



**Napa County Regional Park
and Open Space District**

Harold Kelly
Director Ward One

Tony Norris
Director Ward Two

Guy Kay
Director Ward Three

Dave Finigan
Director Ward Four

Myrna Abramowicz
Director Ward Five

AGENDA

BOARD OF DIRECTORS SPECIAL MEETING

Monday March 8, 2010 2:00 P.M.
1195 Third Street, Third Floor, Napa, CA 94559

GENERAL INFORMATION

Agenda items will generally be considered in the order indicated below, except for Set Matters, which will be considered at the time indicated. Agenda items may from time to time be taken out of order at the discretion of the President.

The meeting room is wheelchair accessible. Assistive listening devices and interpreters are available through the District Secretary. Requests for disability related modifications or accommodations, aids, or services may be made to the Secretary's office no less than 48 hours prior to the meeting date by contacting (707) 259-8603.

Any member of the audience desiring to address the District on a matter on the Agenda, please proceed to the rostrum and, after receiving recognition from the President, give your name, address, and your comments or questions. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the President.

State law requires agency officers (Directors and Officers) to disclose, and then be disqualified from participation in, any proceeding involving a license, permit, or other entitlement for use, if the officer has received from any participant in the proceeding an amount exceeding \$250 within the prior 12 month period. State law also requires any participant in a proceeding to disclose on the record any such contributions to an agency officer.

All materials relating to an agenda item for an open session of a regular meeting of the Board of Supervisors which are provided to a majority or all of the members of the Board by Board members, staff or the public within 72 hours of but prior to the meeting will be available for public inspection, on and after at the time of such distribution, in the Conservation, Development and Planning Department Office at 1195 Third Street, Suite 210, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for County holidays. Materials distributed to a majority or all of the members of the Board at the meeting will be available for public inspection at the public meeting if prepared by the members of the Board or County staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

1. Call to Order and Roll Call

2. Public Comment

In this time period, anyone may address the Board of Directors regarding any subject over which the Board has jurisdiction but which is not on today's posted agenda. In order to provide all interested parties an opportunity to speak, time limitations shall be at the discretion of the President. As required by Government Code, no action or discussion will be undertaken on any item raised during this Public Comment period.

3. Set Matters

None

4. Administrative Items

- A. Consideration of and potential approval of Minutes of Board of Directors' meeting of February 8, 2010.
- B. Consideration and potential adoption of a Categorical Exemption under the California Environmental Quality Act and authorization for the Lake Berryessa Estates Resort Improvement District to deposit fill material on District property at Lake Berryessa Estates (APN#016-221-001).
- C. Consideration and potential approval of Operation and Management Plan for the Ahmann easement on the Berryessa Peak Trail.
- D. Consideration and potential adoption of a Negative Declaration under the California Environmental Quality Act for Sections 7 and 8 of the Napa River and Bay Trail, authorization for the Board President and/or General Manager to execute those documents and take those actions necessary to complete construction and begin operation of the trail, and approval of related budget amendments for FY 2009-10.
- E. Report on professional services contract for habitat assessment and biological survey work related to the Napa River and Bay Trail, and consideration and potential approval of related budget amendments for FY 2009-10.
- F. Consideration and potential approval of amendment to District By-Laws authorizing General Manager to file Notices of Completion for construction projects pursuant to California Civil Code 3093.
- G. Review of the District Projects Status Report.
- H. Receipt of report on expenditures, encumbrances, donations and grants approved by the General Manager

5. Announcements by Board and Staff

In this time period, members of the Board of Directors and staff will announce meetings, events and other matters of interest. No action will be taken by the Board on any announcements.

6. Agenda Planning

In this time period, members of the Board of Directors and staff will discuss matters for possible consideration at future meetings. No action will be taken by the Board other than whether and when to agendize such matters, unless specifically noted otherwise.

7. Adjournment



**Napa County Regional Park
and Open Space District**

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Director Ward One

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Director Ward Five

MINUTES

BOARD OF DIRECTORS SPECIAL MEETING

Monday February 8, 2010 2:00 P.M.
1195 Third Street, Third Floor, Napa, CA 94559

1. Call to Order and Roll Call

Meeting was called to order by Chair Myrna Abramowicz.
Directors Harold Kelly, Tony Norris, Guy Kay, and Dave Finigan also present.

