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Via E-Mail

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**Re: Draft Environmental Impact Report for Walt Ranch Erosion
Control Plan Application #P11-00205-ECPA**

Dear Ms. Cahill:

On behalf of the Sierra Club, Napa Group, please accept the following comments on the Draft Environmental Impact Report (“DEIR”) for the Walt Ranch Vineyard Conversion Project (“Project”) referenced above. The Napa Group is part of the Sierra Club’s Redwood Chapter, and includes several residents and property-owners who will be directly affected by any adverse unmitigated environmental impacts associated with the construction and long-term operation of the Project.

We have reviewed the DEIR, its technical appendices, as well as various ancillary reference materials, including those cited in the DEIR itself. We have also coordinated with technical experts in the areas of biological resources, groundwater hydrology, surface water quality, greenhouse gas emissions, and noise, as well as with other individuals, organizations and agencies concerned about the Project’s impacts on these areas of the environment. The County will be receiving comments from these individuals and organizations under separate cover.

Based this coordinated review, we conclude that the DEIR’s disclosure, analysis, discussion, and mitigation of several potentially significant Project impacts in the EIR is fundamentally deficient as a matter of law. As a result, the DEIR fails as an informational document under CEQA, and the County may not properly rely on it to approve any entitlements for the Project. We urge the County to prepare a revised Draft EIR that corrects the analytic flaws described below, and to recirculate it for an additional public comment period before taking any action to consider or approve the Project.



I. Introduction

“CEQA’s fundamental goal [is] fostering informed decision-making.” *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 402. “An EIR is an ‘environmental alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Id.* at 392. “[T]he requirement of a detailed statement helps insure the integrity of the process of decision by precluding stubborn problems or serious criticism from being swept under the rug.” *Sutter Sensible Planning, Inc. v. Board of Supervisors* (1981) 122 Cal.App.3d 813, 820. It also ensures “the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision.” *Environmental Planning and Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 354.

In order to fulfill these functions, the EIR must “provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.” Pub. Resources Code, § 21061. The analysis must be specific and detailed, and must also be supported by empirical or experimental data, scientific authorities or explanatory information, including comparative and quantitative evaluation. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 724; *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397; *People v. County of Kern* (1974) 39 Cal.App.3d 830. Emphasis added.

As outlined in the following sections, much of this DEIR’s discussion is perfunctory, conclusory, or otherwise insufficiently supported by facts, data, or meaningful technical analysis. As a result, not only does the DEIR fall short of CEQA’s information disclosure requirements, its ultimate conclusion that the Project will have no significant unmitigated impacts of any kind is simply not supported by substantial evidence.

II. The DEIR’s Analysis Of Regional Air Quality Impacts Is Deficient.

The DEIR concludes that neither construction nor operation of the Project will cause significant air quality impacts with regard to emissions of criteria air pollutants. The DEIR reaches this conclusion by comparing modeled daily emissions of these pollutants with significance thresholds contained in the Bay Area Air Quality Management District (“BAAQMD”)’s CEQA Guidance document.

Specifically, the DEIR states:

“the County has determined that the following BAAQMD CEQA significance thresholds for pollutants of concern shall be utilized to evaluate project related impacts (BAAQMD, 2012). For construction and operational related emissions of criteria air pollutants, the 2010 BAAQMD CEQA Guidelines provide a 54-pounds per-day threshold for nitrogen oxide (NO_x), PM_{2.5}, and reactive organic gases (ROG) and an 82-pounds-per-day threshold for PM₁₀.” DEIR p. 4.1-11.

The DEIR concludes that with implementation of certain basic construction mitigation measures set forth in the BAAQMD CEQA Guidelines, Project construction emissions of ROG, NO_x, PM₁₀ and PM_{2.5} would fall below the foregoing pounds-per-day significance thresholds, and the Project would accordingly have no significant air quality impacts relating to regional air pollution. DEIR p. 4.1-16.

This conclusion is inchoate. The DEIR reports that the Project will be constructed over a least a four-year period, with a six-month per year construction schedule. DEIR p. 3-8. Yet despite this, the DEIR focuses its air quality impact analysis solely on daily emissions, while failing to analyze and disclose the Project’s annual emissions of ROG, NO_x, PM₁₀ and PM_{2.5}. Without such additional information, the DEIR’s regional emissions analysis is incomplete, and its conclusion that Project construction would not cause a significant air quality impact is not supported by substantial evidence.

