



Whit Manley, Mike Reynolds
Napa County Board of Supervisors
May 17th, 2022



Questions posed by Board of Supervisors on April 19th, 2022:

1. Address the question of contiguity and the supposition that 'edge effects' impact the viability of conserved woodland for GHG mitigation.
2. Provide specificity to the requirement and qualifications for an expert to review the boundaries of the GHG easements.
3. Provide definition for the monetary resources expected to set aside to an accredited Land Trust to manage and defend the conservation easement.



Contiguity and 'Edge Effects'

In response to the Board's questions, we have added 19.7 acres of additional conservation easements to our proposal by adding 30-foot buffer, and thereby eliminate 'edges' with vineyard areas, as described below:

1. Amend Mitigation Measure 6.1:

"... Applicant shall place into permanent protection no less than 267.7 acres of woodland habitat. The 267.7 acres to be protected shall be identified from the eligible woodland habitat depicted on the map and the spreadsheet attached to this measure. The area to be protected shall include include a buffer of 30 feet from edges of any areas to be cleared that would be otherwise be eligible for preservation, as indicated on the map attached to this measure.

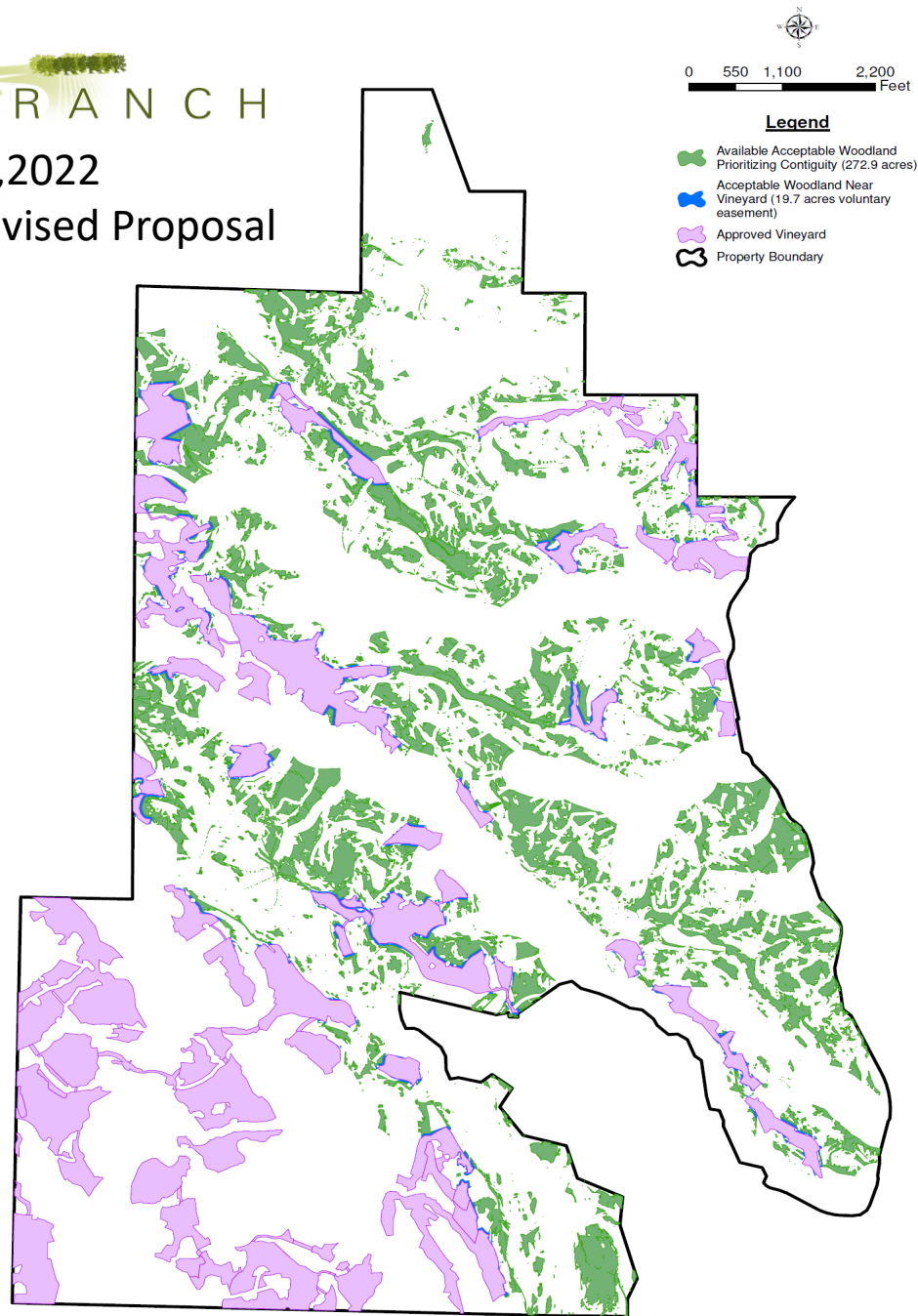
* Highlighted text shows amendments

2. Including the 30-foot buffer responds to the Board's request for more contiguity of the conservation easements.
3. Ascent Environmental – the County's GHG expert – reviewed the literature on 'edge effects'; these studies show that forest edges (<5 meters) in temperate climates sequester *more* carbon by as much as 95%. Nevertheless, we have enlarged the easement to include buffers from vineyards in response to the Board's concerns.

