

Nichols • Berman
Environmental Planning
110 East D Street Suite E
Benicia California
9 4 5 1 0

***MONTALCINO AT NAPA
GOLF COURSE***

*Use Permit Amendment
Zoning Change
Amendment to Zoning Text*

Response to Comments on the Draft
Subsequent
Environmental Impact Report

*NAPA COUNTY CONSERVATION,
DEVELOPMENT AND PLANNING DEPARTMENT*

State Clearinghouse No. 1999032052

DECEMBER 2005

MONTALCINO AT NAPA GOLF COURSE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT – RESPONSE TO COMMENTS

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9.0 COMMENTS AND RESPONSES

9.1 INTRODUCTION

This Final Subsequent Environmental Impact Report (Final SEIR) contains the public and agency comments received during the public review period on the *Montalcino at Napa Golf Course Draft Subsequent EIR* (September 2005). This document has been prepared by the Napa County Conservation, Development and Planning Department, in accordance with the California Environmental Quality Act (CEQA).

The Subsequent Environmental Impact Report (SEIR) is an informational document intended to disclose to the County Planning Commission, the Board of Supervisors, other decision makers, and the public the environmental consequences of approving and implementing the proposed *Montalcino at Napa Golf Course*.

Oral comments made at the public hearing on the Draft SEIR held by the Napa County Planning Commission on November 2, 2005 and all written comments received during the 45-day public review period are addressed in the Final SEIR.

This Final SEIR consists of two volumes: the *Response to Comments on the Draft Subsequent EIR* (this volume) and the *Montalcino at Napa Golf Course Draft Subsequent EIR* of September 2005.

The governmental agencies, organizations, and individuals who commented on the Draft SEIR are listed below in Section 9.2 (Persons Commenting).

Section 9.3 describes a revised site plan submitted by the applicant in response to the Draft SEIR.

Section 9.4 (Responses to Comments) presents and responds to all written comments on the Draft SEIR. The original letters are reproduced, and comments are numbered for referencing with responses. Responses to individual comments raising significant environmental points are presented immediately after each comment letter. Some responses refer to other comments or responses in this section or to the pages of the Draft SEIR where specific topics are discussed. Some comments do not pertain to physical environmental issues but to the merits of the project. These comments are included in this section, although responses to project-related comments are not necessary in an EIR. However, inclusion in this document will make the commentor's views available to public officials who will make decisions about the project itself.

In some instances, text changes resulting from the comments and responses are recommended. In these instances information that is to be deleted is ~~crossed-out~~, and information that is added is underlined. The text changes resulting from comments and responses have been incorporated in the original Draft SEIR text, as indicated in the responses. All of these text changes result in insignificant modifications to the original Draft SEIR text. They do not raise new or more severe impacts or new mitigations or alternatives not considered in the EIR and do not require recirculation for further review and comment in accordance with State CEQA Guidelines Section 15088.5.

9.2 PERSONS COMMENTING

Written Comments

Comment letters on the Draft SEIR were received from the following individuals:

1. Terry Roberts, Director, State Clearinghouse, Governor's Office of Planning and Research, November 15, 2005.
2. Dennis J. O'Bryant, Acting Assistant Director, California Department of Conservation, Division of Land Resource Protection, November 14, 2005.
3. Kevin Boles, Utilities Engineer, California Public Utilities Commission, October 19, 2005.
4. Timothy C. Sable, District Branch Chief, California Department of Transportation, November 10, 2005.
5. Kenneth J. Cohen, Collette Erickson Farmer & O'Neill, LLP, October 24, 2005.
6. Kenneth J. Cohen, Collette Erickson Farmer & O'Neill, LLP, November 9, 2005.
7. Elisabeth Frater, Esq., Sierra Club, Napa County Group, November 14, 2005.
8. Earth Defense for the Environment Now, November 14, 2005.
9. Sandy Elles, Executive Director, Napa County Farm Bureau, November 1, 2005.

Public Hearing Comments

A public hearing on the Draft SEIR was held by the County Planning Commission on November 2, 2005. A copy of the written transcript of the November 2, 2005 Napa County Planning Commission's public hearing can be reviewed at the Napa County Conservation, Development and Planning Department, 1195 Third Street, Room 210, Napa, California, 94559.

9.3 SUPPLEMENTAL INFORMATION

As discussed in the Draft SEIR the golf course would be located in Airport Compatibility Zones B, C, and D as adopted in the Napa County *Airport Land Use Compatibility Plan*. A golf course is listed as an example of uses that are normally acceptable in compatibility zones B, C, and D. Ponds are cited as an example of a use not normally acceptable in compatibility zones B, C, and D. The proposed project discussed in the Draft SEIR included the construction of three ponds – one of the ponds would be used as a storage reservoir for the Napa Sanitation District (NSD) and the other two ponds would be stormwater detention basins for the golf course. The NSD reservoir and one of the two detention basins were located in compatibility zone D. The second detention basin was to be located partially in compatibility zone C and partially in compatibility zone D (see **Exhibit 4.0-3** in the Draft SEIR).

In response to potential hazards to aircraft discussed in the Draft SEIR (see Impact 5.2-20) the project applicant has relocated the one detention basin in compatibility zone C to the western portion of the site (just east of the fairway for hole 5) in compatibility zone D (see **Exhibit 9.3-1**). All three ponds (the one NSD storage reservoir and the two detention basins) are now proposed to be located in compatibility zone D.

The Napa County Airport Land Use Commission found that with the location of all three ponds in compatibility zone D together with implementation of Mitigation Measure 5.2-20 (preparation and implementation of a Wildlife Hazard Management Plan consistent with the FAA's *Wildlife Hazard Management at Airports, A Manual for Airport Personnel*) the project adequately addresses potential hazards to aircraft from birds and other wildlife.¹

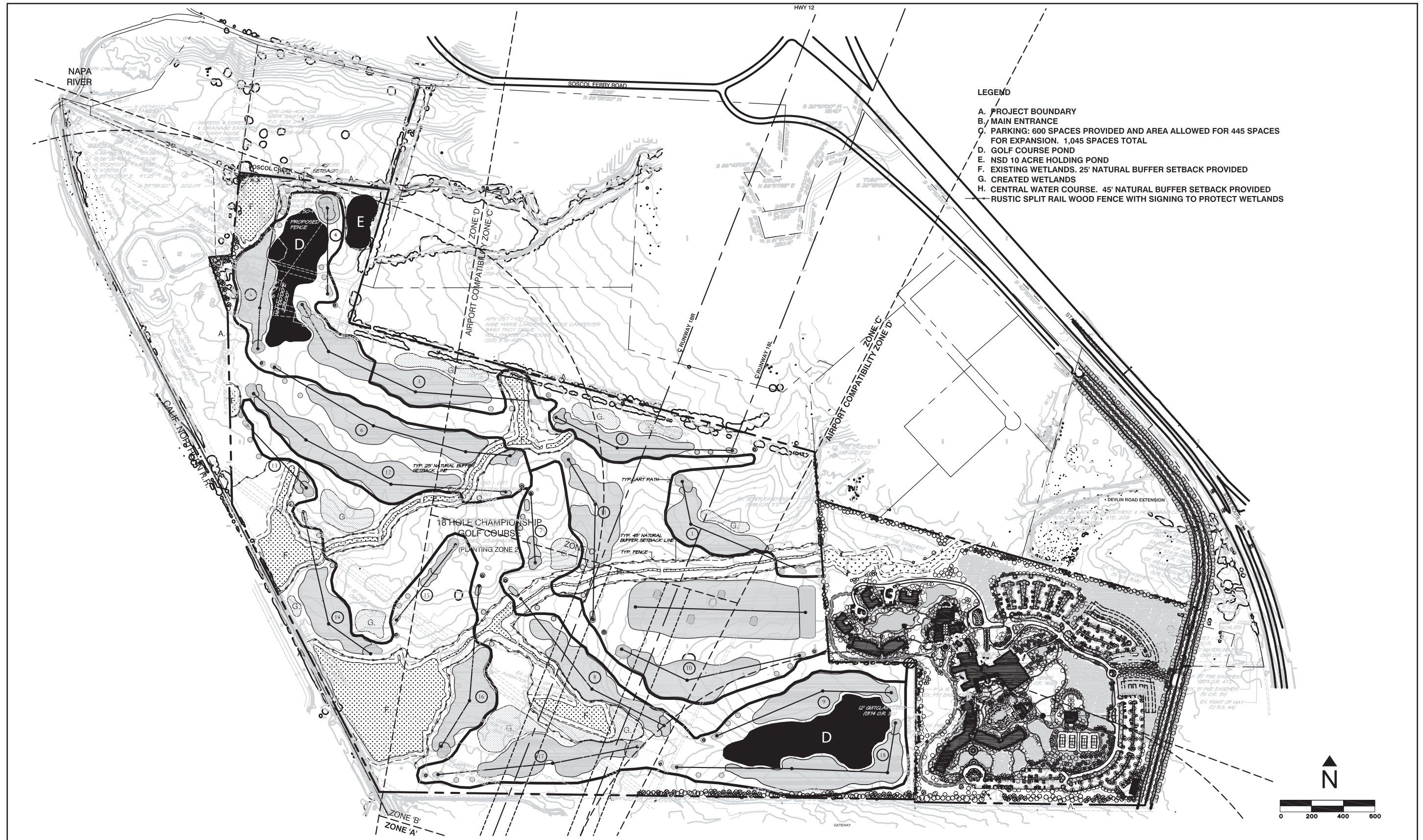
The two detention ponds would also serve as golf course features. Reichers Spence and Associates prepared a Storm Drainage Management Plan² for the proposed project to document increases the project would have on the 100-year peak flow and to develop measures to attenuate this increase in discharge to pre-development levels. The Storm Drainage Management Plan documents 0.35 feet of surcharge storage over the designed pond water level in both ponds to ensure the appropriate volume of attenuated stormwater. As long as the revised site plan incorporates the relocated pond with the same surcharge storage volume as the previous pond, no peak flow impacts would result.