This failure to consider annual emissions likewise negates the DEIR’s conclusion that because the Project would not individually exceed daily regional emissions operational thresholds, the Project would not have a significant cumulative impact relating to consistency with the Clean Air Plan (“CAP”). In this regard, the DEIR states:

“Any project that supports these goals would be considered consistent with the CAP; therefore, if a project does not result in significant and unavoidable air quality impacts, after the application of feasible mitigation, the project may be considered consistent with the 2010 Clean Air Plan.” DEIR p. 4.1-12.

As described above, the DEIR contains insufficient information concerning the Project’s annual emissions of criteria air pollutants to support this overarching conclusion that the Project’s contribution to regional emissions is less than significant. Therefore, the DEIR’s finding that the Project is consistent with the 2010 Clean Air Plan is correspondingly not supported by substantial evidence.

III. The DEIR Fails To Address Potential Health Effects To Nearby Sensitive Receptors From Emissions of Diesel Particulate Matter During Project Construction And Operation.

The DEIR is entirely silent on the potential cumulative health effects to nearby residents resulting from exposure to toxic air contaminants (“TACs”), namely diesel exhaust from diesel-fueled construction equipment, over the multi-year schedule for earthmoving and other construction-related activities, as well as from any diesel-fueled equipment used during Project operations over time. This is a material omission.

While much of the larger region’s air pollutant problem stems from smog-producing contaminants known as “criteria air pollutants” regulated under the Federal Clean Air Act (see generally, DEIR, 4.1-2, et seq.), other pollutants that directly impact human health are also significant contributors. These pollutants, referred to as Hazardous Air Pollutants (“HAPs”) by U.S. EPA and as Toxic Air Contaminants (“TACs”) by the California Air Resources Board (“CARB”), are pollutants either known or suspected to cause cancer, serious illness, birth defects, or death. Of all the various TACs that have been identified, the one most responsible for the vast majority of increased cancer risk in California’s urban area is particulate matter from diesel vehicle exhaust, or “diesel particulate matter” (“DPM”).¹ Emissions of these particles account about two-thirds of the total cancer risk from TACs in the state. *Id.*

The DEIR acknowledges that there are sensitive air pollutant receptors (*i.e.*, children and the elderly) living in the Circle Oaks residential area immediately adjacent to the Project site. Some receptors live as close as 30 feet away from the Project boundary, and 120 feet away from closest vineyard block. There are also several other residences “scattered in vicinity” of the Project in addition to several residences 0.5 miles to west. DEIR p. 4.1-1, 4.1-2.

The cancer-related health impacts associated with exposure to TACs, including DPM, are measured in terms of increased cancer risk. Such risk is expressed as the number of additional people in a population of one million who might be expected to get cancer over a 70-year lifetime as a result of exposure to TAC emissions. According to CARB, much of Napa County now experiences elevated health risks from TAC emissions.

Given the multi-year construction schedule, there is a strong potential for cancer-causing emissions of DPM from diesel-powered construction equipment to

¹ See CARB, “Report on Diesel Exhaust” (1998), available at: <http://www.arb.ca.gov/toxics/dieseltac/de-fnds.htm>.

impact sensitive receptors living in the homes nearby. This problem will be aggravated to the extent vineyard operations continue to rely on diesel equipment over time.

The DEIR should be revised and recirculated to provide an assessment of the incremental health risk to sensitive receptors in the Circle Oaks residential subdivision from exposure to DPM/TACs emitted during the four-year construction period for the Project. The assessment should examine not only the Project's individual impacts to the health of nearby sensitive receptors, but should consider the cumulative impact, i.e., whether its TAC emissions combined with those from other past, present, and foreseeable future sources in the same area would result in a significant health risk. If the results show exceedances of applicable significance criteria, then mitigation will be required.

IV. The DEIR's Approach To Mitigation For Loss of Sensitive Habitat Areas Is Legally Flawed.

As the DEIR correctly notes, Napa County General Policy CON-24 calls for the maintenance and improvement of oak woodland habitat to provide for slope stabilization, soil protection, species diversity, and wildlife habitat through appropriate measures. These measures require preservation of existing oak woodland resources whenever "feasible," with mitigation in the form of replacement habitat permissible only upon a factual showing of infeasibility.

