**BEFORE THE BOARD OF SUPERVISORS**

**OF NAPA COUNTY**

In the Matter of:

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| --- | --- |
| An Appeal by the Napa Sierra Club, c/o Carol Kunze to a decision made by the Napa County Director of Planning, Building and Environmental Services Department on August 1, 2016 to approve the Walt Ranch Vineyards Agricultural Erosion Control Plan No. P11-00205-ECPA filed by Hall Brambletree Associates, LP and to certify the related Environmental Impact Report on the property located on the west side of Monticello Road, approximately one mile southwest of its intersection with Highway 128, and approximately one-half mile north of its intersection with Waters Road, approximately 6.2 miles east of the Town of Yountville; Assessor’s Parcel Numbers 032-120-028, 032-480-007, -008, -011, -012, -013, -014, -015, -016, -017, -018, -019, -020, -021, -022, -023, -024, -027, -028, 032-490-004, -005, -006, -008, -009, -010, -011, -012, -013, -014, -015, -016, -017, -018, -019, and -020. | **RESOLUTION NO. 2016- \_\_\_**  **FINDINGS OF FACT AND DECISION ON APPEAL** |

**WHEREAS,** on or about November 7, 2007, Hall Brambletree Associates, LP (the Applicant) submitted an application for Agricultural Erosion Control Plan (ECPA) P07-00800 to the Napa County Planning, Building and Environmental Services (PBES) Department requesting approval to develop 397 net acres of vineyard within 538 gross acres (the Original Project);

**WHEREAS,** the environmental review process required by the California Environmental Quality Act (CEQA) for the Original Project was initiated by circulation of a Notice of Preparation (NOP) of an Environmental Impact Report (Governor’s Office of Planning and Research, SCH #2008052075);

**WHEREAS,** the Applicant thereafter withdrew ECPA application P07-00800 for the Original Project;

**WHEREAS,** on March 1, 2012, Applicant submitted an application for ECPA P11-00205, which reduced the scope of the Original Project to approximately 356 acres of vineyard within 507 gross acres of land disturbance (the Proposed Project). The Applicant proposed the reductions in size in order to avoid wetlands, waters of the United States, and active landslides, with appropriate buffers;

**WHEREAS,** the Proposed Project is located within the Milliken Reservoir Watershed and Capell Creek-Upper Reach Drainage. The project is in an Agricultural Watershed zoning district and has an Agriculture, Watershed and Open Space General Plan designation. The project is located on Assessor’s Parcel Numbers 032-120-028, 032-480-007, -008, -011, -012, -013, -014, -015, -016, -017, -018, -019, -020, -021, -022, -023, -024, -027, -028, 032-490-004, -005, -006, -008, -009, -010, -011, -012, -013, -014, -015, -016, -017, -018, -019, and -020;

**WHEREAS,** Analytical Environmental Services (AES) was retained to assist the County with preparation of the EIR to evaluate the potential environmental impacts associated with the proposed project. On October 22, 2012, the County issued a second NOP and Initial Study due to substantial changes to the project proposed by the Applicant, requesting comments prior to November 21, 2012;

**WHEREAS,** during the NOP period and scoping session the County received nine comment letters, and all comments were considered in the preparation of the Draft Environmental Impact Report (EIR);

**WHEREAS,** the County, as lead agency, caused to be prepared a Draft EIR for the Proposed Project entitled “Walt Ranch Erosion Control Plan Application No. P11-00205-ECPA,” between mid-2013 and 2014;

**WHEREAS,** in accordance with CEQA, the County issued a Notice of Availability for the Draft EIR, which allowed for public comment and agency review between July 11, 2014 and August 25, 2014. The County extended the public review period to November 21, 2014;

**WHEREAS,** the PBES Director held a public hearing to solicit comments on the Draft EIR on November 12, 2014;

**WHEREAS,** between the start of the public comment period on July 11, 2014 and the end of the comment period on November 21, 2014, the County received over 3,700 pages of public and agency written comments on the Draft EIR;

**WHEREAS,** in accordance with CEQA, all comments received on the Draft EIR during the comment period were responded to and included in a Final EIR. The Final EIR was finalized in March 2016 and included the Draft EIR and comments and responses to comments on the Draft EIR and minor text changes to the Draft EIR;

**WHEREAS,** in accordance with CEQA, the Final EIR was mailed to all commenting state and local agencies, organizations and individuals at least ten days prior to the Planning Commission Director’s action on the Project;

**WHEREAS,** Napa County issued a notice of a public hearing on the Walt Ranch Vineyards Agricultural Erosion Control Plan;

**WHEREAS,** in accordance with Government Code section 65402, County staff prepared a written report for the PBES Director’s consideration regarding implementing the Walt Ranch Project and its consistency with the Napa County General Plan;

**WHEREAS,** on April 4, 2016, the PBES Director conducted a public hearing and received testimony and comments from interested parties on the Final EIR and the Proposed Project;

**WHEREAS,** on June 13, 2016, the PBES Director issued a Notice of Tentative Decision, tentatively approving the Reduced Intensity Alternative in the EIR, which generally consists of the avoidance of approximately 100 gross acres of developed area which have been targeted to further protect special status species and associated habitats; preserves individual trees that are identified as specimen or notable trees; enhances sensitive biotic communities; and enhances wildlife movement on the project site, as described in the Final EIR. In connection with the tentative decision, the PBES Director directed staff and the Applicant to prepare a revised erosion control plan consistent with the Reduced Intensity Alternative, and associated mitigation measures for consideration and approval;

**WHEREAS,** County staff submitted the Updated MMRP, responses to FEIR comments, the Walt Ranch Biological Resources Management Plan, and revised Conditions of Approval to the PBES Director in accordance with the Notice of Tentative Decision, and the Applicant submitted a Revised ECPA;

**WHEREAS,** on August 1, 2016, the PBES Director approved the Revised ECPA, which generally conforms to the Reduced Intensity Alternative described in the Final EIR, with additional modifications to reflect the requirements of the Updated MMRP consisting of approximately 209 net acres of vineyard (+/- 316 gross acres). The PBES Director filed a Notice of Determination with the State Clearinghouse;

**WHEREAS,** pursuant to CEQA Guidelines section 15132, the FEIR consists of the following documents and records: the Draft EIR for the Walt Ranch Erosion Control Plan Application No. P11-00205-ECPA; the 2016 FEIR; and appendices thereto;

**WHEREAS,** on August 26, 2016, the Napa Sierra Club (hereafter Sierra Club or Appellant Sierra Club) submitted a timely Appeal packet;

**WHEREAS,** timely appeals to the PBES Director’s decision were also submitted by Center for Biological Diversity (CBD), Circle Oaks County Water District and Circle Oaks Homes Association (Circle Oaks), and Living Rivers Council (LRC);

**WHEREAS,** because most of the grounds raised in the four appeals overlap each other, the Chairman of the Board consolidated the appeals, with no objection to consolidation from Appellants, Applicant or Staff;

**WHEREAS,** in accordance with Napa County Code section 2.88.080(A), and to accommodate all parties’ schedules, the Clerk scheduled a hearing on all four appeals before the Napa County Board of Supervisors to commence on November 18, 2016, a date at least 15 but no more than 90 days from the date of submittal of the appeals;

**WHEREAS,** the Board scheduled the hearing to proceed as follows: on November 18, 2016, Staff and the EIR consultant to present, Appellants to present, and open and complete public comment; on November 22, 2016, Applicant to present, rebuttal from each Appellant, and Board questions of Staff; on December 6, 2016, Board deliberations and tentative action; on December 20, 2016, Board adoption of resolution of findings consistent with the Board’s prior, tentative action;

**WHEREAS,** on October 12, 2016, Board Chairperson Pedroza conducted a prehearing conference to establish procedures and a schedule for the conduct of the appeal, at which all Appellants and the Applicant were present and participated;

**WHEREAS,** on November 18, 2016, the Board heard and considered presentations from Appellants LRC, Circle Oaks, CBD, and Sierra Club; comments from the public; and the County Staff report including a presentation from County Supervising Planner Brian Bordona, a presentation from Consulting Project Manager Annalee Sanborn, and presentations from experts on behalf of County staff. The Board continued the hearing to November 22, 2016;

**WHEREAS,** on November 22, 2016, at the continued public hearing, the Board heard and considered presentations from the Applicant; and rebuttal presentations from Appellants Sierra Club, CBD, Circle Oaks, and LRC. The Board continued the hearing to December 6, 2016;

**WHEREAS,** on December 6, 2016, the Board heard and considered presentations and associated documents from County Staff. After considering all comments and written materials, the Board closed the public hearing, deliberated, and adopted a tentative motion to: (1) deny Appellant LRC’s appeal seeking or requesting that approval of the Project and certification of the EIR be vacated; (2) deny Appellant Circle Oaks’ appeal seeking or requesting that approval of the Project be vacated; (3) deny Appellant CBD’s appeal seeking or requesting that the approval of the EIR, its findings, and the statement of overriding considerations be vacated; and (4) deny Appellant Sierra Club’s appeal seeking or requesting that the Planning Director’s decision to certify and approve the EIR and the Project be vacated;

**WHEREAS,** the Board further directed Staff to return on December 20, 2016 with documents consistent with the Board’s expressed intent; and

**WHEREAS,** this proposed Resolution containing the Findings of Fact and Decision on Appeal having been presented to the Board for possible adoption at a regular meeting of the Board on December 20, 2016;

**NOW, THEREFORE, BE IT RESOLVED,** that the Board of Supervisors finds, determines, concludes and decides as follows:

**Section 1.** **Recitals.**

The Board hereby finds and determines that the foregoing recitals are true and correct.

**Section 2. Findings of Fact and Conclusions of Law on Appeal.**

The Board hereby makes the following findings of fact and conclusions of law concerning each of the grounds for appeal as stated by Appellant in its Appeal.

**1. First Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR focuses its air quality impact analysis solely on daily emissions, while failing to analyze and disclose the Project’s annual emissions of reactive organic gasses (ROG), oxcides of nitrogen (NOx), PM10 and PM2.5. Without such additional information, Appellant contends the Draft EIR’s regional emissions analysis is incomplete, and its conclusion that Project construction would not cause a significant air quality impact is not supported by substantial evidence.

**Findings and Decision**: The Board finds and determines as follows:

As discussed in Final EIR Response to Comment O10-4, the analysis of Walt Ranch Project construction emissions compares daily emissions with the BAAQMD thresholds in accordance with the 2012 BAAQMD CEQA Guidelines (stated in Draft EIR, Section 4.1.3-1). The Walt Ranch Project’s annual emissions of criteria air pollutants (CAPs) are disclosed in Appendix H of the Draft EIR. However, the BAAQMD provides significance thresholds for annual emissions for the operational phase of a project, not construction. Construction emission thresholds are based on pounds-per-day. Therefore, it is not appropriate to compare construction significance thresholds of pounds-per-day to the ongoing operational tons-per-year significance threshold. Regardless, as shown in Appendix H, annual project-related CAP emissions for both the construction phase and the operational phase are far less than the BAAQMD threshold of 15 tons per year of PM10 (project emissions would be 6.15 tons per year) and 10 tons per year of NOx, ROG, and PM2.5 (project emissions would be 6.9, 0.8, and 1.3 tons per year respectively). Therefore, the Draft EIR appropriately concluded that both the construction and operation emissions would be less than significant and provided substantial evidence to support this conclusion as required by CEQA Guidelines, section 15384. Despite this, the Draft EIR included basic construction mitigation measures as recommended by the BAAQMD to further reduce this less-than-significant impact (see Mitigation Measure 4.1-2 and Impact 4.1-3).

**Citations**: Final EIR, Response to Comment O10-4; Draft EIR, Section 4.1.3-1; EIR, Impact 4.1-3; Draft EIR, Appendix H; Mitigation Measure 4.1-2; BAAQMD, 2012, California Environmental Quality Act: Air Quality Guidelines, prepared by the Bay Area Air Quality Management District, available online at <http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/baaqmd-ceqa-guidelines\_final\_may-2012.pdf?la=en>, May 2012, accessed June 6, 2016; County Staff Presentation, Board of Supervisors November 18, 2016, Meeting.

**Conclusions**: For the foregoing reasons, the Board denies the first ground of appeal and upholds the PBES Director’s decision to approve the Walt Ranch Vineyard Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised), certify the related EIR, and approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval.

**2. Second Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the failure to consider annual emissions likewise negates the Draft EIR’s conclusion that because the Project would not individually exceed daily regional emissions operational thresholds, the Project would not have a significant cumulative impact relating to consistency with the Clean Air Plan. Appellant asserts the Draft EIR contains insufficient information concerning the Project’s annual emissions of criteria air pollutants to support this overarching conclusion that the Project’s contribution to regional emissions is less than significant, and therefore, that the Draft EIR’s finding that the Project is consistent with the 2010 Clean Air Plan is correspondingly not supported by substantial evidence.

**Findings and Decision**: The Board finds and determines as follows:

This was addressed in Final EIR Response to Comment O10-5, which states that “annual emissions were provided in Appendix H of the Draft EIR and analyzed against the operational BAAQMD thresholds in Impact 4.1-3. Therefore, annual emissions were analyzed and the operational emissions thresholds were not exceeded, and the Draft EIR appropriately concluded in light of substantial evidence that the Walt Ranch Project will have less-than-significant impacts to air quality. This is consistent with the San Francisco Bay Area Air Basin (SFBAAB)’s Clean Air Plan. The Draft EIR contains sufficient information concerning the Walt Ranch Project’s annual emissions and therefore supports the findings with substantial evidence. Annual emissions were modeled and found to be far less than the BAAQMD’s operational thresholds.” Because the BAAQMD significance thresholds use pounds per day units, it is appropriate to compare a project’s operational emissions using the “pounds per day” units to provide a scientifically sound and reasonable analysis. As shown in the following table (excerpt from the EIR Impact 4.1-3), the project’s operational emissions are far below the BAAQMD significance thresholds. Please note that the emissions numbers shown below are for the originally Proposed Project (507 gross acres), which has been reduced to only 316 gross acres via the adoption of mitigation measures and the Reduced Intensity Alternative.

Table 4.1-6 of the Final EIR (Volume II)

Operational Increase in Emissions From Vineyard OPERATIONS

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Source** | **ROG** | **NOx** | **PM10** | **PM2.5** |
| **Pounds per Day** | | | |
| Area | 0.00529 | 0.0005 | 0.0002 | 0.0002 |
| Off Road | 1.9580 | 20.1644 | 1.2583 | 1.1576 |
| Mobile | 2.3512 | 2.0945 | 1.0126 | 0.2896 |
| **Total Operational Emissions** | **4.3145** | **22.2594** | **2.2711** | **1.4474** |
| *BAAQMD Significance Thresholds* | *54* | *54* | *82* | *54* |
| Threshold Exceeded | No | No | No | No |

Sources: CalEEMod, 2010 (**Appendix H**)

As such, the numbers above provide a conservative estimate of the Walt Ranch Project’s potential CAP emissions.

**Citations**: Final EIR, Response to Comment O10-5; EIR, Impact 4.1-3; Draft EIR, Appendix H; Final EIR, Table 4.1-6; County Staff Presentation, Board of Supervisors November 18, 2016, Meeting.

**Conclusions**: For the foregoing reasons, the Board denies the second ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**3. Third Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR fails to address potential health effects to nearby sensitive receptors from emissions of Diesel Particulate Matter (“DPM”) during project construction and operation. Appellant contends the Draft EIR is entirely silent on the potential cumulative health effects to nearby residents resulting from exposure to toxic air contaminants (“TACs”), namely diesel exhaust from diesel-fueled construction equipment, over the multi-year schedule for earthmoving and other construction-related activities, as well as from any diesel-fueled equipment used during Project operations over time, and that this is a material omission.

**Findings and Decision**: The Board finds and determines as follows:

This was addressed in Impact 4.1-5 and Final EIR Response to Comment O10-6. Impact 4.1-5 of the Draft EIR discusses emissions that may cause distress to sensitive receptors. Some receptors are considered more sensitive than others to air pollutants as discussed in Section 4.1.1-1. Although there are no schools, hospitals, or convalescent homes located close enough to the project site that would result in them being affected by construction or operational emissions from the Walt Ranch Project, the closest sensitive receptors are residences within the Circle Oaks neighborhood. As discussed in the response to Circle Oaks’ fourteenth ground of appeal (see Resolution No. 2016-\_\_\_\_), the distance between the nearest sensitive receptor and vineyard block has increased to 475 feet due to the reduction in clearing limits associated with the 209-acre project.

The EIR acknowledges that DPM emissions could cause health issues to sensitive receptors and others residing near the project site during the four year construction period. Therefore, Mitigation Measure 4.1-2 of the Draft EIR requires the use of DPM filters on all heavy equipment with greater than 50 horsepower rating, which will reduce DPM emissions by 85 to 90 percent. DPM concentrations decrease exponentially with distance from the source such that within the first 100 meters (325 feet) the risk is cut in half and within 150 meters (490 feet) the risk is reduced by 68 percent. Therefore, given the increased distance to the nearest sensitive receptor and the requirement to use DPM filters, there will be negligible risk to residents of Circle Oaks.

The BAAQMD provides guidance to lead agencies for the assessment of risk and health hazards that could be caused by projects known to generate DPM or other TACs. The 2012 BAAQMD CEQA Guidelines acknowledge that this “Risk and Hazard Screening Analysis” is typically utilized for common sources of TACs such as gasoline stations, dry cleaners, and diesel backup generators, usually found within urban or industrial areas. Using the BAAQMD Risk and Hazard Screening Analysis for the Circle Oaks neighborhood results in zero existing emission sources. This is because the nearest existing source of TACs (the Napa/Berryessa Resort Improvement District) is located approximately 15,000 feet or about 2.8 miles away, SR 121 is the nearest highway but has extremely low traffic when compared to typical Bay Area freeways, and there are no roadways (including SR 121) in the vicinity that have at least 10,000 average annual daily traffic trips.