2. Public Comment

None.

3. Set Matters

2:00 pm Presentation on City of Napa Park and Recreation Plan
Larry Mazzuca gave the presentation, emphasizing those areas of common interest between the District and the City.

4. Administrative Items

A. Consideration of and potential approval of Minutes of Board of Directors' meeting of January 11, 2010.

Minutes were approved as corrected.
TN-GK-DF-HK-MA

B. Receipt of Operations, Design and Preliminary Engineering Study for Camp Berryessa and potential direction to staff regarding next steps.

Directors voted to receive the Operations, Design and Preliminary Engineering Study for Camp Berryessa prepared by Questa Engineering, directed staff to continue developing a land use agreement with the Bureau of Reclamation to come to the Board of Directors for approval, and authorized staff to begin pursuing grant funds for constructing the camp in a phased manner, with the final plan to come back to the Board for approval.
DF-GK-TN-HK-MA

- C. Update on restoration plans for the Napa River Ecological Reserve, and potential authorization for General Manager to contract with the California Conservation Corps
 Directors voted to authorize the General Manager to enter into a contract with the California Conservation Corps to undertake invasive species removal, replanting with natives and associated improvements.
 TN-GK-HK-DF-MA
- D. Consideration of and potential authorization for General Manager to enter into professional services contract for habitat assessment and biological survey work for phase two of the Napa River and Bay Trail (Green Island Road to Soscol Ferry Road)
 Directors voted to authorize contract for professional services for habitat assessment and biological survey work for phase two of the Napa River and Bay Trail, in an amount not to exceed \$55,000.
 DF-TN-HK-GK-MA
- E. Review of the District Projects Status Report.
 John Woodbury gave the report with discussions on the Napa River and Bay Trail, Blue Ridge/Berryessa Peak Trail, Camp Berryessa, Lake Hennessey, Moore Creek, Oat Hill Mine Trail, River to Ridge Trail, South Napa Wetlands, Rector Ridge, and the Vine Trail.
- F. Consideration and potential approval of revisions to the budget for FY 2009-2010.
 Directors voted to approve the revised budget for FY 2009-2010 as shown on Attachment A
 DF-TN-HK-GK-MA
- G. Receipt of report on expenditures, encumbrances, donations and grants approved by the General Manager, and potential authorization for General Manager to approve future invoices from the State Department of General Services related to the lot line adjustment and relocation of easement for the River to Ridge Trail.
 Directors voted to receive the report, and authorize the General Manager to approve future invoices from the State Department of General Services covering their costs for the lot line adjustment and trail easement relocation.
 GK-DF-TN-MA-HK
 N
 Motion passes 4-1
- H. Discussion and direction to staff regarding contracting and/or hiring employees to obtain on-going project management, outreach, volunteer coordination and other professional services (oral report)
 John Woodbury gave the report outlining options to replace professional services that had previously been provided by Land Conservation Associates, and will report back to the board for further discussion or direction once more information about the options and funding projections is known.
5. Announcements by Board and Staff
- ▶ Guy Kay announced that the County has released a draft of the Voluntary Oak Woodlands Management Plan and requested that the Board read the ecological interfaces.
 - ▶ Tony Norris announced that he and Guy Kay attended the Fly Away Festival where the Districts photos received compliments.

- ▶ Dave Finigan was asked to meet with a committee for the Grand Jury. He has also been asked to do a presentation to SIRS abouts the District.
- ▶ Myrna Abramowicz announced that she attended the LAFCO meeting where the City's Trancas Park annexation was considered, and she attended a Board of Supervisors meeting where the County's Special Projects Fund policies was discussed.
- ▶ John Woodbury announced that the Land Trust of Napa County submitted a letter protesting a tax sale at auction for the property on the Knoxville/Berryessa Road which the Board had discussed at its prior meeting.
- ▶ John Woodbury announced that the Annual Form 700 is due by April 1, 2010.
- ▶ Myrna Abramowicz noted the District has now passed its third anniversary. She thanked the voters of Napa County for passing Measure I, thanked fellow Board members for the successful development of the District's Master Plan, and thanked John Woodbury for his dedicated service.
A cake was donated from Butter Cream Bakery to celebrate this milestone after adjournment of the meeting.