For example, Policy CON-24 sets forth the following mandatory policies:

"a) Preserve, to the extent feasible, oak trees and other significant vegetation that occur near the heads of drainages or depressions to maintain diversity of vegetation type and wildlife habitat as part of agricultural projects.

b) Comply with the Oak Woodlands Preservation Act (PRC Section 21083.4) regarding oak woodland preservation to conserve the integrity and diversity of oak woodlands, and retain, to the maximum extent feasible, existing oak woodland and chaparral communities and other significant vegetation as part of residential, commercial, and industrial approvals.

c) Provide replacement of lost oak woodlands or preservation of like habitat at a 2:1 ratio when retention of existing vegetation is found to be infeasible. Removal of oak species limited in distribution shall be avoided to the maximum extent feasible.

...

e) Maintain, to the extent feasible, a mixture of oak species which is needed to ensure acorn production. Black, canyon, live, and brewer oaks as well as blue, white, scrub, and live oaks are common associations.” DEIR p. 4.2-75,76. Emphasis added throughout.

Likewise, General Plan Policy CON-17 mandates no net loss of native grasslands, serpentine grasslands, mixed serpentine chaparral, and other sensitive biotic communities, as well as habitats of limited distribution, through avoidance, restoration, or replacement where feasible. Where avoidance, restoration, or replacement is not feasible, preservation of like habitat at a 2:1 ratio or greater is required. DEIR p. 4.2-81. General Plan Policy CON-2 requires, too, that: “existing significant vegetation be retained and incorporated into agricultural projects to reduce soil erosion and to retain wildlife habitat. When retention is found to be infeasible, replanting of native or non-invasive vegetation shall be required.”

Taken together, all these General Plan provisions plainly reflect the County’s unambiguous policy that removal of oak woodland, native grasslands, and other sensitive habitats for purposes of project development is permissible if and only if there exists no feasible means of avoiding or preserving the habitat *in situ*. Under CEQA, feasibility is assessed in terms of several factors, including (but not limited to) economic viability as documented by financial analysis and evidence.

The DEIR discloses that with certain identified avoidance measures, namely relocation of access roads, the Project would “preserve” 8.65 acres of native grasslands on the Walt Ranch property, while 1.15 acres would be lost. The DEIR states that: “[t]he direct impact of 1.15 acres of native grasslands shall be mitigated by preserving the remainder of the native grasslands mapped onsite and enhancing existing non-native grassland to in-kind native reference grasslands at a 2:1 ratio (2.30 acres).” Mitigation Measure 4.2-1.

The DEIR repeats this approach with regard to Project-caused losses of Black Oak and Blue Oak Alliance habitat. According to the DEIR, the Project would impact 38.35 acres (12.08 percent) of Black Oak Alliance habitat on the property. It then states, without support, that: “[g]iven the extent of this habitat type on the property (317.51 acres), it does not require full avoidance.” DEIR p. 4.2-88, emphasis added.² Accordingly, the DEIR proposes to avoid only 2.5 acres of Black Oak Alliance habitat, with the remaining habitat loss “mitigated” by on-site preservation. As for Blue Oak Alliance habitat, the DEIR reports the Project would

² Nothing in the General Plan would appear to allow a Project to bypass the habitat loss-avoidance policies simply because the habitat was “extensive” on the property.

impact 6.26 acres (33.86 percent), with approximately 3.6 acres of that being avoided, with the remaining loss 2.6 acres mitigated by on-site preservation.

There are two fundamental problems with the DEIR's approach to disclosure and mitigation of impacts stemming from the permanent loss of these sensitive habitat types. First, the DEIR provides no evidence or information whatsoever showing that avoidance of all the potentially affected grassland areas is in fact truly infeasible. In order to ensure consistency with governing mandatory policies of the General Plan, *i.e.*, to allow for any loss of such habitat, whether mitigated or not, the County must first make an affirmative finding that avoidance is infeasible. Under CEQA, that a finding must be based on substantial evidence, which in turn requires meaningful disclosure of facts and analysis in an EIR.

Second, the DEIR cites no authority for the proposition that preserving habitat on-site, even at a 2:1 ratio, constitutes adequate mitigation for the permanent loss of the acreage identified.³ If any of the on-site "mitigation" habitat is currently incapable of being developed for any reason, whether due to legal/regulatory constraints, or physical constraints such as slope, topography, water supply/drainage, etc., then "preservation" of such habitat via deed restriction, conservation easement or otherwise cannot count as actual mitigation.