There are no sensitive receptors that would be located within 325 feet or 490 feet of both the Walt Ranch project and the Circle S project, the only two projects in the cumulative environment that may be built at the same time. Thus, there are no significant cumulative impacts associated with DPM, as discussed in the EIR.

**Citations**: EIR, Impact 4.1-5; Final EIR, Response to Comment O10-6; EIR, Section 4.1.1-1; Mitigation Measure 4.1-2; U.S. Environmental Protection Agency (USEPA), 2010, Technical Bulletin: Diesel Particulate Filter General Information, May 2010, EPA-420-F-10-029, available online at <http://www.epa.gov/cleandiesel/documents/420f10029.pdf>, accessed May 11, 2015; South Coast Air Quality Management District (SCAQMD), 2005, Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, May 6, 2005, available online at <http://www.aqmd.gov/home/library/documents-support-material/planning-guidance/guidance-document>, accessed January 20, 2016; BAAQMD Risk and Hazard Screening Analysis Tools available online at <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools>.

**Conclusions**: For the foregoing reasons, the Board denies the third ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**4. Fourth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR should be revised and recirculated to provide an assessment of the incremental health risk to sensitive receptors in the Circle Oaks residential subdivision from exposure to DPM/TACs emitted during the four-year construction period for the Project. Appellant contends the assessment should examine not only the Project’s individual impacts to the health of nearby sensitive receptors, but should consider the cumulative impact, i.e., whether its TAC emissions combined with those from other past, present, and foreseeable future sources in the same area would result in a significant health risk. Appellant asserts that if the results show exceedances of applicable significance criteria, then mitigation will be required.

**Findings and Decision**: The Board finds and determines as follows:

Please refer to response to the third ground of appeal, above.

**Citations**: Please refer to the citations for the third ground of appeal.

**Conclusions**: For the foregoing reasons, the Board denies the fourth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**5. Fifth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR provides no evidence or information showing that avoidance of all the potentially affected grassland areas is in fact truly infeasible. Appellant contends that in order to ensure consistency with governing mandatory policies of the General Plan, i.e., to allow for any loss of such habitat, whether mitigated or not, the County must first make an affirmative finding that avoidance is infeasible, and that under CEQA, a finding must be based on substantial evidence, which in turn requires meaningful disclosure of facts and analysis in an EIR.

**Findings and Decision**: The Board finds and determines as follows:

This was addressed in Final EIR Response to Comment O10-9 and O10-10. General Plan Policy CON-17 clearly states that the County requires “no net loss of sensitive biotic communities and habitats of limited distribution through avoidance, restoration, or replacement where feasible.” Therefore, 3.30 acres of native grasslands were removed from the vineyard footprint to result in 88.3 percent avoidance of this habitat on the property, and restoration and enhancement is required by Mitigation Measure 4.2-1 to ensure no net loss of native grasslands. This is consistent with the guidelines set forth in Policy CON-17.

In determining level of significance, Napa County considered all scientific and legal information in the administrative record consistent with CEQA Guidelines, section 15064, subd. (b) which states that: “The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible *because the significance of an activity may vary with the setting*” (emphasis added). The CEQA Guidelines provides some flexibility in determining a significant effect based on the setting.

All native grasslands on the property are shown in Figure 4.2-4 of the EIR, which also delineates which grasslands will be avoided by Mitigation Measure 4.2-1 and which will be developed into vineyard. The areas that will be avoided are on the edges of vineyard blocks and are part of larger native grassland complexes, which will provide a more continuous and healthy native grassland population. The 1.15 acres of native grassland that will be converted to vineyard are small, isolated populations located in the center of proposed vineyard blocks that would be completely surrounded by vineyards even if avoided. These grasslands would likely decline in health and would not provide the same wildlife benefits as those native grasslands that are part of the larger grassland complexes, and therefore make avoidance infeasible.

Based on the information discussed above, the County determined that the impacts to native grasslands were avoided to the extent feasible as provided for in General Plan Policy CON-17. Consistent with the language of this policy (which expressly states that it is to be implemented at the discretion of the County) and case law, the General Plan allows the County to exercise a fair amount of discretion in interpreting General Plan policies. Specifically, “introductory statements in the General Plan stress the flexibility of the policies described and the ability of decision-makers to balance competing policies when necessary.” (Napa County General Plan, p. 4.) The courts’ review of a County’s interpretation of its general plan policies is highly deferential because “policies in a general plan reflect a range of competing interests” which it “must be allowed to weigh and balance the plan’s policies when apply them, and it has broad discretion to construe its policies in light of the plan’s purpose.” (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal. App. 4th 807, 816.) The County has determined, after reviewing the evidence in the record, that impacts to native grasslands have been mitigated consistent with General Plan Policy CON-17.

**Citations**: Final EIR, Responses to Comments O10-9 and O10-10; Napa County General Plan, Policy CON-17; Mitigation Measure 4.2-1; EIR, Figure 4.2-4.

**Conclusions**: For the foregoing reasons, the Board denies the fifth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**6. Sixth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR cites no authority for the proposition that preserving oak habitat on-site, even at a 2:1 ratio, constitutes adequate mitigation for the permanent loss of the acreage identified. Appellant contends that if any of the on-site “mitigation” habitat is currently incapable of being developed for any reason, whether due to legal/regulatory constraints, or physical constraints such as slope, topography, water supply/drainage, etc., then “preservation” of such habitat via conservation easement or otherwise cannot count as actual mitigation.

**Findings and Decision**: The Board finds and determines as follows:

This was addressed in Final EIR Response to Comment O10-11, which explains that the combination of avoidance, preservation, and enhancement of habitat onsite as required by the EIR is an adequate mitigation measure pursuant to the CEQA Guidelines, section 15370. As stated therein:

Mitigation includes:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments.

Consistent with General Plan Policy CON-24, Mitigation Measure 4.2-2 permanently preserves oak woodland habitat at a 2:1 ratio by means of a conservation easement. Further, Valley Oak Riparian habitat is 100 percent avoided, impacted specimen trees are replaced at a 5:1 ratio, and non-oak woodlands are preserved at a 1:1 ratio. The easement will prohibit future development of this land for any purpose, including vineyards. The easement will therefore ensure that the designated land will be protected from disturbance in perpetuity, therefore compensating and reducing the impact through preservation. Between the mitigation measures described herein, 524.8 acres of woodlands will be permanently protected and more than 221,429 trees or more than 94 percent of the existing trees will remain on the property after development of the final 209-acre ECPA. Additional acreage is required to be included to the overall conservation easement area to permanently protect sensitive grassland and other special status plants (see MMRP).

The land designated for such permanent protection is based on its value as habitat in relation to the impact, which in this case is loss of non-oak woodlands, specimen trees, native grasslands, sensitive plant species, and oak woodlands as determined in the BRMP. The assertion that CEQA limits mitigation to lands that are under current threat of development is incorrect. Napa County has discretion to adopt mitigation measures requiring the preservation of habitat at ratios it determines appropriate and on lands that contain the necessary habitat to provide the requisite mitigation. The ratios used in the EIR and BRMP are those required by General Plan Policy CON-24 and are consistent with current County policy. For CEQA purposes it is not necessary that the land to be protected must be under the imminent threat of development in order to qualify as mitigation. (See *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 322‐324 [upholding city’s exercise of discretion to require 1:1 conservation easements to compensate for loss of agricultural land, and finding that further mitigation at greater ratio was infeasible].) In fact, under CEQA the lead agency has discretion to reject conservation easements as infeasible, where substantial evidence supports that finding. (See *Environmental Council of Sacramento* *v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1038‐1041 [upholding measure requiring preservation at 0.5:1 ratio, and rejecting claim that mitigation had to be provided at 1:1 ratio].)

In this case, the issue is not focused on feasibility but rather whether the County should impose restrictions on what land can be used for mitigation based on criteria unrelated to the resource being impacted and mitigated. There is also no evidence to support imposing restrictions on mitigation based on the absence of an imminent threat of development that would not allow the use of land with appropriate habitat values to mitigate for the project’s impacts. Such a policy would be short-sighted given that the mitigation provides for preservation in perpetuity pursuant to a conservation easement and therefore protects the land from development under both existing and future land use policies, which could allow for more intense development than current policies. Conservation easements also ensure that other land uses occurring within the easement areas are limited to those consistent with the habitat preservation purposes of the easement, thus adding additional benefits such as: limiting grazing, prohibitions on tree cutting, and recreational off road vehicle use that could occur on these lands even if no development was to occur in the future. It should also be noted that current land use policy allows for vineyard development on land with up to 50 percent slopes, while the Walt Ranch Project is limited to vineyard development on slopes with no greater than 30 percent slope, so lands between 30 percent and up to 50 percent slopes are subject to potential vineyard development in the future under existing policies, but pursuant to the proposed mitigation would be protected.

Therefore, the mitigation presented in the EIR meets all five standards for mitigation measures required by CEQA.

**Citations**: Final EIR, Response to Comment O10-11; Napa County General Plan, Policy CON-24; Mitigation Measure 4.2-2; County Staff Presentation, Board of Supervisors November 18, 2016, Meeting.

**Conclusions**: For the foregoing reasons, the Board denies the sixth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**7. Seventh Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that County has failed to provide an explanation, based on facts and reasoned analysis, of why complete avoidance of native grasslands, Black Oak Alliance and Blue Oak Alliance habitat is infeasible economically. Appellant asserts that the explanation should include financial information sufficient to show the Project would not and could not possibly be profitable if the losses to these habitat areas identified in the Draft EIR were avoided.

**Findings and Decision**: The Board finds and determines as follows:

General Plan Policy CON-17 requires the preservation and protection of native grasslands, serpentine grasslands, mixed serpentine chaparral, and other sensitive biotic communities and habitats of limited distribution, which include Black Oak Alliance and Blue Oak Alliance. The policy states in part that:

The County, in its discretion, shall require mitigation that results in the following standards:

(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.

The Draft EIR discusses impacts to native grasslands, Black Oak Alliance, and Blue Oak Alliance in Section 4.2. The EIR requires avoidance of 3.3 acres of native grassland resulting in total avoidance of 88.3 percent of the habitat type mapped on the property. The remaining 1.15 acres of native grassland that will be impacted is required to be replace at a 2:1 ratio onsite. The project avoids 88.7 percent of the Black Oak Alliance and 88.1 percent of the Blue Oak Alliance, also requiring the impacted acres to be mitigated via protection at a 2:1 ratio onsite.

Based on the information discussed above, the County determined that the impacts to native grasslands were avoided to the extent feasible as provided for in General Plan Policy CON-17. Further, per the language of Policy CON-17, the County has discretion regarding its implementation and interpretation. Consistent with case law the General Plan specifically allows the County to exercise a fair amount of discretion in interpreting its General Plan policies. Specifically, “introductory statements in the General Plan stress the flexibility of the policies described and the ability of decision-makers to balance competing policies when necessary.” (Napa County General Plan, p. 4.) The courts’ review of a County’s interpretation of its general plan policies is highly deferential because “policies in a general plan reflect a range of competing interests” which it “must be allowed to weigh and balance the plan’s policies when apply them, and it has broad discretion to construe its policies in light of the plan’s purpose.” (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal. App. 4th 807, 816.) Accordingly, the County after reviewing the evidence in the record has determined that impacts to native grasslands have been mitigated consistent with General Plan Policy CON-17.

Refer to response to LRC’s sixth ground of appeal (see Resolution No. 2016-\_\_\_\_) regarding the infeasibility of further avoidance.

**Citations**: Napa County General Plan, Policy CON-17; Draft EIR, Section 4.2; refer to citations for response to LRC’s sixth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the seventh ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**8. Eighth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that County has failed to provide an explanation of the legal, regulatory, or factual basis for the Draft EIR’s statement that “[g]iven the extent of [Black Oak Alliance] habitat type on the property (317.51 acres), it does not require full avoidance.” Draft EIR p. 4.2-88.

**Findings and Decision**: The Board finds and determines as follows:

Refer to response to Appellant’s seventh ground of appeal.

**Citations**: Refer to citations for response to Appellant’s seventh ground of appeal.

**Conclusions**: For the foregoing reasons, the Board denies the eighth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**9. Ninth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that County has failed to provide a factual and legal showing that the on-site acreage of Black Oak Alliance, Blue Oak Alliance, and native grasslands that the Draft EIR identifies for preservation as mitigation for associated habitat losses constitutes actual, adequate mitigation under CEQA. This showing should provide facts and evidence showing, at a minimum, that all of the preserved acreage could be feasibly developed in the future, both from a legal/regulatory standpoint as well as a topography/resource constraint standpoint.

**Findings and Decision**: The Board finds and determines as follows:

Refer to response to Appellant’s sixth ground of appeal.

**Citations**: Refer to citations for response to Appellant’s sixth ground of appeal.

**Conclusions**: For the foregoing reasons, the Board denies the ninth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**10. Tenth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR is deficient in its analysis and its proposed mitigation of the Project’s climate change impacts. Appellant asserts that by choosing to place the discussion of climate change impacts in the chapter on cumulative impacts, the Draft EIR preparers have nominally avoided evaluating these impacts with the appropriate level of detail.

**Findings and Decision**: The Board finds and determines as follows:

A full analysis of the greenhouse gas (GHG) emissions of the construction and operational phases of the Walt Ranch Project was conducted in Section 6.1.4-1 of the EIR, contrary to the Appellant’s assertions that the EIR avoided a full discussion of the climate change analysis required by CEQA and the CEQA Guidelines. The Lead Agency evaluated these impacts; as stated in Section 4.1 (page 4.1-10):

This analysis considers whether project emissions are individually or cumulatively significant. Based on the Proposed Project’s GHG emissions (refer to Section 6.0), it was determined that specific climate change impacts could not be attributed to the proposed development. As such, project impacts are most appropriately addressed in terms of the incremental contribution to a global cumulative impact.

The analysis present in Section 6.1.4-1 of the Draft EIR was conducted in accordance with CEQA Guidelines section 15064.4 for determining the significance of impacts from GHG emissions. The Draft EIR modeled the projected increases in GHG emissions from construction and operation of the Walt Ranch Project using the CARB-approved CalEEMod, which is consistent with CEQA Guidelines, section 15064.4, subd. (a)(1). The CalEEMod model output files are provided in Appendix H and consolidated emissions information compared to appropriate significance thresholds is provided in Table 6-2 and Table 6-3 of the Draft EIR. These significance thresholds were determined by the County in accordance with section 15064.4, sudb. (b)(2). In addition, it should be noted that the commenter incorrectly states that there was an “unsubstantiated finding that the Project would have no significant climate change impacts.” Impact 6-1 found that construction of the Walt Ranch Project would have potentially significant impacts due to GHG emissions, and provided Mitigation Measure 6-1 to reduce these impacts to less-than-significant levels.

**Citations**: EIR, Section 6.1.4-1; EIR, Section 4.1; EIR, Impact 6-1; EIR, Appendix H.

**Conclusions**: For the foregoing reasons, the Board denies the tenth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**11. Eleventh Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that on-site conservation easements are not acceptable as full mitigation, since they only serve to limit the amount of damage done by the Project, not mitigate that damage. Appellant states that any claimed sequestration benefit from preserving 248 acres of woodland on the property is illusory, since under current baseline conditions that same degree of sequestration is already occurring and would continue to occur, with or without the Project.

**Findings and Decision**: The Board finds and determines as follows:

Please refer to the responses to CBD’s thirty-eighth ground of appeal (see Resolution No. 2016-\_\_\_\_) and Appellant’s sixth ground of appeal.

**Citations**: Please refer to the citations for responses to CBD’s thirty-eighth ground of appeal (see Resolution No. 2016-\_\_\_\_) and Appellant’s sixth ground of appeal.

**Conclusions**: For the foregoing reasons, the Board denies the eleventh ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**12. Twelfth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that there is insufficient information in the Draft EIR from which to assess the claim that the 248 acres of “preserved” woodland would truly be at risk from development. Appellant contends that even after accounting for the referenced tree canopy retention and steep slope development restriction policies (Draft EIR p. 6-18), it is highly probable, if not virtually certain, that existing watershed protection polices, water system and utility constraints, and growth control measures render these 248 acres functionally undevelopable. Thus, Appellant asserts, as a result there is no substantial evidence in the Draft EIR to support the claim that preserving 248 acres of woodland on the property constitutes valid mitigation for the Project’s carbon-sequestration impacts.

**Findings and Decision**: The Board finds and determines as follows:

Please refer to the citations for responses to CBD’s thirty-eighth ground of appeal (see Resolution No. 2016-\_\_\_\_) and Appellant’s sixth ground of appeal.

**Citations**: Please refer to the citations for responses to CBD’s thirty-eighth ground of appeal (see Resolution No. 2016-\_\_\_\_) and Appellant’s sixth ground of appeal.

**Conclusions**: For the foregoing reasons, the Board denies the twelfth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**13. Thirteenth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR contains no analysis of the CO2e emissions that will result if the downed trees are burned, left to decompose, or disposed of by some other means. Appellant asserts that the quantity of emissions may vary considerably depending on the disposal method used and the Draft EIR reports simply that the Project would “minimize the burning of trees and wood removed for vineyard development, and conduct any burning within BAAQMD guidelines.” Draft EIR p. 6-20. Appellant contends that the Draft EIR should be updated to include an estimate of emissions from downed trees based on the anticipated method of disposal.

