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David Heitzman

23 Rockrose Court

Napa,CA 94558

Ms. Kelli Cahill, PlannerIII

Napa County Planning, Building, and Environmental Services Dept.

1195 Third Street

Napa, CA 94559

RE: Walt Ranch Vineyard Conversion: Draft Environmental Report

Requested Action: Oppose and urge denial

Dear Planning Department;

I am submitting comments on the Walt Ranch Environmental Impact Report, Erosion Control Plan Application (ECPA) #P11-00205-ECPA for the development of 356 acres of vineyard within 507 gross acres on the approximately 2300 acre Walt Ranch Project.

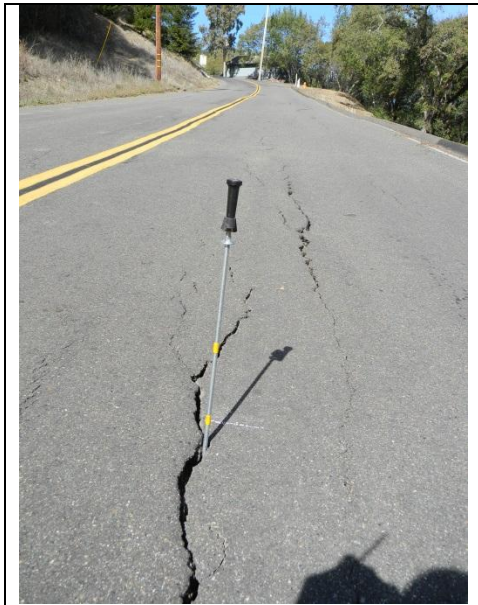
A total of 65 vineyard blocks are proposed on 35 separate parcels---each with a unique APN. This makes this a "bundle" of 35 potentially separate projects. Each parcel could be sold individually. Current zoning would allow for 35 houses/mansions may/will occur, 35 tennis courts, 35 wineries, 35 heliports, 35 grandmother houses, 35 swimming pools and barns and other out structures etc. perched on the mountains above Capell Creek and Milliken Reservoir's watershed. This potential "build out" must be addressed as this would amplify the environmental damage to the project acreage and the surrounding area, as it is likely to happen. Will the County require this future impact be studied? The EIR fails to evaluate the likely future impacts of the project as require by SEQA.

Circle Oaks Road

I have been on Circle Oaks Architectural Committee for most of the 29 years that I have lived here. Consequently, I have reviewed most of the Geotechnical and Soils Reports that the County requires with each new home building permit. I have had many conversations with the aforementioned engineers regarding construction in Circle Oaks, including road construction here. I own acreage next to Circle Oaks and legally constructed ¼ mile of hillside grade engineered road there---same geology, same ancient landslide, and same problems as Circle Oaks.

Circle Oaks surface geology consists mostly of an ancient cretaceous shale landslide that occurred 10,000 years ago, according to every soils report that I have reviewed (Figure 4.4-3 of this DEIR shows this also) and geotechnical experts that I have hired.

Circle Oaks Drive is in a shale formation. Undisturbed shale makes a poor road base and shale from a landslide is worse. It is also an expansive material. This is further complicated by subsurface water that is large enough in quantity that it leaks into the sewer pipes in the road bed, and thus it has been a problem for our sewer ponds to handle this extra volume. And this subsurface water makes the road sub grade even more prone to slips.



Circle Oaks Drive (COD) has some very significant fractures and cracks that extend several feet into the sub grade and also has obvious subsidence in these same areas. And since the cracks are open and clean, they are recent. In the above right hand photo notice curb movement. Left photo shows a $\frac{3}{4}$ " probe that is 22" into a crack.

Between street between the addresses of 211 and 189 is of particular concern, as is the inside corner of the second turn (at this exact corner in the 1990s a loaded cement truck fell 30 feet down the hill when the spur roadway it was backing onto failed! The truck was a total loss). In 2006 or 7 Napa County rebuilt a section of COD above address 254. The road was sliding into the house at this address. It was a significant earth

moving project (See "Landslide Mitigation Report 254 Circle Oaks Drive Napa County, California" --- available in Napa County Public Works). Circle Oaks roads in general have a known history of "moving", just ask your Public Works Dept., we are joking referred to as "Slippery Oaks, the community on the move".

The concern here is that COD requires a serious Geotechnical and Soils Engineering evaluation before allowing the required over weight heavy equipment to use it.

According to a GAO study, "Excessive Truck Weight: An Expensive Burden We Can No Longer Afford" road damage from one 18-wheeler is equivalent to 9600 cars (p.23 of study, p.36 of PDF available online). And increasing the weight another 10,000lbs increases road impacts an additional 43%. The impact of additional weight is exponential. The point here is that the impact of heavy equipment transportation to COD is more than potentially significant. It is potentially damaging.

