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Letters:

**Mishewal-Wappo Tribe
Healthy Buildings USA
Get a Grip on Growth
Mill Creek Conservancy**



Official Tribal Document

P.O. Box 1086
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Phone: 707-284-1060

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MAR 15 2012

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

To: The Conservation, Development, & Planning Commission

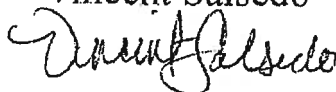
Hello Hillary Gitelman,

I'm writing in regards to the Napa Pipe Project. We read your letter and feel the location of the site is very sensitive and believe it needs to be monitored during any construction dealing with ground disturbances and or excavations.

We ask you to implement this into your preplanning on this 154 – acre site located at 1025 Kaiser Road Project in unincorporated Napa County. City of Napa (Assessor's Parcel No.'s 046-400-030 & 046-412-005).

Please feel free to contact us with any concerns or questions.
Thanks and our warmest regards.

Vincent Salsedo – Tribal Council Member/

 Cultural Resources Manager

Office (707) 284-1060

Cell (707) 342-8393

E-mail vincents@mishewalwappotribe.com

Trippi, Sean

From: Bob Massaro [bob@healthybuildingsusa.com]
Sent: Thursday, March 15, 2012 9:37 PM
To: Napa Pipe Project
Cc: Hilary.Gitelman@countyofnapa.org
Subject: Important Question from Org #18 re: Napa Pipe

Hello Sean -

I have spent quite some time reviewing the County's response to Healthy Building's (Org #18) letter to the County re: Napa Pipe, and as much of the 1500-plus pages of the application and surrounding documents as I could. In the County's response to Healthy Buildings letter of 02/05/10 the County states..." LEED certification for the project is described on pages 3-16 and 3-17 of the Project Description. Page 3-16 states that the project's application to the USGBC includes credits for the category of Green Construction & Technology, and page 3-17 states that the project has been awarded pre-entitlement Gold Certification in LEED-ND."

However in reviewing the documents, I find that Page 3-16 and 3-17 have nothing to do with this matter, but rather discuss "signage" and the "process for review and approval of the development agreement".

Sections 2-10 through 2-15 do discuss sustainable technologies, but these only weakly address the issues that were brought up in our letter. These sections make reference to "filling out a checklist" but this step does not equate to bringing forward sustainable buildings.

Since I do plan on attending the hearing on Monday I would appreciate your clarification of the County's response should I elect to speak at the podium. Were you in fact referencing sections 2-10 through 2-15 or is there another section addressing the green building issues? Also Mitigation Measure GHG-1d states, on page 4.7-25 of the 2009 DEIR, that buildings would be designed to meet LEED certification requirements applicable as of the project approval date. Since there are four levels of LEED certification, which level is the project supposed to meet?... and how shall this standard be verified...by the plan checkers?...by the building inspectors?...by other County staff?

Also, on a related matter, the County's response to my letter states that Cal-Green "will have a similar effect as meeting LEED Silver requirements." This is a mis-conception has been corrected by several outside sources. If ALL of Cal-Green VOLUNTARY measures are implemented on a project, in addition to the mandatory measures, then the result is a project that is close to LEED Silver. However since only the mandatory measures are required, Cal-Green does not, by any metric, meet LEED Silver standards. The document reference by the County in its response to this item in my letter is in fact a magazine article from two consulting attorney, who do state in their paragraph entitled "CalGreen is not LEED" that "Compliance with ALL of CalGreen's provisions, both mandatory and voluntary, is roughly the equivalent to LEED Silver." So please be aware of this fact...unless the voluntary measures are made mandatory there is no LEED equivalency.

Thank you in advance for your response to our questions.

Regards

Bob

p.s. Though I remained very concerned that there are no mandatory green building requirements in the staff recommendations, I am quite pleased about the Planning Departments recommendations of a much smaller

project. I think this was a courageous move that shows great consideration for the people of Napa County. My compliments to Hilary, you and all of the staff members who worked on this project.



Robert D. Massaro, CEO
Healthy Buildings Management Group, Inc.
Healthy Buildings Construction Group, Inc.
www.healthybuildingsusa.com

Healthy Buildings Technology Group, Inc.
www.hbtg.com
Featuring the OHOME™ and OCLASS™

Director & Past Chair - USGBC Redwood Empire
LEED Accredited Professional
CoFounder - Thrive Napa Valley
Member - Social Venture Network
Member - Napa County Asthma Coalition

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MAR 15 2012

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

March 15, 2012

Napa County Planning Commission
1195 Third Street
Napa, CA 94559

RE: Napa Pipe

First I wish to thank the County's Planning Staff for their reduced and alternative development proposal. Their proposal recommends fewer units, more variety, and removes the need to override the long standing and very effective growth controls established for Napa County. But many issues, questions and conflicts remain.