**Findings and Decision**: The Board finds and determines as follows:

The GHG analysis used the BAAQMD- and CARB-approved CalEEMod to estimate emissions of air pollutants and GHGs. The 2012 BAAQMD CEQA Guidelines specifically state that “biogenic CO2 emissions should not be included in the quantification of GHG emissions for a project.” The combustion or natural decomposition of those trees (which would be the biogenic emissions) are a one-time emission; in contrast, the methodology presented for the Walt Ranch Project analyzed the future loss of sequestration of those same trees over the next 100 years. The long-term loss of sequestration is a projection of the amount of future sequestration that will be unavailable once trees are harvested due to project-related activities. This ensures that the long-term consequences of tree removal are incorporated into the model and mitigated through viable, long-term solutions. Biogenic emissions encompass a huge range of types of materials and processes, and as such the estimate of biogenic emissions are not accurate enough or reliable enough to accurately model; furthermore, they are often only a small portion of overall emissions.

As discussed in more depth in the response to CBD’s thirty-sixth ground of appeal (see Resolution No. 2016-\_\_\_\_), Napa County reviewed the climate change analysis prepared for the adjacent Circle S project and compared it to the methodology and results of the Walt Ranch climate change analysis in April 2015. Although the Walt Ranch analysis followed BAAQMD guidance (which states that biogenic emissions should not be quantified), the Walt Ranch analysis still resulted in a larger GHG emissions estimate on a per-acre basis than the Circle S analysis, further demonstrating that the Walt Ranch analysis was an appropriate and even conservative estimation of GHG emissions.

As discussed in the EIR, components of the project description are entered into CalEEMod, including: total amount of land to be graded; acres of forest that will be removed; number and types of construction equipment; duration (hours) of construction equipment use; number of worker trips generated by the project; and season and duration of construction. The CalEEMod outputs provide GHG emissions in CO2e, which provides a common measurement of all GHGs such as methane, nitrous oxide, and carbon dioxide, using the global warming potential (GWP) of each molecule. The use of CO2e is specifically required in the 2012 BAAQMD Guidelines (see page 4-4).

As discussed in Final EIR Response to Comment I33-2, “CO2e is a method by which GHGs other than CO2 are converted to a CO2-like emission value based on the global warming potential. CO2 is used as the base and is given a value of one. Methane (CH4) has the ability to capture 21 times more heat than CO2; therefore, CH4 is given a CO2e value of 21.” Refer to the CalEEMod output files (Appendix H to the Draft EIR and the 2016 GHG Technical Memorandum) for the CO2e calculations. In regards to the method of tree disposal, there is minimal potential for black carbon (soot that becomes a GHG when it falls onto snowy landscapes) or methane (which is only emitted during anaerobic decomposition) to be produced as a result of the vegetation clearing, whether it is disposed of via burning or chipping. Although the soot from burning vegetation may have air quality concerns, which are discussed in the air quality section of the EIR, this does not substantively alter the climate change analysis. In an effort to minimize potential impacts to the Circle Oaks community due to vegetation disposal, a new Condition of Approval No. 17 would restrict burning so that it does not occur within 2,000 feet of the Circle Oaks community.

As discussed on page 6-12 through 6-20 of the Final EIR (Volume II) and within the 2016 GHG Technical Memorandum, direct GHG emissions were quantified through the CalEEMod air quality model and the loss of sequestration caused by tree removal was quantified through emissions factors provided by the USEPA. The USEPA emissions factors for carbon sequestered in one acre of forest for one year was multiplied by the number of forest acres removed over 100 years, the average life expectancy of typical trees within that forest. The potential carbon offset of the forests that would be placed in permanent conservation was similarly estimated using the USEPA emissions factor multiplied by the acreage that would be preserved. These emissions factors were determined by the USEPA after rigorous study of long-term forest and carbon scientific studies.

The long-term loss of sequestration is a projection of the amount of future sequestration that will be unavailable once trees are harvested due to project-related activities. The combustion or natural decomposition of those trees (which would be the biogenic emissions) are a one-time emission; in contrast, the methodology presented for the Walt Ranch Project analyzed the future loss of sequestration of those same trees over the next 100 years. This ensures that the long-term consequences of tree removal are incorporated into the model and mitigated through viable, long-term solutions (discussed further below).

As stated above, the 2012 BAAQMD CEQA Guidelines specifically state not to include biogenic CO2 emissions in the quantification of GHG emissions for a project. Because the BAAQMD is the regulatory authority for air quality in the SFBAAB, of which Napa County is a part, the County has chosen to utilize the BAAQMD CEQA Guidelines for this project-level analysis. After receipt of comments on the EIR stating that the BAAQMD CEQA Guidelines are inappropriate, Napa County reached out to one of the principal contributors to the Guidelines and a Senior Environmental Planner at the BAAQMD. The BAAQMD’s approach in developing its guidance was to both address the gap between the State’s goals and legislation and existing GHG conditions, and to provide the most up-to-date and accurate tools within a constantly moving legislative and scientific field. Biogenic emissions encompass a huge range of types of materials and processes, and as such the estimate of biogenic emissions are not accurate enough or reliable enough to recommend their inclusion; furthermore, they are often only a small portion of overall emissions.

Each agency has discretion in whether to follow the recommendations set forth in the BAAQMD Guidelines. Although biogenic emissions are not included in the BAAQMD’s guidance, this is not sufficient reason to discount the thorough scientific approach taken by the BAAQMD in developing its CEQA Guidelines. Napa County assessed guidance provided by other nearby jurisdictions, including Solano County and SMAQMD. The SMAQMD, the nearest jurisdiction with an adopted methodology for quantification of GHGs, does not state that biogenics should be included in the quantification of GHG emissions, and in fact only requires the quantification of “tail-pipe” emissions that are calculated by CalEEMod. Therefore, the analysis conducted for the Walt Ranch project is in compliance with CEQA Guidelines, section 15064.4 which requires “a careful judgment by the lead agency” in determining significance of GHG emissions, and a “good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.” The County has made a good-faith effort and has complied with CEQA.

Regardless, because of Appellant’s concerns, Analytical Environmental Services (AES) conducted a technical analysis at the request of the County utilizing the Leff methodology and considering the overall GHG emissions including biogenic emissions from removal of trees. AES concluded that soil organics and subsurface biomass loss from tree removal would result in a one-time emission of 1,913 MT of CO2e, or 10% of non-biogenic (loss of sequestration) GHG emissions during construction. Thus, the total Project GHG emissions, including biogenic emissions, would be 31,873 MT of CO2e. As discussed in Section 6.1.4-1 of the Final EIR, the Project includes the permanent protection of 524.8 acres of woodlands, which results in sequestration of 67,967 MT of CO2e. Thus, even with consideration of biogenic emissions, the mitigation measures would be more than sufficient to ensure the project would not trigger the GHG significance thresholds and would therefore have a less-than-significant impact after mitigation. Therefore, the inclusion of biogenics in the estimate of GHG emissions from construction of the Project does not alter the conclusions in the Final EIR.

**Citations**: AES Technical Memorandum Re: Revised Walt Ranch Greenhouse Gas Emissions Analysis: Analysis of Biogenic Carbon Emissions, December 2, 2016; Section 6.1.4-1; BAAQMD, 2012, California Environmental Quality Act: Air Quality Guidelines, available online at http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/baaqmd-ceqa-guidelines\_final\_may-2012.pdf?la=en, May 2012, accessed June 6, 2016; Kirk, A., 2016, Personal Communication with Alison Kirk, Senior Environmental Planner, Bay Area Air Quality Management District, April 26, 2016, phone conversation; Sacramento Metropolitan AQMD, 2016, Guide to Air Quality Assessment in Sacramento County, Chapter 6: Greenhouse Gas Emissions, December 2009, Revised March 2016, available online at <http://www.airquality.org/ceqa/ceqaguideupdate.shtml>, accessed June 5, 2016; U.S. Environmental Protection Agency, 2016, Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2010, Washington DC, U.S. EPA #430-R-12-001, available online at <https://www.epa.gov/energy/ghg-equivalencies-calculator-calculations-and-references>, accessed June 5, 2016; County Staff Presentations, Board of Supervisors November 18 and December 6, 2016, Meeting; Memorandum from David Morrison and Brian Bordona to Chair Pedroza and Board Members, December 5, 2016.

**Conclusions**: For the foregoing reasons, the Board denies the thirteenth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**14. Fourteenth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that there is insufficient evidence in the Draft EIR to assess the quantitative extent of the carbon sequestration loss resulting from the Project. Appellant states that the Draft EIR’s assumption that every acre of trees on this Project’s site will sequester 111 MT of CO2e per year regardless of species mix, tree age, wood density, etc., is simply not supported by substantial evidence. Appellant asserts that the County should provide, in a revised Draft EIR, a reasonable inventory of the species mix, tree count, tree age, etc., for both the 248 acres of woodland proposed for “preservation” on the site, together with appropriate, correlated carbon sequestration capacity information.

**Findings and Decision**: The Board finds and determines as follows:

The emissions factor of 111 metric tons (MT) of CO2e emissions used for tree removal and the emissions factor of 0.0367 MT of CO2 per tree over 100 years is provided by and supported by the BAAQMD and CARB-approved CalEEMod. These emissions factors provided in CalEEMod are supported by detailed science and the methodologies used are described in Appendix A: Calculation Details for CalEEMod. The EIR relied upon BAAQMD- and CARB-approved guidance and emissions factors which are supported by substantial evidence, and as such, no revision or recirculation of the EIR is needed pursuant to CEQA Guidelines, section 15088.5.

**Citations**: CAPCOA, 2013, Appendix A: Calculation Details for CalEEMod, revised July 2013, available online at <http://www.aqmd.gov/docs/default-source/caleemod/caleemod-appendixa.pdf?sfvrsn=2>, accessed May 11, 2015; County Staff Presentation, Board of Supervisors November 18 and 22, December 6, 2016, Meetings.

**Conclusions**: For the foregoing reasons, the Board denies the fourteenth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**15. Fifteenth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR’s overall approach to evaluating the Project’s cumulative impacts to be legally incorrect, mainly due to the fact that the Draft EIR concludes, for many impact categories, that simply because the Project’s individual impacts are (allegedly) less than significant, its cumulative impacts must therefore be as well. Appellant asserts that this approach is inconsistent with the CEQA-prescribed methodology for evaluating a project’s cumulative impacts.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s thirty-ninth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s thirty-ninth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the fifteenth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**16. Sixteenth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the County impermissibly allows the destruction of hundreds of acres of native grasslands by severely limiting what qualifies as a native grassland, in violation of Napa Policy CON-17. Appellant asserts that the County does not adopt all feasible avoidance and mitigation, such as prohibiting on-site herbicide use. (CEQA Guidelines, section 15126.4.)

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s sixteenth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s sixteenth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the sixteenth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**17. Seventeenth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR’s analyses of cumulative impacts on biological resources, water supply and hydrology, and climate change all conclude, in essence, that because the Project would not have a significant individual impact in these areas, it ipso facto will not have a significant cumulative impact. Appellants contend that the Draft EIR reached this conclusion without adhering to the two-step methodology required under CEQA, and on the contrary, the Draft EIR articulated the step-two conclusion (the Project’s contribution would not be cumulatively considerable) without first performing step-one of the analysis (determining whether there the Project will contribute to existing cumulatively significant problem).

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s thirty-ninth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s thirty-ninth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the seventeenth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**18. Eighteenth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR improperly ignores the Project’s potential growth-inducing impacts. Appellants contend that, given that the property comprises 35 discrete, pre-existing parcels, and that the Project involves the improvement and maintenance of 21 miles of existing roads plus the construction/realignment of 5.6 miles of new roads, it is foreseeable that the Project could induce future population growth from the sale of individual parcels and associated vineyard blocks for “vineyard estate”-type residential development. Thus, Appellants assert, the Draft EIR should disclose and evaluate the potential individual and cumulative impacts of potential future population growth resulting from residential development induced by the road construction component of the Project in tandem with the existence of 35 pre-existing parcels. In particular, Appellants assert that the Draft EIR should examine the potential impacts to traffic, water supply, biological resources, and public services.

**Findings and Decision**: The Board finds and determines as follows:

Refer to response to Circle Oaks’ thirty-seventh ground of appeal (Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for response to Circle Oaks’ thirty-seventh ground of appeal (Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the eighteenth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**19. Nineteenth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR fails to assess particulate matter air and asbestos particle air produced by rock crushing operations on the site.

**Findings and Decision**: The Board finds and determines as follows:

This was addressed in Final EIR Response to Comment O11-4 and O11-5. Serpentinite, a rock type that is known to contain naturally-occurring asbestos, occurs in the vicinity of the project site and is mapped outside of the project site just north and south of the property (Appendix F of the Draft EIR). As shown in Table 4.2-2 of the Draft EIR, there is one habitat mapped onsite with serpentine soils, the White Leaf Manzanita – Leather Oak – (Chamise – Ceanothus spp.) Xeric Serpentine NFD Super Alliance. However, there are no proposed vineyard blocks within this habitat type and no project activities, including rock crushing, will occur on potentially serpentine soil. Regardless of whether the rocks contain serpentinite or asbestos, rock crushing will produce particulate matter that may be hazardous to sensitive receptors. Particulate matter emissions from fugitive dust would be minimized with the implementation of Mitigation Measure 4.1-1 during all project construction activities, including rock crushing operations.

Rock crushing activities would occur periodically during the normal operating hours and approved operating season for project construction, but the rock crusher would not operate on a continual basis. The rock crushing equipment would be set up in a stationary location and rock would be transported to the rock crusher and resulting gravel and smaller rock would be hauled to needed locations throughout the project site. The rock crusher would be installed in a central location at least 1,000 feet from sensitive receptors, and is not proposed to be set up on the ridgetop above the Circle Oaks community. Although the exact location will be determined by on-the-ground conditions at the time of construction, the project applicant has indicated that likely locations for the rock crusher include Blocks 5A1, 5A3, 6, 7, 8, 9A1, 9A2, or 9A4. Due to the periodic and intermittent use of rock crushing equipment, the distance to residential sensitive receptors, and Mitigation Measure 4.1-1, there would be less-than-significant impacts to air quality or airborne particulate pollution from crushing rock with the inclusion of mitigation measures found in the EIR.

**Citations**: Final EIR, Responses to Comments O11-4 and O11-5; Draft EIR, Appendix   
F; Draft EIR, Table 4.2-2; Mitigation Measure 4.1-1.

**Conclusions**: For the foregoing reasons, the Board denies the nineteenth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**20. Twentieth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR fails to analyze the cumulative impact of noise from the 4-year construction phase of this project, and that significant noise from the project includes blasting, grading, soil ripping, cutting down trees, and rock crushing. In Circle Oaks, Appellant contends, it also includes heavy vehicle traffic on the steep grades of Circle Oaks Drive.

**Findings and Decision**: The Board finds and determines as follows:

This was addressed in Final EIR Response to Comment O11-9. Although noise impacts will occur from project-related construction activities and traffic, noise impacts from the Walt Ranch Project are not anticipated to occur in conjunction with noise impacts from other development projects in the vicinity of the Walt Ranch Project during the four year construction period. Construction activities will occur between the hours of 7 AM and 7 PM over the four year construction period and are temporary and short-term in nature. As discussed in Section 6.1.3 and Section 6.1.4-8 of the EIR, significant development in Napa County in the reasonably foreseeable future is not anticipated to occur in the vicinity of the Walt Ranch Project because the area is rural and surrounding County-designated land uses include rural residences, vineyards, and agriculture. The only nearby project that may be under construction at the same time as Walt Ranch is the Circle S project. As discussed in Impact 4.8-1 of the Draft EIR, construction occurring greater than 150 feet from sensitive receptors would not exceed the County’s noise thresholds established in Napa County Code 8.16.080. As discussed in the response to Appellant’s third ground of appeal above, there are no sensitive receptors that would be located within 490 feet of both Circle S and Walt Ranch. This far exceeds the 150-foot distance for noise impacts, and as such there are no significant cumulative noise impacts.

**Citations**: Final EIR Response to Comment O11-9; EIR, Sections 6.1.3 and 6.1.4-8; EIR, Impact 4.8-1; County Staff Presentations, Board of Supervisors November 18 and December 6, 2016, Meetings; Memorandum from David Morrison and Brian Bordona to Chair Pedroza and Board Members, December 5, 2016.

**Conclusions**: For the foregoing reasons, the Board denies the twentieth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**21. Twenty-first Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR is in error in its calculations which purport to show decrease in soil loss when the land is converted to vineyard. Appellant asserts that in estimating soil loss, the Draft EIR has over-estimated the degree of ground cover that can realistically be achieved. Appellant states that the Hall Brambletree proposal should recalculate the Universal Soil Loss Equation (USLE) cover factor in the Final EIR to no more than 75 percent for most of the vineyard acreage, and if this runs soil loss predictions above the “T+2” level, erosion control and runoff management systems will need to be re-assessed to determine if the project can indeed achieve less than significant impacts on soil erosion and sediment-laden runoff, (water quality).

**Findings and Decision**: The Board finds and determines as follows:

The calculations of sediment discharge, performed by the Napa County RCD and found in Appendix O of the Draft EIR, show that there is a net reduction of soil erosion between current (pre-project) and post-project conditions within the Milliken Reservoir watershed as result of the Walt Ranch Project (Table 4.4-2 on pages 4.4-16 through 4.4-20 of the Draft EIR). As Table 4.4-2 shows, these calculations have been performed for each proposed vineyard block, and then organized by watershed. Table 4.4-2 shows that the total soil loss within the Milliken Reservoir watershed portion of the property will decrease from 615.87 tons per year under current conditions to 347.82 tons per year, a decrease of approximately 43.61 percent. This information appears at the top of page 4.4-20, and represents a summary of the block-by-block soil loss calculations set forth in Appendix O. These calculations have been verified by the Napa County Engineering Division staff through field inspection of existing conditions and statistical analysis of original calculations.