6. Agenda Planning

7. Adjournment

Meeting was adjourned to the Regular Park & Open Space District Meeting of March 8, 2010.

MYRNA ABRAMOWICZ,
Board President

ATTEST:

MELISSA GRAY
District Secretary

Key

Vote: HK = Harold Kelly; TN = Tony Norris; GK = Guy Kay; DF = David Finigan; MA = Myrna Abramowicz

The maker of the motion and second are reflected respectively in the order of the recorded vote.

Notations under vote: N = No; A = Abstain; X = Excused



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: March 8, 2010
 Agenda Item: 4.B
 Subject: Consideration and potential adoption of a Categorical Exemption under the California Environmental Quality Act and authorization for the Lake Berryessa Estates Resort Improvement District to deposit fill material on District property at Lake Berryessa Estates (APN#016-221-001).

Recommendation

- (1) Adopt a Categorical Exemption under the California Environmental Quality Act for the proposed project (Exemption Class 4--Section 15304: Minor Alterations to Land).
- (2) Authorize the placement of fill material on District property at Lake Berryessa Estates (APN#016-221-001), subject to those conditions which the General Manager determines to be appropriate.

Background

Napa County Public Works has requested permission to utilize District property at Lake Berryessa Estates to dispose of excess fill material generated by a Lake Berryessa Resort Improvement District (LBRID) project which the County is undertaking on behalf of LBRID. The property in question, which is 0.2 acres in size, was donated to the District in 2009. The District accepted this donation because the property allows a second public access point from Harness Drive within the Lake Berryessa Estates subdivision to property which the Bureau of Land Management is expected to transfer to the District. The property also will allow for a driveway from Harness Drive to the northeast corner of the BLM land, where a future volunteer fire department substation is expected to be constructed.

