



NAPA COUNTY

CONSERVATION • DEVELOPMENT and PLANNING COMMISSION

Charles Wilson
Director

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September 18, 2002

RECEIVED
Clerk of the Napa Superior Court

SEP 18 2002

The Honorable W. Scott Snowden
Presiding Judge
Superior Court of California, County of Napa
825 Brown Street
Napa, CA 94559

Dear Judge Snowden:

As required by Penal Code Section 933(c), enclosed is the Conservation, Development and Planning Commission's response to the 2001-02 Grand Jury Final Report.

The Commission acknowledges the members of the 2001-02 Grand Jury for the time they have devoted in preparing their report.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Graves".

David Graves, Chairman
Conservation, Development and Planning Commission

Enclosure

cc: Foreman, 2001-02 Grand Jury

**NAPA COUNTY GRAND JURY
2001-2002 FINAL REPORT**

**NAPA COUNTY
CONSERVATION DEVELOPMENT AND PLANNING DEPARTMENT**

FINDING 3:

The process of environmental review of projects with the potential of causing harmful erosion (in part, new vineyards and replants) should continue to be improved so that critics are comfortable that the process ensures protection of the environment and property owners are assured that there is a process. The recent agreement for the Suscol Springs Vineyard Conversion Project (March) between critics of the process, property owners, and the Department is a foundation for putting this problem behind the County.

Response – Napa County Conservation Department and Planning Department: The County Director of Conservation, Development & Planning agrees with this Finding. Conducting environmental assessments on vineyard conversions has proven to be very complex. By their very nature, vineyard conversions change the nature of the physical landscape for the area involved. Many Erosion Control Plan (ECP) applications are located in sensitive watershed involving complex ecosystems including wildlife and wildlife corridors, streams, wetlands, groundwater and surface water diversions, and plant life. Vineyard conversions impact the physical environment; the difficulty is establishing the acceptable environmental threshold for what constitutes a significant impact both on site and the affected sub-drainage or watershed involved. Cumulative impact analysis for the ECP applications also involve difficult forecasting requiring complex watershed or sub-watershed environmental studies to understand how the ecosystem works, what the potential environmental impact will occur and whether the impact is significant. Much effort has been focused on preparation of these environmental special studies to support a finding for a Negative Declaration (no adverse environmental impact). However, the threshold requiring an environmental impact report (EIR) is very low given the expectation by the varied communities of interest that full environmental disclosure, including cumulative impact analysis, for the Napa River Watershed is completed. Many ECP applicants have made a business decision to proceed with the EIR recognizing that the additional cost may be offset by lost time and cost required to defend a Negative Declaration through the appeals process to the Board of Supervisors which can take 60-90 days with the potential result that the Board would ultimately uphold the appeal and require an EIR.

Response – Napa County Conservation Development and Planning Commission: The Commission concurs with the Planning Director's response.

RECOMMENDATION 3:

The Department should continue to attempt to build a process that is satisfactory to both critics and property owners and protects the environment from projects with the potential for harmful erosion.

Response – Napa County Conservation Department and Planning Department: The County Director of Conservation, Development & Planning agrees with this recommendation.

Response – Napa County Conservation Development and Planning Commission: The Commission concurs with the Planning Director's response.