The most important being: No surface water and no backup plan for groundwater, an EIR that does not analyze the flooding effects or mitigations with only 65 areas raised above flood stage, an EIR that does not address or mitigate the risks of liquefaction, and home prices that are not affordable to moderate or workforce housing. After years of analysis we still can't make a case for housing on this site. And it's time we just said NO. See more details below:

Do we really need all this housing now? And who is expected to live here? When we first saw the Napa Pipe proposal back in 2007, ABAG was projecting the unincorporated County needed 1000+ homes in a 7-year cycle and the average house in Napa was in the \$600k range. The developer proposed small units with an average price in the \$400k range that looked enticing.

Fast forward to 2012, with a completely different real estate and economic environment. ABAG & MTC have altered their strategy to focus housing in and around large urban cores and existing transit which translates to the County's housing allocation in the 300-350 range for a 7-year cycle. Last year the average single family home price in Napa was in the mid \$400k range. Staff's alternative development proposes home prices that average \$550,000 and therefore not affordable to moderate or workforce homeowners?

These are not homes Napa County needs or can afford!

The alternative matrix provided is useful to compare and contrast the three options you have before you. But I am still a bit confused.

1. For example: on Page 2 of the Alternatives Matrix under Site Improvements, full site remediation is required for both developer and staff recommendations. But the staff recommendation only requires that the 63 acres to the West of the railroad tracks + access roads are elevated.

During the public meetings the hydrology consultants stated that the threat of flooding was higher from Bedford Slough (to the South of Napa Pipe) than from the Napa River. All of the analysis for the EIR was prepared with the presumption that the whole site was raised above flood stage. The Final EIR mitigations from flooding (refer to HYDRO 7a) suggests that flood gates at the railroad right of way and appropriate signage (HYDRO 7b) result in a less than significant impact.

The EIR is deficient as there has been no analysis for a partially raised site. Will the newly developed residential area become isolated in a major flood?

2. Also on page 2 under Water Service, the staff recommendation clearly states the goal is to purchase surface water from the City of Napa to serve the site. Ground water would either be used as a supplemental source (i.e. in a conjunctive use program) or exclusively. Yet on page 3 under Approval Actions Required, the staff recommendation says "Ground water would be used as a backup source." What are you really being asked to approve?

As of today, the City of Napa has not agreed to serve the site. Is it appropriate to modify the General Plan and move forward with NO water plan? Nowhere in the EIR documents is there a clear, specific, plan to treat groundwater (location exists but what about costs or backup plan).

The County has too many private and problematic water districts already - do we really want one more? It's important to note that the County has already spent \$2,000,000+ supporting the Lake Berryessa private water systems. Should Napa Pipe residents plan for a caravan of water trucks as their backup plan (just like The Carneros Inn)? Or will the County need to allocate more funds?

3. On Page 4 of the Alternatives Matrix under Publically Accessible Open Space & Amenities, both the developer's proposal and staff recommendation refer to Kaiser Road improvements.

Kaiser Road on the North boundary is privately owned by Syar Industries with only a recorded easement for industrial uses. Is it appropriate to move forward with any of these proposals without having a legal easement in place?

4. Also listed in this section is an amenity of either a bridge or at-grade connection to Kennedy Park.

The stylish pedestrian bridge depicted in earlier project renderings is now defined to be 89' long and 79' high to allow for unimpeded commercial barge traffic. Likewise, the at-grade connection would either be on a railroad right of way or around Asylum Slough - but both options require passing right through an active quarry operation. Are these really feasible or safe options?

5. On Page 4, under Off-site Improvements: a water supply pipeline appears to be missing from the staff's recommendation. What other infrastructure is really needed to make this work for the future residents, visitors, or workers at this site? Do you really have the full picture? There are too many "if feasible" and "if possible" words throughout the Alternative Matrix.

So I ask you - would you approve a winery use permit (which you see at almost every commission meeting) with critical components missing? I think not! What are the overriding considerations required? I respectfully suggest that you delay a vote on development at this site until these outstanding issues are resolved. Or just say NO.

Thanks and regards,

Eve Kahn, GGG Chairperson
PO Box 805
Napa, CA 94559

Trippi, Sean

Subject: FW: Opposition to Certification of FEIR for Napa Project
Attachments: Napa Pipe line 3-15-12 hearing.doc; Pg 2 - Napa County.pdf

From: Kerry Burke [<mailto:burkelanduse@gmail.com>]
Sent: Thursday, March 15, 2012 12:25 PM
To: Gitelman, Hillary
Subject: Re: Opposition to Certification of FEIR for Napa Project

Hillary, I have read the entire Water Assessment portion of the report and also scanned the FEIR and don't find that the issue of impacts to the endangered species to be addressed nor the impact for creating an urban market for irrigation water that has significant recharge benefits to Tehama County. If you can give me a specific document or page reference that would be helpful given the thousand of document pages that were generated for this project. The MCC remains opposed to any export of water for an urban use in NAPA County.
Kerry

On Tue, Feb 21, 2012 at 10:36 AM, Gitelman, Hillary <Hillary.Gitelman@countyofnapa.org> wrote:

Thanks, John.