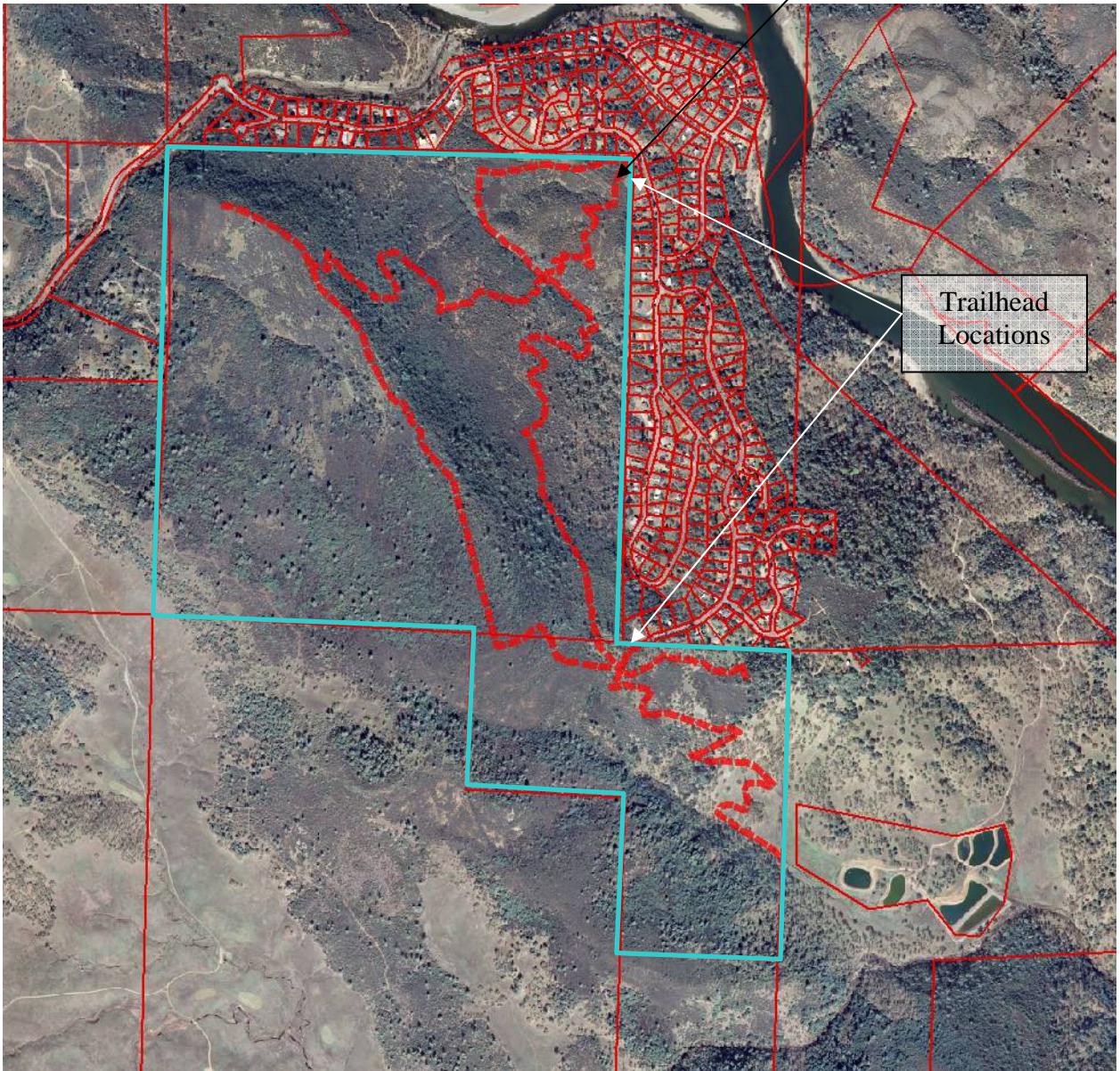
Allowing the County to dispose excess fill material on the property will both reduce the cost of the LBRID project and, by filling in a low area on the property, benefit the future construction of the driveway for the substation.

The fill material will come from a construction site just south of the Lake Berryessa Estates subdivision, is clean, and is the same basic soil type as is found on the District's property. The only minor complication is that disposal of the soil on the property will require the extension of an existing culvert that carries rainwater runoff from the BLM and District property under Harness Drive.

In exchange for granting permission, the General Manager will ask that the District be indemnified and held harmless for the project, that the fill material be adequately compacted, that appropriate steps be taken to prevent erosion and sediment runoff, and that either LBRID or the County agree to maintain the extended culvert in perpetuity.

Proposed Lake Berryessa Estates Park

Potential Fire Substation Location



Location of Property for Disposal of Excess Soil





Napa County Regional Park
and Open Space District

STAFF REPORT

Date: March 8, 2010
Agenda Item: 4.C
Subject: Consideration and potential approval of Operation and Management Plan for the Ahmann easement on the Berryessa Peak Trail.

Recommendation

Authorize the General Manager to execute an Operation and Management Plan for the Ahmann property easement on the Berryessa Peak Trail.

Background

In early 2009 the Ahmann family donated a trail easement to the District to allow the construction and operation of a pedestrian trail across a portion of their property on Blue Ridge east of Lake Berryessa. A condition of that easement was that the District and the property owner negotiate and sign an Operation and Management Plan prior to construction of the trail.

The proposed plan, which has already been signed by the property owners, is attached for Board consideration.

As required by the proposed Plan, District staff and volunteers have already flagged the proposed route. Photographs showing the flagged route will be provided to the property owners within the next few weeks. Therefore, assuming approval of the Plan by the Board, and the flagged route by the property owners, it should be possible to begin trail construction this spring. By the time the Ahmann section of the trail is complete in early 2011, BLM is expected to have finished its review of the alignment proposed for the adjacent BLM properties and have granted approval to the District to organize volunteers to construct those sections.