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May 17th, 2022

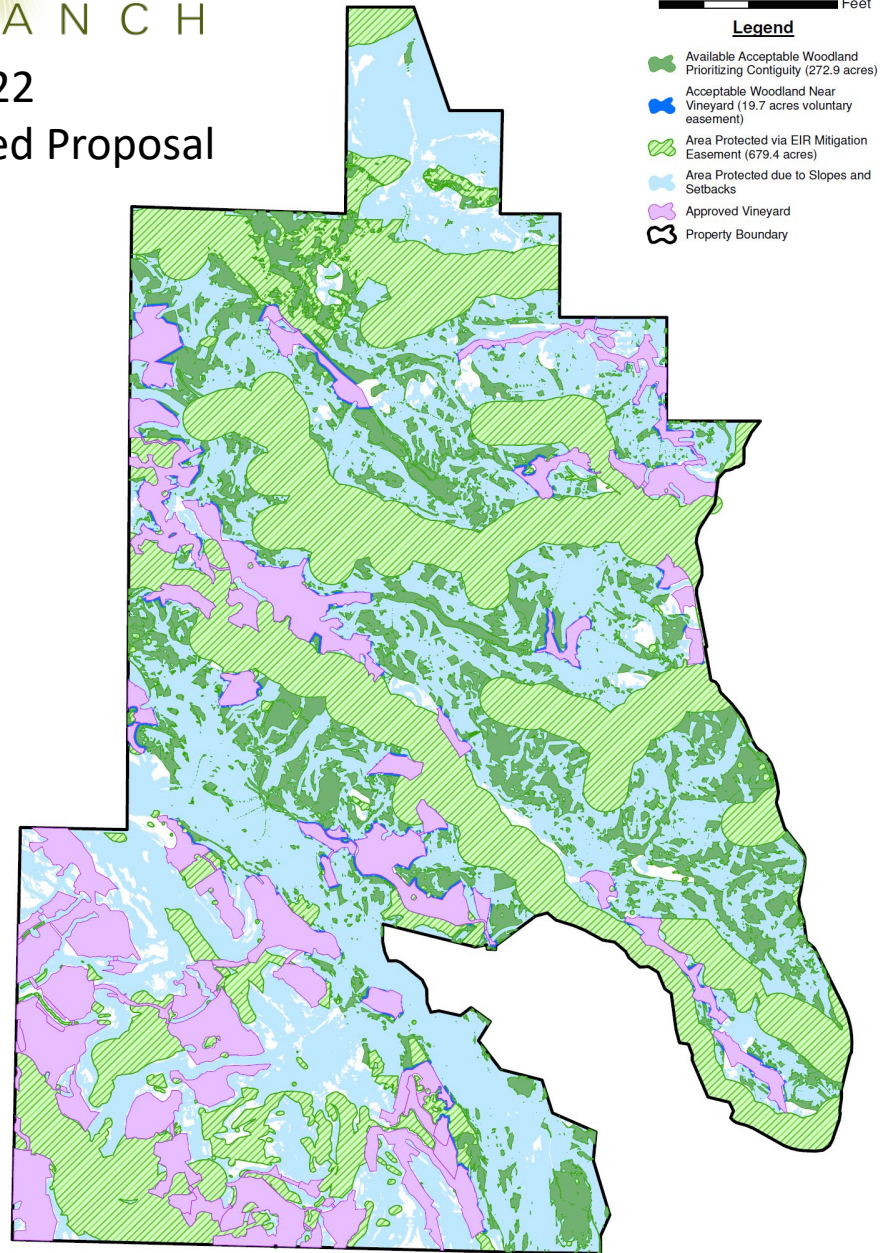
GHG mitigation Revised Proposal



