

From: [Trippi, Sean](#)
To: [PlanningCommissionClerk](#)
Subject: ZA item 2A, 3/24/2021
Date: Tuesday, March 23, 2021 4:09:20 PM

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Subject: Sebastien Marineau-Mes Residence Viewshed Application, Mitigated Negative Declaration, SCH No. 2021020357, Napa County

Hi Mr. Trippi,

As follow-up to my other email - Jessica forwarded me the CDFW letter relating to our Viewshed application, including their list of conditions. I was frankly dismayed at what was being requested, for a few reasons. First, we find ourselves in an odd situation where the impact of the Glass fire is not factored in to their request, and second what's being requested seems quite onerous; I could understand a winery or large commercial project coming under such scrutiny, but it's hard to understand how to move forward effectively for our (pretty modest) residential project.

Here's some more detailed thoughts:

Impact of damage from the Glass Fire

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As you probably know, our property was severely impacted by the Glass fire. The fire burned very hot and turned a large portion of our beautiful lot into a moonscape. The hobby vineyard also was damaged (approx 25% loss). Many of the trees that were part of our landscape plan are now gone. Fortunately, the trees at the front of the property (that provide screening to the road) made it,

but most everything else inland is gone, including all (I think with the exception of one) the trees we have scheduled for removal as part of the project.

We have been very diligent in following best practices for the cleanup. We have tried to save as many trees as possible. We had our landscape architect and tree specialist assess what might survive, we hired an agricultural engineer for erosion control, we installed erosion control measures, seeded the charred landscape to quickly bring back vegetation, and have been cleaning up the burn damage and material, all at our own cost (no insurance paying for this). It seems that precisely because we have been so diligent and thoughtful, we're now being held to a higher standard than everyone else.

The elephant in the room here is that we filed the Viewshed permit prior to the fire. That submission included canopy assessment and preservation based on the 2016 aerial photos (as per county guidelines), but the situation on the ground is now quite different - most of the oak woodland has burned away.

I'm sure this was not intended, but my interpretation of CDFW request is that we need to **replace the project trees that were burned down by the Glass fire**. By my rough math, we would need to plant around +/- 175 coast live oak based on their formula. Further, there is a requirement that we irrigate, weed, and monitor the trees for 5 years.

That seems quite burdensome and expensive: not only we lose the beautiful trees on the property, we then have to pay for all the fire cleanup, and finally we're forced to replant a much larger number trees at our expense, simply because those trees were noted for removal on the permit application (which was submitted prior to the fire).

Canopy retention

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As part of our Viewshed permit, we followed all of the Napa County regulations around canopy retention. These rules are designed precisely to protect a large portion of the canopy during projects. Even though most of the canopy has actually burned in the Glass fire, we have honored the county regulations

based on the pre-Glass fire situation.

What CDFW now appears to be requesting for is **canopy replacement and canopy augmentation**. We would have to explicitly replant ~0.5A (~175) live oak trees to replace the 0.23 acre of canopy that was allowed to be removed under Napa regulations. The request seems in conflict with the rules and regulations of Napa County.

Process during construction and large costs

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The restrictions and approvals are also quite onerous. First - the date restrictions cover most of the spring, summer and early fall, exactly at the time when Napa County allows grading.

Second, CDFW is asking that we take responsibility for anything that happens within 500 feet of our project. That radius includes at least 4 other properties/property owners, and it seems unreasonable (and quite unfair) to make us accountable (and hold our project hostage) for the actions of neighbors.

Third, CDFW becomes an explicit approver of some of the construction activities that we need to undertake. I really don't want to embark on a construction project where we are beholden to CDFW to pre-approve the work.

Finally, while we've not had time to fully assess the costs, we can at least estimate order of magnitude. On the tree replacement cost, planting 175 live oaks with irrigation, mowing, oversight etc for 5 years is easily going to cost us over 50,000\$ or more. Add to this the cost of having a biologist on site (daily and weekly) - also not be cheap - this will easily run 10,000-20,000\$. And then there are the permit feeds to CDFW where it appears we have to pay for their time reviewing and approving key steps of our project.

Summary

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What you already outlined in P20-00230_Sebastien Residence MMRP.pdf for the BIO-1 and BIO-2 mitigations seem quite thorough. These are a burden, but they seemed reasonable, hence why I signed off on the document.

Obviously the letter from CDFW only came yesterday, and we have had limited time to assess. I called the CDFW supervisor listed in the letter (Ms. Melanie Day) but she indicated that she was not in a position to discuss the particulars of the letter with me - this had to go through the lead agency (the County - you). While I appreciate that intentions are good here, I'm not sure how our residential project can support the cost and logistical burden requested by CDFW.

We would really appreciate your advice and guidance on what to do next.

Best regards,

Sebastien Marineau-Mes & Emily Mills