A Caterpillar D8h crawler weighs 81,800lbs, more than an 18 wheeler semi carrying a maximum legal load. Add the weight of a 7 axle lowboy heavy equipment trailer and truck combo (another 53,000lbs) to transport it and then can COD actually support this weight? (More than likely, the much bigger D10h will be used though) Will the transport of this project's equipment affect the fractures leading to road failure at that time or near future? This is a life/safety issue. Nowhere in Mitigation Measures 4.0 is this issue addressed.

If this road has a "blowout" the resulting landslide will dam the creek below (it is currently running), it will create a pond that will then breach this dam, washing the slide material into Capell Creek (this would impact Western Pond Turtle habitat). Our sewer and water pipes are in this roadway so if they break we now have loss of our water and raw sewage flowing into Capell Creek ¼ mile downstream. Not to mention any unfortunate vehicle that might happen to be on the road.

Shouldn't Circle Oaks Drive be evaluated for its actual condition and potential to be damaged by the various overweight equipment that will be required for this project? And shouldn't the alternate route streets through Circle Oaks also be also evaluated in case they might be needed in the event of problem?

Resurfacing the road is not the issue here, that issue is addressed in mitigation Measure 4.7-4.

No base line exists for the subgrade condition of Circle Oaks Drive. The road's condition is obvious (even to the untrained eye), and the applicant, their agents, and their experts have driven this road many times for many years.

Why was this not addressed?

The traffic count on Circle Oaks Drive (page 4.7-4) is based on a formula provided by the Institute of Transportation Engineers. Napa County Public Works has a traffic count for this street, you only have to ask, phone, or email to get it. It is public information. The actual trip count for 24 hours is approximately 60% of the EIR's estimated 8 hour trip count. The estimated traffic count does not consider the street sweepers mentioned in Mitigation Measure 4.4-1

(The County's count is from 2007, but since there no new homes have been built, the figures should be reliable).

This EIR should be based on facts not "estimates". The actual numbers are not as significant as the demonstration of the lack of due diligence.

No actual traffic study was performed. Shouldn't there be one to evaluate the impact on the community? Children walk to the bus stop, skate board down the hills, people walk around the perimeter of Circle Oaks for exercise (no need for a Stairmaster here), to walk the dog and just enjoy the show that nature puts on. If for no other reason than public safety, shouldn't current traffic study be performed? This would provide a baseline for comparison to future impacts.

4.8.1-2 Existing Noise Levels and Sources

The actual background noise level of Circle Oaks is 33db, this was professionally checked at several locations in Circle Oaks. The EIR uses an estimated figure of 57db that is many times louder than the actual 33db. Why accept an estimated level, when the actual level is easy to check? Did anyone even come out to Circle Oaks to take an actual reading? Shouldn't the impact on Circle Oaks be based on facts?

Mitigation Measure Section 4.81.-3 Sensitive Noise Receptors (in the form of residential units) -----

The EIR addresses Circle Oaks, Capell School, Vintage High School, Sunrise Montessori, and Clinic Ole. These show up on Google Maps ! Is that the due diligence standard, Google Maps? Only Circle Oaks and Capell School could have possible relevance to this project. Capell is closed as mentioned in the EIR.

However, there are significant "residential units" close to the project. Such as: there is a 56 unit manufactured home park 1 mile NNE of the Walt Ranch. There are low density (but significant) communities affected by Walt Ranch such as: Water's Ranch community (which dates from 1966, 12 parcels) is 500 feet SW of the Walt Ranch, Longhorn Ridge (Longhorn Ridge is a 770 acre gated community divided into 11 parcels) Across Monticello Road from Walt Ranch, and the several Ranches and parcels just opposite Walt Ranch on Monticello Road (HWY 121). You can easily see all these homes on Google Earth, and of course you could see all of these from a car, you just have to look. There are homes on Atlas Peak Road that adjoin Walt Ranch. All of these homes will be impacted by noise, dust, etc., and were not addressed in 4.8.1.-3 or other sections. Shouldn't every person impacted by the noise level from this project be considered in the EIR? In the many years that the EIR was being prepared Walt Ranch staff, agents, experts, engineers, and owners would have driven by many if not all the "residential units", many times. They cannot plead ignorance of their existence.

Why weren't these homes considered here or **in any section of the EIR?**

4.0 Environmental Setting, impacts, and mitigation measures 4.2.4-6 Special status mammals

In this section the EIR addresses 4 Bat species that are "State Status-Species of Concern" and none were observed. I could find no place in the EIR or appendices that addressed an actual observed and/or an

actual count of any of the 16 species of bats known to inhabit Napa County at this elevation and range. Furthermore, 8 of these 16 species of bats have “special concern” status from various governmental agencies (see page 3, “Bat Roosting Compensation Plan - County of Napa”, this is a Napa County Document). Bats are common in Circle Oaks and they are observed daily at my home (which is 300 ft from Walt Ranch) and in our Bat Boxes and surrounding trees. They are best seen at sunrise.