The Appellant assumes that the spray strip beneath the vine has a zero cover factor in reaching the conclusion that 80 percent cover is unattainable. The ECPA specifies contact herbicides only to allow growth of cover-providing plants under the vine row itself. The herbicide is used after the plant sprouts in order to kill the plant, yet leave plant and its roots in place on the ground as ground cover. Furthermore, the ECPA specifies that herbicides will not be sprayed prior to February 15 so that this plant residue will persist throughout the remainder of the rainy season and provide erosion protection even though the plants are no longer living. Therefore, the assumption that there will be zero cover in the spray strips is not correct. Using a 1.5-foot spray strip in a 7-foot row spacing will result in an average 81 percent cover, with the assumption of 90 percent cover in the middle of the rows and a 60 percent cover in the spray strip due to the nature of herbicide used.

**Citations**: Draft EIR, Table 4.4-2, pp. 4.4-16 through 4.4-20; EIR, Appendix O.

**Conclusions**: For the foregoing reasons, the Board denies the twenty-first ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**22. Twenty-second Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the curve numbers (CN) are mostly rated as too low for the vineyards that are to be developed, and in many cases too high for most of the project, on the land use cover types that are being supplanted by the vineyard development.

Appellant states that the proposed vineyards to be developed on Hydrologic Soil Group (HSG) type “B” should be rated at 72, rather than 61 (a 15 percent reduction in the CN). HSG type “C” should be corrected to 80, rather than 75 (a 6 percent reduction in CN).

Appellant asserts that other examples of incorrectly-assigned CN’s include the following:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Land Use** | **HSG** | **DEIR CN** | **Correct CN** | **Net Result** |
| Chamise Alliance | D | 86 | 73 | 15% increase |
| Coast live oak-blue oak | D | 88 | 77 | 12% increase |
| Coast live oak alliance | D | 88 | 77 | 12% increase |
| Mixed oak alliance | D | 89 | 77 | 15% increase |
| Sclerophyllous shrubland formation | D | 86 | 77 | 12% increase |

**Findings and Decision**: The Board finds and determines as follows:

This was addressed in Final EIR Response to Comment O11-15. As discussed in Appendix G to the Draft EIR, vegetative cover is incorporated into the runoff calculation through the selection of the appropriate runoff curve number (CN). Each CN is based on soil characteristics, vegetative cover type (land use), and vegetative cover condition. Table 9-1 of the National Engineering Handbook, Part 630 Hydrology, Chapter 9 (USDA-NRCS) provides the basis for the CNs used and explains how condition is defined for various land use types. Professional judgment was used to modify CN values when necessary as dictated by site-specific conditions.

Higher curve numbers indicate that there is a higher runoff potential; conversely, a lower curve number indicates additional infiltration into the soil. The “fair condition” rating was determined based on the amount of grass cover and the density of the grassland stand. Field verifications were performed to confirm grass cover and density.

The Appellant suggests that proposed vineyards to be developed in hydrologic soil group B should be rated at 72 and in hydrologic soil group D should be rated at 80, without any indication of how the Appellant determined the referenced values. The CN of 61 used in the analysis was selected upon recommendations from Exhibit 2.1-3 of the Technical Release-55 (TR-55) user manual which states:

Vineyards – Land planted to grapes… This cover may be annual grass or perennial grass cover crops with or without legumes, occasionally legumes alone. Use curve numbers that apply to the land use or the kind and condition of cover during the storm periods; for example, Annual grass curve numbers for annual grass or grass legume cover…

Following these guidelines, the CN for annual grass in good condition was selected. Similarly, the same method was used to determine the proposed vineyard curve number in hydrologic soil group D (annual grass in good condition – CN 75).

Chamise Alliance and Sclerophyllous Shrubland Formation were assigned a CN of 86 in sub-watershed 1 using the same methodology that was implemented for California Annual Grassland Alliance. The 50 percent rock to soil ratio was applied and an average CN was calculated using 98 (rock outcrop CN) and 73 (brush, hydrologic soil group D, good condition CN).

Similarly, Coast Live Oak - Blue Oak Alliance and Oak Alliance were designated a CN of 88 in sub-watershed 1. The 50 percent rock to soil ratio was applied and an average CN was calculated using 98 (rock outcrop CN) and 77 (woods, hydrologic soil group D, good condition CN). Mixed Oak Alliance was assigned a CN of 89 in sub-watershed 1 as the average calculated using 98 (rock outcrop CN) and 79 (woods, hydrologic soil group D, fair condition CN).

This approach is consistent with the National Engineering Handbook Hydrology methods (USDA-NRCS). Professional judgment was used during field review to determine the appropriate CNs from Table 9-1 of the National Engineering Handbook, Part 630, Chapter 9.

**Citations**: Final EIR, Response to Comment O11-15; Draft EIR, Appendix G; National Engineering Handbook, Part 630 Hydrology, Chapter 9 (USDA-NRCS).

**Conclusions**: For the foregoing reasons, the Board denies the twenty-second ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**23. Twenty-third Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that reduction of the HSG rating of soils has been applied more liberally in the Draft EIR than recommended in the Ken Oster memo that is cited to in the Draft EIR. Appellant claims that the Draft EIR incorrectly states that in watershed 1, the Rock Outcrop, (175 map unit) can be credited with a reduction in HSG from type “D” to type “C,” and the Final EIR should correct vineyards mapped in 175 mapping designations to- remain as -HSG type “D”.

**Findings and Decision**: The Board finds and determines as follows:

This was addressed in Final EIR Response to Comment O11-18. Additional responses to Kamman’s August 26, 2016, letter are provided in response to LRC’s twenty-third ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Final EIR, Response to Comment O11-18; see citations in response to LRC’s twenty-third ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the twenty-third ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**24. Twenty-fourth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that Watersheds 5, 6 and 8 are mostly mapped as 113 or 114 Bressa-Dibble map units. The Draft EIR also incorrectly allows a ripping credit for these vineyards. Although it is not specifically clear, it appears that the Draft EIR may well assign HSG rating reductions to even more of the vineyard blocks proposed. The Final EIR should be specific and clear in noting in detail how any re-assignment of HSG has been applied.

**Findings and Decision**: The Board finds and determines as follows:

As explained in Final EIR Response to Comment O11-19, sub-watersheds 5, 6, and 8 are primarily mapped as Bressa-Dibble complex, which is assigned hydrologic soil group C by the NRCS. No credit was taken for modifying hydrologic soil group in any of these watersheds. The only soil complexes that received ripping credit were Hambright- Rock Outcrop, Maymen-Milsholm-Lodo, and Rock Outcrop, which is consistent with Oster’s 2014 memo. Refer to the response to LRC’s twenty-third ground of appeal (see Resolution No. 2016-\_\_\_\_) for more details regarding the onsite soil testing that was completed on the Walt Ranch property.

**Citations**: Final EIR Response to Comment O11-19; Oster, 2014, Letter Re: Effect of Ripping on Hydrologic Soil Group, Updated, Ken Oster, Soil Scientist, U.S. Department of Agriculture-Natural Resource Conservation Science (USDA-NRCS), Napa, CA, February 28, 2014; citations for response to LRC’s twenty-third ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the twenty-fourth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**25. Twenty-fifth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that based on the soil map, only vineyard blocks 22B, 22C, 22D, 22E, 47al, 47a2, 47b, 12, 13, 14, 15, and 16 should be considered for re-assignment of a lower runoff-generating HSG, D to C. Appellant claims that all other map units should retain the Napa County Soil Survey-assigned hydrologic soil groupings.

**Findings and Decision**: The Board finds and determines as follows:

As explained in Final EIR Response to Comment O11-19, the referenced vineyard blocks are located in sub-watersheds 5, 6, and 8, which are primarily mapped as Bressa-Dibble complex assigned hydrologic soil group C by the NRCS. No credit was taken for modifying hydrologic soil group in any of these sub-watersheds. The only soil complexes that received ripping credit were Hambright-Rock Outcrop, Maymen-Milsholm-Lodo, and Rock Outcrop, which is consistent with Oster’s 2014 memo. Refer to the response to LRC’s twenty-third ground of appeal (see Resolution No. 2016-\_\_\_\_) for more details regarding the onsite soil testing that was completed on the Walt Ranch property.

**Citations**: Final EIR Response to Comment O11-19; Oster, 2014, Letter Re: Effect of Ripping on Hydrologic Soil Group, Updated, Ken Oster, Soil Scientist, U.S. Department of Agriculture-Natural Resource Conservation Science (USDA-NRCS), Napa, CA, February 28, 2014; citations for response to LRC’s twenty-third ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the twenty-fifth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**26. Twenty-sixth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR fails to evaluate the potential impacts of land slippage on the adjacent community of Circle Oaks. Appellant states that vineyards in blocks 37 and 68, for example lie directly above steep ridges flanking Circle Oaks homes, and therefore, if slope failure occurs, contrary to the conclusion of the Draft EIR, it could expose people or structures to severe risk involving landslides.

**Findings and Decision**: The Board finds and determines as follows:

This was addressed in Final EIR Response to Comment O11-22. Please note that vineyard blocks 27B2, 37A, 68A and 68B have been removed from the project due to voluntary project revisions by the Applicant, biological mitigations, or the Reduced Intensity Alternative. Therefore, the Walt Ranch Project with inclusion of mitigation measures, adoption of the Reduced Intensity Alternative, and voluntary avoidance will not result in a significant increased risk involving landslides.

Regardless, geological and geotechnical recommendations for the proposed vineyard development include avoiding active landslides and improving the control of surface runoff on steep slopes to mitigate any slope stability issues. In several cases, the project geologist Gilpin Geosciences, Inc. (GGI) addressed existing erosion and slope stability issues with the goal of improving slope stability adjacent to the Circle Oaks community. As discussed in Impact 4.4-2, blasting would be a significant impact if it were to occur on the unstable geologic units of the sandstone ridges. Therefore, Mitigation Measure 4.4-2 ensures that blasting shall only occur in areas of volcanic rock that have high stability.

The proposed project included vineyard blocks 27B2, 37A, 68A, and 68B that were located upslope from Circle Oaks development. As stated above these blocks have been removed from the project, however their potential impacts on Circle Oaks were evaluated in the Draft EIR. Drainage improvements that are proposed in the final Project to the existing ranch road at Block 27B1 divert runoff that has historically been directed by the road toward Circle Oaks back to its natural runoff location. In addition, Block 27B2 has been voluntarily removed from the Project by the Applicant. Block 37A lies on a dormant landslide that is constrained within a tributary drainage that does not extend off of the site, and therefore did not pose a direct threat to the Circle Oaks neighborhood, but was nevertheless removed from the Project as a part of biological mitigations. Blocks 68A and 68B lay on volcanic bedrock with flow bedding that dips into the slope, which is a stable configuration. No slides are mapped between these vineyard blocks and Circle Oaks development downslope, and in fact both blocks have been removed from the Project as part of the Reduced Intensity Alternative. Therefore, the EIR included detailed analysis of potential slope stability issues and presented a good faith effort.

**Citations**: Final EIR, Response to Comment O11-22; Mitigation Measure 4.4-2.

**Conclusions**: For the foregoing reasons, the Board denies the twenty-sixth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**27. Twenty-seventh Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that a comprehensive investigation and analysis needs to be completed to determine the baseline risk of a large or catastrophic landslide originating from the vicinity of Walt Ranch, or smaller landslide events that might impact the Circle Oaks residential community, other residences in the area, and Highway 121. Appellant asserts that a determination then needs to be made of the extent to which that risk may be increased by reviewing the comprehensive aggregate impact of this project, including clear cutting of 28,000 trees, and constructing -reservoirs and roads, and any other activities, and then the impact of operating heavy vehicles and other activity involved in operating and maintaining vineyards on the slopes in the Project area.

**Findings and Decision**: The Board finds and determines as follows:

As discussed in more detail in response to LRC’s twenty-fifth ground of appeal (see Resolution No. 2016-\_\_\_\_), the project geologist GGI mapped many active and dormant landslides on the Walt Ranch property during its investigation. The goal of this investigation, reflected in GGI’s recommendations, was to avoid active landslide features and improve the stability of the areas proposed for vineyard development. GGI’s recommendations are designed to avoid those areas in which there may be a significant risk of unstable slopes. The commenter is correct that frequent, severe landslide failures are indicative of poor ground conditions. Such conditions may exist at other locations in the region. GGI undertook its evaluation in order to determine whether and where such conditions may exist on the Walt Ranch property. Follow-up investigations of the final Walt Ranch Project (209 net acres) with respect to the specific blocks near the Circle Oaks community mentioned by other Appellants and the SR 121 slide have been conducted.

The EIR acknowledges that Circle Oaks has steep terrain, unstable underlying geology, and a history of landslides and soil slippage. However, as discussed in the response to Appellant’s twenty-sixth ground of appeal, the Walt Ranch Project will not have a significant impact to downslope residents and properties as a result of Mitigation Measure 4.4-3, adoption of the Reduced Intensity Alternative, and voluntary avoidance. Furthermore, the Geologic Investigation discussed the potential impact of tree removal on deep-seated landslide stability. As discussed in more depth in response to Circle Oaks’ twentieth ground of appeal (see Resolution No. 2016-\_\_\_\_), the latest research shows that up to an approximately 20 percent reduction of tree cover of any given watershed has no observable effect on the groundwater volume. Therefore, 20 percent is a conservative threshold for predicting significant changes to the groundwater volume and therefore the reduction in slope stability of deep-seated slides. The project areas that could pose a risk to Circle Oaks are underlain by Franciscan Complex sandstone and shales. The tree cover removal on the largest areas of the site, underlain by Franciscan Complex sandstones and shales, range from 0 to 10 percent. Therefore, the removal of trees on the unstable Franciscan Complex geologic units is not anticipated to have a significant effect on slope stability.

In addition, Gilpin Geosciences, Inc. provided an assessment of the recent SR 121 failure that occurred on March 13, 2016, to determine whether this event is relevant to the potential for unstable slopes in the Walt Ranch vicinity. Gilpin visited the site and concluded that the road failure was a result of several factors, including vulnerable road alignment caused by cut slopes up to 35 feet in height, under-designed culverts, and lack of attention to ongoing road failure as evidenced by 4 to 5 feet of accumulated asphalt on the downslope road edge. Gilpin concluded that the vineyard development at the Walt Ranch does not incorporate any of the aforementioned factors that led to the slide at SR 121.

**Citations**: Citations for response to LRC’s twenty-fifth ground of appeal (see Resolution No. 2016-\_\_\_\_); Mitigation Measure 4.4-3; Engineering Geological and Geotechnical Evaluation, Walt Ranch ECP/EIR, July 5, 2016, Lou Gilpin of Langan Treadwell Rollo; Gilpin Geosciences, Inc., Technical Memorandum Re: Response to Comments from Kamman Hydrology and Engineering, Inc., September 27, 2016; Gilpin Geosciences, Inc., Memorandum Re: Highway 121 Failure 13 March 2016, from Lou Gilpin to Brian Bordona, October 26, 2016.

**Conclusions**: For the foregoing reasons, the Board denies the twenty-seventh ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**28. Twenty-eighth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR is incorrect on page 4.4-9, when it states that the Green Valley Fault approaches no nearer to the project than 3.1 miles. Appellant asserts that, as Figure 1 and 2 show, the Atlas Peak-Foss Valley portion of the fault runs through the Walt property, with geomorphic features reaching almost as far north as the City of St Helena.

**Findings and Decision**: The Board finds and determines as follows:

This was addressed in Final EIR Response to Comment O11-29. The present site conditions are the cumulative result of thousands of years of seismic activity in the region. The Atlas Peak-Foss Valley features are mapped only as lineaments, which in geologic terminology means they are usually smaller features of unknown importance. The subtle expression of these features provides evidence of their lack of activity and low hazard. The Draft EIR is correct on page 4.4-9 when it says that the Green Valley Fault is the closest active fault to the project site, located approximately 3.1 miles south. Regardless of whether or not the lineaments may create seismic events in the future, the conclusions of the Initial Study (Appendix B of the Draft EIR) remain valid. Because the Walt Ranch Project does not include the development of housing or structures that would put people at risk, there is no significant impact under CEQA.

**Citations**: Final EIR, Response to Comment O11-29; Initial Study, Appendix B of Draft EIR; Draft EIR, p. 4.4-9.

**Conclusions**: For the foregoing reasons, the Board denies the twenty-eighth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**29. Twenty-ninth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR estimates the maximum earthquake energy possible from the Green Valley Fault to be 6.7, and that more recent research, released after the Napa earthquake of August, 2014, shows the fault capable of generating a 7.1 earthquake and therefore the Draft EIR should better address seismic hazards.

**Findings and Decision**: The Board finds and determines as follows:

This was addressed in Final EIR Response to Comment O11-30. The recent South Napa earthquake and research findings on the Green Valley Fault are part of an ongoing discussion of the Northern Bay Area earthquake hazards. The USGS now projects an earthquake on the Green Valley Fault near or over magnitude 7.1, which is greater than the previous 6.7 Ms prediction, although the details of the actual rupture dimensions and geometry are speculative. The previous estimate of 6.7 Ms earthquake corresponds to a Modified Mercalli Intensity (MMI) rating of VIII. The revised estimate of 7.1 Ms corresponds to a MMI rating of IX.

There is considerable damage in ordinary substantial buildings with partial collapse in both MMI ratings VIII and IX; specially designed structures are more significantly affected by MMI rating IX earthquakes. MMI VIII is described as “severe” shaking, whereas MMI IX is described as “violent.” Although the magnitude of predicted future earthquakes has increased, the conclusions of the Draft EIR in regards to seismic events will not substantially change. The Walt Ranch Project seeks only to develop agricultural operations and would not place housing or structures in an area with a significant seismic risk, and therefore this impact is less-than-significant. As discussed in responses to the twenty-sixth and twenty-eighth ground of appeal, there are no potential offsite impacts to the Circle Oaks community due to landslides.

