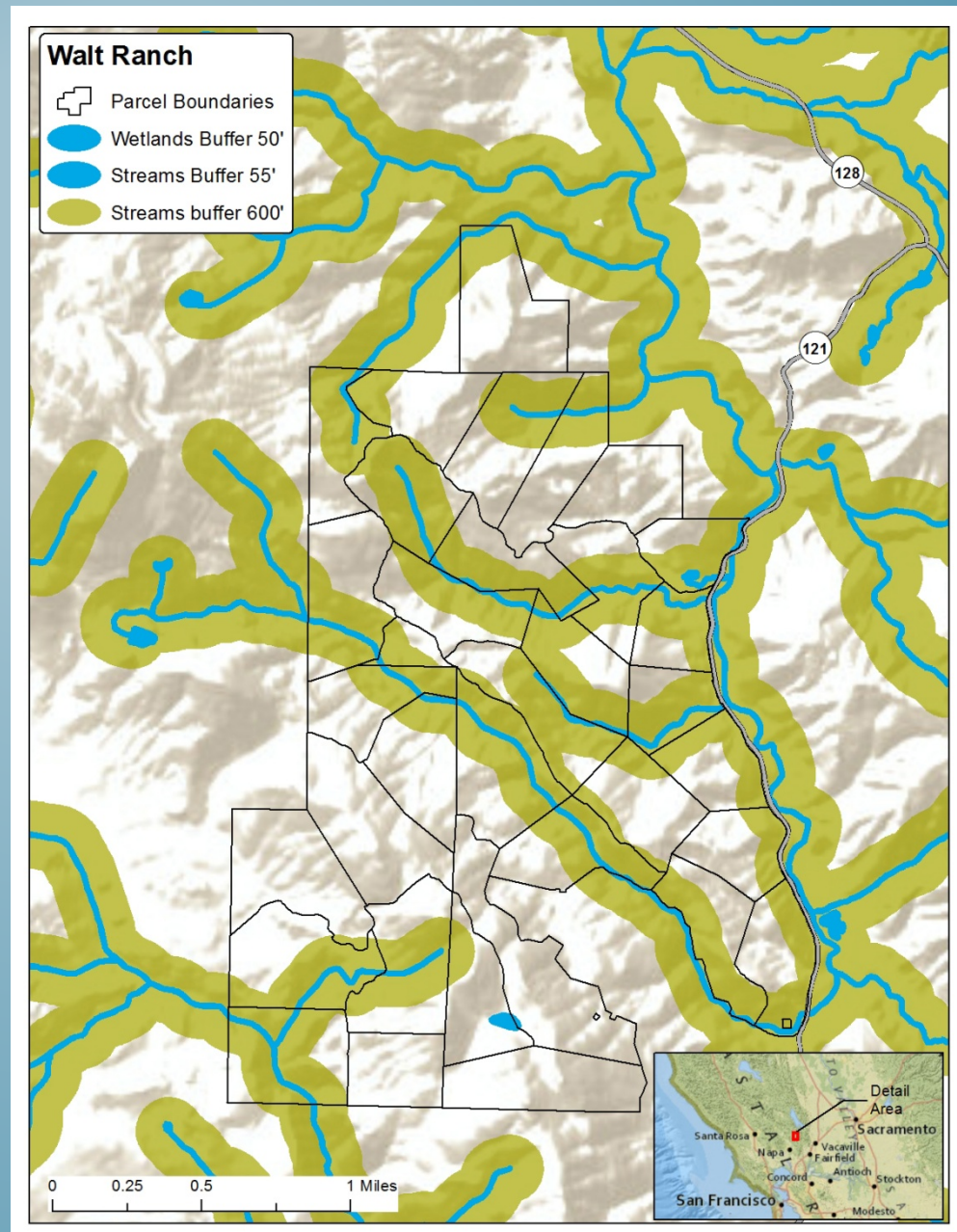
# Foothill Yellow-Legged Frog

- Juveniles found up to 600 feet from natal spring channel



Foothill Yellow-legged Frog (*Rana boylei*)