The EIR erroneously implies that there are no special concern bats on the Walt Ranch Property. They could find none (4.2.4-6). Each species of bat has its own “sonar” signal and thus can be identified with the proper equipment. And there are other methodologies.

The inventory of bats is clearly insufficient if it observed no bats. This is a gross example of a lack of due diligence observed throughout the EIR. There are no facts presented. This section of the EIR is clearly inadequate.

This section also does not address the effect that blasting will have on these “sound locating vertebrates”.

Won't that drive them away? And since they will have to invade another bat's “territory” some population will die from this displacement (only so much food). And won't that population (or the displaced population of animals die? Isn't that what we are trying to protect? Does the County consider zero counted bats as a baseline?

Page 4.6-18 Section 4.8-2 Blasting. This section addresses the nuisance effects of blasting. In later hydrology sections the applicant correctly states: “Due to the highly fractured nature of the Sonoma Volcanics and subsequent folding of the geology, it can be difficult to predict the influences of groundwater pumping over long distances in these rocks. Groundwater is found within the fractures, fissures, and joints of the rocks; these fracture systems are not homogenous or isotropic”.

Given the nature of ground water in this area, it would seem obvious that blasting could markedly alter the direction, supply and access to it. What happens if a blasting event causes the ground water being used by Circle Oaks to stop flowing? Is this not a SIGNIFICANT IMPACT?

Pages 2-39 through Page 2-42: TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES.

Throughout the entire length of the analysis of Environmental Impacts, which goes on for some 42 pages, and for these four pages which address hydrology, there is no mention of the possible impact on the Circle Oaks Water supply.

California Water Code, section 106 says, “It is hereby declared to be the established policy of this State that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation.”

Section 1254 states, “In acting upon applications to appropriate water the board shall be guided by the policy that domestic use is the highest use and irrigation is the next highest use of water.”

Thus, Circle Oaks water supply takes precedence over ag.use. Circle Oaks water must be protected, will the County of Napa guarantee the continued water for our community? If not, then the project must be denied.

We are in the third year of a drought, why use pump test data from an extra “wet” year? Is it currently accurate? Wouldn’t during drought years generate a more accurate baseline? Won’t that generate better data?

Page 1-13, Section 1 Hazards. States: “...the project would not result in an increased exposure of people or structures to significant loss or injury involving wildland fires. Impacts from hazards are considered less than significant.”

The Circle Oaks Community is designated as in the “Wildland/Urban Interface”. CAL FIRE categorizes Circle Oaks as Fire Condition Class 3 and Fire Regime II.

Condition Class 3 Definition: High departure from the natural (historical) regime of vegetation characteristics; fuel composition; fire frequency, severity and pattern; and other associated disturbances

Risks:

- Risk of loss of key ecosystem components are moderate
- Risk of loss of key ecosystem components are high

Fire Regime II

- 0-35 year fire frequency
- High stand replacement severity greater than 75% of the dominant overstory vegetation would be replaced.

The expected burning of wood, grubbing, and brush clearing during construction as well as the expected regular activity of burning pruning each year, both unquestionably represent a POTENTIALLY SIGNIFICANT IMPACT. These activities must be managed and monitored with extreme care in order to mitigate the exposure. Saying the exposure is “less than significant” seems to be an unreasonable assessment of an obvious danger.

The Hall Ranch EIR does not address cumulative impacts from Atlas Peak Rd since the Halls now own the property on Atlas Peak Rd. that gives them access to Monticello Rd; increasing the probability for development which increases the water demand; changes the water availability analysis at build out.

The DEIR repeatedly calls for some undetermined conservation organization to monitor future activity of farming and construction practices. How will the County monitor and/or oversee the project? Does it

have enough staff to insure that the many mitigation measures are correctly implemented? Will these records be public?

There has to be penalties for improper mitigation or failure to perform. Who will enforce them, and who will decide what they will be?

Conclusion

Throughout the DEIR there is a lack of due diligence to gather and present accurate facts instead of “allowable information” in order to complete the EIR.

It will be impossible to establish damage or no harm without **a honest and actual and accurate baseline of information** for all the sections in Section 4.0 Environmental Setting, impacts, and Mitigation Measures. Therefore, This DEIR must be rejected.

Alternatives to the project

1. Wildlife Refuge/conservation easement in perpetuity-City, County, State, Coastal Conservancy purchases this property due biological richness and unique property of ecosystems value.
2. Public water supply protection; clean water, City and County purchase the property for public water supply instead of transporting water from the Sierra Nevada mountains and then trucking it around the County....not sustainable and carbon footprint despicable.
3. Zoning change to the General Plan: Open Space and watershed protection zoned single family dwelling large parcels to reduce subdividing (no taking of property owned by individuals)-we need to work on this zoning change
4. Moratorium to stop out of control harmful development: inadequate groundwater ordinance, Erosion Control Plans fail to protect public resources such as: clean water and air, water availability.

Respectfully submitted,

David R. Heitzman