**Citations**: Final EIR Response to Comment O11-30; USGS, 2014, Earthquakes Hazard Program: Magnitude/Intensity Comparison, last updated September 29, 2014, available online at <http://earthquake.usgs.gov/learn/topics/mag\_vs\_int.php>.

**Conclusions**: For the foregoing reasons, the Board denies the twenty-ninth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**30. Thirtieth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR should determine if the proposed use of the Circle Oaks Drive road would threaten the integrity of the underground infrastructure, possibly jeopardizing public services and increasing the need for expensive repairs, present safety issues to pedestrians, or place local residences at risk due to landslides or slumps caused by the frequency and excessive weight of construction and other vehicles. Appellant states that, at a minimum, the roads need to be investigated and tested to determine if they can withstand the use and whether use as a commercial route would present unacceptable safety issues.

**Findings and Decision**: The Board finds and determines as follows:

Mitigation Measure 4.7-4 requires that Circle Oaks Drive shall be assessed by an independent third party consultant prior to the start of construction and following the completion of construction. If the third party determines that roadway deterioration, or deterioration of infrastructure located underneath Circle Oaks Drive, has occurred as a result of construction traffic, the applicant shall pay to have the roadway resurfaced to restore the pavement to at least pre-construction condition, unless the resurfacing is already expected to occur within a year or sooner in conjunction with other planned or proposed roadway improvements, and shall repair the identified damage to sub-surface infrastructure.

As discussed in more depth in response to Circle Oaks’ twelfth ground of appeal (see Resolution No. 2016-\_\_\_\_), Condition of Approval No. 2(a) imposed upon the project additional traffic restrictions requiring that all construction equipment be routed away from Circle Oaks Drive and through the northernmost access driveway directly off of State Route 121. In addition, the Condition of Approval was revised to require that no construction equipment or vehicles weighing greater than 64,000 pounds shall use Circle Oaks Drive. This additional Condition of Approval significantly minimizes any potential traffic disruption to the Circle Oaks community or damage to infrastructure.

The existing roadway surface of Circle Oaks Drive is in a deteriorated condition as discussed in Impact 4.7-4, and the EIR identified that the Walt Ranch Project could have a significant impact to this roadway. The Final EIR provided Mitigation Measure 4.7-4 to minimize impacts to the roadway surface and to subsurface infrastructure (e.g. water lines and sewer pipelines) below the roadway, which reduced the Walt Ranch Project’s impacts to a less-than-significant level. However, routing all construction equipment deliveries away from this roadway and restricting vehicle weights to 64,000 pounds will avoid the impact altogether.

**Citations**: Mitigation Measure 4.7-4; EIR, Impact 4.7-4; County Staff Presentation, Board of Supervisors December 6, 2016, Meeting; Gilpin Geosciences, Inc., Memorandum Re: Highway 121 Failure 13 March 2016, from Lou Gilpin to Brian Bordona, October 26, 2016; Memorandum from David Morrison and Brian Bordona to Chair Pedroza and Board Members, December 5, 2016.

**Conclusions**: For the foregoing reasons, the Board denies the thirtieth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**31. Thirty-first Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that Circle Oaks Drive is not a viable access point and that another access point should be found and environmental review of the impact of creating that access included in a revised Draft EIR. Appellant asserts that the Draft EIR has failed to include the environmental impact of the construction necessary to create access from Circle Oaks Drive or preferably, from another more suitable access point.

**Findings and Decision**: The Board finds and determines as follows:

As discussed in response to Circle Oaks’ twelfth ground of appeal (see Resolution No. 2016-\_\_\_\_), a condition of approval was added to the project to require that construction equipment be delivered via an alternative access point.

**Citations**: See citations for response to Circle Oaks’ twelfth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the thirty-first ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**32. Thirty-second Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Project fails to adequately mitigate for the destruction of 312 acres of oak woodland. Appellant asserts that it is not feasible for the applicant to propose mitigation by onsite conservation easement of 625 acres of oak woodland because that would fail to meet the definition of “mitigation” under CEQA, and that this mitigation is inconsistent with how the Air Resources Board of the California EPA defines what constitutes acceptable mitigation in avoided-conversion of woodlands.

**Findings and Decision**: The Board finds and determines as follows:

This was addressed in Final EIR Response to Comment O11-41. It is unclear how the commenter determined that 625 acres are required to mitigate for loss of oak woodlands. As discussed in Impact and Mitigation Measure 4.2-2, a combination of avoidance and preservation is required for various types of oak woodland resulting in 524.8 acres to be placed into permanent protection via a conservation easement.

As discussed further in response to Appellant’s sixth ground of appeal, the permanent preservation of oak woodland both reduces and compensates for the project’s impacts is therefore adequate under CEQA.

**Citations**: Final EIR, Response to Comment O11-41; EIR, Impact and Mitigation Measure 4.2-2; citations for response to Appellant’s sixth ground of appeal.

**Conclusions**: For the foregoing reasons, the Board denies the thirty-second ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**33. Thirty-third Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the use of onsite mitigation is inappropriate regarding permanent protection of 248 acres of habitat as mitigation for project construction emissions.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s thirty-eighth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s thirty-eighth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the thirty-third ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**34. Thirty-fourth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the EIR fails to account for the impacts of disposing of the 28,000+ trees to be cut down.

**Findings and Decision**: The Board finds and determines as follows:

Please refer to the response to Appellant’s thirteenth ground of appeal.

**Citations**: Please refer to citations for the response to Appellant’s thirteenth ground of appeal.

**Conclusions**: For the foregoing reasons, the Board denies the thirty-fourth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**35. Thirty-fifth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR Section 4.2-6, page 2-16 erroneously concludes that project impacts to wildlife movement would be less than significant, and that it fails to address the status of the Walt Ranch property as a critical wildlife movement corridor.

**Findings and Decision**: The Board finds and determines as follows:

This was addressed in Final EIR Response to Comment O11-48. The commenter incorrectly states that the Draft EIR found a less-than-significant impact to wildlife movement. Impact 4.2-6 found that “the Proposed Project could interfere with existing wildlife movement corridors and could conflict with General Plan Policy CON-18, which relates to wildlife movement. This is a potentially significant impact.” The Draft EIR then goes on to require mitigation to reduce these impacts.

Mitigation Measure 4.2-4 ensures that Napa County designated streams within the project site shall have setbacks that provide wildlife corridors ranging from 110 to 250 feet. In addition, Mitigation Measure 4.2-6 provides for 100 foot minimum corridors between fenced vineyard blocks and possible overall reduction in deer exclusion fencing after avoidance areas are removed from the project footprint either as a result of mitigation measures, or the adoption of one of the project alternatives. The proposed Mitigated Project deer fencing has been added to Figure 6-1 of the Final EIR (Volume II) to illustrate this. This ensures that the Mitigated Project is consistent with Napa County General Plan Policy 18, specifically subsections (d) and (e):

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

1. The County shall require discretionary projects to retain movement corridors of adequate size and habitat quality to allow for continued wildlife use based on the needs of the species occupying the habitat.
2. The County shall require new vineyard development to be designed to minimize the reduction of wildlife movement to the maximum extent feasible. In the event the County concludes that such development will have a significant impact on wildlife movement, the County may require the applicant to relocate or remove existing perimeter fencing installed on or after February 16, 2007 to offset the impact caused by the new vineyard development.

Scientific studies indicate that vegetated riparian corridors of widths greater than 30 meters (98 feet) are most likely to be used by wildlife. Therefore, Napa County Code Section 18.108.025 requires stream setbacks that have a dual purpose of protecting water quality and protecting riparian habitat, as well as facilitating wildlife movement. Riparian wildlife corridors on the Walt Ranch property will range from 110 feet up to 300 feet, in accordance with Napa County Code. Additionally, corridors between fenced vineyard blocks are a minimum of 100 feet wide and shall be maintained as existing habitat; therefore these corridors would continue to function as movement and dispersal corridors.

Even larger non-riparian corridors have been proposed for the conservation easement area, as discussed in Section 5.4 and shown in Figure 21 of the BRMP. There are 524.8 acres of woodland that will be preserved on the property, and of this area, 494.8 acres of oak woodland are designated as “Biologist-Recommended Oak Woodland Deed Restriction” (refer to Figure 21 of the BRMP). The remaining area (30 acres) is oak woodland that is included in the category “Deed Restriction Required by Mitigation” (Figure 23 of the BRMP). These preserved forested areas were chosen to meet the mitigation ratio requirements for each relevant habitat type, while also facilitating wildlife movement by preserving in permanent protection large swaths of natural woodland landscape in areas selected by a qualified biologist as important wildlife movement corridors. Four northwest-southeast trending woodland corridors were selected, in addition to four north-south corridors, including along a drainage that provides western pond turtle upland and nesting habitat. These permanent wildlife corridors would facilitate animal dispersal and minimize animal displacement into nearby residential property. The corridors recommended for permanent preservation range from approximately 180 to 600 feet wide in some locations. It should be noted that these are just the areas that will be placed into the conservation easement; in total, there will be approximately 1,984 acres (greater than 86 percent of the total property) that will be left in open space and available for wildlife movement.

Through a combination of undeveloped habitat along riparian corridors, wetland buffer zones, and preserved habitat between fenced vineyard blocks, the potential impacts from west to east (or east to west) and north to south (or south to north) impediments to wildlife passage would not be significant, as the corridors and open space would serve to facilitate wildlife movement through the project site. With mitigation, there is no conflict with the Napa County General Plan policies concerning wildlife corridors and there is a less-than-significant impact to wildlife movement in accordance with CEQA Guidelines, Appendix G Environmental Checklist.

Although some habitat fragmentation is inevitable should the Walt Ranch Project be constructed, concentrating all vineyard development in one section of the project site is infeasible. Proposed vineyard blocks have been chosen based on multiple factors, including soils, topography, and farmability. Areas that are suitable for vineyards are not located in one particular area; rather, such areas are located at various sites across the property. The application focuses on those areas that are considered suitable vineyard areas. Additionally, the vineyard blocks as proposed are located in areas that can be developed with minimal environmental effects, including impacts to biological resources, erosion, and slope stability. Mitigation measures and development alternatives presented in the EIR will further reduce these environmental impacts in accordance with CEQA. While consolidating vineyard development in one section of the project site may increase the size of wildlife corridors, an impact that was already reduced to less-than-significant levels through incorporation of Mitigation Measure 4.2-6, it would likely increase other environmental impacts due to placement of vineyard blocks in sensitive plant habitat or unstable slopes. Although some habitat fragmentation may occur, it has been reduced to less-than-significant levels in accordance with CEQA and the CEQA Guidelines through the implementation of measures to maintain wildlife corridors and protect sensitive habitats and woodlands.

**Citations**: Final EIR, Response to Comment O11-48; EIR, Impact 4.2-6; Mitigation Measures 4.2-4, 4.2-6; Final EIR, Figure 6-1; BRMP; Hilty J. and A. Merenlender, 2002, *Vineyard Landscape, Wildlife Activity Along Creek Corridors*, Practical Winery and Vineyard: November/December 2002, available online at <http://www.practicalwinery.com/novdec02/novdec02p6.htm>.

**Conclusions**: For the foregoing reasons, the Board denies the thirty-fifth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**36. Thirty-sixth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that there is a cumulative impact on wildlife movement in this critical corridor when the adjacent Circle S vineyard project is considered. Appellant asserts that between these two properties alone, most of 6.1 square miles of Atlas Peak open space/habitat will be effectively fragmented, including total destruction of 600 acres of oak woodland, and that Walt and Circle S together stretch a total length of four miles across the wildlife migration corridor.

**Findings and Decision**: The Board finds and determines as follows:

This was addressed in Final EIR Response to Comment O11-51 and Section 6.1.4-2 of the Draft EIR. The Circle S development is included in the cumulative environment considered in Section 6.1.4-2 of the EIR. Both the Circle S project and the Walt Ranch project will result in significant amounts of land placed into permanent preservation to act as wildlife habitat and movement corridors. As stated in the response to Appellant’s thirty-fifth ground of appeal, effort has been made to ensure that these preserved areas create suitable wildlife corridors to protect wildlife movement and dispersal.

**Citations**: Final EIR, Response to Comment O11-51; Draft EIR, Section 6.1.4-2; County Staff Presentation, Board of Supervisors November 18, 2016, Meeting.

**Conclusions**: For the foregoing reasons, the Board denies the thirty-sixth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**37. Thirty-seventh Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR erroneously concludes (Section 1, Introduction, p. 1-13) that no impact to recreation will occur. CEQA requires evaluating not just current recreation, but recreational opportunities. Appellant asserts that the Draft EIR fails to take account of well-documented recreational opportunity on the Walt Ranch of hiking trails.

**Findings and Decision**: The Board finds and determines as follows:

As discussed within Final EIR Response to Comment O11-54 and the Initial Study for the Walt Ranch Project (Appendix B of the Draft EIR), the Walt Ranch Project would not have any adverse impacts on recreational uses. The Walt Ranch Project is located in rural Napa County and the project area is characterized primarily by open space, agriculture, and rural residential land uses. As stated in this comment, the Priority Conservation Area (PCA) program administered by the Association of Bay Area Governments (ABAG) identifies open spaces that “provide regionally significant *agricultural*, natural resources, scenic, recreational, and/or ecological values and ecosystem functions” (emphasis added). The area from Moore Creek to Milliken Creek was nominated for inclusion in the ABAG’s PCA program by the Napa County Board of Supervisors per Resolution No. 2014-39. The PCA program designates PCAs based on four different categories: natural landscapes, agricultural lands, urban greening, and regional recreation.

According to the Napa County General Plan (2008), the proposed Bay Area Ridge Trail alignment is currently under evaluation. Figure ROS-5 in the General Plan shows a proposed alignment that runs in the vicinity of the southern portion of the project site. With the implementation of the Walt Ranch BRMP, no less than 524.8 acres of woodland would be preserved on the property in perpetuity in a conservation easement, as well as other areas providing habitat for sensitive plants or animals. This land would be protected from development and other uses that would degrade the quality of the habitat, and the protection would not inhibit such uses that would occur with the development of a potential trail alignment as long as the recreational activity does not run counter to the intent and goals of the easement.

Discussions about potential trail development on the property and possible locations should be addressed directly with the property owner. Conditions of approval for the Walt Ranch Project would not preclude the property from trail use in the future should locations agreeable with the property owner be reached and as long as recreational activity is consistent with the intent and goals of the conservation easement established on the property.

**Citations**: Final EIR, Response to Comment O11-54; Initial Study, Appendix B to Draft EIR; Napa County, 2014, Board of Supervisors Resolution No. 2014-39, A Resolution of the Napa County Board of Supervisors, State of California, Supporting Priority Conservation Area Designations within Napa County; Napa County General Plan, Figure ROS-5.

**Conclusions**: For the foregoing reasons, the Board denies the thirty-seventh ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**38. Thirty-eighth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR fails to analyze the cumulative and growth-inducing impacts which would be incurred from sell off of the vineyard parcels individually. According to the Appellant, property owner Craig Hall has specifically failed to rule out breaking up the property and selling off individual pieces. Appellant asserts that this outcome is reasonably foreseeable, and individual parcel development would increase traffic, groundwater use, habitat fragmentation, and reliance on county services including fire, police, and emergency services. Appellant states that the Draft EIR needs to analyze these foreseeable impacts of the project, and failure to do so represents project segmentation, or piecemealing.

**Findings and Decision**: The Board finds and determines as follows:

The *Laurel Heights Improvement Assoc. v. Regents of University of California* (1988) 47 Cal.3d 376 decision explained that “an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” The project applicant has sold parcels individually from its Hall Ranch vineyard in Sonoma County, which features gentle topography, easy site access from Healdsburg, nearby amenities including restaurants and River Rock Casino, and a well-developed road network on the property. These features, which are lacking from Walt Ranch, make it unclear why the commenter assumes individual parcel development is a “reasonably foreseeable” consequence.

Please also refer to response to Circle Oaks’ thirty-seventh ground of appeal (see Resolution No. 2016-\_\_\_\_) for additional discussion of growth-inducing impacts of the Walt Ranch Project.

**Citations**: See citations for response to Circle Oaks’ thirty-seventh ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the thirty-eighth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**39. Thirty-ninth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR fails to address how the Walt project contributes to the cumulative effects of open space fragmentation foreseen in the Baseline Data Report.

**Findings and Decision**: The Board finds and determines as follows:

This was addressed in Final EIR Response to Comment O11-59. The value of Walt Ranch as a wildlife movement corridor is discussed in Section 4.2.2-10 of the Draft EIR.

Section 6.1.4-2 of the EIR analyzes the Walt Ranch Project’s impacts to wildlife movement corridors and habitat fragmentation in the cumulative environment. As stated therein:

It is anticipated that projects in the cumulative environment would produce similar impacts to biological resources and could result in habitat fragmentation. However, with mitigation the Proposed Project has maintained these wildlife corridors and habitats, and the Proposed Project’s contribution to the cumulative impact on habitat fragmentation is not expected to be cumulatively considerable.

Please also see responses to Appellant’s thirty-fifth and thirty-six grounds of appeal.

**Citations**: Final EIR, Response to Comment O11-59; Draft EIR, Section 4.2.2-10; EIR, Section 6.1.4-2; County Staff Presentations, Board of Supervisors November 18 and December 6, 2016, Meetings.

**Conclusions**: For the foregoing reasons, the Board denies the thirty-ninth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**40. Fortieth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR fails to discuss how the project meshes with County’s CON-1 Goal in the General Plan.

