

NAPA COUNTY
DEPARTMENT OF PLANNING, BUILDING, AND ENVIRONMENTAL
PUBLIC MEETING

IN RE IN THE MATTER OF:

WALT RANCH VINEYARDS EROSION)
CONTROL PLAN NO. P-11-00205)
)
FINAL EIR AND PUBLIC COMMENT)
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REPORTER'S TRANSCRIPT OF PROCEEDINGS_HAD

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Napa, California
Monday, April 4, 2016
9:04 o'clock a.m.

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KATHLEEN M. SOLOAGA, CSR No. 6957

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I N D E X

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APPEARANCES

3,4

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OPENING REMARKS BY DIRECTOR MORRISON:

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PRESENTATION BY ANALYTICAL ENVIRONMENTAL SERVICES:

MS. SANBORN

11

PRESENTATION BY THE APPLICANTS:

MS. WALT HALL

28,44

MR. MANLEY

36

COMMENTS BY MEMBERS OF THE PUBLIC:

46

APPLICANT REBUTTAL:

MR. REYNOLDS

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MR. MANLEY

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REPORTER'S CERTIFICATE

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A P P E A R A N C E S

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FOR THE COUNTY OF NAPA, DEPARTMENT OF PLANNING,
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I N D E X
(Continued)

FOR THE APPLICANTS:

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WHITMAN F. MANLEY, ESQ.
REMY, MOOSE, MANLEY, LLP
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Sacramento, CA 95814

MIKE REYNOLDS, President
Walt Wines

Donald Munk, Director of Vineyards
Walt Wines

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ALSO PRESENT: Members of the Public.

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1 MONDAY, APRIL 4, 2016

9:04 O'CLOCK A.M.

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3 P R O C E E D I N G S

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5 DIRECTOR MORRISON: All right. Well, thank you
6 all for being here. Good morning and welcome to the
7 public hearing for the proposed Walt Ranch Erosion
8 Control Plan and the Environmental Impact Report.

9 So, in the interest of everybody's valuable
10 time, we'll go ahead and get started. I understand there
11 are some -- we are using overflow rooms. This room has
12 reached its maximum capacity, and there is -- there are
13 people also in the lobby and in the first floor HR
14 conference room. We do have other spaces available if
15 additional people show up, but for right now we seem to
16 be -- have more than adequate capacity for the audience
17 that we have today.

18 My name is David Morrison. I'm the Director for
19 Napa County Department of Planning, Building, and
20 Environmental Services and will be presiding over the
21 hearing. With me today are Laura Anderson, Deputy County
22 Counsel; Melissa Frost, Administrative Secretary; Brian
23 Bordona, the Supervising Planner; and Kathleen So --
24 Soloaga?

25 THE REPORTER: Yes.

1 DIRECTOR MORRISON: -- who's our court
2 transcriber and will be taking -- recording this meeting
3 today.

4 Representatives from Analytical Environmental
5 Services, the firm pre -- that prepared the EIR, are in
6 attendance, as are the Applicants and their
7 representatives.

8 Mr. Bordona, would you please lead us in the
9 Pledge of Allegiance this morning.

10 MR. BORDONA: Sure.

11 (Pledge of Allegiance taken.)

12 DIRECTOR MORRISON: Before getting along too
13 far, I'm going to probably take more than three minutes
14 and go through a few comments.

15 I've read the materials, the correspondence, the
16 Draft and Final EIRs, comments, reports, studies
17 conducted and am familiar with the project and the issues
18 involved.

19 At this time I would also like to disclose that
20 I have received correspondence, met with, and/or
21 discussed this project with various County staff; the
22 Applicants, their attorneys and representatives; the City
23 of Napa staff, Board members, Commission members, members
24 of the press, neighbors, and opponents and other
25 interested groups. Because of the correspondence alone,

1 to list the hundreds of people here would be -- would
2 take up a great deal of time.

3 The format will -- for the hearing will be as
4 follows: Staff will provide a brief overview of the
5 proposed projects and their recommendation; AES will
6 review the analysis with regards to the final EIR; the
7 Applicant and their team will be provided time, about 15
8 minutes, to make their presentation, and then public
9 testimony will be accepted. After hearing all public
10 testimony, the Applicant will get an opportunity for
11 rebuttal. I will then close the public hearing.

12 Depending on the testimony received today and
13 any comments, I expect -- I hope to announce a Tentative
14 to Action regarding the project and would direct staff to
15 prepare written findings consistent with the intended
16 decision.

17 The final decision will be reflected in a
18 written decision that will be issued and posted on the
19 County's website for the Walt Ranch Project on June 13th
20 by the close of business. Anybody who is interested can
21 request staff to be notified of that decision. It will
22 also be posted on the website.

23 If the decision is timely appealed -- and the
24 appeal period runs after June 13th, so the appeal -- the
25 15-day appeal period would run beginning June 13th. If

1 that appeal is made, then that would be heard by the
2 Board of Supervisors.

3 To ensure that the hearing runs as effeciently
4 as possible, a few ground rules today: Please don't move
5 the chairs around. There's no saving of seats. If
6 anybody wants my seat, they can have -- they're welcome
7 to it this morning. (Laughter.)

8 We have overflow rooms, as I mentioned earlier,
9 and we'll be calling each of those rooms into the Board
10 chambers in turn so that we don't overcrowd the room.

11 There -- we just have one podium, that's fine.
12 We have a podium, so once your group is called, please
13 come to the Board chambers and get in line.

14 To adhere to fire safety requirements, no more
15 than ten people can stand in line, and we have deputies
16 here this morning who will help us make sure that
17 everybody takes their turn and that we don't violate any
18 fire code.

19 Please keep your remarks to three minutes out of
20 respect for the other people who wish to speak so that
21 everyone can be heard today. There's a timer on the
22 podium to keep track of your time. If you have more
23 extensive comments that would take longer than three
24 minutes, please provide them in writing. Written and
25 verbal comments are considered equally. One does not

1 have more value or importance than the other.

2 Testimony is being recorded today audiolly --
3 actually, we have two -- to prevent the issue we have
4 this -- we have two audio recordings and we have a
5 transcriber today.

6 Please fill out the speaker cards or sign-in
7 sheets if you want to offer your testimony. State your
8 first and last name, be sure to speak clearly for the
9 transcriber. The audio recording will be the official
10 record of the proceeding today.

11 We have about a hundred and -- looks like 110,
12 120 people here today. I'm not sure how many we have on
13 the sign-in sheets. It looks like maybe 30 or 40. If
14 everybody has three minutes, we're probably looking at
15 somewhere in the neighborhood of two to two-and-a-half
16 hours of testimony in addition to staff and the
17 Applicant.

18 We will be taking periodic breaks and stay as
19 long as needed to make sure that everybody who wants
20 their -- who has comments to make today will be heard.

21 We may also take a brief -- a brief break.
22 There has been fairly extensive documents that have been
23 submitted this morning and we may take a break around
24 lunchtime, if we haven't finished up by that time, in
25 order to review the materials that have been submitted

1 just this morning.

2 Please avoid repetitious comments. If other
3 speakers have already made the point that you were going
4 to mention, please acknowledge your agreement rather than
5 just repeat them again. I do reserve the right to reduce
6 the time limit if testimony is repetitive or off topic,
7 as reasonably necessary, to keep the meeting running
8 orderly and efficiently.

9 I understand there are strong feelings regarding
10 the project. I ask that you respect the public hearing
11 process and keep your remarks civil and polite. If
12 anyone is disorderly, I will ask them to be removed from
13 the hearing room.

14 And please turn off and silent your cellphones
15 out of courtesy for those who are speaking.

16 I would also ask that anyone who wishes to fill
17 out the speaker's card or sign-in sheet is not required,
18 but it does allow for a more orderly hearing. I will be
19 calling people up in groups of three, so we don't --
20 please don't make a mad dash for the podium. Everybody
21 will get to speak.

22 The purpose of this meeting is to allow me to
23 hear what each of you has to say and to ensure that your
24 comments are included in the administrative record.
25 Success depends on your patience and consideration, both

1 of which are greatly appreciated.

2 So we'll now begin things, and I will turn it
3 over to Mr. Bordona to begin to give presen -- his
4 presentation.

5 MR. BORDONA: Thank you, Director Morrison.
6 Thank you, Director Morrison.

7 I'm joined here with County's consultant AES,
8 Annalee and Analise, and Annalee is gonna take us through
9 a presentation and provide an overview of the project as
10 well as the EIR.

11 MS. SANBORN: Okay. So thank you for that
12 introduction, Brian. My name is Annalee, and I'm with
13 Analytical Environmental Services. So to begin, as my
14 PowerPoint slides are being loaded, I would like to first
15 just kind of briefly go over what AES's role is in this
16 process.

17 AES is the County consultant hired to assist
18 with the preparation of the EIR. We function as an
19 extension of the -- of the County staff because we have
20 various environmental technical experts available on
21 staff who can assist with some of the more technical
22 aspects such as air quality, biology, archeology, so we
23 assist with the preparation of the EIR.

24 Do you have the clicker?

25 Excellent. Thank you.

1 Forward? Perfect.

2 So the purpose of the EIR is to be an
3 informational document and to provide an unbiased
4 analysis of project-related impacts to both the
5 decision-maker and to the public.

6 As an informational document, we look at the
7 different components of the proposed project and the
8 potential impacts they would have to the environment
9 or -- to the environment, excuse me, and then compare
10 those impacts to various federal, local, county, state
11 laws, and significant thresholds as mandated by CEQA.

12 And for anything that the project is not in
13 compliance with, the EIR analyzes various strategies to
14 bring the project in compliance with those laws, and
15 those strategies are the mitigation measures. The
16 mitigation measures presented in the EIR would be adopted
17 if the decision-maker were to approve the project.

18 As I move forward today, I'm going to try and be
19 careful in my terminology. When I discuss the proposed
20 project, I am referring to the full original application
21 for 356 net acres of vineyard. But after the avoidance
22 mitigation measures that were imposed upon the project,
23 the total net acreage was reduced, and that is the
24 mitigated project, and that is approximately 288 net
25 acres within 429 gross acres.

1 So, a brief description of the proposed project:
2 The original proposal was to develop 356 net acres of
3 vineyard within 507 gross acres. I would also like to
4 mention that the Applicant voluntarily removed 9 blocks,
5 almost 20 gross acres before this meeting. I believe
6 they will be discussing it more in their presentation
7 after this one.

8 In addition to the development of vineyards,
9 they will also improve and maintain approximately 21
10 miles of existing roads that are on the property, in
11 addition to installing drainage and erosion-control
12 features associated with each of the vineyard blocks.
13 They include various measures such as level spreaders,
14 subsurface drainage, sediment basins, and cover crops,
15 just to name a few.

16 Finally, the vineyards will be irrigated with
17 groundwater. There are three existing wells on the
18 property, and the project would construct up to four new
19 groundwater wells and four offstream reservoirs.

20 So today I'm here to go over the various
21 environmental impact areas that were discussed in the
22 EIR, starting with air quality. The analysis for air
23 quality was broken up into both the project construction
24 phase and the project operation.

25 So, in order to assess air-quality impacts, the

1 various assumptions of the project, such as the acreage
2 that would be developed, the types of construction
3 equipment that would be used, were all inputted into an
4 air-quality model called CALEEMOD, and that model is
5 approved by California Air Resources Board, or CARB, and
6 the Bay Area Air Quality Management District, which
7 governs the San Francisco Bay Area Air Basin. That model
8 then estimates the amount of air pollutants that would be
9 produced by the project for each phase. And according to
10 that model, the -- there would be a potential significant
11 impact due to the development -- or production of
12 fugitive dust.

13 As such, the EIR provides several different
14 mitigation strategies, including a Fugitive Dust
15 Abatement Program, and requires compliance with the Bay
16 Area Air Quality Management District Construction
17 Mitigation Measures, that includes such things as
18 covering stockpiles, reducing travel speeds, and sweeping
19 the roads.

20 For project operation, the components that were
21 entered into the model includes the number of worker
22 trips and the somewhat smaller amount of construction
23 equipment that would be used, as well as grape truck
24 trips. And the model predicted that there would be no
25 exceedance of the Bay Area Air Quality Management

1 District's thresholds, and therefore no mitigation was
2 required there.

3 For biological resources, the EIR analyzed these
4 resources as recommended by the State, including both
5 California Environmental Quality Act, or CEQA; California
6 Department of Fish & Wildlife, CDFW; the federal
7 government, the U.S. Army Corps of Engineers, and the
8 U.S. Fish & Wildlife Service, and, of course, local
9 regulations, such as the Napa County General Plan and
10 Napa County ordinances.

11 The resources that were looked at were divided
12 into 16 different impact analyses that covered such
13 topics as special-status species, both plants and
14 animals, sensitive habitats, or habitats of limited
15 distribution within the County, wetlands and waters of
16 the U.S., wildlife corridors and habitat fragmentation,
17 including tree loss.

18 Based on the many comments that were received on
19 the Draft EIR, it became apparent that some of the
20 public's concerns that were most repeated were overall
21 tree loss that would be caused by the project, as well as
22 wildlife corridors and wildlife displacement.

23 The EIR looked at several different mitigation
24 strategies, starting with avoidance. Seventy-eight acres
25 were required by mitigation to be removed from the

1 project, which represents about 15 percent of the
2 requested land.

3 After avoidance, the EIR also requires
4 preservation. Initially, the Draft EIR required a
5 smaller amount, but the mitigation was expanded in the
6 Final EIR such that now 551 acres will be placed into a
7 permanent method of protection, whether that is a deed
8 restriction or a conservation easement, and that would
9 result in the protection of plants, habitats, animals,
10 and other habitats.

11 Finally, the EIR also requires mitigation
12 replanting for four special status plants, for native
13 grasslands, and for specimen trees.

14 It's a very complicated set of mitigation
15 measures, which is why for the Final EIR the Biological
16 Resources Management Plan, or BRMP, was prepared and was
17 included as an attachment; and that specifies the
18 different techniques that would be used to make sure
19 these mitigations are successful, as well as where and
20 how they would be conducted and -- including the success
21 criteria and monitoring after it's completed.

22 For cultural resources, several different
23 cultural investigations have occurred of the project site
24 over the years by qualified archeologists. Those include
25 numerous site surveys, as well as consultation with the

1 Native American Heritage Commission and local Native
2 American tribes, and a review of the California
3 Historical Resources Information System. As a result of
4 those studies, six cultural resources have been
5 identified on the project site, and the EIR requires
6 mitigation for avoidance of all of those sites.

7 The EIR then looks at geology and soils, and
8 I'll start my discussion with the stability and the
9 landslide risk. If you'll draw your attention to the map
10 that's on the slide, the red in the southwest corner of
11 the property is the Milliken Creek portion, and that is
12 Sonoma Volcanics, which is generally considered to be a
13 fairly stable geologic formation; whereas, in the
14 northeastern portion of the site, the Capell Creek
15 Watershed is underlain by Great Valley Sequence rocks,
16 which are somewhat less stable than Sonoma Volcanics. In
17 addition, you'll notice that there's some splashes of
18 yellow mixed throughout the property, including, off of
19 the property, the entirety of the Circle Oaks
20 neighborhood, and that yellow is a landslide deposit that
21 is known in the area.

22 In order to make sure the project would not have
23 any significant impacts due to slope stability, an
24 engineering geologist conducted a site-specific
25 evaluation of each of the vineyard blocks, including test

1 pits, which resulted in specific recommendations for 29
2 of the vineyard blocks, and each and every one of those
3 recommendations has been incorporated as a mitigation
4 measure.

5 The geology and soils section of the EIR also
6 goes into the erosion and sedimentation risk. The EIR
7 acknowledges that grading and earth-moving could loosen
8 topsoil, it could result in erosion, and therefore it
9 assesses the probability of that considering the
10 erosion-control features that are required in the
11 Erosion-Control Plan.

12 Modeling was conducted for each of the vineyard
13 blocks and found that there would be a net decrease of
14 erosion in the Milliken Reservoir Watershed by 43 percent
15 from the project site, and on the Capell side there would
16 be a net decrease of 13 percent.

17 The EIR then goes into a hazardous materials
18 discussion, and that included both during the
19 construction period of the project and the operation.
20 Common construction hazards that are used include oils,
21 lubricants, gasolines, and the EIR assesses the risks of
22 those materials entering the natural environment;
23 whereas, the operational side generally includes the use
24 of pesticides, fertilizers, and herbicides on the
25 vineyards.

1 In addition, the EIR acknowledges that a portion
2 of the property, about one-third of the southern portion,
3 is in the Milliken Reservoir Watershed, which does
4 provide drinking water to the City of Napa.

5 It's important to note that some risk of
6 hazardous materials is inherent in all vineyard projects,
7 but every effort has been taken to minimize that risk
8 here, and I'll briefly go into some of the mitigation
9 measures that were required.