Accordingly, the County should provide the following information, preferably in a revised Draft EIR circulated for further public comment:

- An explanation, based on facts and reasoned analysis, of why complete avoidance of native grasslands, Black Oak Alliance and Blue Oak Alliance habitat is infeasible economically. The explanation should include financial information sufficient so show the Project would not and could not possibly be profitable if the losses to these habitat areas identified in the DEIR were avoided.
- An explanation of the legal, regulatory, or factual basis for the DEIR's statement that "[g]iven the extent of [Black Oak Alliance] habitat type on the property (317.51 acres), it does not require full avoidance." DEIR p. 4.2-88.
- A factual and legal showing that the on-site acreage of Black Oak Alliance, Blue Oak Alliance, and native grasslands that the DEIR identifies for preservation as mitigation for associated habitat losses constitutes actual, adequate mitigation under CEQA. This showing should provide facts and

³ The DEIR repeats this error in its discussion of climate change impacts relating to carbon sequestration. *See* discussion, below.

evidence showing, at a minimum, that all of the preserved acreage could be feasibly developed in the future, both from a legal/regulatory standpoint as well as a topography/resource constraint standpoint.

V. The DEIR Is Deficient In Its Analysis And Its Proposed Mitigation Of The Project's Climate Change Impacts.

Preliminarily, we note that although the DEIR's Air Quality section discusses the current regulatory framework for addressing global climate change impacts at the project level, the discussion of this Project's potential impacts from construction and operational emissions of greenhouse gasses ("GHGs") does not appear until the DEIR's subsequent discussion of cumulative air quality impacts. DEIR p. 6-13 *ff.* While this choice may seem immaterial, it likely is not. Under CEQA: "The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone." Emphasis added. In other words, by choosing to place the discussion of climate change impacts in the chapter on cumulative impacts, the DEIR preparers have nominally avoided evaluating these impacts with the appropriate level of detail. Given the analytic omissions identified below, this choice contributed to an unsubstantiated finding that the Project would have no significant climate change impacts.

For the Project's operational GHG emissions, the DEIR cites and adopts the BAAQMD significance threshold of 1,100 metric tons per year of CO₂ equivalent. For construction emissions, the DEIR cites and adopts Solano County's approved Climate Action Plan ("CAP") for regulatory guidance, according to which an agricultural project's GHG emissions may be found to reduce GHG emissions by 26 percent, hence to less-than-significant levels, if the project adheres to certain enumerated best management practices ("BMPs"). DEIR p. 6-15.

The DEIR goes on to disclose that the Project's GHG emissions from construction activities, combined with those from tree removal, total 105,849 metric tons of CO₂e. The DEIR then states that preservation of 248 acres of woodland on-site would result in carbon sequestration of 27,528 MT of CO₂e, based on the California Emissions Estimator Model's emission factor of 111 MT of CO₂e per acre of "trees," which would comprise a 26 percent reduction in the Project's GHG emissions, leading to a finding of less-than-significance. DEIR p. 6-17.

This approach to mitigation of the Project's GHG emissions-related impacts is flawed in several material respects. First, on-site conservation easements are not acceptable as full mitigation, since they only serve to limit the amount of damage done by the Project, not mitigate that damage. Any claimed sequestration benefit

from preserving 248 acres of woodland on the property is illusory, since under current baseline conditions that same degree of sequestration is already occurring and would continue to occur, with or without the Project. Regardless, there is insufficient information in the DEIR from which to assess the claim that the 248 acres of “preserved” woodland would truly be at risk from development. Even after accounting for the referenced tree canopy retention and steep slope development restriction policies (DEIR p. 6-18), it is highly probable, if not virtually certain, that existing watershed protection polices, water system and utility constraints, and growth control measures render these 248 acres functionally undevelopable.⁴ As a result, there is no substantial evidence in the DEIR to support the claim that preserving 248 acres of woodland on the property constitutes valid mitigation for the Project’s carbon-sequestration impacts.

Second, the DEIR contains no analysis of the CO₂e emissions that will result if the downed trees are burned, left to decompose, or disposed of by some other means. The quantity of emissions may vary considerably depending on the disposal method used. The DEIR reports simply that the Project would “minimize the burning of trees and wood removed for vineyard development, and conduct any burning within BAAQMD guidelines.” DEIR p. 6-20. The DEIR should be updated to include an estimate of emissions from downed trees based on the anticipated method of disposal.