A second potential impact of pond relocation concerns water quality. As stated on page 5.3-5 of the Draft SEIR, "The golf course should be graded as to direct runoff from all maintained portions of the course through a detention pond or constructed wetland". Since no grading plan has yet been developed for the project, the direction of runoff from individual holes cannot be confirmed as being routed to a detention pond or constructed wetland. The revised site plan switches a proposed constructed wetland near golf course hole 5 with the previously proposed detention pond near golf course hole 1. Therefore, even though the runoff direction from the golf course cannot be positively verified at this time, the relocation of the features demonstrates that a potential water quality filter would still be located in the same locations with the revised site plan as with the previous site plan.

¹ Napa County Airport Land Use Commission, November 16, 2005.

² *Addendum to Montalcino at Napa Valley Storm Drainage Management Plan*, Reichers Spence and Associates, August 18, 2005.

In addition, the relocated detention pond adjacent to golf course hole 5 would not result in any additional impacts to any biotic resource features, other than the "rural residential landscaping" in that area. The conversion of rural residential landscaping is a less-than-significant impact (Impact 5.2-1). This assumes that the total acreage of constructed ponds on-site remains the same. Although an additional cart path has been inserted adjacent to the seep (in the northwest corner), the path has been placed outside of the existing buffer area, and therefore, should not incur additional impacts to the water feature.



9.4 RESPONSES TO COMMENTS

Responses to Written Comments

This section includes copies of the comment letters received by Napa County during the public review period on the *Montalcino at Napa Golf Course Draft Subsequent EIR* released in September 2005 and responses to those comments. Each comment was identified with a numeric-alpha designator. Some responses refer readers to other comment responses in this section or to the pages in the Draft SEIR where specific topics are discussed. Where responses have resulted in changes to the text of the Draft SEIR these changes are noted here.



Arnold
Schwarzenegger
Governor

LETTER 1
STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Sean Walsh
Director

November 15, 2005

RECEIVED

John McDowell
Napa County
1195 Third Street
Napa, CA 94559

Subject: Montalcino at Napa Golf Course
SCH#: 1999032052

Dear John McDowell:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 14, 2005, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

A

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 1999032052
Project Title Montalcino at Napa Golf Course
Lead Agency Napa County

Type SIR Supplemental EIR
Description Construction of 18-hole champion golf course as recreational amenity to previously approved resort hotel, including a rezoning from Agricultural Watershed to Public Lands (AW:AC to PL:AC), a zoning ordinance amendment to allow the use within the Public Lands designation, and a Major Modification to the previously approved resort project to include this golf course.

Lead Agency Contact

Name John McDowell
Agency Napa County
Phone (707) 253-4417 **Fax**
email
Address 1195 Third Street
City Napa **State** CA **Zip** 94559

Project Location

County Napa
City Napa
Region
Cross Streets Delvin Road, Soscol Ferry Road
Parcel No. 057-010-037; 057-010-036
Township 5N **Range** 4W **Section** 35,36 **Base** MDBM

Proximity to:

Highways 29, 121, 221
Airports Napa County
Railways Union Pacific
Waterways Soscol Creek & Sheehy Creek
Schools
Land Use Sanitation District spray fields, Zone - AW:AC (Agricultural Watershed: Airport Comp.) Gen Plan - Public - Institutional

Project Issues Agricultural Land; Archaeologic-Historic; Other Issues; Water Quality; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 2; Department of Parks and Recreation; Native American Heritage Commission; Public Utilities Commission; Department of Health Services; Office of Historic Preservation; Department of Fish and Game, Region 3; Department of Water Resources; Department of Conservation; California Highway Patrol; Caltrans, District 4; Caltrans, Division of Aeronautics

Date Received 09/30/2005 **Start of Review** 09/30/2005 **End of Review** 11/14/2005

**RESPONSE TO LETTER 1 – TERRY ROBERTS, DIRECTOR, STATE CLEARINGHOUSE,
GOVERNOR’S OFFICE OF PLANNING AND RESEARCH, NOVEMBER 15, 2005.**

Response to Comment 1-A

Comment noted. No additional response necessary.



DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

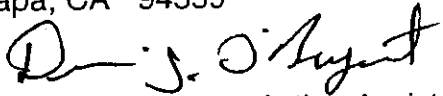
801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

TO: Project Coordinator
Resources Agency

RECEIVED

John McDowell
Napa County Conservation
Development and Planning Department
1195 Third Street
Napa, CA 94559

FROM: 
Dennis J. O'Bryant, Acting Assistant Director
Department of Conservation, Division of Land Resource Protection

DATE: November 14, 2005

SUBJECT: DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (DEIR)
FOR MONTALCINO AT NAPA GOLF COURSE SCH#1999032052

The Department of Conservation's (Department) Division of Land Resource Protection and its Farmland Mapping and Monitoring Program (FMMP) monitor farmland conversion on a statewide basis and compile the Napa County Important Farmland Map. The Department has previously commented on earlier versions of this project and now has the following comments on the above DSEIR.

Napa County Important Farmland Map Designations

The SDEIR notes that the 2002 Napa County Important Farmland Map designates the project site as Prime Farmland (82 acres), Farmland of Statewide Importance (136 acres), and Unique Farmland (8 acres), and the balance as Farmland of Local Importance. The SDEIR further notes that it is Napa County's finding that the site has not met FMMP criteria for Prime Farmland, Farmland of Statewide Importance or Unique Farmland since 2003; and that the current important farmland map designation of the site does not accurately characterize the existing condition.

According to the SDEIR the project site is used as a spray field for recycled water. The vegetation on the site consists of non-native annual grassland (mustard, Bermuda grass, cut-leaved geranium, ryegrass, bur clover, and purple wild radish). The SDEIR further

explains that the site was formerly grazed but has not been used for this purpose since 1999 and no irrigated agricultural production has occurred on the site for more than four years.

The FMMP uses a consistent set of mapping criteria for designating agricultural lands on a statewide basis. As part of verifying land use for "irrigated agricultural production," mapping staff confirm that the site is provided with irrigation water and that the site is capable of agricultural production. It is not practical to verify the final production outcome of each site as to whether an agricultural crop was harvested at the end of the growing season or whether the land was actually used as irrigated pasture for livestock or other farm animals.

- (A) In the event that agricultural production or grazing is permanently precluded from the site the FMMP can indicate these conditions and correspondingly amend the map. Some examples of these conditions include habitat-related easements, permanent land retirement programs, toxic conditions preventing agricultural use of an area, or permanent termination of grazing leases. If any of these situations apply to the project site, please provide us with current documentation and we will incorporate these changes into the 2006 Napa County Important Farmland Map.

With each biennial map release, FMMP solicits comments from local agencies on land use changes that may be anticipated, and on the accuracy of the latest version of the county map. For example, copies of the 2004 Napa County Important Farmland Map were mailed out in September 2005. The most recent comments received by Napa County were in 1999, associated with the 1998 map. We encourage the county to provide us with comments that would help increase the accuracy of the map.