10 First, the EIR requires the development of a
11 Hazardous Materials Business Plan. And some of the
12 commenters on the Draft EIR requested a little bit more
13 clarification, because that term can be kind of vague,
14 and so that was provided in the Final EIR and that spells
15 out exactly where and how chemicals may be used and
16 stored on the site, including spill containment and
17 notification procedures.

18 The EIR also provides limits to construction
19 equipment, making sure they stay out or far away from
20 riparian zones and local waterways.

21 In addition, the Applicant has prepared an
22 Integrated Pest Management Plan, which was also required
23 by a mitigation measure in the EIR, and that Integrated
24 Pest Management Plan, or IPM, ensures that fewer
25 chemicals would be used during operation of the project,

1 and of all of the different chemicals that are available,
2 the least toxic options would be chosen.

3 And finally, the project is required to follow
4 the Napa County Agricultural Commissioner's rules and all
5 local, state, and federal regulations.

6 So, after inclusion of all of those mitigation
7 measures, the risk of any kind of hazardous materials
8 incident has been substantially lessened in accordance
9 with CEQA.

10 The EIR then discusses hydrology and water
11 quality, beginning with surface water. I've already
12 briefly discussed this under several other sections, so I
13 won't repeat myself. Suffice it to say that this section
14 of the EIR summarizes the information available in those
15 other sections and compares the projected impacts to
16 local, state, and federal rules and found that with the
17 mitigation provided in the other sections, there would be
18 no significant impacts.

19 It is also important to note that the project
20 meets or exceeds all County requirements for hydrology.
21 There will be a no-net increase in runoff volume, no-net
22 increase in runoff rates.

23 Also, the 60/40 rule for vegetation removal in a
24 sensitive domestic water supply drainage has been met
25 and, as I mentioned, there will be a decrease in

1 sedimentation on the project site.

2 So the vineyards would be irrigated with
3 groundwater. The full proposed project would use 213.5
4 acre feet. That includes a small portion of that for
5 frost protection as well. After consideration of the
6 avoidance measures in the biological section, the
7 mitigated project would use only 187 acre feet per year.

8 Numerous geologic investigations and
9 hydrogeologic investigations of this property and the
10 property to the immediate west have shown that they are
11 not hydrologically connected to the Milliken-Sarco-
12 Tulucay, MST, Groundwater-Deficient Area.

13 The MST Groundwater-Deficient Area is miles to
14 the southwest of this site and has a much different
15 geological makeup. The groundwater in that area is more
16 of an alluvial basin; whereas, underneath the project
17 site, it is in the Fractured Sonoma Volcanic Rocks.

18 That being said, there are potential impacts to
19 the neighboring wells due to overall lowering of
20 groundwater or draw-down, and as such, the technical
21 groundwater consultant for the project has prepared a
22 Groundwater Mitigation Plan which is also an attachment
23 to the Final EIR.

24 So the proposed project for the transportation
25 and traffic section, it would use public roadways in the

1 area, and that includes Highway 121 and Circle Oaks
2 Drive, and the entrance to the project site is through
3 the Circle Oaks neighborhood.

4 There are other entrances to the property
5 directly off Highway 121 and they were considered, but
6 each one of those has a very different significant
7 constraint that prevents it from being used. And some of
8 those constraints include either safety issues, due to
9 line of sight or no turning lanes, biological resources
10 and special-status species habitat directly in the area,
11 or archeological constraints.

12 So the EIR, to assess this impact, first looked
13 at the estimated traffic that would be -- excuse me --
14 that would be generated by the project during both
15 construction and operation, and then looked at the
16 current capacity of the local roadways and determined,
17 when those were added together, whether or not they would
18 exceed any of those capacities, and the EIR found that
19 they would not -- they would not exceed any of those
20 local roadway capacities.

21 And that being said, there were still
22 mitigations placed on the project to keep the traffic
23 from occurring within the peak hours where there is
24 expected to be commuter traffic in the neighborhood. In
25 addition to -- safety concerns due to large trucks

1 entering roadways was also considered, and mitigation was
2 provided in the form of limiting traffic speeds and some
3 safety signage and warning signs.

4 The EIR also assessed the condition of Circle
5 Oaks Drive. The road is not in very good condition, as
6 you can see in the photos here on the slides, and that --
7 so the EIR provided mitigation for if the project
8 resulted in additional wear and tear to that roadway.

9 Commenters to the Draft EIR pointed out that the
10 roadway itself is not the only issue there. There is
11 also expensive and very important infrastructure located
12 beneath that roadway in the form of the water and sewer
13 lines, and so the mitigation in the Final EIR was
14 expanded to provide protection for that subsurface
15 infrastructure as well.

16 Okay. So, bear with me folks. There will be
17 noise emitted during construction and operation of the
18 project, which was looked at in the EIR. The
19 construction noise is limited by Napa County Noise
20 Ordinance, and so mitigation measures have been provided
21 to make sure the project stays below those County
22 thresholds.

23 Some of those mitigation measures include:
24 installing mufflers on equipment, limiting the hours of
25 construction, and using temporary sound walls for the

1 closest residences.

2 The operation of agricultural on an
3 agriculturally zoned property is protected via the Napa
4 County Right to Farm Ordinance, and so the EIR does not
5 provide a quantitative analysis there. But based on
6 feedback provided by the public, the Applicant has agreed
7 to install mufflers on any wind machines that might be
8 closest to nearest residences, and that's also provided
9 in the Final EIR Mitigation.

10 In addition, after comments received on the
11 Draft EIR, further limitations were placed on the
12 project, and blasting was prohibited within 775 feet from
13 the nearest homes.

14 Okay. So one of the last environmental areas
15 that was looked at was climate change. Greenhouse gas
16 emissions were quantified for both the construction and
17 the operation of the proposed project, using
18 methodologies approved by CARB, California Air Resources
19 Board, and the Bay Area Air Quality Management District.
20 Those emissions were then compared to the significant
21 thresholds.

22 For the construction period, the significant
23 threshold was the Adopted Climate Action Plan of Solano
24 County; whereas, the operation period looked at the CEQA
25 Guidelines provided by the Bay Area Air Quality

1 Management District.

2 Subsequent to the release of the Final EIR, the
3 California Supreme Court released a statement -- or
4 excuse me -- the Newhall Ranch decision, which stated
5 that additional analysis should be conducted before using
6 the reduction and business-as-usual significant
7 threshold, which was what was used for the construction
8 analysis; and as such, a revised analysis was prepared
9 last month and has been submitted to the County -- that,
10 I believe, is an attachment to the Staff Report -- and it
11 ensures that the climate-change analysis is up to date
12 and in compliance with the most recent guidance provided
13 by the California Supreme Court.

14 Mitigation that was required for climate change
15 includes the on-site preservation of woodlands to provide
16 permanent carbon sequestration benefits.

17 CEQA also requires that the EIR look at
18 alternatives to the proposed project. The first one that
19 was reviewed was the Reduced Intensity Alternative. This
20 alternative would be a smaller vineyard footprint with
21 areas of the most biological sensitivity removed, so it
22 would be about 100 gross acres less than the full
23 proposed project.

24 The Multiple Resource Protection Alternative was
25 chosen by mapping the areas where two or more biological

1 resources overlapped and then selectively removing that
2 from the footprint, resulting in approximately 82 gross
3 acres fewer.

4 It's important to note that should either
5 alternative be approved, all the mitigation measures
6 required of the full proposed project, for instance, the
7 traffic mitigation or air quality, would still be
8 required for the alternatives.

9 A qualitative analysis was provided in the EIR.
10 That provided just a comparison-based metric for our --
11 each alternative to the proposed project. But since
12 then, as you can see on the screen here, we have started
13 going into a more quantitative, very detailed analysis of
14 each of the alternatives to the mitigated project to help
15 the decision-maker determine exactly what the levels of
16 impact would be, and this table is an excerpt from the
17 Biological Resources Management Plan.

18 Almost done. The cumulative impacts were also
19 reviewed for each of the environmental areas that I've
20 discussed previously. The geographic area for each
21 environmental topic, it varied, whether or not it was,
22 for instance, the watershed level for hydrology or the
23 entire San Francisco Bay Area Air Basin for air quality.

24 A two-step process was used to determine
25 cumulative significance. First, the impact of the

1 proposed project was looked at in combination with other
2 known projects in the area, both past and future, to
3 assess that they were cumulatively significant, and then
4 the effect of the proposed project was assessed to
5 determine if it was a considerable contribution to that
6 impact.

7 So a few conclusions before I turn over -- turn
8 over the mic. I would just like to mention that all
9 impacts of the proposed project were reduced to
10 less-than-significant levels with mitigation, meaning
11 that there are no impacts known, in CEQA terminology, as
12 significant and unavoidable.

13 And finally, that Napa County Legal Counsel has
14 reviewed the Draft EIR and the Final EIR and found that
15 it was prepared in compliance with CEQA and the CEQA
16 Guidelines.

17 Thank you all very much for your time today.

18 MR. BORDONA: That concludes the presentation
19 for now, and we can turn it over to the Applicant, and
20 then, of course, we're available to answer any questions
21 that may come up.

22 DIRECTOR MORRISON: I do have one question.

23 You mentioned that the avoidance scenario
24 resulted in a reduction of 78 acres.

25 MS. SANBORN: Mm-hmm.

1 DIRECTOR MORRISON: And then so is the
2 Applicant's further reduction of 18 acres in addition to
3 that? And then, also, would the reduced intensity or
4 Multiple Resource Alternatives be in addition to that, as
5 well?

6 MS. SANBORN: So the Applicant's reduction of
7 their nine vineyard blocks would be in addition to the
8 avoidance areas, and then the addition of the, excuse me,
9 the -- either of the alternatives would be an additional
10 restriction upon that.

11 DIRECTOR MORRISON: Thank you.

12 If the Applicants would like to make their
13 presentation? I don't know who -- okay.

14 MS. WALT HALL: Good morning, Director Morrison,
15 Ladies and Gentlemen. My name is Kathryn Walt Hall, and
16 I'm here to speak on behalf of my husband, Craig Hall,
17 and our family, as the Applicants.

18 My husband had intended to be here, could not at
19 the last minute, and I can tell you he is very
20 disappointed to not be here to be making this
21 presentation himself.

22 I plan to provide some brief background from our
23 perspective as the Applicant and then I will turn the
24 Applicant's opening portion over to Whit Manley, our
25 attorney from Sacramento, who will briefly describe the

1 legal process as it applies to this application, and then
2 finally I will make a brief comment to close the
3 Applicant's opening portion.

4 Before starting, I'd like to introduce Mike
5 Reynolds, our President of the winery, and Don Munk, our
6 Director of Vineyards, who is -- who are both here. And
7 in addition, I believe most if not all of the consultants
8 who worked with us over the last ten years are here. I'm
9 not gonna take everyone's time to introduce them, but
10 they are here and they will comment, are prepared to do
11 so, if required, on any specific issue.

12 Let me start by saying we are sorry that this
13 proposal has caused concerns for people. We have sought
14 to meet people who have concerns, we've sought to listen
15 to their concerns, and, where practical, we have made
16 adjustments to this proposal.

17 Our proposal -- I'm on the next slide. Oh, I
18 can move this. Is it this one? Thank you.

19 This proposal is a proposal to plant a
20 vineyard -- a vineyard and to implement a comprehensive
21 Erosion-Control Plan in the ag watershed portion of Napa
22 County's agricultural preserve.

23 We have, as I said earlier, listened to
24 community concerns, and we've made changes to reduce the
25 size of the project, and we've made additional

1 environmental protections, as was mentioned earlier in
2 the presentation by the County. The mitigated proposal
3 vineyard will cover 11 percent of the Walt Ranch
4 property.

5 We'd like to talk a little bit about who we are.
6 We've seen some things written about us that seemed
7 uninformed. Craig and I purchased this property in 2005.
8 Our plans have always been to plant a vineyard on the
9 property. Contrary to what has been said in some cases,
10 there are no investors on this property. It is owned by
11 my husband, by me, and by our children.

12 Shortly after purchasing the property, we met
13 with neighbors at Circle Oaks in Napa County to let them
14 know that we had intention to plant a vineyard, and in
15 both cases we were encouraged to proceed.

16 We've been in Napa now for more than two decades
17 and been in the wine business together since 1995. I
18 actually have been in this business a good -- most of my
19 life. We started farming in the early 1970's up in
20 Mendocino, growing grapes and selling them to other
21 wineries, and I have owned and operated vineyards for
22 more than 30 years. My family has been in Northern
23 California for several generations.

24 We own four ranches in Napa Valley, and they
25 encompass just under 200 acres of vineyard, and we employ

1 over 150 local residents.

2 We believe in environmental stewardship and
3 responsible agriculture, and we believe in balance. We
4 think this is critical, and we continue to use the best
5 practices we know in both our vineyard and in our winery
6 operations.

7 All four of our Napa Valley vineyards are
8 certified organic. Our winery in St. Helena was the
9 first Gold LEED Certified winery in California. And when
10 we added an addition more recently to the vineyard, to
11 that winery, that also received Gold LEED Certification,
12 so now we are the only winery in California to have two
13 such certifications.

14 We have been recognized for our work to remove a
15 fish barrier and restoration of the riparian areas on Dry
16 Creek, that was back in 2008, and we're a member of the
17 Napa Fish Friendly Farming and the Putah Creek Watershed
18 group.

19 We -- in 2010, we launched the -- our annual
20 Cabernet Cook-Off to raise funds for local nonprofits,
21 including many of those that are listed here on this
22 slide, and, in addition, we have made donations and
23 supported many local nonprofits.

24 It's not comfortable, really, for me to be
25 listing all these, and we don't -- I don't think we have

1 ever listed in public the organizations that we support,
2 but I do so here because this seems to be the right --
3 the right forum to talk about the fact that we really do
4 care about our community and so I share these. In
5 addition, we have numerous schools and educational events
6 and organizations that are far too numerous to list that
7 we support.

8 My husband and I strongly believe that it's
9 important to be a good citizen. I have served on boards
10 in our county, on the Napa County Legal Aid, on the Napa
11 Emergency Women's Shelter, the Napa Valley -- I'm on the
12 Vintners' Charitable Giving Committee.

13 In addition, our staff serves on boards for the
14 St. Helena Chamber, the California Wine Institute, Napa
15 Valley College, and the Napa Little League. And we have
16 a program at the winery where each of our full-time
17 employees is given up to one week paid leave each year to
18 volunteer in the community.

19 Now to the property itself. This is a 2300-acre
20 property. It's located between Atlas Peak Road and
21 Highway 121. It has, as was mentioned earlier, about 21
22 miles of existing roads. It is zoned ag watershed.

23 We began these studies back in 2006. We had an
24 MOU with the County that was started in 2008. Our Draft
25 EIR was published in July of 2014 with more than 1500

1 pages of review, and that Final EIR was published in
2 February of 2016 with 2200 pages. That made an attempt
3 to respond to all of the questions and the concerns that
4 we had learned and tried to address over the course of
5 this period.

6 This property is so large that I think it's
7 important to keep it in perspective. It is more than
8 twice the size of Golden Gate Park, it is nearly three
9 times the size of Central Park, and it's more than 800
10 acres larger than The Presidio.

11 We have reduced the project dramatically from
12 its original proposal in response to the concerns that
13 we've heard from the community. The vineyards themselves
14 are now only one-fourth of the original application and
15 only 11 percent of the property as a whole.

16 The Final EIR calls for a combination of
17 avoidance, replanting, and preservation. I would point
18 out that this proposal is consistent with Napa County's
19 voluntary Oak Woodland Management Plan, which is the
20 highest Napa standard. Over 90 percent of all the trees
21 are being preserved.

22 Now, to erosion and sedimentation. Contrary to
23 some recent public statements about this property, the
24 water quality in the Milliken Watershed is expected to
25 improve during -- due to the reduction of sedimentation

1 and soil loss in both Milliken and Capell watersheds.
2 Sedimentation soil loss is expected to decrease in both
3 the Milliken, by 43 percent, and Capell, by 13 percent,
4 watersheds, as was mentioned earlier; and this is largely
5 supported by the about 21 miles of existing roads that
6 will be graveled and improved, and this is really an
7 important part of reducing the sedimentation load.

8 So the data provided by the scientists who've
9 studied this project closely point to the conclusion that
10 developing these vineyards is the responsible way, and
11 the responsible way proposed will actually materially
12 benefit this watershed.

13 To water availability. This property has ample
14 available groundwater. We have conducted well monitoring
15 and pump testing to determine if there was any impact on
16 the neighboring wells, and during the pumping test, no
17 impact was measured in any of the seven neighboring
18 wells. We have ongoing monitoring of wells and
19 mitigation in part of our EIR going forward.

20 In addition, the water use for the vineyards has
21 been reduced by 18 percent from our initial proposal.
22 And I'd point out that under about one-third of our land
23 is just, in very general terms, a huge amount of water.

24 So, based on empirical data, the hydrologist has
25 concluded that the project will not have a significant

1 impact on groundwater levels or on neighboring wells.
2 Despite these conclusions, however, an extensive
3 Groundwater Monitoring and Mitigation Plan has been
4 developed as part of the project, and we have listed the
5 five key steps on this chart and I'm not going to take
6 the time and reread.