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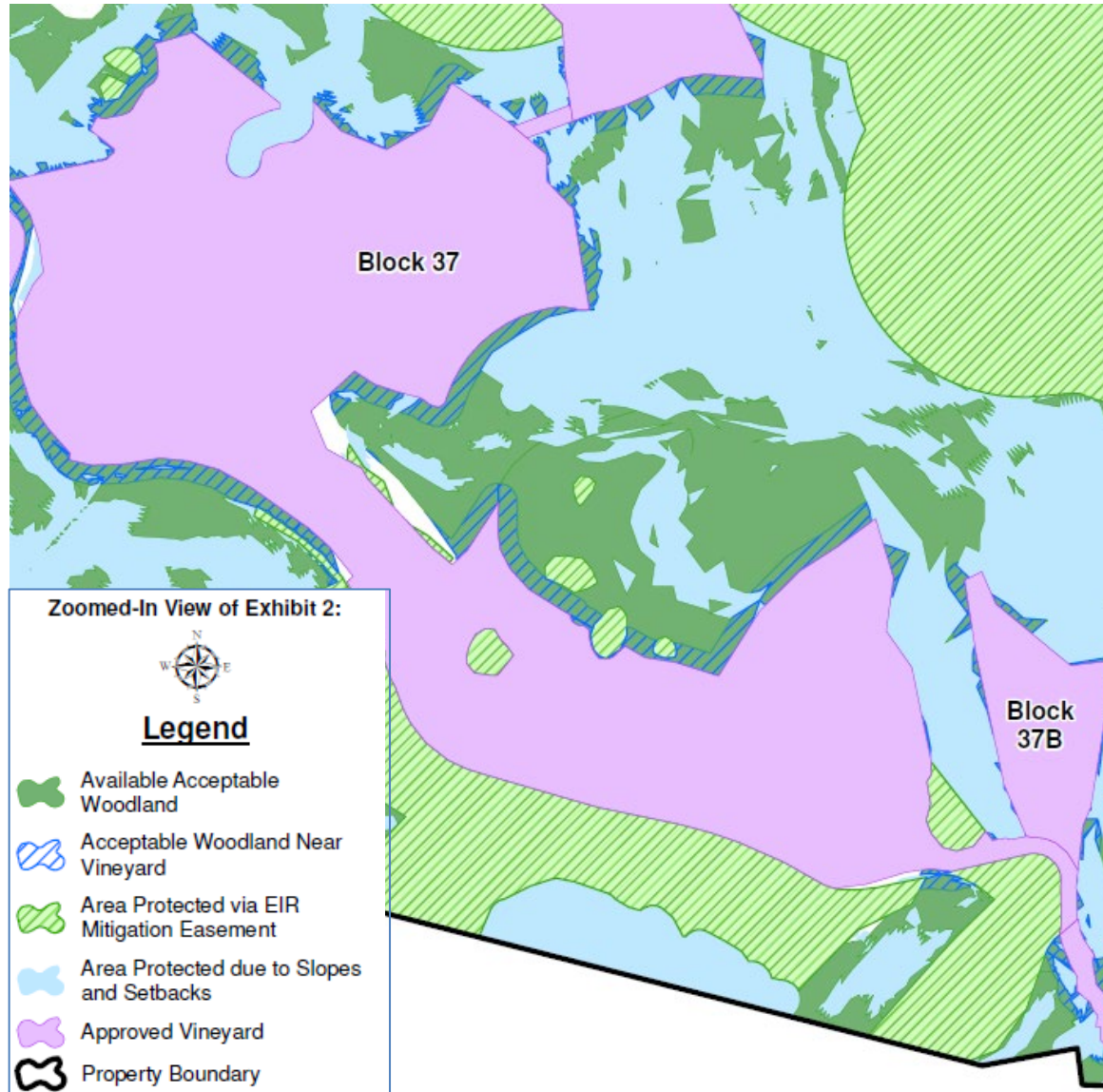
GHG mitigation Revised Proposal