- (B) Map Acreage Corrections
We also have the following acreage corrections and update for Exhibit 5.1-3 Project Site Farmland Acreage Designations 1998-2002.

Year	Prime Farmland	Farmland of Statewide Importance	Unique Farmland	Farmland of Local Importance
1998	80	148	0	9
2002	82	136	8	11
2004	82	136	0	19

- (C) Mitigation Measures
The DSEIR notes that due to new vineyards in the county planted between 1996 and 2002, the amount of Prime Farmland, Farmland of Statewide Importance, and Unique

Project Coordinator and John McDowel
November 14, 2005
Page 3 of 3

Farmland has increased. Therefore, the loss of agricultural land due to the current project is a less-than-significant impact.

Environmental impacts of projects are typically treated at the individual project level. Although the mapping statistics verify that additional lands have been brought into irrigated agricultural production in Napa County, urban land has also increased at an average of nearly 250 acres per year between 1984 and 2004. This type of agricultural land conversion typically is permanent in nature. For example, a residential project on agricultural land is considered a permanent conversion of land with agricultural potential and is considered a significant impact. Since the golf course will probably result in permanent unavailability of the land for agricultural purposes, the impacts of the project on agricultural land should be considered significant and any feasible mitigations for the impact considered.

Thank you for the opportunity to comment on the DSEIR. If you have further questions on Important Farmland Mapping or on these comments please contact Molly Penberth, Manager for the Farmland Mapping and Monitoring Program, at (916) 324-0863.

cc: Napa County RCD
1303 Jefferson Street, #500 B
Napa, CA 94559

**RESPONSE TO LETTER 2 – DENNIS J. O'BRYANT, ACTING ASSISTANT DIRECTOR,
CALIFORNIA DEPARTMENT OF CONSERVATION, DIVISION OF LAND RESOURCE
PROTECTION, NOVEMBER 14, 2005.**

Response to Comment 2-A

As stated in the Draft SEIR the project site is currently used for reclaimed water and biosolid disposal. Cattle grazing has not occurred on the site since 1999 and no irrigated agricultural production has occurred on the site for more than four years. As requested in this comment, this information should be sent to the California Department of Conservation, Division of Land Resource Protection.

Response to Comment 2-B

Based on this comment the second paragraph on page 5.1-5 of the Draft SEIR is revised as follows:

As discussed in the certified EIR the project site previously was classified as Farmland of Local Importance.³ As discussed above, every two years, the FMMP reviews and updates farmland classifications.⁴ The project site was reclassified in the 1998 Important Farmland data which covers the 1996 to 1998 time period. At the time the project site was reclassified from Farmland of Local Importance to Prime Farmland and Farmland of Statewide Importance due to the identification of irrigated pastures at the site.⁵ In ~~2002~~2004, the most recent mapping that is available, 82 acres of the project site were classified as Prime Farmland⁶ and 136 acres were classified as Farmland of Statewide Importance. ~~Another eight acres were designated Unique Farmland and the remaining acreage (19 acres) was classified as Farmland of Local Importance.~~ Therefore, approximately ~~226~~218 acres, ~~97~~93 percent of the project site, is considered Important Farmland per the ~~2002~~2004 FMMP mapping and classifications.⁷ The project site farmland classifications from ~~1998~~1996 to ~~2002~~2004 are shown in **Exhibit 5.1-3**.

Based on this comment, **Exhibit 5.1-3** on page 5.1-6 of the Draft SEIR is revised as follows:

³ *Montalcino at Napa Draft Environmental Impact Report*, Napa County Conservation, Development and Planning Department, February 2000, Exhibit 5.1-2. This exhibit was based on the California Department of Conservation June 1998 Farmland Conversion Report.

⁴ Department of Conservation website, Farmland Mapping and Monitoring Program Overview, <http://www.consrv.ca.gov/DLRP/fmmp/overview/background.htm>.

⁵ The project site is irrigated with recycled water from the Napa Sanitation District. Irrigated pasture qualifies as Prime Farmland or Farmland of Statewide Importance under FMMP mapping guidelines. Nichols • Berman conversation with Michael Kisko, Land and Water Use Analyst, California Department of Conservation, Farmland Mapping and Monitoring Program, September 2005.

⁶ Nichols • Berman conversation with Michael Kisko, *op. cit.*, August 2005 indicated that irrigated land (with or without cultivated crops) that has the proper soil type can be classified as Prime Farmland.

⁷ *Napa County Important Farmland 2002*, California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, October 2003 and information provided by Department of Conservation Division of Land Resource Protection, November 14, 2005.

Exhibit 5.1-3
Project Site Farmland Acreage Designations 1998 - 2002/2004

Year	Prime Farmland	Farmland of Statewide Importance	Unique Farmland	Farmland of Local Importance
<u>1996</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
1998	0 <u>80</u>	0 <u>148</u>	0	233 ^a <u>9</u>
2002 ^b	82	136	8	11
<u>2004</u>	<u>82</u>	<u>136</u>	<u>0</u>	<u>19</u>
<i>Net change 19986 – 20042</i>	+82 <u>2</u>	+136 <u>12</u>	+80	-222 <u>+10</u>
<i>Percent of Site</i>	35 percent	58 percent	Less than 10 percent	58 percent

^a—Source: California Department of Conservation, Office of Land Conservation, June 1988 & Draft Environmental Impact Report, Montalcino at Napa, Napa County Conservation, Development and Planning Department, State Clearinghouse No. 99032052, February 2000.

^b—Numbers are approximate based on estimate provided by Michael Kisko, Water & Land Use Analyst, FMMP, August 2005, and Department of Conservation Division of Land Protection, November 14, 2005.

Response to Comment 2-C

It is not Napa County's position that the project's impact on the loss of agricultural land is a less-than-significant impact because the amount of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland has increased in Napa County between 1996 and 2002. Rather, it is Napa County's position that because the site does not meet the California Department of Conservation's Farmlands Mapping and Monitoring Program (FMMP) criteria for Prime Farmland, Farmland of Statewide Importance, or Unique Farmlands that the loss of agricultural land is a less-than-significant impact.

Furthermore, as discussed at the November 2, 2005 pubic hearing by Rob Paul, Napa County Counsel's office, Napa County has the authority based on factual evidence, to determine as to whether or not the project site was accurately mapped by the FMMP. The Planning Commission and Board of Supervisors have the authority to exercise their judgment and make a determination as to the level of significance regarding the impact to agricultural land.

LETTER 3

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



October 19, 2005

OCT 20 2005

John McDowell
Napa County Conservation, Dev. & Planning
1195 Third Street
Napa, CA 94559

Dear Mr. McDowell:

Re: SCH# 1999032052; Montalcino at Napa Golf Course

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

(A)

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kevin Boles'.

Kevin Boles
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Mary Zerba, Napa Valley Wine Train

RESPONSE TO LETTER 3 – KEVIN BOLES, UTILITIES ENGINEER, CALIFORNIA PUBLIC UTILITIES COMMISSION, OCTOBER 19, 2005.

Response to Comment 3-A

Comment noted. No additional response necessary.

LETTER 4

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5505
FAX (510) 286-5513
TTY (800) 735-2929



*Flex your power!
Be energy efficient!*

November 10, 2005

NAP029749
NAP-029-R6.2
SCH#1999032052

Mr. John McDowell
Napa County Planning Department
1195 Third Street, Suite 210
Napa, CA 94559

Dear Mr. McDowell:

**MONTALCINO GOLF COURSE - DRAFT ENVIRONMENTAL IMPACT
REPORT**

Thank you for continuing to include the California Department of Transportation (Department) in the early stages of the environmental review process for the Montalcino Golf Course project. The following comments are based on the Montalcino Golf Course Draft Environmental Impact Report (DEIR) and the October 2003 Response to Comments on the June 2003 Montalcino Resort Recirculated DEIR. As lead agency, Napa County is responsible for all project mitigation, including any needed improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. The project's specific traffic mitigation fee should also be identified in the DEIR. Any required roadway improvements should be completed prior to issuance of the project's building permit. While an encroachment permit is only required when the project involves work in the State Right of Way (ROW), the Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore we strongly recommend that the lead agency ensure resolution of the Department's CEQA concerns prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Intersection Analysis

Project traffic impacts to typical weekday intersection operations during both the A.M. and P.M. peak hour should be evaluated. Level of service (LOS) calculations should evaluate the 95th percentile queue, and LOS computation reports should be submitted for review.