7 We started this process over ten years ago with
8 Napa County as the lead agency. This has been the most
9 extensive Vineyard Erosion-Control Plan through the EIR
10 process that has ever been seen in Napa County and we
11 think probably in the world. This proposal complies with
12 Napa County Regulations, with the Napa County General
13 Plan, and with CEQA.

14 The public has been included since 2008 with our
15 first Notice of Preparation. We have had hearings --
16 unprecedented hearings. This is the first time there's
17 ever been a -- in the history of Napa County that a
18 history -- that a public hearing has been held on a
19 Vineyard Erosion-Control Plan, and not only one, but
20 today marks the second of such hearings.

21 In addition, we held a public meeting of our own
22 on November 6th. In all cases, we have solicited
23 feedback from the public following the meeting that we
24 had on November 6th, and recently we mailed a large
25 portion of the Napa community and received very valuable

1 feedback, much support, and we have taken that feedback
2 into account.

3 I'd also note that we attempted for months, back
4 in 2014, to reach out to both the Circle Oaks Homeowners'
5 Association and the Circle Oaks Community Water District,
6 and in both cases we were told they were unwilling to
7 meet with us. At the same time, many folks have given us
8 very valuable input, and we have done our best to include
9 this in our proposal.

10 At the bottom line, through all of our
11 interactions, this project has been reduced
12 substantially.

13 I'd like now to turn this portion of our opening
14 statement to our attorney, Whit Manley.

15 MR. MANLEY: Good morning, Director Morrison,
16 Staff, Members of the Public, appreciate the opportunity
17 to speak.

18 My name is Whit Manley. I'm an environmental
19 and primarily CEQA lawyer out of Sacramento, and I've
20 been working with the Walts on the project for a number
21 of years. And needless to say, we're delighted to be
22 here.

23 I'm going to talk very briefly about the legal
24 backdrop to the decision before the Director today, with
25 reference to both state and local law. There are two

1 aspects to this, process and substance.

2 First of all, to speak about the substance.
3 Under state law, under CEQA, public hearings are not
4 required. Under the local code for Erosion-Control
5 Plans, public hearings are not required, they are
6 encouraged. And when the County has desired to have
7 public meetings, we've supported that. And, in fact, in
8 this instance, numerous public hearings have been held on
9 the Draft EIR.

10 On the scoping plan, there were actually two
11 scoping processes that took place. And now today, as
12 Ms. Hall mentioned, as the Director knows, this is
13 unprecedented for the County to hold a hearing on an
14 Erosion-Control Plan.

15 We think that's fine. It's fine for people to
16 have an opportunity to weigh in, but this does exceed
17 dramatically what's legally required.

18 Similarly, under state law, the County has to
19 provide notice and an opportunity to weigh in on the
20 Draft EIR in particular, and the guidelines state that
21 the comment period should generally be between 45 and 60
22 days. In this particular instance, the County decided to
23 extend the comment period to 133 days.

24 I've worked on a variety of projects in a career
25 of about 25 years involving CEQA. This is the longest

1 comment period that I've ever been involved in, and it
2 certainly dramatically exceeds what the state law
3 requires.

4 Generally speaking, under the CEQA Guidelines,
5 the EIR process was supposed to take no more than a year.
6 In this instance, the EIR process has been going on
7 roughly eight years, and that's part of the reason why
8 we're so excited to be here today, because it has been a
9 long march.

10 Generally speaking, under state law, the
11 guidelines provide that an EIR should be no more than
12 about 300 pages in length. In this instance, the Draft
13 EIR spans a little over 1100 pages. The technical
14 appendices that accompanied the EIR span another 1100
15 pages. It's a -- roughly a 2200-page document, and I
16 don't think anybody could look at that record with a
17 straight face and say that somehow the analysis has been
18 cursory. In fact, it's been quite exacting.

19 And I will point out that Napa County has a very
20 good reputation for performing meticulous environmental
21 review. Your track record is excellent in that regard.
22 I realize that there are some comments by folks that
23 don't like the project who have stated that the
24 environmental document is in some fashion a sham. They
25 certainly are entitled to their position. You'll hear

1 that today. We've heard that before.

2 In my judgment, that's not a credible critique.
3 This was an analysis that was performed by technical
4 consultants with expertise in the various resource areas
5 that are covered.

6 Now, I'd like to talk briefly about substance.
7 The legal obligation that the County has under CEQA is to
8 make a good-faith effort to describe the project's
9 impacts on the physical environment, and in this instance
10 AES was retained. They have an excellent staff,
11 excellent reputation, particularly with respect to
12 biological resources, but a number of other resource
13 areas as well, supplemented (sic) by other technical
14 experts focusing on such things as sedimentation, soil
15 loss, hydrogeology, groundwater, and so forth. And all
16 of that technical analysis has been performed in keeping
17 with the County's approach with respect to other vineyard
18 projects. These are qualified experts, they are weighing
19 in.

20 The environmental review process has been
21 overseen by County staff, not by the Applicant.
22 Certainly we've weighed in, as have many other folks. We
23 provided information, we provided our perspective, but
24 this is a County-driven process, as it should be. Any
25 information that the Applicant has provided on technical

1 issues has been subject to County oversight and peer
2 review.

3 Another legal obligation we have is if the EIR
4 discloses that there might be a significant impact on the
5 environment, then the EIR is supposed to identify
6 potential solutions or mitigation measures, ways of
7 avoiding those impacts. And, in fact, that's what the
8 EIR does.

9 In fact, I do want to point out that the EIR, in
10 each instance where it identifies a potentially
11 significant impact, also identifies mitigation that
12 avoids that impact. As Ms. Sanborn mentioned, there are
13 no significant unavoidable effects. In layman's terms,
14 where a problem is identified, in every instance a
15 solution is identified as well.

16 Actually, the EIR goes somewhat further than
17 that. In some resource areas, the analysis concludes
18 there is no significant impact. I would like to identify
19 one example of that, traffic. The traffic analysis
20 concludes that this project won't have a significant
21 impact on Circle Oaks or on the roadways in the area.

22 However, the EIR also identifies mitigation to
23 provide further assurance to make sure that certain
24 traffic stays out of peak periods, for example. There
25 are other mitigation measures, as well. They provide

1 further assurance that will avoid impacts.

2 Now, that isn't legally required under CEQA, but
3 the County recommends those measures and the Applicant is
4 prepared to implement them. We're not resisting those.
5 We're not saying we can't or won't do them.

6 Also, there is a very comprehensive Groundwater
7 Monitoring Plan, a mitigation measure that has been
8 incorporated into the Final EIR. It's in Appendix R to
9 the Final EIR. And I do want to note that that
10 mitigation measure calls for monitoring of both of the
11 Circle Oaks wells if we're provided access by Circle
12 Oaks. We can't monitor that which we don't have access
13 to, but if we're given access, we will monitor.

14 And if any adverse effect is shown in the water
15 supply of either one of those wells, we will ramp back
16 pumping, we will switch to other wells, we will scale
17 back the project, if need be, to avoid an adverse impact
18 on those wells. All of those mitigation measures and the
19 others identified will be enforced by the County under
20 the Mitigation Monitoring Plan that's been provided to
21 you.

22 Now, another way that CEQA requires lessening of
23 environmental effects is by looking at alternatives to
24 the project. And in this particular instance, because
25 there are no significant unavoidable effects, we could

1 arguably not consider adopting alternatives because all
2 the environmental problems have been solved.

3 In this instance, the EIR does analyze a range
4 of alternatives and identifies the reduced-intensity
5 alternative as the environmentally preferable approach.
6 We endorse that alternative. We accept that alternative,
7 even though legally it's not essential that we do that.

8 I want to read one quick statement from the
9 Staff Report to the Director. This is at page 6 and I'm
10 quoting:

11 "Staff believes that sensitive
12 biological resources, particularly
13 sensitive plant species and Oak
14 Woodlands, have been avoided to
15 the extent feasible and that the
16 level of avoidance is consistent
17 with what the County has accepted
18 on other projects and sufficient
19 to achieve compliance with the
20 General Plan."

21 That is in endorsing the reduced-intensity
22 alternative. We accept that recommendation of Staff and
23 hope the Director will accept it, as well.

24 On top of that, as Ms. Hall indicated, we have
25 voluntarily agreed to eliminate nine additional blocks

1 comprising -- I think it's 18 acres, Mike, is that right?
2 Yes, approximately 18 acres of additional blocks that we
3 have decided to eliminate even below the reduced-
4 intensity alternative.

5 The other substantive obligation the County has
6 is to provide good-faith responses to comments. There
7 are extensive responses to comments provided, including
8 very lengthy master responses at the beginning of the
9 document for those issues that came up on a recurring
10 basis.

11 Now, you have received information from a
12 variety of interested parties disagreeing about this or
13 that aspect of the conclusions in the EIR. Where there
14 are disparate views on an issue, basically that provides
15 the County with a robust record in which it could decide
16 which evidence to rely upon.

17 We do believe that the Final EIR provides an
18 abundant, robust record upon which you can base your
19 decision, including, we hope, the approval of the
20 reduced-density alternative.

21 The County also must consider the application of
22 General Plan policies. They are quoted in the Staff
23 Report, the key policies with respect to the protection
24 of biological resources. Staff has concluded that we're
25 consistent with those policies. We agree, and, again,

1 recommend approval of the reduced-density alternative.

2 Our team is here, our technical experts are
3 here, and we hope that among the many other things that
4 are going to happen today, Director, if you have any
5 questions of them, you ask them, so that we have an
6 opportunity to respond.

7 Our goal is to make sure that from your
8 perspective, you've received all of the answers that you
9 need in order to make a thoughtful decision. We really
10 appreciate your time. Thank you.

11 And I'm going to try and back away without
12 knocking over everything.

13 MS. WALT HALL: Thank you very much for your
14 time. This is a proposal to plant a vineyard in a
15 County-zoned area for agriculture in Napa Valley and
16 nothing more.

17 During the last two decades, we, as Applicants,
18 have been trying to demonstrate, and I think we have
19 demonstrated, our commitment to responsibility and to the
20 environment through our actions, through organic farming,
21 through LEED construction, and through our engagement in
22 the community.

23 We are proud of this proposal. We believe it is
24 balanced, responsible, and that it has been responsive to
25 the public comment as well as being consistent with Napa

1 County's General Plan.

2 We have, over the course of this protracted
3 period, followed and complied with all the rules. We
4 have -- we have and we will continue to do what is
5 required and to go beyond what is required.

6 We thank you for giving us this opportunity, and
7 we ask for your support and approval of our application.
8 Thank you.

9 DIRECTOR MORRISON: Melissa, do we have the
10 sign-in sheets?

11 MS. FROST: They are on their way now.

12 DIRECTOR MORRISON: Okay. How long do we need,
13 five-minute break or --

14 MS. FROST: (Nodding head.)

15 DIRECTOR MORRISON: Oh, we'll go ahead and break
16 to 10:05, while the sign-in sheets are being collected
17 from the overflow rooms, and we can start the public
18 comment period.

19 Thank you.

20 (Recess taken - 10:00 a.m. to 10:11 a.m.)

21 DIRECTOR MORRISON: Thank you.

22 So it looks like we have about 50 to 55 speakers
23 who have put their names down, so we're probably looking
24 at around three hours of public testimony. I am
25 anticipating we will probably break for lunch at some

1 point, but we will try and get as many, if not everybody,
2 in.

3 We have also received correspondence from --
4 this morning, which we're in the process of printing out,
5 and I understand currently runs about three-and-a-half
6 inches of documents. So I don't know that a tentative
7 decision we'll be able to get to today, but we will do
8 whatever we can to try.

9 So, I'm gonna go through -- we have about three
10 speaker sheets: One from the Board of Supervisors' room,
11 one from the lobby, and one from the HR conference room.
12 We'll get with the Board of Supervisors' conference room
13 speaker sheet first. I have had requests from two people
14 to speak early so they can get out of here on other
15 responsibilities, and we'll grant them that privilege.

16 Jed Welsh, do you want to speak? Come up.
17 Followed by Joy Eldredge, and then we'll go with the top
18 of the list with Martha Schmitt.

19 MR. WELSH: Thank you, Director Morrison.

20 I'm Jed Welsh. I'm on the Board of the Circle
21 Oaks County Water District. I want to address an
22 oversight on Mitigation Measure, Measure 4.6-4.

23 At the bottom in there it says: COCWD
24 horizontal wells that are going to be mitigated, and we
25 have both horizontal and vertical wells, so that needs to

1 be changed to where it includes all our wells, both the
2 horizontal and the vertical wells.

3 Thank you.

4 DIRECTOR MORRISON: Any questions?

5 MR. WELSH: Any questions?

6 DIRECTOR MORRISON: No.

7 Did you have any other comments?

8 MR. WELSH: No, that's it.

9 DIRECTOR MORRISON: AES, do we have any -- do
10 you know why the vertical wells were not included? Was
11 that an oversight, or were they concluded not to be
12 affected?

13 Mr. Reynolds, do you have somebody who can
14 respond to that?

15 MS. SANBORN: Yeah.

16 MR. REYNOLDS: I can do it.

17 So the mitigation measure which is referred to
18 in AES's report is a summary of the broader Mitigation
19 and Monitoring Program, and the vertical wells are
20 included in the broader plan but not in the summary.

21 THE REPORTER: Sir, could you state your name,
22 please.

23 MR. REYNOLDS: I'm sorry, Mike Reynolds.

24 THE REPORTER: Thanks.

25 DIRECTOR MORRISON: So I'm -- I understand that

1 there would be no problem or opposition to ensuring that
2 the horizontal wells are included in the Ground Water
3 Plan?

4 MR. REYNOLDS: (Nodding head.)

5 DIRECTOR MORRISON: Okay. Thank you for that
6 correction, sir.

7 MR. WELSH: Thank you, Mike.

8 DIRECTOR REYNOLDS: Ms. Eldredge? Is she still
9 here?

10 MS. ELDREDGE: I was downstairs and was informed
11 we'd have a 15-second time period to get up here.
12 Apologize. I'm only vertical to be here today.

13 So the nature of the City's comments -- and I've
14 submitted a letter today, I have submitted a letter today
15 providing additional information. And the nature,
16 basically I am here to speak on behalf of -- first of
17 all, I'm Joy Eldredge, Water General Manager for the City
18 of Napa, to speak on behalf of the City and County
19 residents who do drink the water that -- municipal water
20 that is supplied from both Lake Hennessey and Milliken
21 Reservoirs, our two local water service supplies.

22 Now, the nature of the comments I have is to be
23 just responsible and to ensure that there is no further
24 degradation of our water quality. We have seen through
25 the years, and you will see in my comment letter, we have

1 seen degradation in the water quality in Hennessey. I
2 firmly believe, and we can see by the nutrient loading,
3 that that is a result of vineyard production throughout
4 Hennessey Watershed. The watersheds are by nature very
5 different. The Milliken Watershed, however, has not seen
6 a lot of development upstream of where it is.

7 And what I'm requesting is that we take very
8 prudent actions just to ensure that there are no impacts
9 to that water quality as it runs off, and if it does,
10 that we have a commitment to moving forward to either
11 improve upon the BMPs that are requested and address
12 those issues as we are moving forward.

13 The Milliken treatment plant, really the key to
14 it is it's -- it's a very basic plant. Our Hennessey
15 plant has full conventional treatment. Our Milliken
16 treatment plant does not have the capability to remove
17 constituents that are commonly entered into most
18 watersheds.

19 So this watershed is effectively pristine as it
20 is today, and we just need to make sure that we are as
21 cautious as possible with protecting that water supply.
22 And as we can, you know, do our best to ensure those BMPs
23 are enacted, that will serve us an ounce of -- you know,
24 the old saying goes, "An ounce of prevention is worth a
25 pound of cure." I'm feeling that right now. Pardon me.

1 But that's really my goal with representing the
2 Napa Municipal Water customers. If we do get to the
3 point of needing the next train of treatment on this --
4 on this existing plant at Milliken, it comes with a hefty
5 price tag. So I think that it's prudent that we just
6 ensure that it's not the water rate-payers that are going
7 to be burdened with that extra added treatment train, but
8 that we do our best to prevent it first. That's the
9 ideal, ideal situation, prevent the need to add that
10 extra treatment train.

11 And I -- what I'm proposing is some monitoring,
12 very basic monitoring, that we -- and I have specifics in
13 there, and it all relates to nutrients. I think there's
14 an inherent -- inherent error in the EIR that states:

15 "As we reduce erosion, we've
16 stopped all potential for other
17 impacts to water quality."

18 I wish it were that easy. It's really not that
19 easy when you look at respects to municipal drinking
20 water. Nutrients are the biggest concern.

21 And so what I'm proposing are phosphates --
22 phosphates, nitrogen, sulfates, things of that nature
23 that -- that we see in our treatment process that are the
24 items that need to be addressed, and so I lay out the
25 specifics in the -- in the letter that I have left for

1 you today.