**Findings and Decision**: The Board finds and determines as follows:

This was addressed in Final EIR Response to Comment O11-61. Napa County General Plan Goal CON-1 states that the “County of Napa will conserve resources by determining the most appropriate use of land, matching land uses and activities to the land’s natural suitability, and minimizing conflicts with the natural environment and the agriculture it supports.” The County determined the appropriate land use in the designation of land use and zoning in its general plan process, and determined at that time that the project site was appropriately zoned as “Agricultural Watershed.” Land uses allowed include agriculture, one single family dwelling per each legal lot, small residential care facilities, antennas, telecommunication facilities, hunting clubs, recreation vehicle parks, campgrounds, and floating docks. Through the Draft EIR, the County analyzes the Walt Ranch Project for inconsistency with local policies and State and federal regulations. Where the Walt Ranch Project is not consistent with the goals of the General Plan or regulations, mitigation measures have been provided.

**Citations**: Final EIR, Response to Comment O11-61; Napa County General Plan Goal CON-1.

**Conclusions**: For the foregoing reasons, the Board denies the fortieth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**41. Forty-first Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the project estimates use of 0.5 af per year per acre of planted vineyard, which with 40 af of water for frost protection totals 213 af per year. Appellant asserts that without knowing the underlying assumption of vines per acre in the Water Availability Analysis (WAA) and Circle S, it is impossible to compare the estimate in the EIR with that of the UC Extension and argue which is most accurate.

**Findings and Decision**: The Board finds and determines as follows:

The applicability of the UC Davis Department of Agricultural & Resource Economics and UC Cooperative Extension study was addressed in Section 2.6 of the Responses to Final EIR memorandum and in Premiere Viticultural Services 2016 memorandum. The proposed vine density of 2,420 vines per acre was disclosed in Section 4.6.1-4 of the Draft EIR, Appendix D of the Draft EIR, Appendix E of the Draft EIR, and Appendix Q of the Final EIR.

The UC Davis Department of Agricultural & Resource Economics and the UC Cooperative Extension, through the collaboration of local farm advisors and independent growers has been producing cost studies for wine grapes and various crops since the 1940’s to help businesses understand the risk and most current costs/returns associated with farming specific crops in specific areas. The Premiere Viticultural Services memo explains that “these cost studies have most recently involved the Napa Valley Grapegrowers (NVG) and members of the NVG that farm many properties in various locations with various conditions throughout Napa County. This volunteer group provides actual budget analysis from each one of their vineyards for every activity listed in the study and the median prices of those activities are represented in the final data set. The cost study makes assumptions about spacing, infrastructure, property size, frost protection, pest management, irrigation, cover crop, trellis system, harvest, fertility, etc. All of these assumptions do not actually represent one vineyard, but rather “the hypothetical farm operation” that is described in the assumptions. The Walt Ranch may have some similarities to the costs put forth in this study, but due to the site specific nature of any vineyard project, many items in this cost study should not be applied to our specific farming operation, especially broad assumptions about water use.”

The Premiere Viticultural Services memorandum describes various site-specific factors as they apply to the Walt Ranch Project, including: drought tolerance of various rootstocks, site-specific soil chemical and water holding capacity analyses that have been conducted for each vineyard block, and solar radiation and evapotranspiration calculations as they relate to water use. The memorandum discusses how the trellising system the Applicant has chosen reduces the specific crop coefficient (KC), which is a measure of how much water the crop uses when compared to the reference point. The Walt Ranch Project will utilize a “vertical shoot positioning system which has the lowest KC compared to other trellis/training styles. For example a vertical shoot positioned vineyard may have a KC of .45 during the peak of summer, while a California sprawl or Lyre system would have a KC of .8 to .9.” This means that the same crop using a different trellising system could require 40 to 50 percent more water for the same vine spacing.

Over the years, the Applicant has used numerous scientific techniques and farming methods on its other vineyards to reduce the total amount of water that is required to irrigate its vines. These methods include:

* Evapotranspiration (ET) modeling for irrigation scheduling
* Weather stations located onsite running full evapotranspiration models
* Pressure chamber measurements for Leaf Water Potential
* Neutron probes/soil moisture probes
* Vineyard Heat mapping with FLIR (forward looking infra-red) tools
* Tule Technologies real-time ET stations
* Dendrometers/Phytogram
* Porometers
* NDVI imagery
* Monitor root growth and uptake efficiency

As a result of these numerous measures that have promoted water use efficiency, along with trellis system, rootstock choice, and vine density, the Applicant has reduced its irrigation from a weekly schedule to one that waters the vines between 4 to 6 times per year. As a result, the Applicant has been successfully deficit irrigating its existing vineyards to below 0.5 acre-feet of water per acre (the assumption provided in the EIR), and will do so on the Walt Ranch Project. The UC Davis Study provides a thorough analysis of a “hypothetical farm” as opposed to site-specific data for an average vineyard operation.

In addition, a new Condition of Approval No. 15 is recommended for the project to limit the annual groundwater extraction to 145 af per year in order to ensure the Applicant operates the vineyards in compliance with the groundwater estimates presented above.

**Citations**: Draft EIR, Section 4.6.1-4; Draft EIR, Appendixes D, E; Final EIR, Appendix Q; Premiere Viticultural Services, 2016, Memo Re: Walt Ranch Response to Comments about Water Use, April 21, 2016, from Garrett Buckland to Director Dave Morrison; County Staff Presentation, Board of Supervisors November 18, 2016, Meeting; Memorandum from David Morrison and Brian Bordona to Chair Pedroza and Board Members, December 5, 2016.

**Conclusions**: For the foregoing reasons, the Board denies the forty-first ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**42. Forty-second Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the County’s groundwater modeling is either inaccurate or relied upon the wrong modeling scenarios for likely future groundwater recharge rates.

**Findings and Decision**: The Board finds and determines as follows:

This was addressed on page 14 of the 2016 RCS Responses Memorandum. As stated therein, analyses presented by RCS included and referenced multiple rainfall datasets, and relied on conservative values of average rainfall at the property to address the uncertainty in rainfall assumptions.

The EIR presented a range of supportable groundwater recharge estimates based on best available science and based on peer-reviewed data sources specific to the watershed in question. Utilization of the more conservative recharge rate is an appropriate environmental baseline in accordance with CEQA Guidelines, section 15125. Refer to responses to LRC’s ninth and thirteenth grounds of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: RCS, 2016, Technical Memorandum Re: Response to Comments on the Walt Ranch Final EIR, June 10, 2016, included as Attachment C to the Responses to Final EIR Comments Memorandum; refer to citations for responses to LRC’s ninth and thirteenth grounds of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the forty-second ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**43. Forty-third Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that there is no reference evaluation to line of sight constraints and safety hazards at project access points in the Draft EIR.

**Findings and Decision**: The Board finds and determines as follows:

Potential safety hazards and line of sight constraints were discussed in General Response 17 in the Final EIR. In addition, the Initial Study (Appendix B of the Draft EIR) discusses that the Walt Ranch Project would not result in a change in area traffic patterns or changes to area roadway design features or uses. As discussed in Section 4.7.3 of the Draft EIR, installation of the Walt Ranch Project could increase potential conflicts between vehicles on area roadways given the additional vehicles that would be entering and exiting the project site. Both SR-121 and Circle Oaks Drive are of sufficient width to accommodate a variety of vehicle types, including construction related equipment, and the available sight distance for drivers at the project site access road is not unduly restricted. Additionally, the implementation of Mitigation Measure 4.7-3 would further reduce this less-than-significant impact by requiring advance warning signs (e.g., “Intersection Ahead” and/or “Truck Crossing Ahead”) to be posted on Circle Oaks Drive and Country Club Lane consistent with Napa County sign placement standards. This will alert motorists of potential safety hazards and of an upcoming intersection with turning vehicles and increase the safety of these roadways. Therefore, the Walt Ranch Project will result in no impact due to this potential safety hazard.

Mitigation Measure 4.7-4 requires that the Applicant obtain Caltrans traffic permits for the movement of heavy equipment to and from the project site. As part of the Caltrans traffic permit for overweight vehicles, pilot cars are required during the movement of equipment on each of the potential routes that may be used to access the project site. As such, there are no significant issues due to line of sight or safety hazards with compliance with the Caltrans permit terms.

See also response to Appellant’s forty-fourth ground of appeal.

**Citations**: Final EIR, General Response 17; Initial Study, Appendix B to Draft EIR; Draft EIR, Section 4.7.3; Mitigation Measure 4.7-3; Mitigation Measure 4.7-4; Caltrans, 2016, Single Trip Permit Pilot Car Maps and Red Route Summary Table, Last Updated August 10, 2016, available online at <http://www.dot.ca.gov/trafficops/permits/pcmaps.html>.

**Conclusions**: For the foregoing reasons, the Board denies the forty-third ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**44. Forty-fourth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the EIR and Draft EIR lack details regarding the extent of environmental damage which would be incurred in order to utilize the alternate roads to Circle Oaks Drive for project access.

**Findings and Decision**: The Board finds and determines as follows:

As discussed in response to Circle Oaks’ twelfth ground of appeal (see Resolution No. 2016-\_\_\_\_), the Final EIR correctly identified that developing a new access point may cause new environmental impacts not previously disclosed (see Final EIR General Response 17 at page 4-32); fortunately, use of the existing access road would not require significant improvements or cause safety hazards. The Applicant is proposing the use of an existing access road directly off of State Route 121 (SR 121) for the delivery of construction equipment; this road may also be utilized for materials deliveries. This existing driveway is the northern-most driveway located on the eastern property boundary, directly adjacent to SR 121 and approximately 1.5 miles southwest of the intersection of SR 121 and SR 128. The existing road network would then be utilized to provide access to the remainder of the Walt Ranch property. The EIR already reviewed the existing and proposed road network and provided mitigation measures to substantially lessen impacts caused by the use of roads on the Walt Ranch property.

As discussed in the Walt Ranch Alternative Access Proposed by Applicant memorandum, the alternative access route would be upgraded consistent with the Long-Term Road Management Plan provided in Appendix C of the Draft EIR. Commenters pointed out that the EIR was vague in its discussion of why this access point was eliminated; this is because cultural resources locations are not allowed to be disclosed in public CEQA documentation in accordance with Section 304 of the National Historic Preservation Act (16 USC 470w-3) and the Archaeological Resources Protection Act (16 U.S.C. Section 470h). However, the County is able to acknowledge that the resources present in the vicinity of that existing access point would be protected by mitigation measures that are already in place within the EIR (see Mitigation Measures 4.2-1, 4.2-2, 4.2-9, 4.2-10, 4.3-1, and 4.6-2). As such, there are no new significant environmental impacts that would require revision or recirculation of the Draft EIR consistent with CEQA Guidelines, section 15088.5. Conditions of approval requiring the use of this alternative access for construction equipment delivery and the specific recommendations discussed in Table 2 of the Updated MMRP.

**Citations**: Final EIR, General Response 17; AES, 2016, Memorandum Re: Walt Ranch Alternative Access Proposed by Applicant, July 7, 2016, included as Attachment B to the Responses to Final EIR Comments Memorandum; Draft EIR, Appendix C; Mitigation Measures 4.2-1, 4.2-2, 4.2-9, 4.2-10, 4.3-1, and 4.6-2.

**Conclusions**: For the foregoing reasons, the Board denies the forty-fourth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**45. Forty-fifth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that placing signs stating “Intersection Ahead” or “Truck Crossing Ahead” will not decrease the likelihood of collisions between heavy vehicles and pedestrians on a steep, twisting road featuring short lines of sight. (There will not be any truck crossings along Circle Oaks Drive- the Walt Project trucks will shoot straight up and down Circle Oaks Drive). Appellant asserts that this is insufficient mitigation to protect pedestrian safety, and a more adequate mitigation would be for the Project to lay sidewalks along the length of Circle Oaks Drive to enable pedestrians safe passage. Appellant states that the Final EIR is deficient in that it fails to analyze the dangers to pedestrian traffic from heavy equipment on Circle Oaks Drive.

**Findings and Decision**: The Board finds and determines as follows:

Following the release of the Final EIR, the County received additional comments regarding traffic, road and infrastructure conditions, and pedestrian safety. Based on these comments, the Applicant has proposed an alternative access route to address the concerns among neighbors within the Circle Oaks community regarding the use of Circle Oaks Drive for construction equipment. As such, large construction equipment and materials delivery trips will be routed away from Circle Oaks Drive, thereby significantly reducing the safety concerns mentioned by the commenters regarding large trucks traveling on the narrow streets within the Circle Oaks neighborhood. Many commenters were concerned regarding the potential conflicts of pedestrians walking in the streets and the project-related truck traffic. Although the trucks will now be routed away from Circle Oaks Drive, Mitigation Measure 4.7-3 which requires safety signage will still be required.

**Citations**: Mitigation Measure 4.7-3; County Staff Presentations, Board of Supervisors November 18 and December 6, 2016, Meetings; Memorandum from David Morrison and Brian Bordona to Chair Pedroza and Board Members, December 5, 2016.

**Conclusions**: For the foregoing reasons, the Board denies the forty-fifth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**46. Forty-sixth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that it is doubtful that the current Circle Oaks entrance could be used for the larger vehicles needed during both the construction phase and the operational phase for 200+ acres of vineyards without alteration. Appellant states that the tight turns at the entrance cannot be easily navigated by large construction vehicles and operational vehicles such as grape carriers, without substantial modification which would include re-alignment and tree removal.

**Findings and Decision**: The Board finds and determines as follows:

Refer to alternative access for construction equipment discussed in the response to Appellant’s forty-fourth ground of appeal.

**Citations**: Refer to citations in the response to Appellant’s forty-fourth ground of appeal.

**Conclusions**: For the foregoing reasons, the Board denies the forty-sixth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**47. Forty-seventh Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that based on local testimony and photographic evidence, including typical wetland flora and fauna, the Final EIR Response to Comment I139-4 is incorrect in denying the existence of a wetland in the vicinity of the access road.

**Findings and Decision**: The Board finds and determines as follows:

Although the Appellant may disagree with the assessment that there is no wetland at the aforementioned location, USACE has certified the wetland delineation on the Walt Ranch property in September 15, 2008 and August 13, 2013, and has not delineated a wetland at the terminus of Circle Oaks Drive. The USACE wetland delineation, the Draft EIR, and the Final EIR show that the entrance to the property does cross an existing drainage; as disclosed in the EIR, this existing culvert would be upgraded and would result in impacts to 38.73 linear feet of waters of the U.S. Mitigation Measure 4.2-4 requires the Applicant obtain the appropriate permits for impacts to all waters of the U.S., including this existing culvert.

**Citations**: Mitigation Measure 4.2-4; WRA, Inc. 2007, Draft Delineation of Potential Jurisdictional Wetlands and “Other Waters of the U.S.” Under Section 404 of the Clean Water Act, Walt Ranch, Napa County, California.

**Conclusions**: For the foregoing reasons, the Board denies the forty-seventh ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**48. Forty-eighth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the EIR is deficient in that it fails to account for the foreseeable traffic impacts of development of individual properties on Circle Oaks Drive, if the Circle Oaks Drive access road is designated as the primary access road for the property. Appellant asserts that insufficient analysis has been produced of the environmental and safety conditions of Circle Oaks Drive as well as of the feasibility of the alternate access roads.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the responses to Appellant’s forty-third and forty-fourth grounds of appeal.

**Citations**: Refer to citations for the responses to Appellant’s forty-third and forty-fourth grounds of appeal.

**Conclusions**: For the foregoing reasons, the Board denies the forty-eighth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**49. Forty-ninth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR proposes inadequate mitigation for loss of carbon sequestration due to clearing of trees and vegetation. Appellant states that pretend mitigations, such as not cutting down even more trees, do not affect GHG accounting balance sheet.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the responses to CBD’s thirty-eighth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the responses to CBD’s thirty-eighth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the forty-ninth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**50. Fiftieth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the County has added significant new information and data on a wide variety of topics and changed the project, and that pursuant to Section 21092.1, therefore, an amended Draft EIR must be circulated with corresponding notice and opportunity for comment.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s forty-sixth ground of appeal (Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s forty-sixth ground of appeal (Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the fiftieth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**51. Fifty-first Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the County’s project description violates the CEQA requirement to provide an “accurate, stable, and finite” description of the project in a number of different ways. Appellant states that where exactly land use changes will occur on the Project site remain unclear and this needs to be rectified with greatly improved project description and maps. Appellant asserts that since the Project description is not stable or finite, it fails to inform decision-makers and the public of the true scope of the Project from which all interested parties could assess the direct and indirect environmental effects of the Project. (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, at 1454-55; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, at 655; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 83-86.)

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s first ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s first ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the fifty-first ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**52. Fifty-second Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that although the County acknowledges that the Project has potential significant impacts to the California red-legged frog (CRLF), the foothill yellow-legged frog (FYLF) and the western pond turtle (WPT), it fails to fully analyze how this project can impact each species based on each species’ unique characteristics and life histories. Appellant asserts that it also fails to analyze and explain how the mitigation measures will be sufficient to reduce the impacts to less than significant levels for each species.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the responses to LRC’s fourth ground of appeal (see Resolution No. 2016-\_\_\_\_) and CBD’s fourth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the responses to LRC’s fourth ground of appeal (see Resolution No. 2016-\_\_\_\_) and CBD’s fourth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the fifty-second ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**53. Fifty-third Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that County persists in ignoring a variety of wildlife species known to be present or with a potential to be present onsite in its review. Appellant states that the County must address the species listed in the USFWS Information for Planning and Conservation report and the County must conduct surveys to determine the presence of peregrine falcons and their nesting and foraging habitat. In addition, Appellant asserts that the County must put in place strict avoidance protocols that would prohibit the take of these species in any form.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the responses to CBD’s tenth and seventeenth grounds of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the responses to CBD’s tenth and seventeenth grounds of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the fifty-third ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**54. Fifty-fourth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR fails to analyze impacts to Contra Costa Goldfields or provide for mitigation to lost critical habitat.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s thirteenth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s thirteenth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the fifty-fourth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**55. Fifty-fifth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the EIR’s air quality analysis still fails to take into account all sources of air quality impacts from the project and underestimates the emissions it does consider. For example, Appellant states, the EIR continues to underestimate the amount of traffic likely to occur because of the project, and the EIR’s air quality analysis fails to take into account the air quality impacts from pesticides used on the site. Appellant asserts that the EIR’s air quality analysis should be revised to ensure that all potential air quality impacts are included, analyzed and if needed, mitigated to the extent feasible, and until the EIR’s air quality analysis is updated, it will continue to be inadequate and in violation of the CEQA.

