

Attachment 2
March 8, 2022, Revised Proposal

**Hall Brambletree Associates
401 St. Helena Highway South
St. Helena, CA 94574**

March 8, 2022

David Morrison
Director
Planning, Building & Environmental Services
Napa County
1195 Third Street, 2nd Floor
Napa, CA 94559

Re: Walt Ranch ECP – GHG Mitigation

Dear Mr. Morrison:

This letter sets forth Hall Brambletree's revised proposal to address the greenhouse gas emissions from the Walt Ranch Erosion Control Plan ("ECP").

As approved, Mitigation Measure 6-1 requires Hall to "place in permanent protection no less than 248 acres of woodland habitat." The Court of Appeal held that the requirement to place 248 acres of woodland habitat in a conservation easement was appropriate mitigation. The Court also held, however, that, because the EIR did not identify the specific acreage, there was insufficient evidence to show that such habitat could be converted to other uses. (Slip op., pp. 51-53.) Simply put, the Court said: show the County the acreage; and show that the woodland habitat could otherwise be converted.

With this revised proposal, we have done that. We have mapped +/- 312 acres of woodland habitat that could be converted to other uses under County policy. The location of this habitat is shown and described on the attached map and spread sheet. This information is based on the same surveys and mapping that was performed as part of the environmental review process. We encourage the County to review the mapping and data to confirm its accuracy.

We propose to place a conservation easement on not less than 248 acres out of the total of 312 acres. The difference between these numbers will provide Hall and the land trust flexibility to adjust the boundaries of the easement to account for roads or other features that would diminish a particular location's suitability as preserved woodland habitat. The final boundaries of the 248 acres of woodland habitat designated for protection will be subject to review and approval by the County. The essential point here, however, is that there is ample woodland habitat available on the site to meet the concerns expressed by the Court of Appeal. Specifically, the 312 acres shown and described on the attached map and spreadsheet meet the following criteria:

- They are all mapped as woodland habitat.
- They are not located on slopes of 30% or greater.
- They are not located in the Milliken Reservoir watershed.

- They are not located within required setbacks from riparian corridors.
- There is no overlap with the land to be converted to other uses as part of the project.
- They are not designated for preservation under adopted mitigation measures requiring the protection of other resources on the property (e.g., sensitive plants or habitats or cultural resources), as set forth in the approved Biological Resources Management Plan.

Thus, absent Mitigation Measure 6-1, 248 acres of this woodland habitat would be available for conversion to other uses. The 248 acres to be preserved are entirely additive and are on top of the acreage that will already be protected for other purposes.

In May 2021, we proposed that the County revise Mitigation Measure 6-1 to require preservation of 124 acres of identified woodland habitat. We also proposed an extensive tree planting program to accompany the 124-acre easement requirement. We thought this proposal made sense because it provided an opportunity restore the property in the wake of wildland fires in 2017 and 2020. To our surprise, our proposal met with resistance. We therefore propose to simply address, directly, the Court of Appeal's concern. This proposal also addresses the appellant's objections to our original proposal.

This is the same mitigation that the County approved unanimously in December 2016. The only difference is that now we are identifying the woodland habitat to be conserved. This is what the Court of Appeal asked us to do, and we are now doing it. We have also responded to the appellant's objections. There are no valid reasons why our proposal should be rejected.

We note that the information upon which this revised proposal is based is not new. The woodland habitat on the property was mapped as part of the EIR process, based on extensive surveys. The proposal is based on the same GIS data that the County relied upon in mapping biological resources and habitats on the property. This same data has been used to prepare the attached figure showing the location of woodland habitat available for conservation, meeting the criteria outlined above.

We request that the County revise Mitigation Measure 6-1 as shown in the attached document. These modifications are to make clear that the woodland habitat to be protected meets the criteria established by the Court of Appeal. We also wish to incorporate modifications to Mitigation Measure 6-1 made in response to our May 2021 proposal that we believe strengthen the mitigation.

We appreciate your consideration of this request. Please let us know if you would like additional information or have any questions. We look forward to hearing from you.

Very truly yours,



Mike Reynolds
Hall Brambletree Associates

Attachments:

Figure 1 – location of conservation easement for woodland habitat for GHG mitigation

Attachment 1 – spreadsheet identifying woodland habitat for GHG mitigation

Attachment 2 – proposed revisions to Mitigation Measure 6-1

Guide to Assessor Parcel Numbers	
1. 032-120-028	18. 032-480-027
2. 032-480-007	19. 032-480-028
3. 032-480-008	20. 032-490-004
4. 032-480-011	21. 032-490-005
5. 032-480-012	22. 032-490-006
6. 032-480-013	23. 032-490-008
7. 032-480-014	24. 032-490-009
8. 032-480-015	25. 032-490-010
9. 032-480-016	26. 032-490-011
10. 032-480-017	27. 032-490-012
11. 032-480-018	28. 032-490-013
12. 032-480-019	29. 032-490-014
13. 032-480-020	30. 032-490-015
14. 032-480-021	31. 032-490-016
15. 032-480-022	32. 032-490-017
16. 032-480-023	33. 032-490-018
17. 032-480-024	34. 032-490-019
	35. 032-490-020