2 So I know we've talked in the past about needing
3 to work together to protect our municipal water supplies
4 and our watersheds. I've met with you, David, and Brian,
5 thank you, over the past several months, and I think what
6 I've got proposed here is, you know, just prudent actions
7 moving forward. And I'd just like an opportunity to work
8 together, including this project and other projects
9 moving forward, so that we are, in fact, protecting our
10 very important municipal water supplies.

11 Let's face it, we're still going to be drinking
12 this water in hundreds of years from now, so whatever we
13 can do now to be prudent and, you know, wise with -- with
14 how we protect it moving forward, I think, will serve us
15 all for the best, so...

16 DIRECTOR MORRISON: Thank you. We have a copy
17 of that letter?

18 MR. BORDONA: I believe Melissa is rounding up
19 all the copies of letters that were submitted this
20 morning.

21 DIRECTOR MORRISON: Thank you, Joy.

22 Martha Schmitt, followed by Karl Schmitt, and
23 Peter Krammer.

24 MS. SCHMITT: Just want to say that I'm a Circle
25 Oaks resident. I'm also a certified sommelier through

1 the International Sommelier Guild, and I'm in the fourth
2 level my Master of Wine Program through the Wine Edu --
3 the Wine & Spirits Education Trust.

4 I have read very -- very carefully the EIR. I
5 have also read very carefully the information provided by
6 UC Davis. The proposed project plans to use about
7 90 million gallons of water a year, whereas the people in
8 my neighborhood only use between 12 and 13 million.
9 That's close to three-and-a-half times the water usage.

10 This is actually for a proposed planting density
11 of seven-and-a-half-feet-apart vineyard land. The actual
12 planting program is a density of three feet between the
13 rows. That is double what the 90 million gallons of
14 water would cover.

15 So, if you're planning on planting your vineyard
16 three feet apart, you actually need 180 million gallons
17 of water. That's compared to a 12 to 13 million gallon
18 usage by the people in Circle Oaks.

19 I think it's -- after 50 years of living out
20 there, the water district cannot find any evidence of 180
21 million dollars additional -- or 180 million gallons of
22 additional water, and, in fact, has not been contacted
23 over the last eight years by the Hall Brambletree
24 experts. So, in over eight years that we've been working
25 on this, one phone call with, um, no return phone calls,

1 that's not really -- not really an acceptable response,
2 especially because you drive past it every day.

3 So, for 90 million to 180 million gallons of
4 water, based on a community that only uses 12 to 13 in a
5 year, that's really not -- it's not an acceptable usage
6 of water. And I am not certain where you think it's
7 gonna come from, but it's not gonna come from my well.

8 Thank you so much for your time.

9 MR. SCHMITT: Good afternoon, good morning, Dave
10 Morrison, and the Residents of Circle Oaks, and the
11 Associated Members from Hall Brambletree. My name is
12 Karl Schmitt. I live at 8 Rockrose Court in Circle Oaks.

13 Three things that I want to bring up. The first
14 thing is Mark Billings' -- and I'll submit this letter
15 into evidence. Mark Billings -- Mark Billings is a
16 certified public inspector, and basically for 20 years
17 he's gone around and inspected roads.

18 And he's inspected the road in Circle Oaks, the
19 primary one that would be used for ingress and egress of
20 construction, as well as seasonal for planting and
21 harvesting. And the bottom line, and the question that I
22 hadn't heard addressed is, with six access points coming
23 off 121, why aren't those being looked at instead of the
24 road that comes up through Circle Oaks?

25 We have a person that's gonna show a picture of

1 our Circle Oaks Road that is already experiencing the
2 degradation. And for those of you that aren't familiar,
3 on 121 a few months ago we experienced complete
4 degradation of the road on 121.

5 So, when that happens on Circle Oaks -- and it's
6 already started to happen -- because you are going to be
7 hauling gravel trucks up there for the next four years
8 for the construction, then you're gonna be hauling trucks
9 up there for the harvesting and the planting.

10 Six access points on 121. We haven't heard a
11 good reason why you're not gonna use those and improve
12 those to make those your access points.

13 I'm trying to maintain the civility, but there's
14 a tone of benevolence that I felt needed to be addressed.
15 This is not a kind act that you are doing, to use this
16 land. This is our home land. So, I'm gonna get a little
17 pissed off.

18 Point number one was the water -- point number
19 one was the road. Why don't you want to use the access
20 points that are on 121?

21 Second point is liability. Craig and Kathy have
22 made a point of saying that they're the local residents,
23 you know, the face of Hall Winery, so I went onto the
24 Internet, a source of tons of information, some good,
25 some bad. I looked up Hall Brambletree Associates LP,

1 and I'd submit this paperwork.

2 Hall Brambletree Associates LP has an employee
3 of one. That employee of one is a corporation. We know
4 that corporations are people, my friend. So, we looked
5 up that one employee at Hall Brambletree Associates, who
6 I believe is the one that filed the EIR, not Craig and
7 Kathy. Hall Brambletree and Associates LP is not Hall
8 Brambletree and Associates Limited. That's another
9 employee. Of the one company that is listed on Hall
10 Brambletree Associates LP, Phoenix Ironwood (sic),
11 employee of one. Between Donald Braun, the employee at
12 Phoenix/Inwood, Craig Hall, Kathy Hall, 64 different
13 companies exist. In my lifetime, I've worked for four
14 companies. One of those was the Air Force.

15 I have no problem with people using their land.
16 I do have a problem when the impacts of people using that
17 land affect other people, and it will, significantly.

18 So what I'm asking is about liability. I looked
19 at Phoenix/Inwood, and I found another one of those kind
20 of one person owning the company. So I looked at Craig
21 and Kathryn Hall Foundation, no connection to Hall
22 Brambletree. Kathryn Hall Foundation, no connection.
23 Craig Hall, no connection. All of these corporations --
24 and particularly noteworthy, on the Craig Hall network of
25 business connections, there's over 200 companies

1 associated with that.

2 In terms of liability, when one of your workers
3 clearing land starts a fire, when a road sheers,
4 catastrophic failure on our road and, God forbid, our
5 water, who do we go after? This is like a Three-card
6 Monte, only there's 264 coconut shells and we've got to
7 figure out where the accountability is.

8 So my question is, where do we go for
9 accountability when inevitably this plan doesn't work?

10 Thank you.

11 DIRECTOR MORRISON: After Mr. Krammer, we'll
12 have Lisa Hinayama, John Murphy, and Jim Wilson.

13 MR. KRAMMER: Good morning. I am Peter Krammer.
14 I live at 351 Circle Oaks Drive.

15 I submit that the construction of Walt Ranch is
16 a gross violation of the intent and the spirit of current
17 Napa County Zoning Ordinances stating that agriculture is
18 the highest and best use of Walt Ranch land.

19 Let me start with the most egregious violation,
20 massive deforestation and deep ripping of over 400 acres
21 of watershed. Destruction of watershed is not farming.
22 Might be creating a farm, but it's creating a farm where
23 no farm exists today and where all of you know that no
24 farm should exist. Farms should not exist in watersheds
25 and at a drought-challenged area no less. I challenge

1 you on this.

2 Second, introducing pesticides, herbicides,
3 fungicides, and other construction and farming runoff
4 into water sources. You talked about it today, it's a
5 possibility. Well, folks, it's a probability. Ask the
6 people in Flint how they feel about this. So I would
7 like to hear how that is going to be addressed.

8 Next, the FEIR states that up to 105 buildings,
9 including gravel manufacturing facilities, will be -- can
10 be constructed. This is real estate development. This
11 is not farming.

12 Next, and is the craziest, dynamiting the
13 hillsides is not farming. It is an inexcusable insanity.
14 This is not West Virginia, this is Napa. This is my
15 home. I live close to your blast areas, okay?

16 And -- and besides that, what -- what are the
17 dangers to the stability of the hillside which already
18 slides in the flows of water? Find some other way to
19 build your vineyard besides dynamiting.

20 Next, creating four years of noise pollution for
21 thousands of residents on both sides of Atlas Peak for 12
22 hours a day, 6 days a week. Massive construction
23 disturbance and noise pollution is not farming.

24 Finally, turning Circle Oaks streets, which --
25 yes, you are going to stay away from commuting hours.

1 Well, guess what, people live there, people walk on those
2 streets, and you'll be -- what you're doing is you're
3 turning a residential community into a major commuter
4 artery for construction and industrial operations. Build
5 your own damn road into your winery.

6 Folks, I ask you to look at the absurdity of
7 this proposal: destruction, chemical and noise
8 pollution, dynamiting, and completely altering of an
9 intact ecosystem, destroying the lives of thousands of
10 residents next door to an operation for four years. This
11 isn't for two weeks. This isn't for six months. This is
12 four years that you're gonna be constructing your
13 operation.

14 This is madness. You know it, I know it, every
15 person in this room knows it. Kathryn and Craig Hall
16 also know this.

17 Now, we know it's a developer's business to
18 develop. They build other developments like this, and
19 the only way that you're gonna develop this is to fool
20 us. They fool us by funding the supervisors and buying
21 them. Don't be bought. Don't be fooled.

22 I challenge you to deny this proposal on the
23 very grounds on which it's meant to stand, that the
24 proposed development is not farming and it is most
25 certainly not the highest and best use of this land.

1 Thank you very much.

2 (Applause.)

3 MS. HIRAYAMA: My name is Elisa Hirayama. I
4 live in Circle Oaks. Everyone was hoping that El Niño
5 would materialize and wash away the drought, but it
6 didn't happen. It put a dent in the drought, but the
7 snow pack needed to be 150 percent of normal by
8 April 1st, but statewide it's at 87 percent.

9 With climate change, there's no telling if we'll
10 ever again have a normal rainfall year. Experts warn
11 that a long-term trend of dryer weather may return this
12 year and we'll continue to have droughts for several
13 years to come.

14 How does Napa County continue to justify
15 allowing the massive Walt Ranch Vineyard Project that
16 will use 60 million gallons per year when fully developed
17 during the drought?

18 According to the Protestant's experts, the water
19 usage is more actual -- accurately three to five times
20 that amount per year. Circle Oaks uses 12 to 13 million
21 gallons per year, and that is for lives, not grapes.

22 Because of climate change, there is no longer an
23 average rainfall year that can be counted on to replenish
24 the aquifer.

25 Ms. Hall that says Walt Ranch would be operated

1 organically, but the Final EIR states otherwise, Volume
2 1, page 4-299. So why is it being allowed to use
3 pesticides in the Milliken/Capell Watershed which
4 services 80,000-plus customers through the City of Napa
5 Water Division? That division has opposed the Walt Ranch
6 development, yet the County says there are no significant
7 impacts on water quality because pesticide use is highly
8 regulated.

9 Nothing can be guaranteed. Will the County pay
10 for the filtration system if Milliken Reservoir is
11 contaminated with runoff and pesticides?

12 The Final EIR has pretty much mitigated away all
13 the concerns from the residents of Circle Oaks, Atlas
14 Peak, Monticello Road, and any other protestants. It
15 says there are no facts to back up all of their concerns.

16 I find that basically akin to the police telling
17 a victim that they cannot arrest the stalker until he has
18 harmed or killed the victim. We all know that the danger
19 is there, but by the time the facts have emerged to
20 satisfy the County, the damage will have been done and be
21 irreversible.

22 Two days ago, Circle Oaks residents received a
23 letter from Walt Ranch stating that the Circle Oaks
24 Homeowners' Association was circulating misinformation in
25 a March 23rd letter.

1 As is typical in any kind of conflict, it is all
2 in the way one wants to spin the information. The Halls
3 state that the land they donated to the Circle Oaks
4 County Water District, when it become aware it had built
5 the 50,000-gallon water tank on the Walt Ranch property,
6 that they donated it. In fact, the property was not
7 donated but instead exchanged for the spike strip in
8 front of the Walt Ranch property gate at the end of
9 Circle Oaks Drive.

10 As a real estate developer, Craig Hall knew the
11 value of that spike strip because it allowed him to use
12 Circle Oaks Drive to access his property. I would say he
13 got the better end of the deal.

14 As for Walt Ranch's claim that the Final EIR has
15 already been published and comments regarding an
16 alternative route were not studied or addressed during
17 the public review period, that is also incorrect. There
18 were comments submitted during the Draft EIR review
19 period that requested an alternative entry point to be
20 considered other than Circle Oaks Drive. The Final EIR
21 even states that in Volume 1, page 4-31.

22 Please reconsider and do not allow Walt Ranch to
23 be developed as it is stated in the Final EIR at this
24 point.

25 Thank you.

1 MR. MURPHY: Hello. My name is John Murphy, and
2 I'm a concerned citizen.

3 Basically, I think what's going on is we're
4 operating with good intentions on all parts. However,
5 there's -- the way the system is set up, it's flawed from
6 the standpoint of logic.

7 Let me explain real quick. I don't know if
8 anybody knows here, but on the whole western spine of the
9 Sierra-Nevadas, there's immense amount of clear-cutting
10 going on right now. And what's happening is, is that
11 Sierra Pacific Industries and other lumber companies,
12 they come in and they take out 20-acre parcels of timber
13 and then the -- they spray herbicides to kill the
14 competing species. They do a monoculture of a single
15 species to grow in its place. And as a result -- I
16 actually, you know, suggest everybody here actually look
17 that up to see what's going on.

18 The end result is that you have a huge crash in
19 the biodiversity in the whole western slope of the -- of
20 the Sierra-Nevadas. I mean, the amount of ecological
21 devastation is just unbelievable. I can't believe it's
22 happening in California.

23 The point in that is, is that all those timber
24 harvest plans went through their EIRs, and the cumulative
25 effect and the initial outlay of those was very minimal.

1 They said that it wasn't going to do the immense
2 degradation of the water resources, it wasn't going to
3 affect the biodiversity, et cetera, and yet you have
4 things like the deer herd in the area going from 160,000
5 strong down to 50-something thousand strong in it within
6 a 15-year period.

7 The flaw in the system is this: The flaw in the
8 system is -- is the march of the -- of the unintended
9 consequences. What happens is, is that you come out with
10 the initial EIR, which takes a snapshot of what's going
11 to happen potentially with the first development, with
12 the first vineyards, based on their -- on their -- their
13 impact in -- on the hillside as it stands right now, but
14 that's not gonna be the ultimate end result.

15 The end result is 20, 50, 60 years from now,
16 when the land is subdivided, when the individual
17 30-something, 50-something new landowners have their own
18 vineyards up there, and now the expanse from a couple
19 hundred acres goes to a couple thousand, and lo and
20 behold, it's gonna be just like the Western Sierras.

21 So, I think it's the job of the Planning
22 Commission and local government not to view the EIR of
23 what it's going to do on a snapshot of today. Where
24 can -- where can it go?

25 But here's the flaw in a nutshell, and it's a

1 very simple concept: Compromise is always what people
2 are looking for. Everybody, from the attorneys to the
3 Halls, they are all good people trying to do their job.
4 I'm sure the -- the EIR folks did a great job in trying
5 to put together that with their concerns.

6 The flaw is simple. If we compromise in the
7 middle, we're at 50 percent. Further down the road, you
8 compromise again, now you're at -- now you're at the 25
9 percent. Compromise again, 12 and a half, to when you're
10 left with just a few percent.

11 I really urge the Planning Commission to view
12 what is the potential impact for the potential of the
13 program 20, 30 years from now.

14 Thank you.

15 DIRECTOR MORRISON: Mr. Wilson will be followed
16 by Chris Benz, Nancy Tamarisk, and Michelle Benvenuto.

17 MR. WILSON: Thank you, Director Morrison. Jim
18 Wilson, 5000 Monticello Road, Napa.

19 The goalposts have been moved again. They are
20 going to continue to move because they have to. People
21 aren't happy with the status quo. We all know about
22 that. We know the science. We know where this is
23 heading.

24 Dirty energy systems and a profit from those are
25 gonna have to stop, deforestation and the disaster that

1 results from that. The cumulative impacts from removal
2 of negative-emissions technologies are gonna have to
3 stop, and we're gonna have to get actual protective
4 climate action soon. They have to be fast-tracked, and
5 we're looking for the political leadership to help us to
6 do that.

7 The biogenic greenhouse gas issues in this Final
8 EIR are a failure to actually mitigate the direct loss of
9 carbon sequestration capacity and the indirect carbon
10 dioxide, methane, nitrous oxide, and black carbon
11 emissions due to the disposal of dead vegetation.

12 While the theoretical loss of carbon
13 sequestration capacity over time must be mitigated, so
14 too must the existing carbon stored in the project, some
15 28,000 dead trees and associated vegetation, which will
16 be released as carbon dioxide, methane, nitrous oxide,
17 and PM2.5 emissions during the decomposition or
18 combustion processes.

19 CEQA mandates that these, while indirect,
20 biogenic emissions be proportionally mitigated in
21 accordance with the State of California's 2020, 2030, and
22 2050 greenhouse gas reduction goals.