Weekday AM and PM peak hour analysis was originally requested in our August 19, 2003 letter commenting on the Montalcino Resort Recirculated DEIR. The October 2003 Response to Comments on the 2000 DEIR and Recirculated DEIR did not explain why typical weekday intersection operations were not analyzed. And while the Response indicated that since recent data showed that only PM peak hour analysis was needed because, "...PM peak hour conditions produced higher volumes and poorer operations than AM conditions.", AM analysis is still needed because operation of individual movements may be much worse in the AM. This could result in the need for additional mitigation that would not be disclosed without the requested analysis.

C State Route 12 Improvement

The second left-turn lane of the westbound State Route (SR) 12 approach at the SR 12/SR 29/Airport Boulevard intersection should be installed and operational prior to issuance of the project's building permit. Please indicate the current status of this project condition.

D Fair Share Mitigation

The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring towards the SR 29/SR 121 interchange should be clearly identified. Methods for calculating the project's equitable mitigation are detailed in Appendix B of the Department's "Guide for the Preparation of Traffic Impact Studies", which should be reviewed during preparation of the DEIR. See the following website link for more information:
<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

E Encroachment Permit

Work that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information.
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Sean Nozzari, District Office Chief
Office of Permits
California DOT, District 4
P.O. Box 23660
Oakland, CA 94623-0660

Please forward the Mitigation Monitoring and Reporting Plan, and the staff report including project conditions, to the address listed below as soon as they are available:

Patricia Maurice, Associate Transportation Planner
Office of Transit and Community Planning, Mail Station 10D
California DOT, District 4
111 Grand Avenue
Oakland, CA 94612-3717

Please feel free to call or email Patricia Maurice of my staff at (510) 622-1644 or patricia_maurice@dot.ca.gov with any questions regarding this letter.

Sincerely,

Alice Jackson

for TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Mr. Drew Lander, Napa County Public Works Department
Ms. Terry Roberts, State Clearinghouse

**RESPONSE TO LETTER 4 – TIMOTHY C. SABLE, DISTRICT BRANCH CHIEF, CALIFORNIA
DEPARTMENT OF TRANSPORTATION, NOVEMBER 10, 2005.**

Response to Comment 4-A

Comment noted. The proposed project analyzed in the Draft SEIR is an amendment to the existing Use Permit #98177-UP for the Montalcino Resort to allow the inclusion of an 18-hole golf course. It should be noted that since the County has issued the entitlement in the form of a Use Permit (#98177-UP) to the project applicant, the County does not have the ability to either forcibly modify that Use Permit or to apply additional conditions of approval or mitigations for which there is no nexus.

The information that Caltrans has requested in this comment seems to relate more to the approved Montalcino Resort than to the proposed Montalcino Golf Course analyzed in the Draft SEIR. The commentor is referred to the certified Final EIR for the Montalcino Resort (and especially the *Montalcino at Napa Recirculated Draft Environmental Impact Report* dated June 2003) for the specific information requested in this comment. The commentor is also referred to the previously approved conditions of approval for the Montalcino Resort project for additional information requested in this comment. Conditions 26 through 37 deal with traffic and circulation issues.⁸

Response to Comment 4-B

As discussed in the Draft SEIR, the inclusion of the golf course in the Montalcino Resort would not result in new significant traffic and circulation impacts nor result in a substantial increase in the severity of the previously identified significant traffic and circulation impact in the certified Final EIR for the Montalcino at Napa project.

As discussed in the Draft SEIR, the 2000 Draft EIR evaluated the impacts of the proposed golf course along with the Montalcino Resort. The 2000 Draft EIR estimated 25 outbound and no inbound trips associated specifically with the golf course during a weekday PM peak hour. A projection for weekday AM peak hour conditions would have 25 inbound trips and no outbound trips. The 25-trip estimate for both peak time periods is a very conservative projection that would adequately cover employees and any public players arriving or departing during any one hour. With golf course-related traffic splitting north and south along Devlin Road, none of the already congested intersections along State Route 29 near the golf course (at Jameson Canyon Road or SR 221) would be likely to receive more than a two- or three-tenths of one percent increase in traffic due to golf-related vehicles during either the AM or PM peak traffic hour. This would result in a less-than-significant impact based upon the CEQA evaluation significance criteria used by the County in the Montalcino EIR.

Response to Comment 4-C

Caltrans requests that the second left-turn lanes of the westbound State Route (SR) 12 approach at the SR 12 / SR 29 / Airport Boulevard intersection be installed and operational prior to issuance of the project's building permit.

⁸ *Conditions of Approval Montalcino at Napa Project 2002 Revised Project Plan*, Napa County Board of Supervisors, April 6, 2004.

The project applicant has yet to apply for building permits to construct the resort project; the golf course project currently subject to review does not significantly change existing and projected traffic conditions. In addition, interim widening to the SR 12 / SR 29 / Airport Boulevard intersection was completed by the Caltrans and County in early 2005 which has improved the level of service at the intersection.

Condition of approval 32.b. for the Montalcino Resort project⁹ is to widen SR12-29 / Airport Boulevard / Jameson Canyon Road intersection in accordance with mitigation measure 5.2-3. The County does not concur with the Caltrans recommendation that the mitigating improvements must be completed prior to the applicant being issued a building permit. The County believes that it remains reasonable to keep the previously adopted condition of approval and mitigation measure for the approved resort project unchanged. The approved conditions / mitigations require the improvements be installed and operational prior to granting a certificate of occupancy to operate the resort. Although project construction would generate some construction-related traffic, it appears that there is no nexus to prevent the applicant from constructing the golf course and resort project concurrent with these improvements within Caltrans right-of-way. The intersection is currently functioning at LOS D or better as a result of recent improvements unrelated to the proposed project, and is projected to continue operating at such a level for several years. Traffic generated from construction of the golf course and resort is but a small fraction of the traffic that would be generated by the completed project, and construction-related traffic typically does not occur within the PM peak period when the intersection is most constrained.

Response to Comment 4-D

Condition of approval 31.b. for the Montalcino Resort project¹⁰ is to pay a fair share contribution to the interchange improvements for the SR 12 / 121 / 29 intersection, including both long term and any near term interim improvements. The method to determine the applicant's fair share contribution is clearly described in the conditions of approval.¹¹

Response to Comment 4-E

Comment noted. No additional response necessary.

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ See conditions 31, 32, and Fee Determination Process in the *Conditions of Approval Montalcino at Napa Project 2002 Revised Project Plan, op. cit.*

LETTER 5

**COLLETTE ERICKSON
FARMER & O'NEILL LLP**

ATTORNEYS AT LAW

235 PINE STREET, SUITE 1300

SAN FRANCISCO, CALIFORNIA 94104-2733

TELEPHONE (415) 788-4646 • FAX (415) 788-6929 • WWW.COLLETTE.COM

OCT 26 2005

October 24, 2005

Via EMail and U.S. Mail

John McDowell, Principal Planner
Napa County Conservation,
Development & Planning Department
1195 Third Street, Room 210
Napa, California 94559

Re: Montalcino at Napa Valley Golf Course/
Subsequent Environmental Impact Report

Dear Mr. McDowell:

As you know, we (along with Fred Etzel of Napa) represent HCV Napa Associates LLC, sponsor of the Montalcino at Napa Valley project in the Airport Specific Plan area. The purpose of this letter is to provide our comments on the draft Subsequent Environmental Impact Report (SEIR) prepared by Nichols-Berman Environmental Planning and County Staff in connection with the proposed golf course addition to the Montalcino project plan.

Let me say first that we believe that the draft SEIR is a well-written and thorough review of the proposed golf course addition that, in combination with the comprehensive EIR already certified for Montalcino, fully satisfies the requirements of the California Environmental Quality Act (CEQA) and provides all relevant environmental analysis needed by the Planning Commission and Board of Supervisors to make an informed decision on HCV's pending applications. We appreciate the efforts of Staff and Nichols-Berman in producing this document. Most of our comments below merely highlight or clarify information set forth in the draft SEIR and do not require any specific response by Staff or Mr. Berman.

Before addressing a few specific topics, I would like to draw attention to the project objectives, which are stated on page 3.0-9 of the draft. As indicated there, while HCV's immediate objective is to add a golf course to the Montalcino plan, another

important goal is to enlarge the project site by the addition of a sizable open space amenity. Expansion of the site provides greater flexibility in planning and locating improvements on the main hotel parcel, by allowing them to be oriented away from local roads and highways. No less importantly, it enhances Montalcino's benefit as a community separator and furthers the County's goal of creating and preserving open space. By ensuring that the large acreage proposed for the golf course will remain open space for generations to come, the course, in concert with the main (sparsely developed) hotel site, also helps to protect the long-term viability of the airport by precluding development encroachment in the future.