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30 ft Buffers

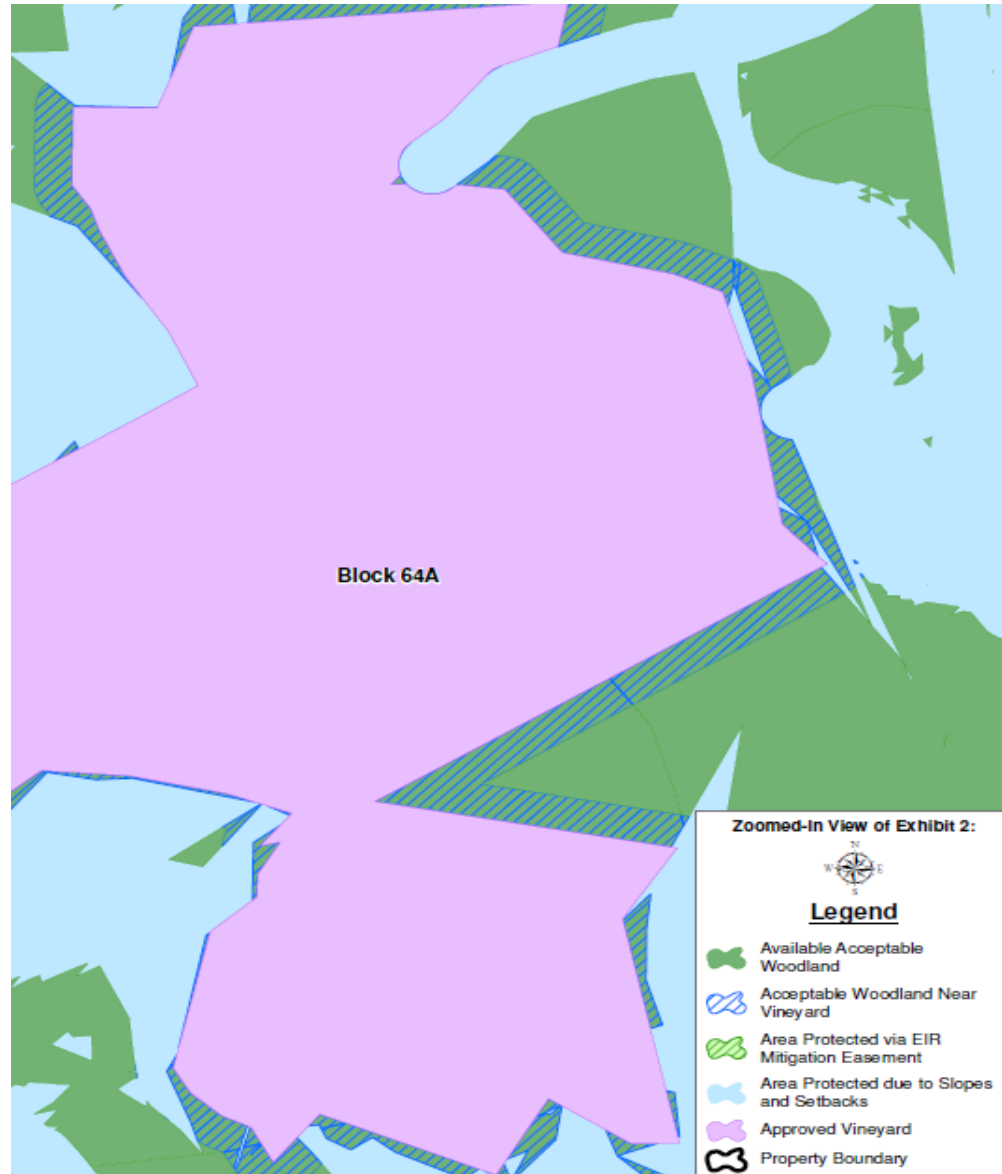
Example Exhibit – Blocks 37, 37b



W A L T R A N C H

30 ft Buffers

Example Exhibit – Block 64





Qualifications of Conservation Easement Consultant

To respond to the Board's request for more clarity on the Requirements and Qualifications of a Consultant to review the proposed GHG Mitigations, new Condition of Approval 20 states that the County will select a consultant to verify the suitability of the woodland habitat for GHG mitigation. Consultant will work at the County's direction, at the applicant's expense.

Condition of Approval 20 requires:

1. The consultant must meet the County's 2016 Biological Surveys consultant standards.
2. The consultant must be available to County Counsel in its review of the Conservation Easements.
3. The consultant must have experience with GIS mapping, CEQA and demonstrable expertise to verify that the Conservation Easement addressing GHG emissions meets the following criteria.
 - 267.7 acres mapped as woodland habitat.
 - Mapped as having a slope of 30% or less.
 - Not located in Milliken Reservoir watershed.
 - Not within areas mapped as wetlands or riparian corridors, or within setbacks to such features as determined by County Code.
 - Not within areas that are subject to conservation under the Biological Resources Plan ('BRMP').
 - Not within areas to be cleared as part of the project.



Conservation Easement Endowment

To respond to the Board's request for more clarity on an appropriate Endowment for the proposed woodland conservation easement, we have added a new Condition of Approval 21. The Endowment will ensure that the conservation easement is monitored, enforced, and defended in perpetuity.

Condition of Approval 21 requires:

1. Use of the Center for Natural Land Management's Property Analysis Record software, or an equivalent methodology if preferred by the Land Trust, to determine the amount of the endowment.
2. A record showing how the endowment was calculated will be submitted to County Counsel, as part of its review of the Conservation Easement, as required in the BRMP.