23 MS. BENZ: Chris Benz, 315 Greenback Street,
24 Napa.

25 I think it's very important that we realize that

1 conditions are changing as our climate changes due to
2 global warming. In particular, the California Natural
3 Resources Agency points out in their report *Safeguarding*
4 *California*, which was published this March, that:

5 "Climate scientists have shown that
6 climate change will cause more
7 precipitation to fall in fewer but
8 heavier events, making water
9 management more difficult. Soil
10 erosion often results during heavy
11 precipitation events as the soil's
12 ability to take in water is
13 exhausted," end quote.

14 My concern is with the possibility of landslide
15 due to these future heavy precipitation events on the
16 Walt Ranch property.

17 Both parts of Walt Ranch and Circle Oaks are on
18 a cretaceous-period landslide. In Circle Oaks, a
19 geotechnical report is required before a building permit
20 is issued because of ground instability.

21 Just recently, as we mentioned, a section of
22 Highway 121 in this area was closed due to sliding during
23 heavy rains. It seems a better alternative is not to
24 access Walt Ranch through Circle Oaks but to access the
25 property directly from Highway 121.

1 As you evaluate the erosion-control plan, please
2 keep in mind that what seems to work today may not be at
3 all adequate in the future.

4 Thank you.

5 MS. TAMARISK: Good morning. I'm Nancy
6 Tamarisk, and I'm speaking for the Napa Sierra Club.
7 Excuse my voice, please.

8 We believe that this FEIR is still incomplete
9 and should not be certified. It does not provide
10 information in all areas, as required by CEQA. The
11 sponsors -- responses to commenters are rife with
12 evasion, misinformation, and referrals and -- sorry -- in
13 reference to irrelevant mitigations.

14 To cite a few examples, the County maintains
15 that there is no wetland at the entrance road off of
16 Circle Oaks Drive. Anyone who visits the site can
17 plainly see the wetland. You can get your feet muddy in
18 it if you want.

19 The document simply ignores data from a
20 structural engineer, Mr. Billings, about potential for
21 catastrophic failure of Circle Oaks Drive, dumping sewage
22 into Capell Creek. He's resubmitting his comments since
23 they weren't answered the first time.

24 The County refers to a drainage under the Circle
25 Oaks entrance road. Instead, its own maps show a

1 perennial stream. The FEIR failed to answer the direct
2 question we asked about how 24,000 trees are to be
3 disposed of.

4 Most of these flaws were noticed by lay people,
5 who lack the time, expertise, deep pockets, and access to
6 the land itself to thoroughly vet this EIR. We come away
7 distrusting the supposedly non-biased work of AES and
8 wondering what even greater flaws would be uncovered were
9 a team of neutral experts to examine the document and the
10 land itself. The EIR lacks credibility.

11 Additionally, we note how difficult it was for
12 us and other commenters to obtain expert testimony. The
13 Circle Oaks Water District, a County agency, spent weeks
14 seeking a hydrologist. They were turned down by several
15 experts who were too intimidated to go up against the
16 wine industry, fearing that they would be black-balled.

17 This experience was replicated again and again
18 as experts would offer us advice anonymously but refused
19 to commit themselves on paper. Others stated that they
20 would have been fired by this project if they had worked
21 on it and provided honest analysis.

22 The game is rigged. Thank you.

23 MS. BENVENUTO: Hi, Michelle Benvenuto, Wine
24 Growers of Napa County.

25 I think we need to remember that this is an

1 agricultural use on an agriculturally zoned parcel. They
2 have addressed all environmental concerns and followed
3 the policies and procedures.

4 The amount of time, effort, and public comment
5 is unprecedented, and we would hope that continued ag
6 production would be supported in Napa County and not
7 discouraged.

8 I also have a comment or a statement from
9 Michael Mondavi, who couldn't be here today. He says:

10 "I have been following the
11 progress of the Walt Ranch
12 Vineyard Proposal and am impressed
13 by the care for the environment
14 and the amount of study conducted
15 by Craig and Kathryn Hall since
16 2005. They have shown they are
17 very good stewards of the land and
18 practice what my grandfather
19 taught me, which was we all have a
20 responsibility to leave the soils
21 in a healthier condition when we
22 pass them on to our children than
23 when we received them from our
24 parents.

25 "I urge the Planning

1 Commission to support the Walt
2 Ranch Vineyard Proposal and
3 potentially use it as a positive
4 model for future development."

5 And that, again, was from Michael Mondavi.

6 Thank you.

7 DIRECTOR MORRISON: Thank you, Michelle.

8 We have Jeff Roberts, Lynna Roberts, and Edward
9 Parker, please.

10 MR. ROBERTS: Thank you, Director Morrison and
11 Planner Bordona.

12 My name is Jeff Roberts. I live at
13 111 Ridgecrest Drive in Napa. I'm concerned for the
14 safety of the residents during the construction period of
15 the Walt Ranch Project.

16 The proposed access to the project is through
17 the only entrance to our community by way of State
18 Highway 121. The proposition of heavy equipment,
19 traffic, and over 150 construction-related trips daily
20 over the course of a projected four-year period is
21 unsafe, and there's several reasons.

22 The main entrance has a bus stop where students
23 gather daily. I don't know if, Director Morrison, you've
24 seen that bus stop? They -- the children are dropped off
25 by their parents, load the bus and leave, and in the

1 afternoon return. Um, that in itself is cause for
2 concern. The proposition of excessive traffic at that
3 entrance poses a threat to any child or adult that may be
4 injured by drivers that are unfamiliar with that area.

5 The traffic congestion with construction-related
6 vehicles daily poses not only a safety threat but an
7 undue burden on residents coming or going from our
8 community. This northbound access from State Route 121
9 does not have a turn lane from the highway and will
10 create a safety hazard by traffic being backed up while
11 the left turn onto the property is being negotiated.

12 There have been proposed alternate accesses to
13 the construction project that are in place but
14 undeveloped. These access points are on the construction
15 site. They are directly connected to State Route 121.
16 The argument against using these alternative routes is
17 that this access is more convenient. This may be true,
18 but at what risk?

19 I ask you, if your children were using that bus
20 stop and even one unfortunate accident happened, and it
21 was in your power to prevent it by not allowing
22 construction access at that entrance, how would you feel?
23 I know that everyone would ask this question. Could it
24 have been prevented? The answer is yes. It was
25 preventable but less than convenient for the construction

1 project.

2 There's an alternative to using this access
3 point. I would urge you not -- not to allow this project
4 to endanger our children and residents with an unwise and
5 unsafe decision to permit construction and worker traffic
6 to use the only entrance and exit to our community.

7 If there is an accident, it will reflect back on
8 this decision and the ability to what is possible to
9 prevent, so thank you very much.

10 MS. ROBERTS: Good morning. My name is Lynna
11 Roberts. I live the 111 Ridgecrest Drive, Circle Oaks.

12 I am concerned for the health and safety of
13 residents during construction and business thereafter
14 with the Walt Ranch Project. Four years of construction
15 will bring heavy equipment on Circle Oaks roads.
16 Afterwards, with vineyard production, heavy gondolas will
17 travel our neighborhood roads.

18 At the entrance to Circle Oaks off
19 Highway 121/Monticello is a school bus stop where
20 children and parents gather, as you heard. Huge trucks
21 coming off and onto the highway in -- will endanger lives
22 gathering there.

23 Another threatening factor is if our roads that
24 are insufficient to bear the wait of such traffic fail in
25 any critical area, it could impede the only entrance and

1 exit for emergency vehicles. And when these roads fail,
2 our water and sewage pipes are below. In the event of a
3 fire, there would not be access to water during the
4 duration of these repairs on the roads and the pipes.

5 Another safety factor to be considered is that
6 Circle Oaks has few sidewalks. I personally walk the
7 hills most mornings with a friend, and the -- there are
8 very few sidewalks in Circle Oaks. If any of you have
9 been up in that area, you'll see that you have to walk in
10 the street, and this is okay because there's not a lot of
11 the traffic. There's 189 families live there. It's a
12 rural -- rural streets, so there's no place to move off
13 the side of the road to avoid large construction
14 equipment passing.

15 The County must be responsible for the welfare
16 of Napa Valley residents. The Walt Ranch has access to
17 their property from Highway 121 within a short distance
18 from the Circle Oaks entrance. The use of that entrance
19 would be a safer and a more responsible entrance for
20 their project.

21 These endangerments are a serious concern and
22 must be responsibly considered by our County officials.

23 Thank you.

24 MR. PARKER: Good morning, Director Morrison,
25 Fellow Citizens.

1 My name Edward Parker. I have lived in Circle
2 Oaks for 28 years, and I love the trees around my house.
3 I have big trees around my house that shades it, it's
4 beautiful. There is bigger trees right next to it that
5 go all the way down towards Walt Ranch, which would and
6 could conduct fire from that area.

7 Now, I would like to give a little history.
8 There was the Atlas Peak fire. I'm sure anyone who has
9 lived here a long time can recall that. It burned a lot
10 of the fuel off of Atlas Peak. It didn't break into
11 Circle Oaks area, but it got close.

12 There was a fire in the early 90's from the
13 Mt. Vaca side that burned towards Circle Oaks for about a
14 week, reducing the fuel load in that direction.

15 To my knowledge, there has been no fire to the
16 northwest or in the vicinity of Walt Ranch. It's heavily
17 wooded. Now -- so, it's heavily wooded, as we all know.
18 We've been writing about how many trees might be cut or
19 how many trees there are.

20 So, in the fall, there are several weather
21 occasions where the wind blows from the north, across
22 Walt Ranch, in our direction, and those are very dry days
23 and they happen every year. If there's a fire -- and
24 some day there will be a fire that will conduct from
25 beyond Walt Ranch, or from Walt Ranch, towards our

1 vicinity.

2 I think it's very important and I'm very pleased
3 they are going to reduce the wood load by creating these
4 vineyards. It will create fire breaks.

5 Furthermore, the water resources and the
6 reservoirs will also be accessible by firefighters to
7 really -- I think a very effective block against a fire
8 that I've always thought would be a threat to our
9 neighborhood that wouldn't be likely to be stopped
10 through that wooded area. And we, of course, know what
11 happened up at Lake County with their fire. So, I feel
12 very good about the project's ability to protect our most
13 dangerous flank to fire.

14 Another -- just from another side point in my
15 own personal interest, there's a lot of the discussion,
16 you know, about economic growth, why economic growth is
17 slow and why it's a problem for government at large.
18 Well, I can see it today, because it's hard to grow
19 grapes. It takes a lot of expense and cost to put some
20 grapes in the ground, which means there's less jobs,
21 there's less tax revenue. We need that tax revenue. We
22 need to sell that wine, the Walt's wine, sell it
23 overseas, bring trade. It's in our benefit. And Napa
24 has been made great by grapes. So thank you very much.

25 DIRECTOR MORRISON: Next speakers would be David

1 Heitzman, Brian Bender, and Kim Richard.

2 MR. HEITZMAN: Good morning.

3 Is my PowerPoint loaded up? And a clicker?

4 I'll be ready to go.

5 Okay. David Heitzman, 23 Rockrose Court. I'm a
6 licensed general contractor, had my license for 35 years
7 now. I worked with lots of soils engineers, so I gotta
8 go through this quickly and I want to do this as
9 rationally as possible.

10 So, if you look on the -- this is Circle Oaks
11 Drive, the one in question here, between 189, 244. The
12 circled area is -- you can see subsidence in the road.
13 The County has been putting -- what you're looking for is
14 the waviness in the road and the thickness of the asphalt
15 there.

16 The County has been trying to level this out
17 over the years, the road crews, God bless 'em, but we're
18 in excess of a foot of asphalt and it's still moving.
19 This was taken just before the last -- before the Draft
20 EIR.

21 Let's see, right click? Okay. Really? There
22 we go.

23 Okay. This next -- taken at the same time,
24 you'll see that there's no cracks there at this time, no
25 visible, obvious cracks.

1 Next one. This is after this last rainstorm,
2 same spot. It's opened up about half an inch, and the
3 cracks up -- further up above, though I can't prove that,
4 I don't have the documentation, the road base had
5 dropped, previously it was down about half an inch with
6 the -- previously, when we had the Draft EIR, but that,
7 too, has opened up a half plus. The road is -- it's
8 still active. It's moving.

9 This is 254 Circle Oaks Drive. There was two
10 landslides there, two -- two movements there, both
11 repaired by the County. The first one didn't work so
12 well, and this is the second one.

13 I would suggest to please go in and talk with
14 the Engineering Department, Road Works, and ask them
15 about this fix and this road. This was, if I remember
16 right, was in excess of half a million dollars. This is
17 just the start of the project. It got much bigger than
18 that. Again, the road has problems.

19 In the red is Circle Oaks Drive, and the yellow
20 is the identified places where it's actively moving.
21 This is what road failure looks like. This is
22 Highway 121. I realize it's a mile-and-a-half away from
23 Circle Oaks, but it is still in a slide body and it's
24 still created with cretaceous shale, the same thing that
25 Circle Oaks Drive was built with. It's not good

1 road-base material.

2 I've had to put a quarter mile of road in the
3 mountains around Circle Oaks on a pretty serious grade,
4 we were -- averaged about 18 percent, and it's very hard
5 to get compaction. That being said, it is tough to do,
6 but it can be done and make it stable. This -- but if
7 you don't do it, this is what we end up with, and Circle
8 Oaks doesn't have that.

9 On my letter, I-111, and Mark Billings' letter,
10 I-114, we both specifically called for -- for this to be
11 reviewed by a geotechnical engineer. We specifically
12 mentioned that the road was failing and we called for a
13 geotechnical engineering firm to evaluate the road, find
14 out if there was a weight limit, if heavy trucks should
15 go on it, or if indeed you could increase the traffic, or
16 maybe even don't put much of anybody, or maybe even close
17 down one lane.

18 Will the Circle Oaks Drive peel off?
19 Eventually, it will. The cracks go down, who knows, 20,
20 30 feet. It's possible. They don't heal themselves,
21 they only get worse in time. Eventually, it's going to
22 have to be addressed.

23 So, I guess that's it. Time's up.

24 Any questions, anybody?

25 DIRECTOR MORRISON: No.

1 Thank you, David.

2 MR. HEITZMAN: All right. Thank you.

3 MR. BENDER: Good morning to all. Brian Bender,
4 199 Waters Road.

5 My wife and I have lived there since 1979, and
6 our property is about one-half mile south of Circle Oaks
7 and the proposed Walt Ranch Vineyard. I have no training
8 in geology or hydrology.

9 However, in the EIR, the groundwater study
10 predicts sufficient water for the project. I'm aware of
11 conflicting professional opinions about groundwater
12 supplies in the area from two different companies, and
13 the fact that one of these companies provided incorrect
14 information for another project in the County.

15 Groundwater testing procedures are complex and
16 can be hard to understand for a layperson. Despite all
17 the science of test-well drilling, well logs and studies,
18 it is still a prediction, correct? This isn't a lake or
19 river where quantities are obvious.

20 I wonder, does anybody really know how much
21 water is under this area? Enough to support a major
22 water consumer? It is still a prediction, correct? And
23 experts have been wrong before.

24 Climate change effects are all around us, so
25 predicting rainfall or hoping for wet years don't count

1 as a water source.

2 Our well puts out about three gallons a minute,
3 and the drought of 2014 and '15 dropped the output some.
4 Yes, even our little well suffered, but our tank kept
5 refilling, however slowly. I keep track of my
6 gravity-tank level, well-pumping depth, and static head.

7 Although we are further from the vineyard
8 project, I still have doubts as to the water source
9 prediction at hand and how it will affect us. Any
10 negative change in our supply aquifer may drop production
11 level to a point where we can't exist without
12 supplementary supply.

13 What will happen to the sources of those
14 families closer than us after pumping multi-millions of
15 gallons of water on dry years or any year?

16 Our water supply has always been sacred. That's
17 why when we built the place in 1980, we installed the
18 best available low-flow faucets, toilets, showers, and
19 drip irrigation, and have upgraded as more efficient
20 products arrived. For all those years we have been
21 conserving water and do not want our efforts to be for
22 nothing in the end.

23 We are worried that the production reduction on
24 our well may occur should pumping ever begin at Walt
25 Ranch. Please reject the proposed development because of

1 local residents' questions about actual true existing
2 supplies of water.

3 Thank you for your time.

4 MS. RICHARD: Good afternoon, Director. I'm
5 Kimberly Richard. I am the Chair for the Environmental
6 and Wildlife Committee for the Democrats of Napa Valley.
7 I'm also the Democratic County Central Committee for
8 District 4. And Kathy and Craig Hall are friends of
9 mine, but that being set aside, I'm here as a resident of
10 Napa of personal concern.

11 Napa County is home to bats, raccoons, deer,
12 grey fox, ringtail cats, bobcats, mountain lions, and
13 black bears, and eagles.

14 And speaking of bats, the Townsend bat is up for
15 listing on the CESA and will be voted on by the
16 California Fish & Wildlife Commission in June of this
17 year. The Pacific Pallid bat is a species of special
18 concern. Both species live here.