1. Farmland. The discussion of impacts on agriculture in Section 5.1 is quite comprehensive, and the data showing that "prime" or "important" farmland is not a static resource, but rather one that has been increasing substantially in Napa County over the past decade (pages 5.1-4 through 6), is particularly useful in providing context. However, while we concur with the draft's basic conclusions in this area, we believe the discussion somewhat overemphasizes the Department of Conservation's mapping and categorization.

As a matter of methodology, the Department's mapping is certainly a relevant factor for inclusion in the SEIR and an appropriate starting point for consideration of whether impacts on farmland might be significant. A more pertinent fact, however, is that this particular land is not now and has not for at least a generation been deemed an important agricultural resource in Napa County. This is not a matter of happenstance, but an explicit public policy reflected in the County's designation of the site as Public Institutional (PI) under the General Plan in 1984. Since NSD acquired the land (in or before 1984) for use as a spray field, it has been considered primarily a public utility site; further, the District's spray activity renders the acreage unsuitable for most kinds of agriculture, including grape cultivation, and any agriculture that has occurred there since 1984 has been incidental to its primary function. (Our research also suggests that the site was placed in an agricultural zone because the Public Lands (PL) zoning district did not exist in 1984, when the property was given its PI General Plan designation, and the AW zone was simply the closest fit to the land's primary, utility function. In our view, the PL zoning category is clearly more consistent with the land's use and PI designation under the General Plan, and the one that in all likelihood would have been chosen had it existed

at the time.)¹

2. Airport Consistency. The discussion of waterfowl attractants and airport consistency (Impact 5.2-20, pages 5.2-34 through 37) is also very thorough, and reaches a sound conclusion. Nevertheless, although the text describes the area's existing characteristics in fair detail, it tends to understate the importance of those characteristics relative to other factors. The effect is to make the issue seem more serious than it actually is.

From its inception, the County airport was sited near open bodies of water, and numerous other moist and open areas attractive to birds -- including the NSD site in its present state, as well as marshland and wetlands -- exist in the vicinity. In this setting, the impact of the proposed golf course as an attractant to birds is fairly incidental and easily mitigated to a level of insignificance.

We have a similar reservation concerning the discussion of consistency with Policies 3.2.1 and 3.3.5 of the Airport Land Use Compatibility Plan (pages 4.0-15 and 4.0-19 of the draft SEIR), which are related to the same waterfowl issue. The text properly concludes that the Airport Land Use Commission will need to exercise its own judgment in determining consistency, but in our view, the question is not that close: the evidence strongly argues in favor of a decision that the project conforms with these policies.

3. Somky House. The draft Cultural Resources section correctly notes (Impact 5.4-3, page 5.4-12) that Napa Sanitation District is undertaking removal of the Somky house independent of HCV's proposal (based on NSD's own review and approval process, and based on considerations that are unrelated to the lease of the land). However, given these circumstances, I believe Mitigation Measure 5.4-3 should be clarified by noting that it applies only if the house has not been removed (as anticipated) before HCV begins construction of the golf course, and that if it does apply then either Measure 5.4-3(a) or (b) would be sufficient to mitigate to a less-than-significant level.

¹ The draft correctly notes that the site does not meet the Department of Conservation's criteria for designation as Prime Farmland or Farmland of Statewide Importance because it has had no agricultural use for many years. Even were that not the case, however, the Department's categorization would not prevail over or contradict the County's policy that this land is not an important agricultural resource. The Department's designation and mapping merely provide data about land characteristics for use by local agencies. They do not direct, prescribe or even encourage any particular local land use policy pertaining to farmland.

John McDowell
Napa County Conservation,
Development & Planning Department
October 24, 2005
Page 4

Again, we believe this is overall a very well done and thorough document, and we appreciate the efforts of Staff, Mr. Berman and his consultants. Thank you for your consideration.

Very truly yours,



Kenneth J. Cohen

KJC:mb
HCVP 17.1

cc: Planning Commissioners
Board of Supervisors
Randall J. Verrue
Marsha Ramsey
Bob Berman
Fred M. Etzel, Esq.

RESPONSE TO LETTER 5 – KENNETH J. COHEN, COLLETTE ERICKSON FARMER & O’NEILL, LLP, OCTOBER 24, 2005.

Response to Comment 5-A

Comment noted. No additional response necessary.

Response to Comment 5-B

Comment noted. At its November 16, 2005 meeting the Napa County Airport Land Use Commission determined that the proposed Montalcino at Napa Golf Course project (#P05-0390-ALU) is consistent with the Napa County *Airport Land Use Compatibility Plan*.¹²

Response to Comment 5-C

Comment noted. On November 18, 2005 the Napa Sanitation District (NSD) issued a notice of intent to adopt a mitigated negative declaration for the Somky House Removal project. The project proposes to relocate the Somky House from its current location to a development and restoration site in the City of Benicia. Joy Properties proposes to remove the Somky house from the NSD property by transporting it across NSD property to the Napa River. It would then be loaded onto a barge bound for the City of Benicia where the structure would be restored. The NSD does not intend to replace the Somky House with a permanent or temporary structure.

The NSD Board was scheduled to consider and adopt the mitigated negative declaration regarding the Somky Ranch house and a purchase agreement with Joy Properties for the Somky Ranch house at is December 21, 2005 meeting.

¹² This consistency determination is based on the finding that the County staff recommended conditions of approval are included in the final action by the County.

LETTER 6

**COLLETTE ERICKSON
FARMER & O'NEILL LLP**

ATTORNEYS AT LAW
235 PINE STREET, SUITE 1300
SAN FRANCISCO, CALIFORNIA 94104-2733
TELEPHONE (415) 788-4646 • FAX (415) 788-6929 • WWW.COLLETTE.COM

November 9, 2005

VIA EMAIL and U.S. MAIL

Robert Paul, Esq.
Deputy County Counsel
Napa County
1195 Third Street, Room 301
Napa, California 94559 3092

Re: Montalcino Golf Course/SEIR

Dear Rob:

(A) I write to expand upon a point made in my letter of October 24, 2005, commenting on the draft SEIR for the Montalcino golf course (copy enclosed for your convenient reference) in the hope it may shed light on a topic raised at the November 2, 2005, hearing: specifically, the role of the Department of Conservation's farmland mapping and whether the County has the legal authority to ignore the Department's suggested mitigation for the loss of farmland. In brief, I fully agree with your advice to the Planning Commission that the County has that authority.

Planning Staff has stated its view that the proposed Montalcino golf course site does not meet the Department of Conservation's criteria for "prime" or "important" farmland, notwithstanding what is shown on the latest map. While I concur with that position and agree that it is sufficient justification for the SEIR's conclusions regarding farmland impacts, an equally compelling rationale is that it would be wrong (under CEQA and as a matter of sound land use policy) to give undue weight to the Department's mapping, particularly when it contradicts the County's own policies.

The Department's mapping is a proper starting point to assess whether a project might have a significant impact on farmland. But it is only a starting point. The mapping simply provides data about land characteristics for use by local agencies. The data are collected on a broad or "gross" basis, mainly using large-scale aerial photography -- there is nothing like a parcel-by-parcel assessment of a property's potential usefulness for agriculture.

Robert Paul, Esq.
November 9, 2005
Page 2

More importantly, the mapping is not intended and should not be construed as dictating local land use policy relative to farmland. Slavish adherence to this data would cede local authority over land use decisions unnecessarily and lead to inappropriate burdens on local development and conservation efforts.

With respect to the golf course site, the County's policy has long been that the land's primary function is as a spray field for operations of NSD, and that it is not considered a valuable agricultural resource. This policy was reflected in the site's designation as Public Institutional under the General Plan, in 1984; the land was put into an agricultural zone essentially by default, as there was no zoning designation more consistent with the primary utility function and PI land use designation at the time (the Public Lands (PL) zone was not created until later). The spray field use precludes the most productive agricultural uses in the County, and the agriculture that has been practiced on the site from time to time (none since 1999) has been incidental to the primary function. (In fact, to my knowledge the land has not been used for irrigated crop production -- a key criterion for designation of "prime" or "important" farmland under the Department of Conservation's system -- in the more than two decades it has served as an NSD spray field.)

There can be no serious doubt under CEQA that the County has the authority to refer to its own policies in determining the significance of the impact on farmland and the propriety of mitigation. Indeed, under the circumstances, I believe that mitigation for loss of farmland would be inappropriate and unjustified.