Third, there is insufficient evidence in the DEIR to assess the quantitative extent of the carbon sequestration loss resulting from the Project. It is well established that the rate of carbon sequestration depends on the growth characteristics of the tree species, the conditions for growth where the tree is planted, the age of the tree, and the density of the tree’s wood. *See* N. L. Stephenson, et al., “Rate of Tree Carbonization Increases Continuously With Tree Size,” in *Nature*, No. 507 (March, 2014). The DEIR’s assumption that every acre of trees on this Project’s site will sequester 111 MT of CO₂e per year regardless of species mix, tree age, wood density, etc., is simply not supported by substantial evidence. Accordingly, the County should provide, in a revised Draft EIR, a reasonable inventory of the species mix, tree count, tree age, etc., for both the 248 acres of woodland proposed for “preservation” on the site, together with appropriate, correlated carbon sequestration capacity information.

VI. The DEIR’s Approach To Cumulative Impact Analysis In General Is Legally Flawed.

In addition the specific deficiencies previously discussed, we find the DEIR’s overall approach to evaluating the Project’s cumulative impacts to be legally incorrect.

⁴ *See* further comments below re: Oak Woodland habitat mitigation.

This is mainly due to the fact that the DEIR concludes, for many impact categories, that simply because the Project's individual impacts are (allegedly) less than significant, its cumulative impacts must therefore be as well. As explained below, this approach is inconsistent with the CEQA-prescribed methodology for evaluating a project's cumulative impacts.

The CEQA Guidelines define "cumulative impacts" as the combined change in the environment resulting from a proposed project in combination with other "past," "present" (i.e., existing) and foreseeable "future" projects:

"Cumulative impacts' refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. [¶] (a) The individual effects may be changes resulting from a single project or a number of separate projects. [¶] (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." Guidelines, § 15355, emphasis added.

The Guidelines in turn set forth a lead agency's obligations for evaluating a project's cumulative impacts in an EIR. Section 15130(a) in pertinent part provides:

"An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3). Where a lead agency is examining a project with an incremental effect that is not 'cumulatively considerable,' a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable."

Cumulative impact analysis is, accordingly, a two-step process that requires an agency to make the following determinations: (1) whether the impacts of the project in combination with those from other projects are cumulatively significant, and (2) if so, whether the project's own effect is a considerable contribution. Guidelines, § 15130(a); see Kostka and Zischke, *Practice Under the California Environmental Quality Act* (2nd Ed., 2011 Update), §§ 13.39, 15.52; Remy, Thomas, et al, *Guide to CEQA* (11th Ed., 2007), pp. 474-475. Thus, in **step one** of the two-step analysis, the agency must determine whether the combined effect of the project and other past, present and/or future projects "when considered together" is significant, because those impacts may be "individually minor but collectively significant." *Communities for a Better Environment v. California Resources Agency* ("CBE") (2002) 103 Cal.App.4th 98, 119-120.

In **step two**, if there is a significant combined effect, the agency must then separately consider whether the project's contribution to that effect is itself considerable, i.e., "whether 'any additional amount' of effect should be considered significant in the context of the existing cumulative effect." *CBE* at 119. Thus, "the lead agency shall consider whether the cumulative impact is significant and whether the proposed project's incremental effects are cumulatively considerable." *CBE* at 120, emphasis added. Importantly, the analysis must consider all sources of "related impacts," including past, present, and potential future projects. Guidelines, § 15130(a)(1), (b).

Finally, "[t]he requirement for cumulative impact analysis must be interpreted so as to afford the fullest possible protection of the environment . . ." because de-emphasizing cumulative impacts "impedes meaningful public discussion and skews the decision maker's perspective . . ." *Citizens to Preserve the Ojai, supra*, 176 Cal.App.3d at 431-432. Conclusory analysis is not sufficient; reasoned analysis is required. *Whitman v. Bd. of Supervisors* (1979) 88 Cal.App.3d 397, 411.

Here the DEIR's analyses of cumulative impacts on biological resources, water supply and hydrology, and climate change all conclude, in essence, that because the Project would not have a significant individual impact in these areas, it *ipso facto* will not have a significant cumulative impact. As the foregoing statement of the law should confirm, the DEIR reached this conclusion without adhering to the two-step methodology required under CEQA. On the contrary, the DEIR articulated the step-two conclusion (the Project's contribution would not be cumulatively considerable) without first performing step-one of the analysis (determining whether there the Project will contribute to existing cumulatively significant problem).