Kerry:

The Final EIR examines the issues that you've raised, and I think you'll find it interesting reading. Also, please be aware that County staff is recommending an alternative to the original proposal that would not use water transferred from Mill Creek.

Hillary Gitelman
Director of Conservation, Development & Planning
1195 Third Street, Napa, CA 94559

[\(707\) 253-4805](tel:(707)253-4805)

From: McDowell, John
Sent: Tuesday, February 21, 2012 10:19 AM
To: 'Kerry Burke'
Cc: Gitelman, Hillary; Trippi, Sean
Subject: RE: Opposition to Certification of FEIR for Napa Project

Kerry – Thank you for your correspondence. I am forwarding this to Hillary Gitelman (Director) and Sean Trippi (project manager). Sean will ensure that your comments are forwarded to the Planning Commission.

Thank you,
John

John McDowell
Deputy Planning Director
Napa County Conservation, Development and Planning Department
[\(707\) 299-1354](tel:(707)299-1354)

From: Kerry Burke [<mailto:burkelanduse@gmail.com>]
Sent: Monday, February 20, 2012 3:09 PM
To: McDowell, John
Cc: b
Subject: Opposition to Certification of FEIR for Napa Project

Dear Mr. McDowell, The Mill Creek Conservancy opposes adoption of the FEIR for the Napa Project because it has not addressed the adverse and long term impacts to the critical habitat of Mill Creek, Tehama County. Please find our letter attached. Thank you, Kerry Burke

--
Kerry L. Burke
Burke Land Use
34 Amesport Landing
Half Moon Bay, CA 94019
[650-726-1738](tel:650-726-1738) phone/fax [650-438-2684](tel:650-438-2684) cell

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Mill Creek Conservancy

40652 Hwy 36 E
Mill Creek, CA 96061

Mike Basayne, Chair
Terry Scott, Vice Chair
Bob Fiddaman
Heather Phillips
Matt Pope

March 15, 2012

**Subject: Napa Pipeline project opposition & impacts to Mill Creek, Tehama County
Project EIR does not address impacts to Mill Creek endangered species**

Honorable Commissioners:

The project EIR never addresses any of the significantly adverse impacts to the critical habitat of the endangered species found in Mill Creek, namely the spring run Chinook salmon and the Central Valley steelhead. Our previous letter to you dated February 17, 2012, outlined in great detail the problems with use of exported water from Tehama County, 150 miles away from the project site in Napa County. The Mill Creek Conservancy remains adamantly opposed to the conversion of an existing water right on Mill Creek from an "environmental/conservation credit" designation to exported water for urban development.

We encourage the Planning Commission to approve a reduced project that can be accommodated by the existing water resources within the existing service area of Napa County water providers. If the developer's large-scale proposal moves forward, there is no way that the EIR adequately addresses the adverse impacts to the Mill Creek spring run Chinook salmon and the Central Valley steelhead.

The proposed water grab from Tehama County is not addressed in the EIR. The significant Endangered Species Act and CEQA issues are not addressed in the document or to the impacted area – Tehama County. The MCC will also bring our objections to State Water Control Board attention if Mill Creek water is to be used to support this urban project.

You cannot make the required findings for an adequate environmental document given the significant deficiencies mentioned above and in our previous letter. Also you can not make the required General Plan Amendment findings for this project since it does not meet the test of public benefit for the impacted area in Tehama County. The Napa County Project will be extremely detrimental to the endangered species including the Mill Creek Spring Run Chinook salmon and the Central Valley steelhead since the Project seeks to

change a water right designated as an environmental/conservation benefit to a water right to allow the urban, intense development of the Napa County project.

Napa County should consider a Project that can be supported and sustained by Napa County, not Tehama County critical resources. The importation of Mill Creek water for the Napa Pipe Project is an ill conceived PIPE DREAM since it makes no sense for responsible development. The adverse impacts to Mill Creek's critical habitat, the Spring run Chinook salmon and Central Valley steelhead have not been considered in the EIR. The specter of increase conversion of irrigation water in the Mill Creek watershed for urban development 150 miles away in an urban area has been totally ignored for the greed of a project that cannot be supported by local services. This is potential of an adverse cumulative impact was not address in any manner in the EIR.

The Napa Project needs to be redesigned and downsized so that it does not require or involve any critical habitat Mill Creek water. Please do not recommend certifying the flawed EIR that does not address adverse impacts to Mill Creek, Tehama County.

Respectfully yours,



Kerry L. Burke
Resource Coordinator

Cc: John McDowell
Napa County Board of Supervisors
Tehama County Board of Supervisors
Mill Creek Conservancy
The Nature Conservancy
Department of Fish and Game
Lassen National Forest
USFWS
Napa Valley Register
Red Bluff Daily News
Sacramento Bee
Chico Enterprise
San Francisco Chronicle
Trout Unlimited
State Water Resource Control Board