Please do not hesitate to call if you have any questions. To be clear, since this letter merely expands upon comments in my earlier letter on the SEIR, I do not believe that a response by Bob Berman or Staff is necessary.

Very truly yours


Kenneth J. Cohen

KJC:mb
HCVP 17.1
Enclosure

cc: Planning Commissioners
Randall J. Verrue
Marsha Ramsey
John McDowell
Bob Berman
Fred Etzel, Esq.

***RESPONSE TO LETTER 6 – KENNETH J. COHEN, COLLETTE ERICKSON FARMER & O’NEILL,
LLP, NOVEMBER 9, 2005.***

Response to Comment 6-A

Comment noted. No additional response necessary.

LETTER 7



SIERRA
CLUB
FOUNDED 1892

NAPA COUNTY
GROUP

Box 644, Napa CA 94559

<<http://redwood.sierraclub.org/napa>>

November 14, 2005

Hillary Gitelman, Director
Conservation, Development, and Planning Department
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

Re: Montalcino Golf Course

Dear Ms. Gitelman:

RECEIVED

NOV 16 2005

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Thank you for the opportunity to comment on the Draft Supplemental EIR. We share many of the concerns raised by others, and will limit our comments to some specific areas.

(A) We are particularly concerned about conversion of Ag land to a recreational use. The proposed language for Section 18.50.030, is too broad and open ended. If the language will be added to approve a golf course, it should be explicit. We feel strongly that either mitigation suggested by the California Department of Conservation should be required.

(B) We feel that an NPDES permit should be required, or waived by the Water Board, before incorporating up to 100 dry tons of biosolids from the Napa Sanitation District into the ground.

(C) The claim that only ten to fifteen per cent of 89 rounds of golf each day will be played by the general public is not supported by any documentation offered by the applicant. The applicant also makes no note of, except for maintenance workers, pro-shop employees, and vendor traffic onto the property. They have not adequately forecast increased employee traffic, or other traffic, or offered to mitigate impacts on Napa County housing from increased employees.

(D) The driving range is situated in a location where errant shots will certainly wind up in the Central Drainage riparian corridor, necessitating retrieval by employees and probably injuring or killing wildlife. The driving range should be relocated on the property.

(E) We agree that a monitoring plan for all the water courses should be required to make certain that contaminants from golf course operations are not entering the local

Page 2, November 14, 2005

creeks. We question whether the proposed buffers and setbacks are adequate to effectively filter treated wastewater, fertilizer, and chemicals.

Thank you, again, for the opportunity to comment.

For the Napa County Sierra Club:

A handwritten signature in cursive script, appearing to read 'E. Frater'.

Elisabeth Frater, Esq.

Executive Committee Member

RESPONSE TO LETTER 7 – ELISABETH FRATER, ESQ., SIERRA CLUB, NAPA COUNTY GROUP, NOVEMBER 14, 2005.

Response to Comment 7-A

Comment noted. This is a comment on the merits of the proposed project and not on the adequacy of the Draft SEIR.

Response to Comment 7-B

The Napa Sanitation District (NSD) is currently permitted to dispose of biosolids by land application according to Final Order No. R2-2005-0008; NPDES Permit No. CA0037575. Locations where NSD is permitted to apply the biosolids include Somky Ranch, Fagundes Ranch, and Napa Airport grounds. The land to be leased for the Montalcino golf course is part of the Somky Ranch.

The amount of biosolids applied per acre is determined by the agronomic rate at the site for disposal near the time of application. The agronomic rate (i.e. rate of nutrient uptake by the local plants) is determined by the NSD to determine the appropriate amount of biosolids to apply. The unit weight of nitrogen in the biosolids is determined on an ongoing basis by an outside company.¹³ Due to the processing procedure the percentage of nitrogen per ton of biosolids is constantly fluctuating. Thus, the amount of biosolids appropriate for application per acre also fluctuates. The NSD is bound by Federal Regulation 503 and its NPDES permit from the Regional Water Quality Control Board (RWQCB) to ensure that no more biosolids are applied than the amount the soil can absorb without elevating nitrogen levels in site runoff. This is accomplished through the involvement of EPA, the RWQCB, and a third party that completes ongoing testing of biosolids and determination of the agronomic rate. Through these interactions the amount of biosolids per acre to be applied are determined.¹⁴ When soils are low in nutrients then an amount greater than the agronomic rate may be applied to amend poor soils while still being utilized by plants.¹⁵

The NSD would apply to the EPA for a permit allowing the application of up to 100 dry tons / acre during construction of the Montalcino golf course. EPA would work with the NSD and the RWQCB to determine the final application rate and then issue a permit stating the rate at which biosolids can be applied. The permit would allow the one-time application of biosolids at the determined rate. After the development of the golf course, no future applications would be permitted.

Response to Comment 7-C

The project applicant has submitted information to Napa County regarding the number of golf rounds projected for the golf course at the Montalcino Resort from hotel guests and conference attendees as

¹³ Clearwater Hydrology communication with Shar Maglione, NSD Plant Manager, December 2005.

¹⁴ For additional information regarding biosolids see A Plain English Guide to the EPA Part 503 Biosolids Rule, (<http://www.epa.gov/owm/mtb/biosolids/503pe/>).

¹⁵ Clearwater Hydrology communication with Shar Maglione, *op. cit.*

well as the general public.¹⁶ According to the project applicant, based on over 12 years of resort ownership experience and taking into consideration the particular nuances of the Napa Valley, it is projected for the Montalcino Resort that 85 to 90 percent of the total rounds of golf would be played by hotel guests.

Traffic and circulation impacts of the proposed Montalcino at Napa golf course are discussed on pages 7.0-10 through 7.0-12 of the Draft SEIR.

The proposed Montalcino at Napa Golf Course project would be subject to the County's affordable housing requirements. County Code section 15.60.100 describes the procedures used to determine the fee for nonresidential projects.

Response to Comment 7-D

While it is possible that golf balls from the proposed driving range could land within the Central Watercourse and its setback, it is unlikely that wildlife would be injured due to this activity. Removal of waste materials from protected areas such as the Central Watercourse is a common practice with restrictions such as no motorized equipment to be allowed within the area.

Response to Comment 7-E

Current Napa County regulations (County Code 18.108.025 General provisions – Intermittent / perennial streams) require a setback of 45 feet along streams with the average adjacent land slope between one and five percent. Streams are defined as a watercourse designated by a solid (blue) line or dash and three dots symbol (intermittent channel) on the largest scale of the United States Geological Survey maps or any watercourse which has a well-defined channel with a depth greater than four feet and banks steeper than 3:1 and contains hydrophilic vegetation, riparian vegetation, or woody vegetation. The average adjacent land slope along both the Central Watercourse and Suscol Creek are within the one to five percent range.

In addition to the Napa County regulation for setback requirements, as stated on page 5.3-5 of the Draft SEIR:

Two detention ponds would control peak flow rates while providing some water quality benefits. The golf course should be graded as to direct runoff from all maintained portions of the course through a detention pond or constructed wetland. Mitigation Measure 5.3-4 provides further detail on the design of the constructed wetlands to maximize water quality treatment benefits.

Based on the above, the third bullet of Mitigation Measure 5.3-4 on page 5.3-10 of the Draft SEIR is revised as follows:

Incorporate constructed wetlands into the golf course design ~~features~~ (delineated as proposed constructed wetlands on **Exhibit 3.0-3**) to treat stormwater and irrigation runoff from all maintained golf course features. Design of the wetlands shall be in accordance with guidelines outlined in the California Storm Water Best Management Practice Handbook, (Municipal) for constructed wetlands including:

¹⁶ Letter to Mr. John McDowell, Principal Planner from Marsha C. Ramsey, Project Director, HCV Napa Associates LLC, December 14, 2005.

The routing of runoff through a detention pond or constructed wetland as described in Mitigation Measure 5.3-4 would function in conjunction with the 45 foot setback, to reduce the project impact on site water quality to a less-than-significant level.



NOV 14 2005

Earth Defense for the Environment Now

1325 Imola Ave. West PMB 614
Napa, Ca. 94559

Mission Statement: To conserve, protect and defend earth's deep ecology and biodiversity for a sustainable future and high quality of life for all. We will accomplish this through education, advocacy and science.

November 14, 2005

Montalcino at Napa Golf Course Comment on the Draft Subsequent EIR

1. Section 4.1, page 4.0-3, How is a golf course considered a public use? The application to rezone Agricultural Watershed (AW) designation to Public Lands (PL) is inappropriate. The Napa County General Plan does not list golf courses as a Public Use. Sanitation District facilities are. The use of recycled water does not constitute a public facility otherwise any vineyard or cemetery using recycled water could also be reclassified as a public use.