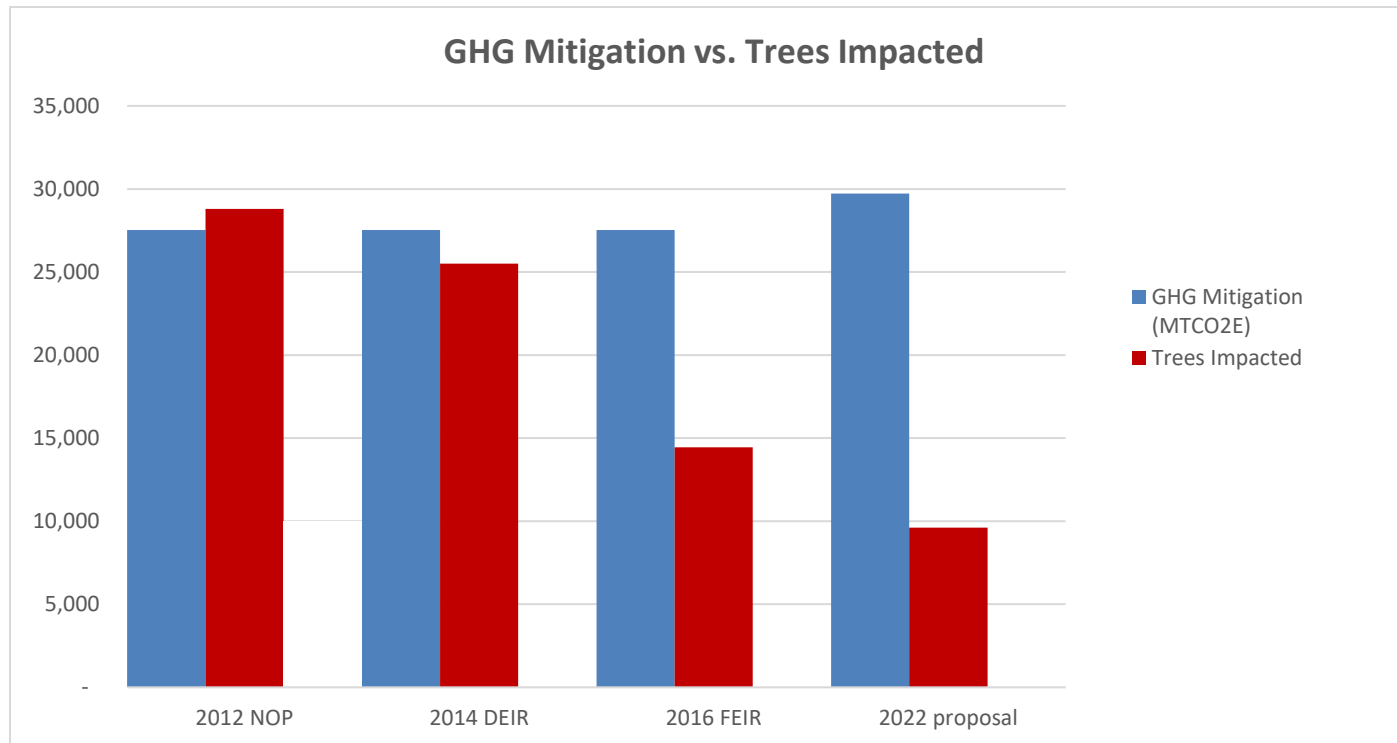
Legal Question - GHG Mitigation

“Is there substantial evidence on the record to conclude that the proposed mitigation, consisting of 248 acres (now 267.7 acres) of woodland habitat to be identified among 292.6 acres of eligible land, will offset at least 27,528 MTCO₂E?”

* From Napa County’s Presentation at the Board of Supervisors, April 19th, 2022

GHG Mitigation History

- The amount of GHG Mitigation (MTCO₂E) was upheld by the Court of Appeals.
- That amount of mitigation was based on the original proposals' impact. The tree removal was reduced by the Napa County in 2016, and the fires of 2017 and 2020 again reduced the actual impacts. *The amount of required GHG mitigation was not reduced.*
- Despite this impact reduction, the current proposal *increases* GHG mitigation.



*The 2022 tree impacts are estimates from fire damage from the 2017 (75% survival) and 2020 fires (50% survival). Source: Ascent Nov. 2021



Project Timeline

2004	Property Due Diligence - zoned AWOS. Met with Dave Steiner (Napa County RCD) to outline ECP Requirements.
2005	Purchase Property. Begin Topographic Surveys of property.
2006	Meet with Napa County Planning Director regarding ECP. - Requested to wait on ECP submission until 2008 General Plan complete. Engage consultants for property studies. Meet with Circle Oaks leadership about vineyard plans.
2007	Application filed with Napa County.