Photo Credit: James Bettaso  
U.S. Fish & Wildlife Service



## Other Species of Concern

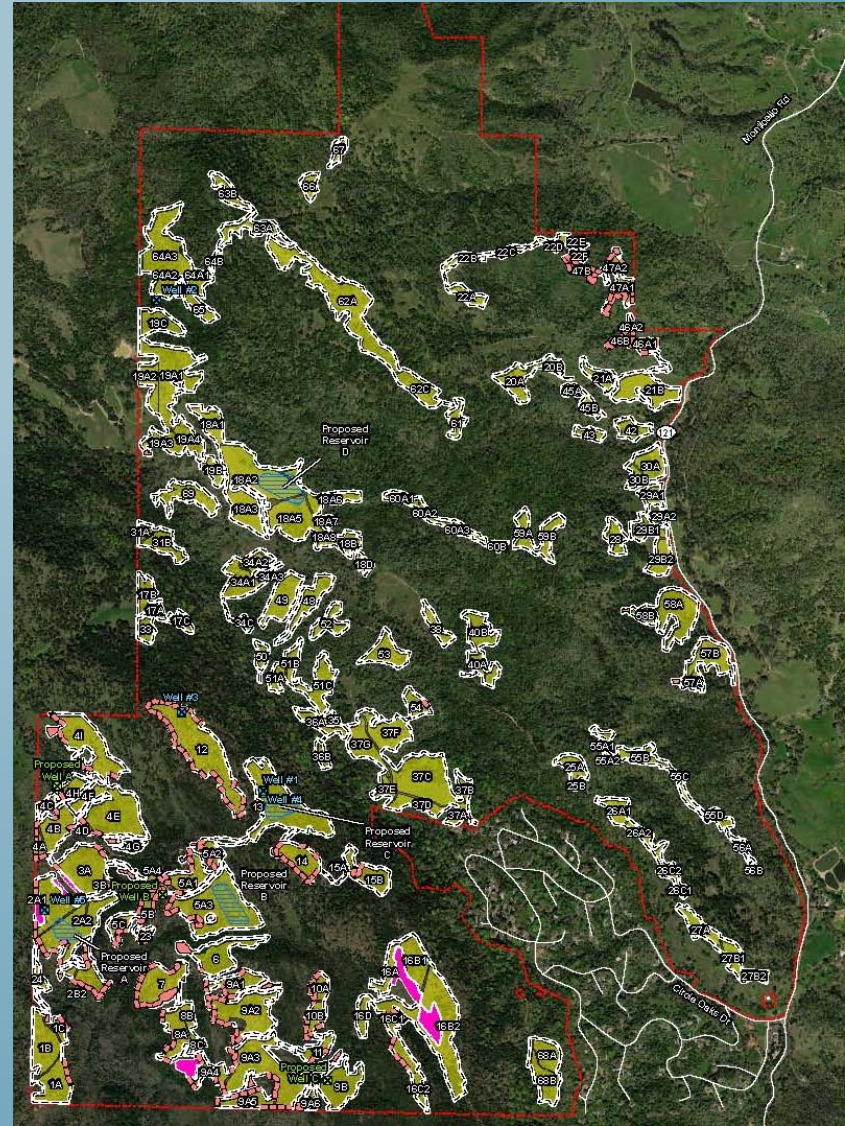
- Federally-Listed Species Not Properly Addressed
  - ESA restrictions on take of threatened & endangered species, 16 U.S.C. § 1538(a)(1)(B)
  - Contra Costa goldfields
  - Valley elderberry longhorn beetle
  - California red-legged frog
- White-tailed kite
- Peregrine Falcon – fully protected species





# EIR Engages In “Piecemealing”

- Piecemealing occurs when either:  
(1) Project B is a reasonably foreseeable consequence of Project A; or  
(2) Project B is a future expansion of Project A that will change the scope of Project A’s impacts
- Project B is the development of 35 estates on Walt Ranch; Project A is the vineyard conversion project
- Existing Conditional Use Permits may allow Applicant to build mansions on Walt Ranch without further environmental review



# Are Mansions Next For Walt Ranch?

- EIR reveals that Applicant plans to design water infrastructure on Walt Ranch for residential development

- EIR did not analyze possibility of residential development because Applicant did not raise it in application:

“[T]he purpose of the Proposed Project is to develop vineyards on the Walt Ranch; the EIR does not analyze the development of homes on the parcels because that is not proposed by the project applicant. No other reasonably foreseeable future development would occur on the project site beyond what is described in the EIR.” (FEIR at 4-4.)

- EIR’s conclusion is not based upon substantial evidence in light of the existing Conditional Use Permits



# No Acknowledgment Of Project's Growth-Inducing Impacts

- “[T]he EIR must discuss growth-inducing impacts even though those impacts are not themselves a part of the project under consideration, and even though the extent of the growth is difficult to calculate.” (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 368.)
- Project will install 21 miles of paved roads, allowing access by cars instead of just 4x4s throughout 35 estates
- EIR's conclusion that such development is not growth inducing belies common sense

# A Smaller Project Is Feasible

- This is not a normal vineyard project –Project will slice, dice, and deforest hundreds of acres of Napa's last remaining old growth Oak forests
- Applicant has not provided any evidence supporting their wildly high cost estimates for the Project
- Applicant's cost estimates assume that the objective of the Project is to entitle the vineyard, and then sell it off into pieces to one or more buyers



# General Plan Consistency Is Red Herring



- Applicant states “most fundamental reason” to approve the Project is because Walt Ranch is designated for agricultural uses under General Plan
- Consistency with General Plan is not dispositive under CEQA

# Water Quality Monitoring Program Will Not Protect Napa's Residents or Wildlife

- Water Quality Monitoring Program will not test for the organic pesticides which will be used at Walt Ranch
- Program relies upon “thresholds” that have not even been developed yet
- Program contains no enforceable mechanism to require Applicant to stop spraying pesticides when Milliken Creek's water quality is impaired
- Program completely ignores Capell Creek, home to the threatened California Red Legged Frog







**Will you protect Napa's natural legacy?**

Photo credit: Hardy Wilson