NAPA COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT

Berryessa Peak Trail – Ahmann Easement Segment

Operation and Management Plan

February 1,2010

Trail Sponsor

Napa County Regional Park and Open Space District
1195 Third Street, Room 210
Napa, CA 94559

Contact: John Woodbury, General Manager
707-259-5933,
jwoodbury@ncrposd.org

Other staff: Chino Yip, Outreach Coordinator
707-337-3885,
cyip@ncrposd.org

Landowner

John and Judy Ahmann
1400 Buchli Station Road
Napa, CA 94559
707-224-5012
ahmannjudy@aol.com

Other Interested Parties

- (1) Bureau of Land Management
Rich Burns, Superintendent Ukiah District
2550 N. State Street
Ukiah, CA 95482
(707) 468-4070
rburns@ca.blm.gov
- (2) California Department of Fish and Game
Chuck Armour, Regional Director, Region 3
7329 Silverado Trail
PO Box 47
Yountville, CA 94599
(707) 944-5500
CARMOR@dfg.ca.gov

Project Location

The Ahmann trail easement (“Easement”) is located to the northeast of Lake Berryessa, a short distance west and downhill from the ridgeline of Blue Ridge, in the approximate middle of the hiking route from the Knoxville-Berryessa Road to the top of Berryessa Peak. The Easement is located on portions of Assessor Parcel Nos. 015-250-006, 015-260-004 and 015-260-010.

Background

The Easement was donated to the Napa County Regional Park and Open Space District (“District”) through the Ahmann Property Trail Easement Deed and Agreement (“Agreement”) recorded February 24, 2009 by John and Judy Ahmann, owners of the affected property (“Grantor”). The purpose of the Agreement is to provide a public use, hiking-only link between existing state and federal lands along Blue Ridge.

The Agreement specifies the fundamental terms and conditions which apply to the Easement and its use. The Agreement additionally calls for the District to prepare an Operations and Management Plan (“Plan”), which is to be reviewed and approved by the grantor, and to subsequently construct, operate and administer the trail in accordance with this Plan.

The purpose of this Plan is to provide more detailed direction for day to day operations than is contained in the Agreement. Once approved by both the grantor and grantee, this Plan shall be deemed incorporated by reference into the Agreement. In the event of any inconsistency between the terms of the Agreement and this Plan, the terms of the Agreement shall prevail.

Two other documents directly affect the construction, operation and management of the trail which utilizes the subject easement. These are the Use Permit (Use Permit No. P09-00472) for the trail approved by the County of Napa on December 16, 2009, as well as the Initial Study and Negative Declaration prepared and adopted by the County of Napa pursuant to the California Environmental Quality Act as part of the County’s approval of the Use Permit. This Plan is intended to incorporate the terms and conditions of the Use Permit and the findings of the Negative Declaration. In the event of any inconsistency between the terms of these documents, the language of the Use Permit and Negative Declaration shall prevail.

The Plan is intended to be a living document, which may be amended by mutual consent of the parties hereto as may be necessary to respond to new or changing circumstances.

The other Interested Parties noted in this Plan do not have any legal rights or responsibilities under the Agreement. These parties are noted in this Plan because they own property which is adjacent to the Easement to the north, east and south, and best management practices dictate that the District maintains good communications with these other parties.

Pre-Construction

Trail construction will not commence until the following steps are taken:

- (1) This Plan has been approved by both the Grantor and the District.
- (2) District has flagged the trail alignment, and Grantor has approved this flagged alignment. Grantor's approval shall not be unreasonably withheld. The flagged alignment shall be deemed approved if Grantor does not act to approve or provide specific written objections to the flagged alignment within sixty (60) days of District notifying Grantor that the alignment has been flagged and is ready for review by Grantor.
- (3) District has obtained all necessary permits, including but not limited to a grading permit issued by the County of Napa.
- (4) District has named Grantor as an additional insured on its liability insurance policy and provided Grantor with a certificate of insurance.
- (5) District has given Grantor a 10-day prior notice that construction is scheduled to begin.