2008	MOU signed with Napa County and Environmental Firm. NOP Distributed by Napa County.
2009 -2011	Environmental Studies being completed.
2012	Napa County issues new NOP.



Project Timeline

2014	Draft EIR Circulated.
2016	Public Hearings held by Planning Director EIR certified unanimously by Napa County Board of Supervisors. <i>(EIR Certification and Board Decision Appealed to Napa Superior Court)</i>
2018	EIR Certification and Board Decision upheld by Napa Superior Court. <i>(EIR Certification and Board Decision Appealed to California Court of Appeals)</i>
2019	California Court of Appeal rejects 19 of 20 claims. Court directs County to reconsider mitigation for Greenhouse Gases ('GHG') emissions. All other claims (biology, water quality, groundwater, traffic, etc.) rejected. Adequacy of EIR not in question.
2020	Napa Superior Court returns the case to Napa County to reconsider mitigation for GHG emissions. EIR remains certified, and ECP remains approved. Sole issue is GHG mitigation.



Project Timeline

May 2021	GHG mitigation revision submitted.
Oct 2021	Director approves revision. Administrative appeal filed.
Dec 2021	Napa County BOS approves GHG Mitigation.
Feb 2022	Napa County BOS continues GHG Mitigation approval.
March 2022	Applicant revises proposed GHG mitigations.
April 2022	Napa County BOS requests additional clarifications on Proposal. Applicant responds, providing expanded mitigation and Conditions of Approval.



Thank you.

We are available for questions should you have them.