19 With the trees being cut down, what will be done
20 to replace the habitat loss? Bat boxes? Fracture
21 perches?

22 What impact on the Northern Fisher? As you
23 know, there is less than a thousand Northern Fishers left
24 in the world, and they also -- a petition is being put
25 forth to list them on the CESA, as well, like their

1 counterpart, the Southern Fisher, which is protected.

2 So, in moving forward with this, what -- and
3 speaking a little bit with Kathy this morning, what's
4 gonna be set in place to replace the trees? What's gonna
5 be set in place to help compromise?

6 People talk about drinking water, they are
7 losing drinking water, that's going to be polluted; but
8 what about the natural, true residents that's lived there
9 far longer than anybody else, and that is, our wildlife.
10 What impact is this gonna have on our wildlife? What
11 is -- what are y'all planning to do to replace suitable
12 housing or suitable habitat for the wildlife that lives
13 there?

14 And I think that needs to be addressed too
15 because bats play a very key role in our ecosystem. One
16 bat can eat between seven and eight thousand insects in
17 one night. There are certain species of bats that live
18 here in Napa that eat the Sharpshooters, feed mostly on
19 them, so what impact is this gonna have on our -- on our
20 wildlife?

21 As y'all may know or not know, for the first
22 time White-Nose pat (sic) disease -- bat disease is now
23 here in the United States. We were hoping to keep it out
24 of the United States and it stay in Canada, however that
25 is not the case. It is not here in California, but that

1 is an additional threat that this species is facing.
2 And as most know, our bat population is down 59 percent
3 in maternity rates because female bats, due to the
4 environment, due to the ecosystem, due to the climate
5 change, female bats can actually, um, say when she's
6 going to -- to get pregnant, herself, and have a pup of
7 her own. A lot of people doesn't know that, but -- you
8 know, and a bat only has one pup a year.

9 So we need to take that into consideration, what
10 are we going to do to make sure that this wildlife is
11 protected?

12 Thank you.

13 DIRECTOR MORRISON: I would like Stu Smith,
14 Chris Malan, and Tom Lippe to come up, please.

15 MR. SMITH: Good morning. Stuart Smith, Smith
16 Madrone Winery, 4022 Spring Mountain Road, St. Helena.

17 I urge you to approve the Walt Ranch Vineyard
18 Development Project. The EIR may be the most thorough
19 and expensive document produced for a vineyard project in
20 Napa County history, and it is positive for the project.

21 The development is consistent with the General
22 Plan and is zoned for exactly this type of use. The
23 Halls have worked within Napa County -- within the Napa
24 County regulatory system, and that should be
25 acknowledged. The Halls have a history of successfully

1 operating both vineyards and wineries within Napa County.

2 If you deny this project, you will effectively
3 kill all future hillside developments in Napa County,
4 which unfortunately --

5 (Applause.)

6 MR. SMITH: Which is exactly what these people
7 want. It's not project-specific, it's an overall design.

8 If you deny this project, you will also affirm
9 the tyranny of the minority rules in Napa County.

10 With best management practices, water can be
11 reduced to a de minimis level.

12 California loses farmland at a -- an alarming
13 rate, and here is an opportunity to actually create some
14 new farmland for Napa County.

15 The Board of Supervisors has determined --
16 pardon me. On the back of every tax envelope that we
17 get, it states:

18 "The Napa County Board of
19 Supervisors has determined that
20 the highest and best use for
21 agricultural open-space land is to
22 develop and preserve said lands
23 for the purpose of agricultural
24 operations. If you live near
25 agricultural lands in Napa County,

1 you must be prepared to accept
2 those inconveniences or
3 discomforts that are caused by
4 agricultural operations as a
5 normal and necessary aspect of
6 living in a county with a strong
7 rural character and a healthy
8 agricultural sector."

9 Lastly, the Walt Ranch is not public property.
10 It is not national, state, county, or city park land. It
11 is not national or state forest land.

12 What it is, is private property purchased by the
13 Halls with private money, it will be developed with
14 private money, and it is -- and the taxes will be paid
15 for by private money.

16 Napa Valley is not public land, it is not a
17 public park.

18 Thank you very much.

19 MR. LIPPE: Good morning. My name is Tom Lippe.
20 I represent the Living Rivers Council, and I did bring
21 some written comments today that I'd like to submit.

22 I have a letter from myself, one from Greg
23 Kamman, a hydrologist I retained; another from Gretchen
24 Padgett-Flohr, who is a wildlife biologist who I
25 retained; and then there's a CD which has those three

1 letters plus another 12 exhibits which are too voluminous
2 really to pass over the counter, so I'm going to submit
3 those today.

4 So I was gonna talk about biology on the MST
5 aquifer, but after hearing Mr. Manley talk about the
6 Appendix R, I think I'll spend most of my time on that.

7 The groundwater -- local groundwater impact here
8 is real because the project -- and this is not a
9 difficult hydrologic concept -- it's going to pump more
10 water than is recharged on the land, so at some point it
11 is going to start the water table declining in this area.

12 So Appendix R is not referenced in Mitigation
13 Measure 4.6-4 in the MMRP, the Mitigation Monitoring and
14 Reporting Program; so because the MMRP is the document
15 that actually sets forth what the mitigations will be,
16 Appendix R, which is the Groundwater Mitigation Plan, is
17 not included at this time. I don't know if that's an
18 oversight or a strategy.

19 So with what we have right now that's proposed,
20 the Mitigation 4.6-4, it does not have any actual
21 enforceable standards in it. It says that some
22 additional analysis will be done in the future based on
23 monitoring, but it doesn't have any definitive triggers
24 for requiring action by the County to reduce the amount
25 of water that this project will use. Therefore, it

1 doesn't comply with CEQA because CEQA requires
2 enforceable mitigation measures.

3 There's no reason the analysis can't be done now
4 as to how much water is available and limiting this
5 project to only what is recharged on the property each
6 year, but that hasn't been done, so that also -- that
7 doesn't comply with CEQA, to defer the development of
8 mitigation measures to another time post-approval.

9 So the mitigation measure 4.6-4 talks about
10 minimizing the impact based on future analysis. Well,
11 minimizing is not the right standard under CEQA. CEQA
12 requires that significant impacts be reduced to less than
13 significant where that's feasible, and that's a different
14 standard, so minimizing simply doesn't capture what CEQA
15 requires.

16 If you then turn your attention to Appendix R,
17 which is the Groundwater Mitigation Plan, that has more
18 detail as to what kind of analysis will be done. But
19 like the mitigation measure in this MMRP, it doesn't have
20 clear triggers that require clear responses. It says the
21 County has the authority to reduce the amount of water
22 the project would use in the future, but it doesn't have
23 a clear trigger on which that would be based.

24 There is a goal, and it's stated in terms of
25 making sure -- or evaluating whether this project's use

1 of water will cause there to be not enough water for
2 other existing or permitted land uses, "permitted"
3 meaning land uses that have an existing permit or a
4 permit that has been issued even if the land use hasn't
5 arisen.

6 Well, it's vague as to time. Does that mean
7 now, when this project is approved? And if that's true,
8 then you're essentially granting this project the right
9 to take all of the water that's under the ground there
10 that is not currently being used for other land uses and
11 therefore there will be no future expansion of any land
12 use whatsoever, or is that point in time where that
13 evaluation will be made sometime in the future? Unclear.

14 So even the Mitigation Monitoring Plan doesn't
15 comply with CEQA because it doesn't have the clear
16 standards and the clear responses.

17 Thank you.

18 MS. MALAN: Chris Malan, 2945 Atlas Peak Road.

19 The Milliken-Sarco-Tulucay aquifer has been in
20 decline for decades. The Planning Department fails to
21 adequately inform the public of this decline.

22 Last year on Atlas Peak Road, six wells went
23 dry, requiring -- those are only the ones that I know
24 about -- costly new deeper wells to be drilled.
25 Throughout the MST, other wells are going dry, causing

1 neighborhood alarm and concern.

2 How many wells going dry in the MST is the
3 County aware of? What is the safe yield, and does the
4 County require a water budget for all new projects?

5 A hydrologist working for another nonprofit,
6 iCare, which I'm affiliated with, recently made this
7 statement regarding USGS WDR MST 1977 versus the 2003
8 reports on the MST aquifer.

9 By looking at the map of the MST in the 1977
10 version, there was -- there is significant important
11 information that can be identified in this larger map,
12 where you can see the resolution better, that the
13 cross-sections clearly show the sedimentary volcanic and
14 unwelded tufts are basin-filling units and not volcanic
15 flows. The ash-fall tufts in the main water-bearing unit
16 and that water level within it may still be declining, or
17 at least flat, and have not recovered in a few decades.

18 I'm concerned that accurate information is not
19 being used to determine the cumulative impacts of
20 groundwater pumping impacts on the MST. Residential
21 wells are competing with the major land use extractor
22 vineyards having to drill deeper and deeper to reach
23 aquifer surface levels.

24 As the groundwater diminishes, it depletes
25 surface water and critical habitat to threatened species

1 such as steelhead, which migrate, spawn, and rear in the
2 MST streams. This is an undesirable outcome of aquifer
3 depletion.

4 Year after year, these streams are depleted due
5 to direct surface-water diversions combined with
6 groundwater extraction which are pushing steelhead into
7 extirpation in the Napa River Watershed.

8 Groundwater depletion exceeds ten years in
9 sedimentary aquifers with undesirable outcomes. It
10 qualifies the MST for groundwater management, according
11 to the Sustainable Groundwater Management Act passed by
12 the State legislature in 2014.

13 Planning chooses to ignore this significant
14 cumulative impact. Significant cumulative erosion from
15 erosion-control plans, in combination with this
16 erosion-control plan, the wall, in combination with
17 another 700-plus acres of existing vineyard ECPAs in this
18 watershed have not been discussed as a cumulative impact
19 in the watershed. This ongoing erosion continues to
20 impair the Napa River that was listed for sediment,
21 nutrient, and pathogen impairment since 1988.

22 While ECPAs far exceed background natural
23 erosion off undisturbed lands, additionally they continue
24 to erode for the life of the vineyard.

25 I have more comments, but I'll respect the time.

1 Thank you.

2 DIRECTOR MORRISON: Thank you, Chris.

3 We have Richard Loft, Sue Wagner. I understand
4 that Harris Nussbaum has chosen not to -- you do?

5 MR. NUSSBAUM: No.

6 DIRECTOR MORRISON: Do not, okay.

7 So, Richard Loft and Sue Wagner and -- I'm
8 sorry, I'm having trouble read this name. Mel Rayborn or
9 Wayburn?

10 Mr. Loft.

11 MR. LOFT: Hi everybody. My name's Richard
12 Loft. I live at 1350 Pueblo, Rexer Mobile Home Park.

13 Three years ago, I started a fly-fishing guide
14 service and take out mostly tourists that come to this
15 valley, and they come to this valley primarily for the
16 wine but they also want to do other things. And I'm able
17 to take them up to Putah Creek at the south end of Lake
18 Berryessa, and they always comment how beautiful it is
19 and they are not talking about the vineyard. They are
20 talking about the rolling hills, with all the oaks and
21 the other shrubbery.

22 And I think it's really -- forgive me, I'm
23 nervous, so -- I'm not used to speaking in front of
24 people and everything's going out my head right now. But
25 I think it's important to realize that people come here

1 because it's a rural area, and I think it's important to
2 maintain that.

3 There is going to be a lot of habitat loss if
4 this project is allowed. There will be water-table
5 issues, and the steelhead obviously are losing habitat by
6 diminished water supplies into the creeks, and -- you
7 know, I wished I could really speak more clearly, but I
8 am just gonna encourage you guys not to approve this
9 project, and that's all I got.

10 Thank you.

11 MS. WAGNER: Good morning, Director Morrison and
12 the remainder of the people in the room, many of whom
13 have already commented.

14 I would like to say from the get-go that I live
15 at Circle Oaks. I've lived there for 30 years. I've
16 observed a lot of the changes in our community over the
17 years, but none would be so -- quite as profound as what
18 the Walt Ranch is preparing to do to our community if
19 it's approved by this Board.

20 The current zoning of the Walt Ranch as ag use
21 for the Walt Ranch property is the source of the problem
22 in my view. Had the County actually thought about the
23 fact that the watershed should have been protected in the
24 first place, we wouldn't be worrying about considering
25 having ag uses up in the watersheds, and that's where

1 we're going to be having the problems stemming from, the
2 chemicals leaching into our water supplies and the
3 dramatic effects on the environment, which also includes
4 the biological issues.

5 I'd like to talk a little about bats today. I
6 earlier submitted to you some written comments on that.
7 The FEIR does not fully address the concerns of the
8 residents of Circle Oaks on many issues and contains many
9 serious flaws.

10 And as I was browsing through the FEIR, I saw
11 that the AES, which has determined that there were
12 absolutely no bats on the project area -- now, I know
13 that it has been since amended and they've conceded that
14 there are bats in the area -- but no actual bat survey
15 was ever conducted. This is disturbing to me because
16 there's at least two or three varieties of bats who are
17 either threatened or species of special concern.

18 What I'd like to talk about is that while living
19 in Circle Oaks for these past almost 30 years, I have
20 observed bats flying during the warm summer months.
21 They've been in my house. They -- they use my fishpond
22 as a source of water. They are there. And a bat survey
23 needs to be done because we need to know which bats are
24 there so that when you look at the mitigation measures
25 which were proposed, they actually will mitigate for

1 these mammals.

2 The mitigation measures as proposed do not go
3 far enough. For example, they are only going to be
4 looking for bat roosts within 200 feet of the
5 earth-moving activities; they are going to be looking in
6 trees that are slated for removal that might have loose
7 bark or holes or crevices in the trunk; they will be
8 looking for rock piles, when, in fact, the Townsend's Big
9 Eared bat does not roost in the -- in the side of the
10 holes or crevices of trunks or rock piles, they actually
11 roost in the trees themselves.

12 If the people who did the study that said there
13 were no bats are the same ones that are going to go up
14 there and be looking for the avoidance plan information,
15 which would include the evaluation of the kinds of
16 disturbances that are going to be allowed and the habitat
17 that is going to be disrupted, I would be concerned that
18 they know where to look and they go at the right time of
19 the day or night. Most of these bats are nocturnal.

20 I have many other comments I'd like to give to
21 you today, but I have to admit I was up until 2:00 a.m.
22 this morning working with our attorney to present
23 comments to you today, so I'm gonna use my last ten
24 seconds to say thank you very much.

25 DIRECTOR MORRISON: I mentioned I am having

1 trouble reading this last name. Is there anybody here in
2 the Board conference room that wanted to speak but hasn't
3 spoken yet?

4 Perhaps you're my mystery guest.

5 MR. BOYBOSA: My name's Mel Boybosa, and I would
6 like to tell a true story that occurred. I'm a volunteer
7 for a ancient cemetery, and a man purchased land adjacent
8 to the cemetery to put in a winery and vineyard.

9 In the meantime, he was bringing heavy equipment
10 across the cemetery, trespassing, so I went to talk to
11 him. When I was talking to him, a Division of Forestry
12 man came there about clear-cutting. I was amazed that
13 when -- when they approached each other, they didn't
14 shake hands, they hugged each other. And I said, "The
15 man hasn't really applied -- finished the process for a
16 timber harvest," but, uh, it was a done deal. I really
17 respect government, but I don't trust certain government.

18 For example, the people in Coombsville are out
19 of water. They are hauling water. We're nice enough to
20 give them some sewer water. Are we gonna give sewer
21 water to the people in Circle Oaks? I hope not.

22 The Valley floor has reached its capacity. We
23 can't destroy our water. We hope -- if you destroy
24 water, you're also destroying wineries, residentials, um,
25 the habitat. It's all about money.

1 But the Halls ought to move back to Texas.

2 Thank you.

3 DIRECTOR MORRISON: Had a request from Michelle
4 Montgomery; is she here?

5 MS. MONTGOMERY: Hi. My name is Michelle
6 Montgomery. I'm a resident of Circle Oaks. My family
7 and I moved here from St. Louis, Missouri, the Midwest.
8 My husband is a carbon-fiber seismic engineer, so he does
9 retrofitting.

10 I wrote a letter. I don't really know how
11 exactly appropriate -- I've heard about the water table,
12 I've heard of how it's going to affect our roads, which
13 are already horrible.

14 Um, I am concerned. My son, Merrick, who people
15 in Circle Oaks know, he is a wild, long-haired boy
16 walking around the neighborhood with a staff. He's our
17 adventurer. My family and I decided to move to Circle
18 Oaks because my husband and I both grew up in areas where
19 we could go into the woods and experience nature and be
20 among the animals and the trees.

21 But whenever -- Walt Ranch, whenever they
22 decided to do the vineyards, the main thing that
23 concerned me was the pesticides that will be going, that
24 will be blowing around, which will be seeping into the
25 groundwater.