This approach is precisely what the courts have discountenanced. The cases are clear that an EIR may not conclude a cumulative impact is insignificant merely because the project's individual contribution to an unacceptable existing condition is, by itself, relatively small. *LAUSD, supra*, 58 Cal.App.4th at 1025-1026 (rejecting EIR's reasoning that because noise levels around schools already exceeded governing standards, new noise source would have insignificant impact); *CBE, supra*, 103 Cal.App.4th 98, 117-118, 121 (invalidating CEQA Guidelines provision that *de minimis* impacts are necessarily less than considerable); see also *Kings County Farm Bureau, supra*, 221 Cal.App.3d at 718. Indeed, "the greater the existing environmental problems are, the lower the threshold should be for treating a project's contribution to cumulative impacts as significant." *CBE, supra*, 103 Cal.App.4th at 120. Thus, even if a given project has only an "individually minor" impact, its contribution to an existing environmental problem may nevertheless be "cumulatively considerable," hence significant, and hence requiring mitigation measures under CEQA. *CBE* at 120; see also Guidelines, §§ 15355(b), 15065(a)(3); *LAUSD, supra*, 58 Cal.App.4th at

1024-25 (individually insignificant noise increase may nonetheless be cumulatively considerable).

The County should prepare a revised DEIR that includes a legally adequate, two-step analysis of the Project's cumulative impacts in all relevant topic areas.

VII. The DEIR Improperly Ignores The Project's Potential Growth-Inducing Impacts

Under CEQA, an EIR must describe any growth-inducing impacts of a proposed project. Pub. Resources Code § 21100(b)(5); Guidelines, § 15126(d). An EIR must discuss "the ways in which the project could directly or indirectly foster economic or population or the construction of new housing in the surrounding environment. Guidelines, § 15126.2(d). Specifically, and most relevant here, the discussion must also describe growth-accommodating features of the project that may remove obstacles to population growth. Characteristics of the project that may encourage and facilitate other activities that could have a significant effect on the environment, either individually or cumulatively, should also be discussed. An EIR must discuss growth-inducing effects even though those effects will result only indirectly from the project. *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors* 92001) 91 Cal.App.4th 342, 368. See Kostka & Zischke, *Practice Under the California Environmental Quality Act* (2d ed, 3/14 update), § 13.55.

Here, the DEIR concludes the Project has no potential at all to cause growth inducing impacts:

"No growth inducement is expected to be generated from installation of #P11-00205-ECPA. As discussed in Section 1.0 Introduction, the Proposed Project would not result in new homes, businesses, or public roads and would not increase demand for public services, infrastructure, or utility service systems. The project is consistent with Napa County General Plan and zoning agricultural designations for the site. No induced population growth would occur directly or indirectly." DEIR p. 6-31.

This conclusion is belied by the DEIR's Project Description, which states that the Project includes conversion of 356 acres to vineyard use, with a total of 65 vineyard blocks proposed on 35 parcels that together comprise the 2,300 Walt Ranch property. DEIR p. 3-1. The Project also includes::

"Improvement and maintenance of approximately 21 miles of existing roads for year round access to the property. Select existing road segments would be realigned, requiring limited new road construction in select locations. Access

roads between vineyard blocks would be constructed in select locations within the 507 gross acres, resulting in the construction or realignment of approximately 5.6 miles of new roads;" DEIR p. 3-7.

Given that the property comprises 35 discrete, pre-existing parcels, and that the Project involves the improvement and maintenance of 21 miles of existing roads plus the construction/realignment of 5.6 miles of new roads, it is foreseeable that the Project could induce future population growth from the sale of individual parcels and associated vineyard blocks for "vineyard estate"-type residential development. The DEIR should therefore disclose and evaluate the potential individual and cumulative impacts of potential future population growth resulting from residential development induced by the road construction component of the Project in tandem with the existence of 35 pre-existing parcels. In particular, the DEIR should examine the potential impacts to traffic, water supply, biological resources, and public services.

Please note that if the Project proponent/developer asserts that it has no intention of selling or developing the individual parcels in this manner, such that no discussion of growth-inducing impacts in the DEIR is necessary, then the County should craft a condition of approval to ensure this does not occur. If the Project proponent is unwilling to accept such a condition, then the DEIR must include the appropriate disclosure, analysis, and mitigation of growth-inducing impacts.

VIII. Conclusion

We submit that the DEIR is simply not certifiable in its current form. The County should therefore prepare a revised draft EIR that addresses these and any other deficiencies brought to its attention by others, and circulate it for further public review and comment before taking any action to approve the Project.

Thank you for your consideration of these comments and concerns.

Yours sincerely,

M. R. WOLFE & ASSOCIATES, P.C.



Mark R. Wolfe
On behalf of the Sierra Club, Napa Group.

MRW:am