2. Exhibit 4.0-2, page 4.0-5, The N C General Plan states that ponds are a use not normally acceptable in compatibility zones B, C, and D. Zone B is described by the Airport Land Use Compatibility Plan as having a substantial risk of accident. Zone C, a moderate to high risk of accident potential. Zone D, varies from low to moderate risk of accidents (page 4.0-10). The FAA Advisory Circular #150/5200-33A, Hazardous Wildlife Attractants on or Near Airports, defines ponds as wildlife attractants. A new version of the FAA circular expressly recommends against construction of ponds, "1-3. Airports serving turbine powered aircraft...FAA recommends a separation distance of 10,000 feet at these airports for wildlife attractants." The FAA further states, "Protection of Approach, Departure, and Circling Airspace...FAA recommends a separation distance of 5 statute miles..." Merely referring the location of ponds in Flight Zone B, C, and D to the NC Airport a Land Use Commission for a compatibility determination provides no mitigation, only a postponement of a solution. It results in circumventing the CEQA process. Given that most migratory activity are nocturnal the hours of operation and lighting should shut off at sunset in order not to interfere with amphibians, freshwater marsh-occupying species, and other aquatic species.

3. Exhibit 4.0-3 should have key denoting A, B, C, D, E, and F.

4. Exhibit 3.0-5 and page 4.0-5 The nine newly created wetlands of approximately eight acres are also wildlife attractants to Canadian Geese, mallards, and gulls. Are the same mitigations as noted in the FAA Wildlife Hazard Management manual of, "repellant and harassment techniques, to capture and relocation," for ponds also to be applied to wetlands? Page 5.2-37: What is the effective range of wildlife repellent and harassment techniques on other nearby freshwater marsh-occupying species? Will it impact adjacent wetlands and creek habitat? How can chase dogs be kept out of creeks and native wetlands?
5. Given that most migration activities are nocturnal, the hours of operation and lighting should shut off at sunset in order not to interfering with amphibians, freshwater marsh occupying species, and other aquatic species.
6. Section 5.2: Biologic Resources, page 5.2-4 F&G letter dated February 24, 2000, said, "We recommend that a stream restoration and enhancement plan be developed and incorporated into the project prior to finalizing the EIR." Central Creek also acts as, through County approved Erosion Control Plans, as a sediment trap for upstream vineyard projects. The tree and shrub canopy associated with the riparian corridor provides nesting habitat for birds and wildlife foraging opportunities. Years of cattle grazing have removed the original, native, vegetation and rendered the site to non-native annual grassland. A restoration and re-vegetation enhancement plan of Central Creek should be incorporated in the project prior to finalizing the EIR.
7. Impact 5.2-20 Airport Zone Consistency, page 5.2-35. The existing air cannons at the sanitation district pond reverberate throughout the area between the highway embankment to the river and south to the site of the proposed golf course disturbing and altering behaviors of local wildlife. If these noise makers are also installed at the ponds to discourage waterfowl it would also have a detrimental impact on amphibians, shore birds and animals, and other aquatic species. The Clapper Rail is noted for its shy nature and may be prevented from using the area. The California Clapper Rail is a protected species under the ESA.
8. Section 5.2 Biological Resources, page 5.2-12: Two seeps are located on the property. A biological assessment needs to be conducted for presence of the Vernal Pool Fairy Shrimp and rare plants. The seeps need to be noted on the Exhibit plans.
9. Biological Resources, page 5.2-24 The golf cart trail between Golf holes #2 and #3 which intrude into the 25' setback from the wetlands should be required to be constructed on piers and elevated to prevent damage to wildlife and to minimize sediment flows.

RESPONSE TO LETTER 8 – EARTH DEFENSE FOR THE ENVIRONMENT NOW, NOVEMBER 14, 2005.

Response to Comment 8-A

The project site is owned by the Napa Sanitation District and is currently being used for the disposal of treated and reclaimed wastewater and biosolids. These uses are clearly an integral part of the operation of the NSD's wastewater treatment facility and are consistent with the Napa County General Plan designation of Public-Institutional given the prescriptive nature of Napa County's land use regulations. The use of the site only for a golf course with the termination of the disposal of treated and reclaimed wastewater and biosolids would not be consistent with the Public-Institutional designation. However, since the golf course would be a secondary use of the site and the existing use would continue, the proposed project would be consistent with the Public-Institutional designation.

Consistent with its General Plan designation it is proposed to rezone the project site from the Agricultural Watershed (AW) designation to Public Lands (PL). Currently the proposed project would not be a permitted use in a PL zone. It is, however, proposed to amend the permitted uses (with the issuance of a use permit) to allow recreational or other uses requiring no on-site buildings and utilizing an average of not less than 250 acre-feet of recycled water annually. With the approval of this amendment, the proposed project would be permitted in the PL zone with the issuance of a use permit.

Response to Comment 8-B

As discussed in Section 9.3 above, the golf course has been redesigned to locate one of the ponds out of compatibility zone C so that all three ponds are now located in compatibility zone D. The Napa County Airport Land Use Commission found that with the location of all three ponds in compatibility zone D, together with implementation of Mitigation Measure 5.2-20 (preparation and implementation of a Wildlife Hazard Management Plan consistent with the FAA's *Wildlife Hazard Management at Airports, A Manual for Airport Personnel*), the project adequately addresses potential hazards to aircraft from birds and other wildlife.¹⁷

No golf course lighting is proposed and no lighting of the driving range shall be permitted. However, County staff have indicated that some security lighting may be required. All exterior lighting would be shielded and directed downward, and located as low to the ground as possible to provide for adequate security, safety, and operations. Motion detection sensors would be utilized to the greatest extent practical.¹⁸ The proposed lighting would not interfere with amphibians or other nocturnal species.

Response to Comment 8-C

Exhibit 4.0-1 in the Draft SEIR identifies the compatibility zone for each parcel in the project site and **Exhibit 4.0-3** in the Draft SEIR shows these compatibility zones as they affect the project site. The three compatibility zones (zones B, C, and D) that are located on the project site are defined on pages 4.0-10 and 4.0-12 of the Draft SEIR.

¹⁷ Napa County Airport Land Use Commission, November 16, 2005.

¹⁸ Memo to Nancy Johnson, ALUC staff from John McDowell, Program Planning Manager, November 9, 2005.

Response to Comment 8-D

Mitigation Measure 5.2-20 requires the preparation and implementation of a Wildlife Hazard Management Plan consistent with the FAA's *Wildlife Hazard Management at Airports, A Manual for Airport Personnel*. The harassment techniques planned for the golf course would not be applied to wetland areas. The preferred harassment technique would be the use of a nontoxic chemical repellent within the turf areas.

Response to Comment 8-E

As discussed in Response to Comment 8-B, no golf course lighting is proposed and no lighting of the driving range shall be permitted. However, County staff have indicated that some security lighting may be required. All exterior lighting would be shielded and directed downward, and located as low to the ground as possible to provide for adequate security, safety, and operations. Motion detection sensors would be utilized to the greatest extent practical.¹⁹ The proposed lighting would not interfere with amphibians or other nocturnal species.

Response to Comment 8-F

This comment is apparently referring to the Central Watercourse which drains to the southwest through the proposed golf course. As shown on **Exhibit 5.2-2** in the Draft SEIR, the Central Watercourse is categorized as a seasonal wetland swale. A review of the vegetation exhibit (**Exhibit 5.2-2** in the Draft SEIR) indicates that there is no riparian habitat associated with this feature. It is unknown as to whether cattle grazing removed native vegetation, only that the current vegetation community surrounding the swale is non-native grassland. The golf course is proposed so as to set back development 45 feet from the top-of-bank from the Central Watercourse. Restoration of this buffer area, however, is not a part of the proposed project.

Response to Comment 8-G

See Response to Comment 8-D.

Response to Comment 8-H

ECORP Consulting, Inc. evaluated the two seeps located within the project boundary during the preparation of the Special-Status Species Assessment.²⁰ The hydrology of the seeps prohibit the life cycle of the vernal pool fairy / tadpole shrimp as 1) they are fed by groundwater, 2) do not pond sufficiently in the winter months, and 3) do not dry out completely during the summer months, due to the use of the project site for the disposal of recycled water. Therefore, the seeps are not considered to be habitat for the species. In addition, no special-status plant species were observed within these wetland features.