1 Whenever it was first proposed that Walt Ranch
2 was going to build the vineyard, it was claimed that it
3 was going to be organic. Since then, they have changed
4 their mind, and it's been proven time and time again that
5 grapes -- they can thrive without dangerous pesticides.

6 I think it would be in his best interest to
7 instead be a forerunner of the organic movement for his
8 properties instead of being like the other vineyards in
9 Napa, who will be scrambling to eliminate the use the
10 pesticides. It is in our air. It is seeping into our
11 watersheds.

12 Napa has -- I haven't heard anything about this,
13 I probably missed it. Napa has the highest rate of
14 cancer in children in the state of California. Childhood
15 deaths from cancer are 22.8 per 100,000 people. Sonoma's
16 percentage is 20.6.

17 If the kids don't get cancer, they could very
18 likely lose their parents to it. Napa has the second
19 highest rate of cancer for adults in the state with
20 488.9 deaths per 100,000. Sonoma has 463.62.

21 California Department of Pesticide Regulations
22 reported that in 2013 that Napa used 1,259,700 pounds of
23 pesticide in one year.

24 Both of my children's schools are right next to
25 vineyards. Why have Napa and Sonoma not enforced law

1 AB 289, the School Protection Zone Act, which helps
2 protect children from being poisoned by the drift of
3 pesticides. And how many people in the world will want
4 to drink wine from these vineyards who are killing
5 children and their families, albeit from the prestigious
6 Napa.

7 California is mother to the organic movement.
8 Why should vineyards not follow suit? They must and will
9 be held accountable eventually for their actions.

10 The City of Flint, Michigan, knowingly poisoned
11 their city with lead and is now facing the consequences.
12 If the wineries do not take responsibility, thinking only
13 of their bottom line, will Napa be following not far
14 behind?

15 Napa County, do you hear us? Governor Brown, do
16 you hear us?

17 Thank you.

18 DIRECTOR MORRISON: Thank you.

19 Let's take a brief, say, ten-minute break to
20 allow the people from the lobby and the HR conference
21 room to come up who want to speak. We'll reconvene about
22 10 -- at 11:35.

23 (Recess taken - 11:25 a.m. to 11:38 a.m.)

24 DIRECTOR MORRISON: Okay. Can we all start
25 sitting down and -- it looks like we're about halfway

1 through our speakers. The first round took about an hour
2 and a half.

3 I'm thinking we should be able to get through
4 everybody by 1:00 o'clock, so I'm going to keep going
5 rather than ask people to come back after lunch 'cause I
6 know that can take up a lot of time in people's day; so
7 we'll continue to press on and see how far we get so that
8 nobody's deprived of the opportunity to speak today.

9 If everybody's ready, looks like the next -- I
10 have a couple people -- several people on the list here
11 who wrote "No Comment" after their name, so I'm assuming
12 they are not wanting to testify.

13 So we'll go with Jerry Cohn, Crystal Pettigrew,
14 and David Turner, if they are available; Jerry, Crystal,
15 David.

16 How about Ray Sisemore, Ray Bowman, and Gary
17 Margadant; are any of them in the room?

18 Gary's always in the room.

19 MR. MARGADANT: Good morning. I'm Gary
20 Margadant from up on Mt. Veeder Road.

21 And, first of all, I wanted to -- to thank you,
22 David, for setting this up and allowing people to come
23 here and speak in the forum of this. I -- and I noticed
24 that nobody else has complimented you yet, so I thought I
25 would be the first to do that, but thank you very much

1 for this. You've done this before, and I think the
2 public really owes you a debt of gratitude, you know, for
3 your ability to listen to them and -- and seek out their
4 advice.

5 A couple of points that I wanted to make on this
6 EIR. One is the proposition that the erosion off of the
7 mountains are going to be reduced. And now this may be
8 so based on the soil calculations that are taking place
9 on this project, but you wonder how that they're doing
10 this.

11 And I believe that the way that this goes is
12 they are reducing the amount of water that actually flows
13 across the surface, they are directing it into pipes,
14 they are directing it into a source that is a point
15 source that drops it into a creek and drops it into some
16 other place.

17 Now, what you do in this case is that you're
18 actually increasing the flows in that creek in the
19 incision in that creek, and I was wondering if that might
20 be a greater source of erosion off the property that's
21 going to affect especially the watershed that goes into
22 Milliken and I was wondering if this was actually
23 considered in that respect.

24 And if the nutrients and the mitigations really
25 aren't -- or are managed well, then I think that you

1 might want to look at what -- what this really is doing
2 is, it's taking another source some other way into --
3 into the Milliken Reservoir.

4 And I would certainly say that the nutrient
5 load, especially if it's going to be any type of
6 chemicals that are coming off of the -- off of the
7 erosion area around the vineyards and stuff like this, I
8 think that that should be measured to make sure, because
9 Joy Eldredge was certainly concerned about this, as to
10 anything that actually goes into the -- into the
11 reservoir that's going to be detrimental to her position
12 of trying to maintain good water for the City of Napa.

13 I did want to discuss another thing about the
14 use. I know that Stu Smith was up here talking about,
15 you know, everybody's right to go ahead and move into the
16 hills. But since Napa County has an overabundance of
17 production amongst all of the -- all of the wineries in
18 the Valley, to the point where they cannot, nor even
19 close to coming to having enough grapes on the mountains
20 and in the Valley that's going to support this
21 production. And this dichotomy, I think, is something
22 that really, really needs to be looked at because this is
23 forcing people to look for vineyards in the mountains, in
24 the hills, and taking care and using this watershed is
25 what you see typical now.

1 Thank God that they have a 28 percent limit, you
2 know, on the erosion-control plans and stuff. If they
3 didn't, I -- I hate to think what the -- what the Valley
4 would look like because people want to make the money
5 from the -- from the wine.

6 I think that these are, you know --

7 (Beeper sounding.)

8 MR. MARGADANT: Oh, excuse me. I'll finish
9 then.

10 DIRECTOR MORRISON: I'll -- I know a couple
11 people came in. I'll go ahead and ask for Jerry Cohn,
12 Crystal Pettigrew, and David Turner again.

13 If not, double-check for people that said they
14 didn't want to comment. Neil Watter, Lisa Evans, or Jay
15 Evans, did you want to speak?

16 MS. EVANS: Yes, I do.

17 Hello, my name is Lisa Evans, and I live at
18 174 Country Club Lane, which is up in Circle Oaks. I
19 just wanted to, um -- I don't have the brains and
20 everything that everybody else has, but my concern is, of
21 course, with the roads and the water. And Mother Nature
22 has taken out Highway 121 in the last ten years three
23 times. The County can't fix that road. It's in one mile
24 of the other times that you've tried fix it, and it's
25 gone again.

1 When all of the water came out and washed down
2 the road of 121 again, you guys came out to fix it and
3 we're back on the one, you know, road system that -- we
4 get to use to your lights and all that. Thank you for
5 that, though. At least we don't have to try and travel
6 56 miles in order to get out to, um, Napa from our
7 mountain.

8 And the other thing is, is that I don't think
9 anybody has brought up the fact that right after that
10 happened on Highway 121, we have our own water situation
11 up there, ha-ha, the well that the Halls, of course,
12 would like to claim as theirs.

13 Um, the water that ran under the mountain
14 through the lava tubes, or the lava whatever, um, it made
15 our water depleted. Within two days, we had phone calls
16 from the association of our water district up there
17 telling us that we had to cut back on our water use
18 because the iron was so high that it couldn't -- it
19 wasn't -- and it also wasn't filling up to a level that
20 was needed.

21 So my question is, if Mother Nature has been
22 giving the County or City of Napa so much problem on just
23 a one-mile stretch of road, how are you going to be able
24 to protect all of our houses that are underneath 22 miles
25 of asphalt?

1 And the fact that you're even talking about
2 letting them use our access -- my understanding is y'all
3 own the roads, great; we own the pipes underneath it.
4 So, if the pipes break, just like the \$500,000 that we
5 had to spend on the well that they supposedly didn't
6 want, or supposedly said that they graciously let us use,
7 now, then they should reimburse us for the \$500,000 that
8 each -- each property is -- is responsible for \$10,000
9 each on our escrow.

10 What's gonna happen to the people that don't
11 have a \$520,000 home, or excess of that up there, the
12 smaller \$100,000 homes, how are we going to be able to
13 afford to replace all of the piping?

14 That all of these trucks are going to be coming
15 up -- they talk about regular day use. I'm talking
16 about, what about picking times? And what about, you
17 know, all of the people that they're gonna have coming up
18 to pick theirs grapes and all of the trucks that are
19 gonna be used for four years?

20 And who is going to be responsible for replacing
21 the under -- the substructure underneath the road, since
22 the City says they don't own it, so now you're making us
23 become -- it's a viable expense to us that we're not
24 going to be able to afford because of somebody else's
25 greed and wanting yet another winery.

1 And I was also told -- don't know this if this
2 is true -- but that Hall apparently owns some places up
3 in Yountville, and he's got these major winery -- little
4 sections like he wants to do up there, and he can't sell
5 'em. Nobody wants to by them.

6 They are not buying across the road from us in
7 that other division that they made, so why are you
8 allowing them to build something that nobody will buy
9 into the wine anyway? He can't sell his property in
10 Yountville, why the hell are you letting him do it up
11 there?

12 That's it.

13 DIRECTOR MORRISON: I'll ask for Ray Sisemore
14 and Ray Bowman again, then Helen Bowman and then Bonnie
15 Thompson.

16 Anybody here? No.

17 How about Masako Kasen, Robert McLewis, or
18 Pamela Jackson?

19 Melissa, are there still people down in the
20 lobby? Is everybody up here?

21 MS. FROST: I have three right there.

22 DIRECTOR MORRISON: How about Angela, I think,
23 Camp? It looks like Roland -- Roland Geid and William or
24 Parry Murphy? I'm sorry, Murray.

25 UNIDENTIFIED SPECTATOR: I think some people are

1 still in the other room.

2 DIRECTOR MORRISON: Are they still in the HR
3 conference room?

4 UNIDENTIFIED SPECTATOR: Yeah, that's what I
5 heard.

6 DIRECTOR MORRISON: Could you have somebody
7 check? Yeah. Thank you.

8 Well, let me -- in the best interest of our
9 time, let me call up people who have recently signed up:
10 Julia Winiarski, Susanne von Rosenberg, and Ginny Simms.

11 MS. WINIARSKI: Hello, I am Julia Winiarski. I
12 live at 9 Bonita Avenue. That's in Alta Heights, not
13 Circle Oaks. I'm here in Napa city, and I am concerned
14 about the points raised by Joy Eldredge regarding the
15 potential cost to Napa residents of increased need for
16 water treatment.

17 I think we need to start thinking about the
18 interconnectedness of issues across the city and county
19 lines and the unintended consequences raised by another
20 speaker that was cascading unintended consequences.

21 I was raised in the wine business. I value
22 what the wine business and grape-growing have done to
23 protect the Valley from some kinds of development, but I
24 think we need to begin to challenge some of our
25 assumptions.

1 And I know it's sort of working -- some of the
2 working tenants of the County that ag is the highest and
3 best use. It's a mantra, it's a philosophy, it's a
4 belief. And I'm not sure that that's really true
5 anymore; because when the ag preserve was established, we
6 lacked a certain amount of understanding about the value
7 of watersheds and forests and the idea that land could
8 have value, forest could have value, rivers could have
9 value, by being untouched.

10 Our understanding has come a long way and we
11 know better now, that those forests are doing a job for
12 us. The watersheds are doing a job for us. They are
13 filtering water. They are stabilizing hillsides. They
14 are sequestering carbon.

15 The idea that we have to do something to the
16 land to leave it in better shape for our children or to
17 add value to it is, I think, an outdated and no longer
18 useful idea.

19 (Applause.)

20 MS. VON ROSENBERG: Susanne von Rosenberg,
21 2168 Penny Lane in Napa.

22 And Julia stole all of my thunder. The point
23 that I wanted to make is, we're at a tipping point as a
24 valley, as a county, and this project is completely out
25 of scale with what's appropriate for any future

1 development.

2 In the context of planning, of looking at the
3 overall good for the County, of balancing the needs for
4 its various residents, as well as its non-human residents
5 and animal and plant life, this project just doesn't make
6 any sense.

7 And a lot of folks have gotten into a lot of
8 details about why or why not, and I'm not gonna reiterate
9 those, but I just want to say that I'm opposed to this
10 project for that reason, because it's just -- it doesn't
11 make sense for the many impacts that it would have.

12 Thank you.

13 MS. SIMMS: Good morning, Mr. Morrison, and
14 others.

15 My name is Ginny Simms. I live at 3460 Villa
16 Lane. My comments are just going to be the reading of a
17 list, with apologies. I was not able to gather my
18 thoughts or get it together because I haven't been very
19 well, but I -- they're just a list here, and I'll make a
20 copy and submit them later, but I just want them in the
21 record, please.

22 Number one comment is that in 1967, there was a
23 grand jury hearing because the roads at a new
24 development, Circle Oaks, that the roads had failed, the
25 sewers had thus failed, and so had the water system. And

1 when they turned to a bonding agency to fix them, the
2 bonding agency was a phony, a new corporation set up for
3 just that purpose, without any money.

4 Two, there is a creation of a small water system
5 here with 35 different customers, and it has no reliable
6 funding mechanism indicated, and I believe that that
7 should be looked at by the local agency formation
8 commission, who are in charge of making certain that
9 districts can and will be able to continue their service.

10 There is no roadbed reconstruction required in
11 the most recent EIR of the internal roads of Circle Oaks,
12 and there is no responsibility for those roads or that
13 main road after five years.

14 This does not -- also, maps or information does
15 not reveal where roads, the existing roads, have been
16 changed to all-weather surface along the way. And the
17 reason for this omission, I believe, is to eliminate any
18 idea that it might cause somebody to want to live up
19 there, and I think that should be shown. Where are the
20 proposed road fixes that would create an all-weather road
21 patch?

22 The lot-line adjustments after 2010, although I
23 have done only minor research, look to me as though many
24 of them are in violation of the Subdivision Map Act
25 because the lot-line adjustment section of the County

1 code did not require them.

2 I believe that the BMP ought to be open to a
3 hearing and comment when it is finished. It is not due
4 at this time and we do want one, but I think it should be
5 reopened for comment and circulation, at least to the
6 locals.

7 I believe that all erosion-control measures
8 should be re-monitored every time there has been more
9 than four days of rain. My experience has been that they
10 are designed for about three days of heavy rain, and that
11 when you go about much longer than that, you are going to
12 discover that they are failing, and they will need
13 monitoring consistently for as long as the land is
14 farmed.

15 And finally, I think that you need to reconsider
16 the Tree Removal Plan after the Climate Plan has been
17 done because we may be following -- this may be a model
18 for all the way around the Valley.

19 Thank you for your time, Mr. Morrison.

20 DIRECTOR MORRISON: Okay. I'm told there are
21 four people left downstairs, and none of them wish to
22 speak.

23 So how about Kerry Iman, Angela Camp -- I
24 already asked those people -- Roland Geid.

25 How about -- I'm sorry, James Hinton was the

1 next one, I'm sorry. I skipped you, James, my fault.

2 And after him, Richard Niemann, Kassie Pagaling,
3 or Draselle Muscatine?

4 MS. WILSON: Can I speak for my sister? We're
5 on the same page.

6 DIRECTOR MORRISON: Absolutely, please. Right
7 after James.

8 MS. WILSON: Yeah.

9 MR. HINTON: Good morning --

10 DIRECTOR MORRISON: Good morning.

11 MR. HINTON: -- Director.

12 James Hinton, 3574 Hunter Circle, Napa,
13 California. I am a life-long Napa resident of 41 years,
14 and recently, a year ago, I started receiving notices
15 from the City of Napa that my water, drinking water
16 coming to my house, was contaminated with high amounts of
17 trihalomethanes.

18 And we know that the City of Napa has three
19 water supplies: the Delta, Milliken, and Hennessey. So
20 according to our City Manager, who was here today,
21 Milliken is our cleanest, purest drinking water, and she
22 said we're gonna count on this for the next hundred
23 years.

24 Should this kind of deforestation and the kind
25 of farming practices that incorporates glyphosate, which

1 we know is a carcinogen, it is harmful, the trickle-down
2 effect on that on our watershed is nothing we want to
3 incur.

4 So I understand that Kathryn Hall, the former
5 Ambassador to Austria during the Clinton administration
6 and her successful Wall Street banker and fracker
7 husband, have an unlimited amount of economic support.
8 And when you look around this City of Napa, in this
9 community, many people are tied into mortgages with
10 extremely high interest rates, and these people are
11 invested in our community. We want clean drinking water.
12 We have nothing if we don't have clean drinking water.

13 If you're a millionaire and you can't get a
14 glass of clean water or you can't take a shower, it does
15 not matter. We need clean drinking water. We cannot
16 allow these people with unlimited economic resources to
17 fool us into this kind of development for an event
18 center. They want to have a party at the top of our
19 hill, on the top of our cleanest drinking water.