**Findings and Decision**: The Board finds and determines as follows:

The following excerpt from the Responses to Final EIR Comments Memo (Section 2.3) explains the traffic impacts:

First, it should be noted that there was apparent confusion regarding the level of traffic that would be caused by the Proposed Project, with some commenters stating numbers that were two or even three times larger than the anticipated number of trips. The correct number of trips can be found in Section 4.7 of the Revised Draft EIR (Final EIR: Volume II) or General Response 16 (Final EIR: Volume I). During the construction period, 38 trips entering the project site in the morning and 38 construction trips leaving the site in the evening are anticipated. Four of these trips would be large trucks; the rest would be passenger vehicles carrying workers. The EIR notes that the construction equipment would be delivered in 15 trips once at the start of construction (between April 1 and April 15) and removed again at the end of construction (see page 4.7-4). This total number of truck trips (4 daily and 15 twice per season) during construction is substantially lower than the “hundreds of daily truck trips” claimed by many commenters.

Operational traffic levels were similarly overstated by commenters. Only a few workers would be needed onsite during the majority of the year. During the pruning season (between December and March), approximately 45 vineyard workers are expected onsite. During the harvest/crush season (between August and October), approximately 60 vineyard workers would be needed onsite and 4 grape trucks each day. The EIR analyzes the peak traffic scenario during harvest/crush to provide a conservative analysis; however, this is only for three months out of the year and the remainder of the months will have significantly fewer trips.

As discussed further in the response to CBD’s thirty-fifth ground of appeal (see Resolution No. 2016-\_\_\_\_), the analysis of Proposed Project emissions compares daily emissions from all sources (including mobile emissions) with the BAAQMD thresholds in accordance with the 2012 BAAQMD CEQA Guidelines and found no significant impact. This was addressed in Impact 4.1-2 and Impact 4.1-3 of the Draft EIR, and Final EIR Response to Comment O21-126, which explains that mobile trips are accounted for in the CalEEMod analysis. If the mobile source emissions combined with all other emissions sources did not exceed the BAAQMD significance thresholds, then no mitigation is required. Although this was a less-than-significant impact, the EIR adopted mitigation measures recommended by the BAAQMD to further reduce these impacts.

Refer to the response to CBD’s thirty-fourth ground of appeal (see Resolution No. 2016-\_\_\_\_) for a discussion of pesticides as it relates to the air quality analysis presented in the EIR.

**Citations**: Responses to Final EIR Comments Memo; Final EIR, Impacts 4.1-2, 4.1-3; Final EIR Response to Comment O21-126; refer to citations for the responses to CBD’s thirty-fourth and thirty-fifth grounds of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the fifty-fifth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**56. Fifty-sixth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that there are significant flaws in the EIR’s GHG emissions analysis and that mitigation measures taken are insufficient.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the responses to CBD’s thirty-sixth through thirty-eighth grounds of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the responses to CBD’s thirty-sixth through thirty-eighth grounds of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the fifty-sixth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**57. Fifty-seventh Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that County’s analysis overlooks the lost ecosystem value of the largest old growth trees on the Walt Ranch property which will be destroyed by the developer to create vineyard land.

**Findings and Decision**: The Board finds and determines as follows:

Mitigation Measure 4.2-16 removed portions of two vineyard blocks (Blocks 12 and 19) from the proposed development to protect stands of notable oak woodland, protects 74 specimen trees, and provides a 5:1 replacement ratio for the remainder of the impacted specimen trees. The BRMP prepared for the Walt Ranch Project includes a breakdown of the species of all 34 impacted specimen trees, and a detailed map and table of the replanting areas for each species (see Appendix P). Over 20.6 acres of potential specimen tree replanting areas were located by a qualified botanist based on the unique needs of each species for sunlight, soil moisture, and topography. The analysis presented within the EIR was appropriately focused and detailed, and considered the significance of specimen trees (referred to by the Appellant as “largest old growth trees”) in accordance with CEQA Guidelines, section 15064.

**Citations**: Mitigation Measure 4.2-16; Walt Ranch BRMP, EIR Appendix P.

**Conclusions**: For the foregoing reasons, the Board denies the fifty-seventh ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**58. Fifty-eighth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that County’s the Draft EIR’s proposed CRLF mitigation is inadequate because the County neglected to propose a mitigation scheme specific to CRLF that analyzed or would directly address the project’s harm or the cumulative harm to the threatened CRLF or its critical habitat. Appellant asserts that the County did not create a specially tailored set of mitigation measures for the CRLF. Appellant contends that for its primary mitigation measure, the County adopted its proposed mitigation for western pond turtles-a protected reptile that is in no way biologically similar or related to the CRLF (Draft EIR 2-26), and as a secondary mitigation measure, Napa simply referred to the mitigation measure that dealt with the applicant obtaining a federal section 404 permit. (Id.) Appellant asserts that this mitigation measure focused solely on federal water quality compliance and not on protecting threatened biological resources in wetlands, such as the CRLF.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s sixth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s sixth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the fifty-eighth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**59. Fifty-ninth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR fails to adequately address and mitigate the impacts of pesticides on CRLF and that the Draft EIR’s reliance on integrated pest management (“IPM”) for the pond turtle and, thus, the CRLF, is ill-placed. Appellant asserts that IPM is entirely voluntary; it does not legally bind the Applicant to employ IPM strategies, and it only loosely defines which products the Applicant has promised not to use. Appellant states that because the Applicant is under no legal compulsion to adhere to this promise, the County cannot and should not rely on this mitigation measure to reduce harm to CRLF individuals on or near the Walt Ranch property.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to LRC’s sixteenth ground of appeal (see Resolution No. 2016-\_\_\_\_). The IPM Plan is required via Mitigation Measure 4.2-10 and has been incorporated into the Updated MMRP adopted with the project, which is a legally binding and enforceable plan. Compliance with the IPM Plan is compelled by the MMRP, consistent with other vineyard projects in the County and with CEQA Guidelines, section 15126.4(a)(2). This is discussed in Impacts 4.2-10 and 4.2-11 of the EIR, as well as Section 2.8 and 2.10 of the Responses to Final EIR Comments memorandum. Refer to response to LRC’s fifteenth ground of appeal (see Resolution No. 2016-\_\_\_\_) regarding other mitigation measures that are required to minimize risk of hazardous materials use.

**Citations**: Refer to citations for the responses to LRC’s fifteenth and sixteenth grounds of appeal (see Resolution No. 2016-\_\_\_\_); Mitigation Measure 4.2-10; EIR, Impacts 4.2-10 and 4.2-11; Responses to Final EIR Comments Memorandum.

**Conclusions**: For the foregoing reasons, the Board denies the fifty-ninth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**60. Sixtieth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR fails to establish adequate mitigation measures for the foothill yellow legged frog for the same reasons as CRLF.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s eighth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s eighth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the sixtieth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**61. Sixty-first Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR proposes inadequate mitigation for Project impacts on the western pond turtle. Appellant asserts that the County-designated nesting habitat comprises a much narrower band around these important breeding areas than the WPT has been shown to use, and it is much narrower than is even allowed for the turtle’s other upland uses of hibernation and refuge. Appellant contends that because WPT are known to nest as far as 400 meters away from streams, the County should require the Applicant to provide much more of this habitat than is currently proposed. Appellant states that the Draft EIR’s reliance on BMPs as it is currently stated in the Draft EIR violates CEQA requirements because they do not commit the Applicant to any specific conduct or provide the public with adequate information upon which to base a recommendation.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s eighth ground of appeal (see Resolution No. 2016-\_\_\_\_). As discussed therein, the EIR provides detailed mapping of over 530 acres of upland habitat that occurs on the Walt Ranch property. This is composed of approximately 20.7 acres of prime nesting habitat and approximately 509.8 acres of upland habitat. A combination of avoidance and preservation of existing habitat (both upland and aquatic), preconstruction surveys, agrichemical limitations, and exclusionary fencing was proposed in Mitigation Measure 4.2-10 to protect this species.

**Citations**: Refer to citations for the response to CBD’s eighth ground of appeal (see Resolution No. 2016-\_\_\_\_); Mitigation Measure 4.2-10; County Staff Presentations, Board of Supervisors November 18 and December 6, 2016, Meetings.

**Conclusions**: For the foregoing reasons, the Board denies the sixty-first ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**62. Sixty-second Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR failed to assess the following federally endangered and threatened species: Conservancy fairy shrimp, California freshwater shrimp, California tiger salamander, Winter-run chinook salmon, Sebastopol meadowfoam, Northern spotted owl, Western snowy plover, California brown pelican, and California least tern. Appellant states that to cure the Draft EIR’s inadequate biological resources baseline, the County should, inter alia, (1) conduct further species surveys at Walt Ranch, (2) discuss these species’ life histories and whether there is suitable habitat for these species at Walt Ranch, (3) discuss the potential direct impacts of the project to this species, (4) discuss any potential impacts to these species as a result of the Proposed Project and nearby activities that cumulatively effect these species, and (5) anything else necessary to create an accurate baseline, impacts, and mitigation assessment.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s seventeenth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s seventeenth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the sixty-second ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**63. Sixty-third Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that County will permit construction of exclusionary fencing surrounding vineyards, which will decrease wildlife movement and decrease the project’s effectiveness as a wildlife corridor, in violation of General Plan policies, CON-s and CON-18. Appellant states that the EIR does not adequately discuss the impacts arising from this fencing, and provides inadequate mitigation to counterbalance these impacts. (CEQA Guidelines, sections 15126, 15126.4.)

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s nineteenth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s nineteenth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the sixty-third ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**64. Sixty-fourth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that County does not discuss impacts to wildlife from the construction and rebuilding of over 20 miles of roads within Walt Ranch, and it does not provide adequate avoidance and mitigation for these impacts. (CEQA Guidelines, sections 15126, 15126.4.)

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s twentieth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s twentieth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the sixty-fourth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**65. Sixty-fifth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the County does not provide an adequate baseline and impacts discussion regarding mountain lions, which have a high possibility of being present on site. (CEQA Guidelines, sections 15125, 15126; Fish & Game Code, section 4800.) Appellant further asserts that the EIR does not mitigate impacts to mountain lions to less than significant. (CEQA Guidelines, section 15126.4.)

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s eleventh ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s eleventh ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the sixty-fifth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**66. Sixty-sixth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that County fails to adequately avoid and mitigate impacts to on-site oak trees, in violation of Napa Policy CON-24 and California Public Resource Code section 21083.4(b). (CEQA Guidelines, section 15126.4.)

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s twelfth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s twelfth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the sixty-sixth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**67. Sixty-seventh Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that County admits the project will impact goldfields’ designated critical habitat, but erroneously concludes this impact is less than significant and does not require mitigation. (CEQA Guidelines, sections 15126, 15126.4.) Appellant states that contrary to the County’s conclusion, impacts to dozens of acres of critical habitat are significant and require avoidance or mitigation. (See, e.g., 40 C.F.R. section 1508.27.) Appellant asserts that the EIR fails to acknowledge the need to either obtain an incidental take permit or to conduct Section 7 consultation for this species. (16 U.S.C. sections 1 536(a)(2); 1539(a).)

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s fourteenth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s fourteenth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the sixty-seventh ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**68. Sixty-eighth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the EIR provides inadequate mitigation for impacts to a particularly important community of narrow-anthered California brodiaea. (CEQA Guidelines, section 15126.4.)

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s fifteenth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s fifteenth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the sixty-eighth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**69. Sixty-ninth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that County impermissibly allows the destruction of hundreds of acres of native grasslands by severely limiting what qualifies as a native grassland, in violation of Napa Policy CON-17. Appellant states that the County does not adopt all feasible avoidance and mitigation, such as prohibiting on-site herbicide use. (CEQA Guidelines, section 15126.4.) Appellant asserts that the County has not cited to any policy that supports its choice to only mitigate impacts to grasslands with densities of over ten percent native grasses.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s sixteenth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s sixteenth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the sixty-ninth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**70. Seventieth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR downplays the benefits of the Reduced Intensity and Multiple Resource Protection Alternatives compared to the Proposed Project. Appellant states that the County has understated the differences in intensity between the Proposed Projects and the other alternatives it discussed and because the Draft EIR does not meaningfully “evaluate the comparative merits of the alternatives,” its discussion of the alternatives is inadequate.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to Circle Oaks’ nineteenth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to Circle Oaks’ nineteenth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the seventieth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**71. Seventy-first Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR should have considered an alternative that eliminated or reduced fencing and consolidated vineyard acreage.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to Circle Oaks’ nineteenth ground of appeal (see Resolution No. 2016-\_\_\_\_) regarding the adequacy of the alternatives analysis presented in the EIR. CEQA Guidelines, section 15126.6 requires that an EIR “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project.” Because deer fencing is essential for farming operations as it protects the crop, it would not be feasible to eliminate deer fencing. Furthermore, as explained in response to CBD’s first ground of appeal (see Resolution No. 2016-\_\_\_\_), the deer fencing plan has been revised to be in compliance with Mitigation Measure 4.2-6, which reduces potential impacts to wildlife movement to less-than-significant levels.

**Citations**: Refer to citations for the response to Circle Oaks’ nineteenth ground of appeal (see Resolution No. 2016-\_\_\_\_); citations for response to CBD’s first ground of appeal (see Resolution No. 2016-\_\_\_\_); Mitigation Measure 4.2-6.

**Conclusions**: For the foregoing reasons, the Board denies the seventy-first ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**72. Seventy-second Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR impermissibly defers mitigation. Appellant is concerned with the statement “…in the event the Applicant is unable to demonstrate the infeasibility of avoiding these resources.” (Draft EIR 5-5). Appellant asserts that it is not the Applicant’s duty to prove the feasibility of any mitigation; that duty rests solely on the County. (See CEQA Guidelines, section 15126.6, subd. (f)(1).) Appellant states that, as the Applicant has strong profit-based incentives to maximize vineyard acreage at the cost of other project objectives, it would be unwise for the County to rely on the Applicant’s feasibility determinations.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to LRC’s sixth and seventh grounds of appeal (see Resolution No. 2016-\_\_\_\_) regarding the infeasibility of further avoidance.

**Citations**: Refer to citations for the response to LRC’s sixth and seventh grounds of appeal (see Resolution No. 2016-\_\_\_\_)

**Conclusions**: For the foregoing reasons, the Board denies the seventy-second ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**73. Seventy-third Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the EIR fails to accurately discuss the traffic baseline and impacts, (CEQA Guidelines, sections 15125, 15126) and that it fails to provide adequate mitigation for impacts during project construction and operation. (CEQA Guidelines, section 15126.4.)

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s twenty-first ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s twenty-first ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the seventy-third ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**74. Seventy-fourth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR fails to adequately address Project impacts regarding runoff and sedimentation.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the responses to Circle Oaks’ fifth ground of appeal (see Resolution No. 2016-\_\_\_\_) and LRC’s first ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to the citations for the responses to Circle Oaks’ fifth ground of appeal (see Resolution No. 2016-\_\_\_\_) and LRC’s first ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the seventy-fourth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**75. Seventy-fifth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR developed a flawed threshold of significance for water quality impacts that does not comply with Total Daily Maximum Load requirements for the Napa River watershed.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to LRC’s first ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to LRC’s first ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the seventy-fifth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**76. Seventy-sixth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR provides conflicting and inadequate information regarding runoff and sedimentation impacts.

**Findings and Decision**: The Board finds and determines as follows:

This was addressed in Final EIR Response to Comment O21-098 and O21-099. Impact 4.6-1 of the Draft EIR states that there will be a marginal increase in peak discharge of 0.4 percent on the Capell Creek portion of the property, although the introductory sentence mentioned by the commenter may have been unclear. Therefore, the Final EIR was clarified at page 4.6-39 to state:

Development of the Proposed Project would alter the drainage pattern of the project site, but would not result in an increased rate or volume of runoff on the Milliken Reservoir watershed portion of the property. In fact, the runoff and soil loss models predict the Proposed Project would result in an overall decrease in both the peak discharge and volume of surface runoff leaving the property in the Milliken Reservoir watershed. As shown in Table 4.6-2 above, the calculated peak discharge was reduced by 4.5 percent in the first Milliken watershed and by 4.7 percent in the second Milliken watershed. In the Capell Creek subwatersheds, there was a marginal increase in peak discharge of 0.4 percent (Appendix G).

The small 0.4 percent increase in peak runoff modeled on the Capell Creek portion of the property was discussed in Impact 4.6-1. Mitigation Measure 4.6-1 of the Draft EIR required numerous measures to mitigate the peak runoff increases and reduce the potential impact to less-than-significant levels. As required by Mitigation Measure 4.6-1, the final ECPA submitted to the County on July 11, 2016, included measures to offset the peak runoff increases. The results of supplemental hydrologic modeling for the final 209-acre vineyard were submitted to the County with the final ECPA. Per RiverSmith Engineering, the “revised hydrologic modeling incorporates all mitigations and the results now fully meet the no net increase requirement.” Therefore, there is no potential for increased sediment production caused by increases in peak runoff because there are no increases in peak runoff, in compliance with Napa County General Plan Policy CON-50.