¹⁹ *Ibid.*

²⁰ *Special-Status Species Assessment for Montalcino Golf Course Napa County, California*, ECORP Consulting, Inc., June 8, 2005.

Response to Comment 8-I

The buffer between the wetlands and the developed areas is 25 feet from the edge of the wetland features, except for the golf cart path area located between golf course holes 2 and 3, where the setback off of the seasonal wetland swale would be approximately 20 feet. This swale does not meet the definition of a stream, as identified in Title 18, Chapter 18.108.030 of the Napa County Code. Napa County has not established required setbacks from wetland areas. Additional protection of this area would include split-rail fencing and signs identifying the area as a natural habitat.

LETTE12 9



COPC Mtg 11-2-05
Mem #10
Sandy Elles

NAPA COUNTY FARM BUREAU

November 1, 2005

Napa County Conservation, Development and Planning Commission
1195 Third Street
Napa, CA 94559

RE: Montalcino Golf Course Draft Subsequent EIR

Dear Chair Fiddaman & Commissioners,

Napa County Farm Bureau has reviewed the Draft Subsequent Environmental Impact Report for the Montalcino Golf Course and has the following comments:

- (A) Impact 5.1-1: The loss of 226 acres of lands characterized as Prime Farmland, Farmland of Statewide Importance or Unique Farmland is significant and should require some mitigation. As noted by the letter submitted by the State Department of Conservation dated 8.22.05, if loss of farmland cannot be avoided, mitigation using conservation easements should be implemented through either a donation of mitigation fees or the outright purchase on conservation easements tied to the project.
- (B) The Subsequent EIR should recognize the interface between the golf course and the neighboring agricultural lands to the north and east. Adequate buffers and setbacks should be required to reduce any potential conflicts between the recreational and agricultural uses.
- (C) Given the multiple findings of significant impacts to riparian habitat, wetlands, and several special-status species, the finding of consistency with General Plan Land Use Goal 3 "Suitability of land use encouraged, minimize conflict with natural environment" (Exhibit 4.0-2, pg. 4.0.5) seems inaccurate.
- (D) The golf course compatibility with safe operation of the Napa County Airport is noted as a significant impact. Mitigation is noted, but the issue remains a concern.

Thank you for the opportunity to comment.

Sincerely,

Sandy Elles
Executive Director

cc: Napa County Farm Bureau Directors

RESPONSE TO LETTER 9 – SANDY ELLES, EXECUTIVE DIRECTOR, NAPA COUNTY FARM BUREAU, NOVEMBER 1, 2005.

Response to Comment 9-A

As discussed in Response to Comment 2-C, it is Napa County's position that because the site does not meet the California Department of Conservation's Farmlands Mapping and Monitoring Program (FMMP) criteria for Prime Farmland, Farmland of Statewide Importance, or Unique Farmlands that the loss of agricultural land is a less-than-significant impact.

Response to Comment 9-B

It is correct that there is an existing vineyard north and east of a portion of the project site. The vineyard is north of golf course holes 2 and 3 and east of golf course hole 4. The golf course would be separated from the vineyard by an existing dirt access road which is lined with landscaping (see **Exhibit 5.2-2** in the Draft SEIR). Generally, the north-south portion of the access road is lined with eucalyptus trees and the east-west portion of the access road is lined with cottonwood trees. It is proposed to setback the development portion of the golf course approximately 50 feet from the property line.²¹ The existing dirt access road would remain within this setback. It is not anticipated that the golf course would require the removal of many of the existing trees along the access road. The one location where some trees may be removed would be to accommodate the NSD holding pond (see **Exhibit 5.2-4** in the Draft SEIR).

Opportunities for urban / rural conflicts occur at the interface of agricultural and non-agricultural uses. Depending on the types of contiguous agricultural operations, visitors and resident's complaints typically involve dust, odors, noise, presence of pests, manure, or where agricultural chemicals are applied, spray drift. Agriculturists' complaints generally include trespass, vandalism and theft.

It is possible that users of the Montalcino at Napa golf course could complain about the use of pesticides, dust from cultivation, noise, and odors from the adjacent vineyard operations. It is not anticipated, however, that there would be a significant conflict between users of the golf course and the adjacent vineyard for several reasons.

- The proposed 50-foot setback of the golf course from the property line together with the existing dirt roads would serve as a buffer between the golf course and the vineyard;
- The existing trees along the dirt roads would add to the effectiveness of the buffer; and
- Due to the transitory use of the golf course, visitors to the site would be less likely to complain about the vineyard operation than if a residential use were to locate there.

It should also be noted Napa County has undertaken steps to reduce urban / rural conflicts including enactment of a Right to Farm ordinance. Chapter 2.94 of the County Code deals with agricultural and right to farm rules. Under section 2.94.020, farmers and ranchers have a "right" to conduct their agricultural operations in a manner that is consistent with proper and accepted customs and standards for similar agricultural operations in Napa County.

²¹ Nichols • Berman communication with Bruce Pendergraft, George W. Girvin Associates, Inc., December 2005.

Response to Comment 9-C

As discussed in **Exhibit 4.0-2** in the Draft SEIR the proposed golf course has been designed to minimize conflicts with the natural environment. For example, the project includes 45-foot setbacks from on-site creeks and 25-foot setbacks from on-site wetlands. Furthermore, mitigation measures have been included in the SEIR for each of the identified significant biological resources impacts. Implementation of the mitigation measures would reduce the identified significant impacts to a less-than-significant level.

Response to Comment 9-D

Comment noted. At its November 16, 2005 meeting, the Napa County Airport Land Use Commission determined that the proposed Montalcino at Napa Golf Course project (#P05-0390-ALU) is consistent with the Napa County *Airport Land Use Compatibility Plan*.

Responses to November 2, 2005 Public Hearing Comments

On November 2, 2005 the Napa County Planning Commission held a public hearing on the Draft SEIR. A copy of the written transcript of the November 2, 2005 Napa County Planning Commission's public hearing can be reviewed at the Napa County Conservation, Development & Planning Department, 1195 Third Street, Room 210, Napa, California, 94559. Comments regarding the adequacy of the Draft SEIR are summarized below with a notation of who made the comment. A response to the comment is provided directly after the comment.

Comment PH-1

Impact 5.1-1 describes the loss of 226 acres of prime farmland, farmland of statewide importance or unique farmland, as less-than-significant. The Farm Bureau would request that you determine that there is a significant loss of farmland. (*Sandy Elles, Napa County Farm Bureau*)

Response to Comment PH-1

Please see Responses to Comment 2-C and 9-A.

Comment PH-2

How is a golf course considered a public use? The application to rezone from ag watershed to public lands is inappropriate. The Napa County General plan does not list golf course as a public use. Sanitation District facilities are. (*John Stephens*)

Response to Comment PH-2

Please see Response to Comment 8-A.

Comment PH-3

In discussing the California Department of Conservation's (CDC) Farmlands Mapping and Monitoring Program (FMMP) can we ignore the State's designation and move forward as if it did not exist and that we expect it to change someday? (*Commissioner Jim King*)

Response to Comment PH-3

As discussed at the November 2, 2005 public hearing by Rob Paul, Napa County Counsel's office, Napa County has the authority, based on factual evidence, to determine as to whether or not the project site was accurately mapped by the FMMP. Furthermore, the Planning Commission and Board of Supervisors have the authority to exercise their judgment and make a determination as to the level of significance regarding the impact to agricultural land.

The project applicant has submitted information to Napa County regarding the issue of the role of the Department of Conservation's farmland mapping and whether the County has the legal authority to ignore the Department's suggested mitigation for the loss of farmland (see Response to Comment letter 6 from Kenneth J. Cohen, Collette Erickson Farmer & O'Neill LLP).

Comment PH-4

In the analysis of conformance with density requirements for airport compatibility, it was assumed that there would be no golf tournaments of any kind with spectators. What would be the outcome of the analysis if there were events with spectators? (*Chairperson Bob Fiddaman*)

Response to Comment PH-4

Spectator events on the golf course have not been proposed as a part of the proposed *Montalcino at Napa Golf Course* project. County staff intends to include a condition of approval for the golf course that states that spectator events are not approved as a part of this project.²² Any future proposal for spectator events would be subject to separate review and approval by Napa County in accordance with the Temporary Events provisions of the Napa County Code (Section 5.36). Furthermore, any event where the total number of persons on the 233 acre golf course would exceed 230 persons would be subject to a Consistency Determination by the Napa County Airport Land Use Commission prior to Napa County taking final action on the proposed Temporary Event.

²² Memo to Nancy Johnson, ALUC staff from John McDowell, *op. cit.*