20 Please oppose this, and please do not go any
21 further with this project. Let us all rest at night
22 peacefully, knowing that we're gonna have clean drinking
23 water no matter what, even if the Sacramento River, the
24 Delta, runs dry or gets too polluted. We always want to
25 have something clean to fall back on. And if we protect

1 our forest, we protect our watershed, we'll always have
2 this, so I encourage you to please stop this.

3 (Applause.)

4 MS. WILSON: Can I speak for my sister?

5 DIRECTOR MORRISON: Yeah, go ahead.

6 MS. WILSON: Hi, I am Leanore Wilson. I live at
7 5000 Monticello Road. I've lived there for 57 years.

8 My family established the ranch in 1919. My
9 mother has lived on the ranch for 35 years as a holistic
10 rancher, that is, we put cattle in only special times of
11 the year, so we are very aware of the biodiversity.

12 Sixteen tributaries come to our ranch. We have
13 been summers without water, this is a big cause. Sixteen
14 tributaries from the Walt Ranch. My sons hike the ranch,
15 know the fauna and flora. I ask you, Kathryn Hall and
16 Craig Hall, have you actually hiked the Walt Ranch?

17 They have bought up 400 more acres in Pope
18 Valley. My husband and I went to Alexander Valley to
19 look at what they are doing. They are putting in
20 ranchettes. Don't have them think otherwise. They put
21 in vineyards as a false front. They develop it into
22 ranchettes.

23 They sent a threatening letter to us and Circle
24 Oaks saying: We can put in 35 ranchettes, we can put in
25 35 hunting clubs, we can put in our two reservoirs. "We

1 can." It's a "we" mentality. "I can do what I want on
2 my land." But we are all in this together.

3 I ask you, too, look at AES. Look at the
4 Ascension development in San Mateo that they were behind.
5 They developed beautiful land and took it from the
6 neighbors. The neighbors were like Circle Oaks. They
7 protested this for six years. AES buys up Native
8 American land and wants to put it in development.

9 I do not believe in AES. I do not believe in
10 the Halls, they are involved in fracking. Now tell me,
11 is that preserving land? That is destroying land.

12 So, I come up with a very passionate viewpoint.
13 My mother is 86 years old. She has blessed the land.
14 Listen to her. Listen to people who have lived and cared
15 for the land and tended it and dedicated themselves to
16 the land and been responsible citizens, not foreign
17 investors, not people that come from Texas and they say,
18 "I can do what I want," deforestation.

19 Please, water is gold, trees are gold. Listen
20 to us who have lived here and care for the land.

21 Thank you.

22 (Applause.)

23 DIRECTOR MORRISON: I have read all of the names
24 who -- of people who signed on the sign-in sheet.

25 UNIDENTIFIED SPECTATOR: Excuse me.

1 DIRECTOR MORRISON: I'm sorry, you're right.

2 There is the people from the other room.

3 How about Sandra Kerst, Tom Waven (sic), or Dana
4 Smith; are any of those here?

5 MS. MURRAY: No, but you read my name earlier,
6 Parry Murray.

7 DIRECTOR MORRISON: Oh, please. Step up.

8 MS. MURRAY: I was downstairs, so I didn't know
9 where I fit in.

10 DIRECTOR MORRISON: Oh, go ahead.

11 MS. MURRAY: All right. Thank you.

12 My name is Parry Murray, 3393 Atlas Peak Road.
13 I'm also here on behalf of my family from Mead Ranch,
14 3029 Atlas Peak Road, and I also thank you for the
15 opportunity to speak today. I really appreciate all the
16 general as well as the very astute specific remarks that
17 have been made today.

18 I recognize that given the Halls' background,
19 goals, and plans, they are following due diligence, and
20 maybe it's true that what they're doing exceeds former
21 and general EIR requirements. Again, given their
22 perspective, they have indeed made changes to mitigate
23 the overall impact of their project.

24 The essential problem is that it's, once again,
25 the age-old dilemma of experiencing paradise gradually

1 being paved over at the cost of local inhabitants, both
2 human and wildlife, and our watershed. It's truly
3 disingenuous to say a project of this magnitude has
4 less-than-significant effect on the environment.

5 What I am here to specifically say today is
6 that, one, this is a policy problem. This is a zoning
7 problem. This is a General Plan problem. The definition
8 of ag preserve today needs to be revisited to include
9 permanent protection of the upper reaches of our
10 watersheds. This project, in essence, represents the
11 breaking point, in effect, of planning, and people's
12 patience, and in true sustainability.

13 Great comments have been made, as I noted, and
14 in terms of cumulative impact and climate change, we're
15 in a new era. As a family with a cumulative presence of
16 over a hundred years on Atlas Peak Road since we bought
17 our property in 1913, my -- my grandfather and his
18 brothers, we not long ago took the stand in the early
19 1990's to place a conservation easement over the entire
20 13 acres of our property. We did so out of consideration
21 for our watershed, our neighbors, and a truly sustainable
22 future. We also did so to set an example for our
23 neighbors as well as the County.

24 As a family who has demonstrated a hundred years
25 of good stewardship, we believe that as a county we also

1 need to take the brave step of declining this project,
2 putting a hold on all mega development, especially in the
3 upper reaches of our watershed, and begin an earnest
4 re-evaluation of a climate-smart, 100-year plan.

5 Thank you very much.

6 (Applause.)

7 DIRECTOR MORRISON: Is there anyone here who has
8 not yet spoken who wants to speak? Last chance.

9 Please.

10 MR. HALLETT: David Hallett, Soda Canyon Road,
11 Napa. Good afternoon, Director Morrison, Members of the
12 Public.

13 Earlier today, Ms. Hall went to great lengths to
14 tell us that the application was for a winery -- for a
15 vineyard. We saw various maps showing the convoluted
16 parcels inside that 2,300 acres where there was plans to
17 put in vines.

18 I'm not a farmer, but I know that those little
19 tiny parcels, individual parcels, can't be economically
20 farmed no matter what they say.

21 Mr. Hall is a very astute businessman. Does
22 anybody in this room believe that he bought 2,300 acres
23 of land to put in 400 acres of vines?

24 He has 35 legal parcels in that 2,300 acres.
25 Thirty-four of them are gonna have their own waterlines

1 going to them, 80-acre parcels. Does anybody in this
2 room not consider that the ultimate plan is not vines but
3 houses?

4 This is a development for building homes in the
5 agricultural watershed. It's not a -- it's not a
6 vineyard. If it was a vineyard, it would be like the
7 vineyard at the top where I live, at the top of Soda
8 Canyon, Stage Coach, massive acreages all joined up
9 together, not little plots. So please consider this,
10 Director.

11 If Ms. Hall absolutely wants us to believe it,
12 then I would say actions speak louder than words. Take
13 the lot lines out. Take the lot lines out completely,
14 turn it into 2,300 acres. I will come back anytime and
15 apologize to Ms. Hall for not believing her that it's
16 just a vineyard, but take the lot lines out.

17 Thank you.

18 (Applause.)

19 DIRECTOR MORRISON: If there's no one else?
20 Okay, then I am going to go ahead and close the public
21 hearing today. Thank you all for coming, and thank you
22 all for speaking.

23 As I mentioned earlier, I had hoped to come to a
24 tentative decision today, but we have received a very
25 large amount of information just this morning from

1 several of you and from others. Much of this information
2 raises concerns that we've not yet had an opportunity to
3 evaluate or assess, and so it would be -- not be possible
4 for me to review all of this material and come to any
5 conclusion in the time we have left this afternoon.

6 I'm sorry, you're right, the Applicant gets
7 rebuttal. Let me re-open the public hearing for the
8 Applicant rebuttal, my mistake.

9 This is the first time I've done a hearing.

10 MR. REYNOLDS: Thank you, Director Morrison.

11 So there were a lot of public comments on a
12 whole wide range of things and also read all of the
13 Applicant letters that were submitted to the County by at
14 least last Friday. I think there was a new tranche
15 today, which I haven't seen yet.

16 Unfortunately, there are a lot of things being
17 said about our project and a lot of accusations about
18 what the project is and isn't that are not true, and so I
19 want to reiterate what Ms. Hall said earlier. This is an
20 application to plant a vineyard on 11 percent of a
21 2300-acre property.

22 There are two things that came out today that I
23 think I might be more uniquely qualified to talk about
24 than the rest of the assembled experts that are here
25 today, and so I want to touch on them quickly.

1 The first is Joy Eldredge's discussion about the
2 watershed at the Milliken Reservoir. So we've heard a
3 lot of large adjectives being attributed to the size of
4 the Walt Ranch Project as it relates to the Milliken
5 Watershed, and I want to put some real numbers to it
6 because I think that's important for people to
7 understand.

8 The Milliken Watershed is 6140 acres, and the
9 entire vineyard and roadway area that surrounds the Walt
10 Ranch Development within the Milliken Watershed is --
11 depending on which proposal we're talking about, is
12 somewhere between 2.6 and 2.8 percent of that watershed,
13 so we're talking about a very small part of the Milliken
14 Watershed.

15 And then if I compare that area to the amount of
16 area in vineyard that is in the Milliken Watershed, if
17 fully developed, the Walt Ranch will encompass less than
18 15 percent of all of the existing and permitted vineyards
19 in the Milliken Watershed; so the idea that suddenly the
20 arrival of the Walt Ranch property and vineyards in this
21 watershed is somehow going to be an egregious threat to
22 the health of the City water is just wrong.

23 And then further, I heard Mr. Hinton talk about
24 a number of pesticides and spoilage organism -- spoilage
25 chemicals that might end up in the water supply, and I

1 just want to remind everyone that we have been committed
2 to organic farming in all of our properties in the Napa
3 Valley for almost a decade.

4 I brought here the CCOF Certifications for all
5 of our properties in the Napa Valley, including the Walt
6 Ranch, which is certified organic, and it is our
7 intention to farm it sustainably. And, as we said in our
8 initial presentation, once the vineyard is developed and
9 growing, we are committed to moving to organic farming
10 also. So, that's the first thing I wanted to talk about,
11 and I'll leave this for the County if they want it.

12 The second thing that I want to talk about, and
13 it is a little painful to hear all of the things that we
14 are accused of over the course of the last two years, but
15 one thing came out today by Mrs. Tamarisk, and I
16 personally think that it was an outrageous statement and
17 offensive for me, personally, and I'm sure for Craig and
18 Kathryn Hall, to imply that somehow we have been
19 intimidating our consultants, which are actually not our
20 consultants but they are the County's consultants, when,
21 in fact, the opposite is the truth.

22 I have, in many meetings with County staff, with
23 the consultants, in individual conversations, made the
24 statement repeatedly that if we are having an impact on
25 something that cannot be mitigated, we need to remove the

1 vineyard block or shrink the project, and I have said
2 that repeatedly and over and over again. So the
3 implication that we have done anything other than that is
4 frankly very offensive, and I want to make sure that --
5 that we say that on the record.

6 So thank you for your time. I know that the
7 consultants are here to answer specific questions, and
8 they are much better armed than me to discuss that.

9 THE REPORTER: Excuse me. Could you state your
10 name for the record, please?

11 MR. REYNOLDS: Mike Reynolds.

12 THE REPORTER: Thanks.

13 MR. MANLEY: Director Morrison. Whit Manley,
14 once again.

15 There are just a couple of points. By in large,
16 the comments that we've heard today are deeply held,
17 sincere. They are not comments that we haven't heard
18 before. They are comments that have been addressed in
19 the EIR at great length.

20 Now, I haven't had the benefit of taking a look
21 at the documents that were submitted today. It's a
22 regrettable part of the CEQA process and the hearing
23 process that some folks, for whatever reason, decide to
24 submit their comments literally at the last possible
25 moment rather than submitting them at a time when they

1 actually can be reviewed and responded to. It's the
2 nature of the beast. The hearing is open until the
3 hearing is open.

4 I have been admonished by your staff repeatedly
5 that if I had comments, I really need to get them in in
6 time so that you can read them, and I've tried to do
7 that. Probably failed at times, but that's the way to
8 actually get information submitted in a constructive way,
9 not to do last-second document dumps.

10 I haven't read the information that's come in
11 today. Perhaps that was by design. We'll review it now.
12 If there's information that requires a response, then
13 your staff should respond. Nature of the beast.

14 What I have heard today are a couple of
15 statements that I do want to respond to. One is that
16 there was a statement that the amount of groundwater
17 pumping from the site actually is gonna exceed the
18 recharge capacity of the property, and that's actually
19 not true.

20 This is 2300 acres, and if you use very
21 conservative assumptions about precipitation and
22 infiltration rates on the property, the amount of
23 recharge on this property ranges anywhere from 161- to
24 242-acre-feet per year.

25 Again, that's under very conservative

1 assumptions. It might be quite a lot higher than that,
2 even taking into account the potential for drought, so
3 that's a recharge of 161 to 242 acre feet per year.

4 The demand for the project as recommended by
5 your staff, and taking into account the relinquishment of
6 certain blocks, is estimated, ballpark, at about 168 acre
7 feet per year, way at the low end of the range of annual
8 precipitation, so we are not going to be mining
9 groundwater. The amount of recharge will exceed the
10 long-term demand of this project, and that's just simply
11 a function of the fact that it's such a very large piece
12 of property.

13 There was a statement that somehow the analysis
14 of groundwater impacts has been deferred or the can has
15 been kicked down the road. That's actually not true.

16 The groundwater analysis in the EIR is based on
17 actual pump testing that has been performed to show the
18 ability of the on-site wells to produce water, observing
19 whether there are impacts in adjacent wells, and that's
20 why the EIR concludes that the impacts on groundwater are
21 likely to be less than significant.

22 There is a detailed Groundwater Monitoring Plan
23 included in Appendix R. That is and should be
24 incorporated into your mitigation measures. We fully
25 expect that. If it wasn't included in the MMRP, I'm here

1 to say include it, because we certainly intend to carry
2 out that plan. The idea there is to provide further
3 assurance that there aren't negative impacts on nearby
4 wells. That's the point. It's belt and suspenders.

5 Modeling is inherently forecasting and therefore
6 uncertain, and so it makes sense to have follow-up
7 modeling to confirm that as the vineyard builds out and
8 groundwater wells are used to irrigate the grapes that we
9 don't have an adverse impact on the Circle Oaks wells.

10 And if we do have an adverse impact, if there's
11 any way in which we affect their ability to rely on those
12 wells for their domestic water needs, we need to switch
13 to other wells that are further away or scale back our
14 water use. That's what the mitigation measure provides.

15 I do understand that there are people that are
16 troubled by the notion of a now roughly 255-acre vineyard
17 being approved. This is on a 2300-acre piece of
18 property, and so that represents about 11 percent of the
19 property.

20 If you look at the history of ECPs that have
21 been approved by the County, this is way at the low end
22 in terms of the size of the property overall and the
23 amount that is proposed for vineyards. I'd also -- so
24 that's about 11 percent of the property.

25 We are required under the BRMP to record a

1 conservation easement covering roughly 550 acres, or
2 roughly twice the size of the vineyards, 24 percent,
3 so -- and that's property that simply will be subject to
4 a conservation easement, will never be developed for
5 vineyards or anything else. It's there to preserve
6 biological resources.

7 So I look forward to reading the big stack of
8 paper you received today, and if you do have any
9 questions, this is a good opportunity to call the
10 consultants up to the podium and perhaps answer as many
11 as we can.

12 Really appreciate your time. Thank you.

13 DIRECTOR MORRISON: So with that, I will close
14 the public hearing.

15 As I said, there has been a fairly significant
16 amount of information that's been submitted today. I
17 will be asking staff to -- and the consultants to go back
18 and review that information, and once we've had a chance
19 to evaluate both the testimony received today and the new
20 written comments, that will be factored into the
21 decision.

22 As I said, I had hoped to have a tentative
23 decision today but obviously cannot since I have not had
24 a chance to review the new records that have been
25 submitted. As a result, the decision will be made in

1 June 13th -- on June 13th, and that will begin the appeal
2 period for any interested parties who may wish to appeal
3 my decision.

4 And with that, again, thank you very much and
5 appreciate you coming.

6 (Whereupon, at 12:22 p.m., the hearing was
7 adjourned.)

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1 STATE OF CALIFORNIA.)
2 COUNTY OF NAPA) ss:
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5 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

6 I, KATHLEEN M. SOLOAGA, CSR No. 6957, Certified
7 Shorthand Reporter for the State of California, do hereby
8 certify that said proceedings were had at the time and
9 place therein stated; that the proceedings were reported
10 by me, a Certified Shorthand Reporter and disinterested
11 person, and were thereafter transcribed under my
12 direction by computer-aided transcription; that the
13 foregoing is a full, complete, and true record of said
14 proceedings.

15 I further certify that I am not of counsel or
16 attorney for either or any of the parties in the
17 foregoing proceedings or in any way interested in the
18 outcome of the proceedings.

19 I have hereunto set my hand this 21st day of
20 April, 2016.

21
22 _____
23 KATHLEEN M. SOLOAGA
24 CSR License No. 6957
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