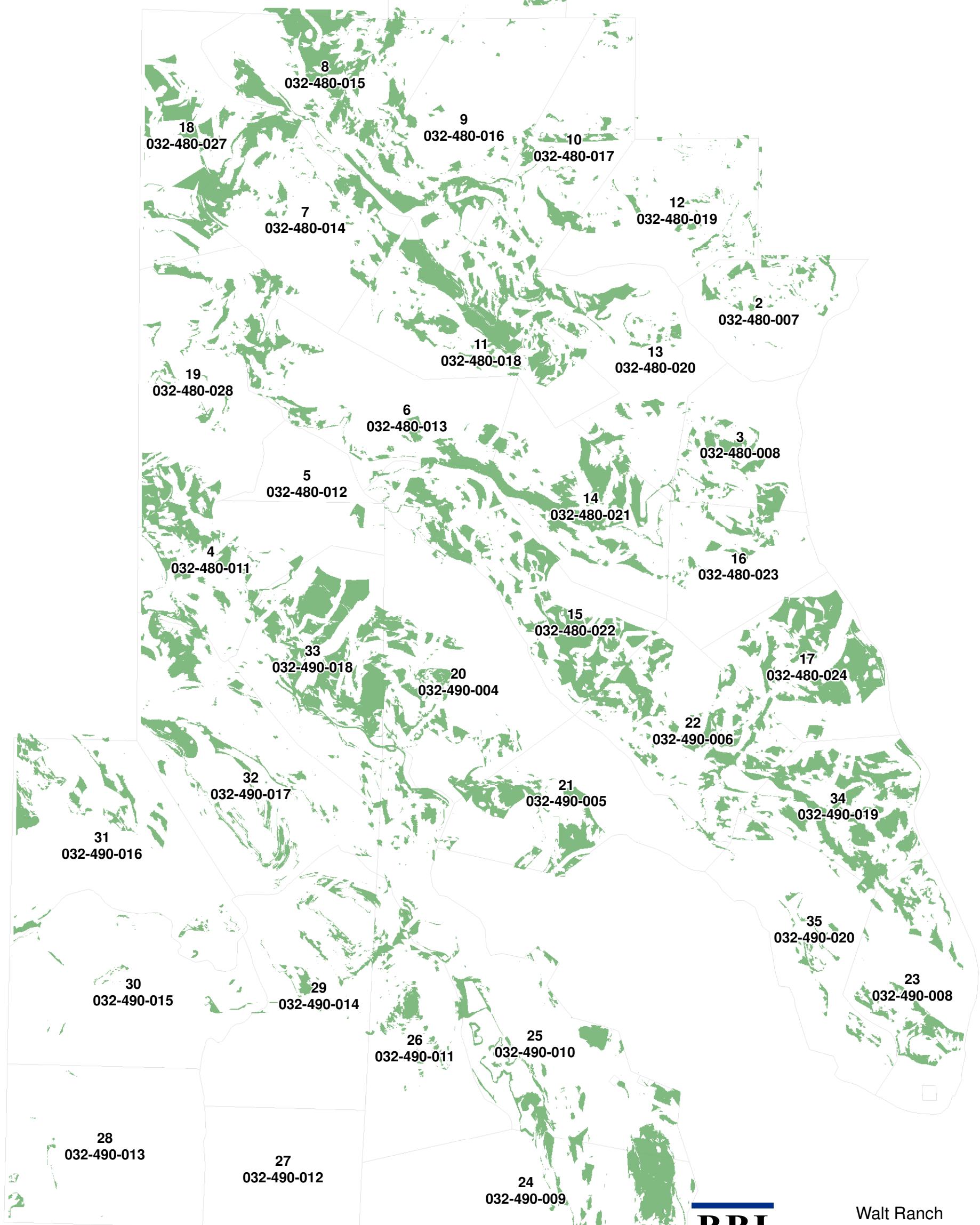
Figure 1



0 550 1,100 2,200 Feet

Legend

- Acceptable Woodland (Green)
- Walt Ranch Parcels (White with black outline)



Attachment 1

Label	APN	GHG Acceptable Woodland (acres)
1	032-120-028	2.6
2	032-480-007	2.9
3	032-480-008	5.5
4	032-480-011	8.5
5	032-480-012	0.0
6	032-480-013	7.9
7	032-480-014	10.7
8	032-480-015	17.5
9	032-480-016	9.0
10	032-480-017	10.1
11	032-480-018	13.1
12	032-480-019	2.8
13	032-480-020	7.1
14	032-480-021	14.9
15	032-480-022	21.5
16	032-480-023	3.1
17	032-480-024	16.6
18	032-480-027	10.5
19	032-480-028	11.8
20	032-490-004	9.1
21	032-490-005	8.7
22	032-490-006	14.0
23	032-490-008	7.5
24	032-490-009	9.9
25	032-490-010	15.0
26	032-490-011	4.7
27	032-490-012	0.0
28	032-490-013	0.5
29	032-490-014	3.8
30	032-490-015	0.9
31	032-490-016	7.0
32	032-490-017	12.5
33	032-490-018	21.7
34	032-490-019	17.6
35	032-490-020	3.2
Total (acres):		312.3

Attachment 2

Proposed Revisions to Adopted Mitigation Measure 6-1
(new text underlined)

6-1: In order to offset the construction emissions from development of the Proposed Project, the Applicant shall place in permanent protection no less than 248 acres of woodland habitat. The 248 acres to be protected shall be provided from the woodland habitat depicted in the map and spreadsheet attached to this measure. All acreage designated for preservation shall be identified as such in a conservation easement with an accredited land trust organization such as the Land Trust of Napa County as the grantee, or other means of permanent protection. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, or whichever occurs first.

Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension.

Land placed in protection shall be restricted from development and other uses that would potentially degrade the quality of the habitat (including, but not limited to, conversion to other land uses such as agriculture, residential, or urban development, and excessive off-road vehicle use that increases erosion), and should otherwise be restricted by the existing goals and policies of Napa County.

The Biological Resource Management Plan and MMRP shall be revised to incorporate the conservation easement required by this mitigation measure, including the map and spreadsheet attached hereto.