**Citations**: Final EIR, Responses to Comments O21-098 and O21-099; Draft EIR, Impact 4.6-1; Mitigation Measure 4.6-1; Napa County General Plan, Policy CON-50.

**Conclusions**: For the foregoing reasons, the Board denies the seventy-sixth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**77. Seventy-seventh Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR provides insufficient mitigation measures to alleviate runoff and sedimentation impacts.

**Findings and Decision**: The Board finds and determines as follows:

This was addressed in Final EIR Response to Comment O21-100, O21-101, and O21-102, as well as the response to Appellants seventy-sixth ground of appeal. All road crossings will be treated as described in the Walt Ranch Road Sedimentation and Erosion Potential Evaluation prepared by the Napa County RCD, found in Appendix C of the Draft EIR, and all roads are required to be upgraded per the ECP and Road Plan (Appendix C) prior to use. Upgrading these stream crossings will reduce sediment loads, which was estimated by Napa County RCD staff. In addition, there will be no impact to fish spawning due to construction of the crossing structures since the project site is isolated from all spawning populations.

Furthermore, the project is in compliance with the Napa River watershed TMDL. Specifically, the TMDL requires a 51 percent decrease in sedimentation for the entire Napa River watershed, not each individual development project. The commenter is correct that Table 4.4-2 of the Draft EIR presents the detailed, block by block erosion calculations from the USLE model (full model results are presented in Appendix O). As stated in Appendix O, Table 4.4-2, and Impact 4.4-1, implementation of the Walt Ranch Project would result in a reduction in soil loss of 43.61 percent from the Milliken Reservoir watershed portion of the property. This is in compliance with Napa County General Plan policies, ordinances, and the Napa River Sediment TMDL. There will be a reduction in soil loss of 43.61 percent from the Milliken Reservoir watershed and a reduction of 13.11 percent from the Capell Creek watershed portion of the property.

The hydrologic analysis prepared for the Walt Ranch Project provided six general recommendations on page 34 of the March 2013 Hydrologic Analysis of Proposed Vineyard Blocks within the Walt Ranch Property, which are referenced by the commenter. One of these suggestions is to improve infiltration in the Capell Creek watershed by improving existing brushy areas, although the report acknowledges that “this will require re-running the hydrologic model” to determine exactly how effective that would be. Alternatively, the report recommends mitigation options for the Capell watershed vineyard blocks that are detailed within the report and incorporated into the EIR through Mitigation Measure 4.6-1, and as such are legally binding and enforceable measures as part of the MMRP. These mitigation measures are consistent with CEQA Guidelines, section 15126.4.

Also see response to Appellant’s seventy-sixth ground of appeal.

**Citations**: Final EIR, Responses to Comments O21-100, O21-101, and O21-102; Mitigation Measure 4.6-1; Walt Ranch Road Sedimentation and Erosion Potential Evaluation prepared by the Napa County RCD, Appendix C of the Draft EIR; Draft EIR, Appendix O; Hydrologic Analysis of Proposed Vineyard Blocks within the Walt Ranch Property, prepared by RiverSmith Engineering, March 2013, included as Appendix G to the Draft EIR.

**Conclusions**: For the foregoing reasons, the Board denies the seventy-seventh ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**78. Seventy-eighth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR provides an inadequate impact analysis and mitigation regarding nutrients and other pollutant impacts due to the Project.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s twenty-eighth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s twenty-eighth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the seventy-eighth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**79. Seventy-ninth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR provides an inadequate and conflicting analysis of Project impacts underlying groundwater resources. The Draft EIR provides conflicting conclusions regarding impact significance. The Draft EIR provides conflicting conclusions in stating that the project’s proposed extraction is a less than significant impact and will have no impact to off-site wells, (Draft EIR 4.6-43), while concluding in another portion that on-site pumping (especially during irrigation season) could result in drawdown of lower groundwater levels in offsite neighboring wells. (Draft EIR 4.6-44, 4.6-50, and 4.6-51.) The final EIR must clarify and minimize these impacts and ensure that groundwater resources will be conserved and enhanced so that “sufficient amounts of water will be available for uses . . . for the natural environment, and for future generations” to be consistent with conservation goal 10 of the General Plan. (Draft EIR 4.6-22 to 4.6-23.)

**Findings and Decision**: The Board finds and determines as follows:

See responses to LRC’s thirteenth ground of appeal (see Resolution No. 2016-\_\_\_\_) and CBD’s thirty-third ground of appeal (see Resolution No. 2016-\_\_\_\_). Analyses presented by RCS rely on conservative values of average rainfall and deep percolation at the property to address the inherent uncertainty in the analyses. The GWMMP was developed for the project to address offsite water level drawdown impacts that may occur during pumping.

**Citations**: See citations for responses to LRC’s thirteenth ground of appeal (see Resolution No. 2016-\_\_\_\_) and CBD’s thirty-third ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the seventy-ninth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**80. Eightieth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR also fails to take into account of important factors that should have been considered to determine impacts on groundwater resources, including the recharge rate of the aquifer and therefore the impact of groundwater extraction by Walt Ranch and other nearby developments.

**Findings and Decision**: The Board finds and determines as follows:

Refer to response to LRC’s ninth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for response to LRC’s ninth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the eightieth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**81. Eighty-first Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR fails to adequately analyze the cumulative impacts of the Project on groundwater resources, and that the Draft EIR does not adequately address the cumulative impacts of existing off-site wells as well as foreseeable future off-site wells on groundwater resources in the vicinity of the project.

**Findings and Decision**: The Board finds and determines as follows:

Cumulative groundwater demands have been addressed throughout the EIR process, specifically in: the Draft EIR (Impact 4.6-4 and Section 6.1.4-6), Final EIR (Appendix Q pages 8 through 10), and Final EIR General Response 14. As discussed therein, groundwater extractions for the COCWD and the permitted future (but undeveloped) Circle S Ranch project are considered in conjunction with the groundwater demand for the proposed Walt Ranch project. Refer to the response to Circle Oaks’ first ground of appeal (see Resolution No. 2016-\_\_\_\_) for the cumulative groundwater demand.

**Citations**: Draft EIR, Impact 4.6-4; Draft EIR, Section 6.1.4-6; Final EIR, Appendix Q; Final EIR, General Response 14; RCS, 2015, Technical Memorandum Re: Response to Comments on the Walt Ranch Draft EIR, August 13, 2015, included as Appendix Q to the Final EIR; refer to citations for the response to Circle Oaks’ first ground of appeal (see Resolution No. 2016-\_\_\_\_)

**Conclusions**: For the foregoing reasons, the Board denies the eighty-first ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**82. Eighty-second Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR also has not provided any analysis regarding potential and extent of cumulative drawdown impacts from the Project, Circle S Ranch, and other nearby groundwater users including the Circle Oaks County Water District. (Draft EIR 4.6-18.) Appellant asserts that the Draft EIR is therefore missing key groundwater extraction data and does not allow intelligent, informed decision-making regarding the cumulative impacts of the Project on underlying groundwater resources.

**Findings and Decision**: The Board finds and determines as follows:

Consideration of COCWD infrastructure was addressed in Final EIR Response to Comment O2-1. The RCS aquifer (pumping) test analysis included theoretical monitoring points that coincided with the estimated locations of the COCWD wells and springs to estimate impacts to COCWD. In addition, wells on the Circle S Ranch property were monitored as part of the aquifer test. As explained in response to Circle Oaks’ first ground of appeal (see Resolution No. 2016-\_\_\_\_), once COCWD provided its actual well data to RCS, it was incorporated into the modeling by updating the theoretical or assumed locations to the actual well locations.

**Citations**: Final EIR, Response to Comment O2-1; citations in response to Circle Oaks’ first ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the eighty-second ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**83. Eighty-third Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR fails to adequately analyze impacts on other groundwater basins. Appellant states that the Draft EIR provides that given the different geology and 2.5-mile distance between the Project site and the Milliken-Sarco-Tulocay (“MST”) basin that groundwater extraction by the Project will not impact the MST, which is in the state of long-term over-draft and under restrictive use standards. (Draft EIR 4.6-11; 4.6-14.) Appellant asserts that the Draft EIR also concludes that there is no apparent hydraulic connection between the MST and the project site by copying verbatim from the Circle S Ranch Erosion Control Plan, and therefore, the applicant needs to conduct on-site scientific studies to provide adequate support for this assertion.

**Findings and Decision**: The Board finds and determines as follows:

Refer to response to LRC’s tenth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for response to LRC’s tenth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the eighty-third ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**84. Eighty-fourth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR fails to address potential impacts of groundwater extraction on groundwater-dependent riparian ecosystems. Appellant states that the Draft EIR should analyze how groundwater pumping will affect federally listed chinook salmon and steelhead, and mitigate any effects this project has on these and other aquatic species.

**Findings and Decision**: The Board finds and determines as follows:

Refer to response to Circle Oaks’ thirty-second ground of appeal (see Resolution No. 2016-\_\_\_\_) for a discussion of the lack of connectivity between the surface water flows in Milliken Creek and the Sonoma Volcanics and response to LRC’s sixth ground of appeal (see Resolution No. 2016-\_\_\_\_) regarding the lack of salmonid habitat on the project site.

**Citations**: Refer to citations for response to Circle Oaks’ thirty-second ground of appeal (see Resolution No. 2016-\_\_\_\_) and to LRC’s sixth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the eighty-fourth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**85. Eighty-fifth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR’s mitigation measures for Project impacts on groundwater resources are inadequate. Appellant asserts that the Draft EIR does not propose adequate mitigation measures to prevent over-draft of Walt Ranch’s groundwater resources. Appellant states that the main mitigation measure the Draft EIR provides regarding groundwater is requiring the applicant to conduct well monitoring for existing and future wells to help provide quantified data during each phase of the project, (Draft EIR 4.6-50, 6-28) but that this requirement would only monitor the groundwater levels and would not actually minimize or mitigate impacts that could result from the Project. Therefore, Appellant states, the final EIR must establish quantifiable drawdown limits or monitoring criteria through which it will track extraction and drawdown impacts.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s thirty-third ground of appeal (see Resolution No. 2016-\_\_\_\_) regarding the validity of the GWMMP and response to Circle Oaks’ thirty-first ground of appeal (see Resolution No. 2016-\_\_\_\_) regarding trigger points. The incorporation of specific mitigation strategies within the GWMMP ensures that the Lead Agency has not improperly deferred any mitigation as defined by CEQA Guidelines, section 15126.4.

**Citations**: Refer to citations for responses to CBD’s thirty-third ground of appeal (see Resolution No. 2016-\_\_\_\_) and Circle Oaks’ thirty-first ground of appeal (see Resolution No.2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the eighty-fifth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**86. Eighty-sixth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR’s analysis of the Project’s greenhouse gas emissions and potential mitigation measures is flawed and incomplete, and that the Project’s GHG emission impacts analysis relies on a legally impermissible comparison to make its significance determination rather than using existing environmental conditions. Appellant asserts that rather than aggressively responding to these substantial emissions, the Draft EIR includes a meager mitigation analysis and ultimately adopts a single mitigation measure. Appellant states that the Draft EIR’s GHG analysis is woefully inadequate and in violation of CEQA.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the responses to CBD’s thirty-sixth and thirty-seventh grounds of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the responses to CBD’s thirty-sixth and thirty-seventh grounds of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the eighty-sixth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**87. Eighty-seventh Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR analysis of the significance of the Project’s GHG emissions is misleading and violates CEQA. Appellant asserts that the Draft EIR’s significance threshold and analysis fail to disclose all necessary information. Appellant states that after concluding that the construction of the Project could be a “potentially significant impact,” the Draft EIR determines that by preserving 248 acres of woodland, any climate impact from the Project would be less than significant (Draft EIR 6-17-18), but the Draft EIR fails to make clear whether the cutting down of those 248 acres was ever anticipated in the Project design and could even be developed into vineyards.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s thirty-seventh ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s thirty-seventh ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the eighty-seventh ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**88. Eighty-eighth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Draft EIR simply fails to provide an evidentiary basis-grounded in actual physical conditions-for its conclusion that the Draft EIR will reduce greenhouse gas emissions to a less than significant level. Appellant asserts that the Draft EIR must analyze the cumulative significance of the Project’s emissions in light of reductions needed to avoid contributing to these physical impacts, not just measure them against the AB 32 Scoping Plan and local plans. Appellant states that, troublingly, the proposed Climate Action Plan for Napa County requires a 38 percent reduction in GHG emissions for development and vineyard projects, a threshold that this Project would clearly fail to meet.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s thirty-eighth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s thirty-eighth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the eighty-eighth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**89. Eighty-ninth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the Project’s GHG mitigation measures are vague and inadequate and that the Draft EIR adopts only one mitigation measure despite anticipating 105,021 metric tons of CO2 emissions resulting from Project construction. (Draft EIR 6-17.) Appellant asserts that these emissions represent a tremendous amount that should be mitigated to the extent possible. Appellant states that examples of potential mitigation measures include the alternative construction materials, onsite energy generation and additional on-site mitigation of tree loss, but the Draft EIR includes no analysis of the availability and feasibility of adopting such measures despite acknowledging the Project’s large carbon foot print. Appellant states that the Draft EIR simply fails to evaluate the many available mitigation measures for development projects and refuses to analyze or adopt any mitigation measures other than agreeing to preserve a small portion of the site, and this failure is a violation of CEQA and contradicts established state policy.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the response to CBD’s thirty-eighth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the response to CBD’s thirty-eighth ground of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the eighty-ninth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**90. Ninetieth Ground of Appeal.**

**Appellant’s Position**: Appellant Sierra Club asserts that the air quality analysis in the Draft EIR is inadequate because it underestimates the air quality impacts likely resulting from the Project and fails to adopt all feasible mitigation measures. Appellant states that the Draft EIR concludes that the Project’s anticipated mobile emissions will not be significant and therefore adopts no mitigation measures. However, Appellant asserts that the Draft EIR traffic analysis was flawed and used an improper baseline when analyzing the Project’s likely impacts, and because impacts from traffic are linked to air quality, the County should redo their air quality impact analysis.

**Findings and Decision**: The Board finds and determines as follows:

Refer to the responses to CBD’s thirty-fourth and thirty-fifth grounds of appeal (see Resolution No. 2016-\_\_\_\_).

**Citations**: Refer to citations for the responses to CBD’s thirty-fourth and thirty-fifth grounds of appeal (see Resolution No. 2016-\_\_\_\_).

**Conclusions**: For the foregoing reasons, the Board denies the ninetieth ground of appeal and upholds the PBES Director’s decisions to certify the EIR, approve the Reduced Intensity Alternative with associated Mitigation Measures and Conditions of Approval, and approve Agricultural Erosion Control Plan No. P11-00205-ECPA (as revised).

**Section 3. Incorporation of SSE Appeal Decision by Reference.**

The Board hereby incorporates by reference all findings and decisions made in connection with Appellants CBD, LRC, and Circle Oaks’ Appeals as set forth in Resolution Nos. 2016-\_\_\_\_\_, 2016-\_\_\_\_\_, and 2016-\_\_\_\_\_.

**Section 4. Conditions of Approval.**

The Board revises the Director’s conditions of approval and the Updated MMRP as set forth in Exhibits A and B attached and incorporated herein by reference.

**Section 5. Substantial Evidence.**

Substantial evidence supporting each and every finding made herein is contained in the record of proceedings. All of the files and records that comprise the administrative record for the Walt Ranch Erosion Control Plan Project are incorporated herein by reference.

**Section 6. Summary of Decision.**

Based on the foregoing facts, findings, and determinations, the Board of Supervisors:

1. Adopts the findings of fact and rationales as set forth in this Resolution;
2. Denies the first through ninetieth grounds of appeal to Sierra Club’s appeal as set forth above;
3. Upholds the Director’s approval of the Reduced Intensity Alternative as contained in the Draft EIR and Final EIR with additional modifications and certifies the EIR;
4. Approves the revised Erosion Control Plan P11-00205-ECPA, subject to the attached revised Conditions of Approval and amended Updated MMRP, attached as Exhibits A and B and incorporated herein by reference;
5. Revises the Conditions of Approval and Updated MMRP adopted by the Director and finds that the Revised Conditions of Approval and amended Updated MMRP, attached as Exhibits A and B, are both necessary and well justified; and
6. Adopts the Revised Conditions of Approval and amended Updated MMRP, attached as Exhibits A and B.

**Section 7. Effective Date.**

This resolution shall take effect in accordance with the provisions of Napa County Code section 2.88.090.

**Section 8. Judicial Challenge.**

Unless a shorter period applies, any judicial challenge to this decision is governed by California Code of Civil Procedure section 1094.6.

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Napa County Board of Supervisors, State of California, at a regular meeting of said Board held on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 2016, by the following vote:

AYES: SUPERVISORS \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOES: SUPERVISORS \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ABSENT: SUPERVISORS \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NAPA COUNTY, a political subdivision of the

State of California

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ALFREDO PEDROZA, Chairman of the

Board of Supervisors

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| APPROVED AS TO FORM  Office of County Counsel  By: *Laura J. Anderson*  Deputy  Date: December 14, 2016 | ATTEST: GLADYS I. COIL  Clerk of the Board of Supervisors  By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | APPROVED BY THE NAPA COUNTY  BOARD OF SUPERVISORS  Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Processed By:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Deputy Clerk of the Board |

Attachments:

* Exhibit A – Updated MMRP
* Exhibit B – Revised COA