Trail Construction

- (1) Trail construction shall be primarily done with hand tools and volunteer labor.
- (2) All trail construction shall be supervised directly by District personnel or District-authorized representatives. District shall be fully and solely responsible for the actions of its personnel, authorized representatives and volunteers.
- (3) District shall provide volunteers with tools, training regarding trail building standards and techniques, and safety instruction.
- (4) The trail is intended for hikers only and shall not be built to accommodate bicyclists, equestrians, ATV's or motorcycles. The following standards and specifications for the design of the trail and related improvements shall be followed:
 - i. The trail tread width may be between one and two feet in width, with a 1 to 3 percent outslope to allow for water drainage.
 - ii. As a general rule, trail grades shall be as gentle as possible, and not exceed 12% slope; where topography dictates steeper grades, special care will be taken to control soil erosion through the use of steps, water bars or similar techniques using native materials.
 - iii. Where the trail crosses water drainages, it shall be designed to avoid alteration to the natural flow of the water, and armored with native rock as necessary to prevent soil erosion.

- iv. No mature trees shall be removed, and trimming of branches shall be avoided as much as possible. Any limbs and branches removed shall be cut flush to the trunk of the tree. Brush may be removed to a width of up to five feet where needed to accommodate the trail.
 - v. District shall install a self-closing gate where the trail passes through existing fencing at the northern end of the Easement, to prevent Grantor's cattle from using the trail to wander off Grantor's property. District shall also repair the existing fence in the immediate vicinity of this gate. District shall install a second self-closing gate at the southern end of the Easement, if Grantee determines a gate is needed to prevent cattle from using the trail to wander off Grantor's property.
 - vi. District shall install signs at each location where the trail enters or leave the Easement, which shall indicate the trail is on private property and that the public must stay on the trail while on private property. In addition, at the northern and southern ends of the Easement, the District shall post the regulations which apply to public use of the trail, and provide information on how to report problems or concerns to the District. The District shall also install directional arrows and signs as needed elsewhere along the trail to clearly delineate the trail route.
- (5) Grantor may, at Grantor's sole determination, allow motorized access across Grantor's property for the purpose of transporting tools and supplies. Unless specific permission is given by Grantor to allow motorized access across Grantor's property, all construction-related tools and supplies shall be delivered to the construction site utilizing adjacent public lands and the area designated as the trail easement.
- (6) In the event any motorized equipment is used during construction, the following restrictions shall apply:
- (i) Only the necessary amount of fuel and fuel mixtures to operate the machinery may be brought on site.
 - (ii) No flammable products shall be stored or left on site.
 - (iii) District shall report immediately any spill of contaminants to Grantor, and District shall be solely responsible for any clean-up of such contaminants in compliance with all applicable local state and federal laws.
 - (iv) All power equipment shall have spark arrestors.
 - (v) Fire extinguishers and five gallon water dumps shall be located on site when operating power equipment.
- (7) The following fire safety procedures shall be followed:
- (i) District personnel or authorized representatives supervising trail construction shall have functioning cell phones to be able to promptly report any fire.
 - (ii) No construction will take place during days of extreme fire danger.
 - (iii) No smoking, campfires or use of cooking stoves will be allowed while on property owned by the Grantor.

(8) The property owned by the Grantor is used for cattle grazing. In the event cattle are on the property while construction is taking place, the District shall be responsible for ensuring that nothing is done to harm the cattle.

(9) Upon completion of trail construction, District shall document trail conditions with photos as a way of monitoring future use impacts.

Operations

(1) Use Restrictions. The following regulations shall be posted on signs located at the northern and southern ends of the Easement:

- (i) Observe and follow all trail signs
- (ii) Stay on the designated trail while crossing private property
- (iii) Possession of firearms, hunting and shooting are not allowed while crossing private property,
- (iv) No smoking or fires while crossing private property.
- (v) No camping while crossing private property.
- (vi) No picking, cutting, capture, removal or harassment of plants and animals.
- (vii) No mountain bicycles, horses, or motorized vehicles of any type.
- (viii) No prospecting.
- (ix) Trail users must pack out what they pack in.

(2) Trail Patrols. The District shall periodically patrol the trail and nearby area, using either District personnel or trained volunteers. The frequency of patrols will be increased or decreased in response to actual experience. Trail patrols shall:

- (i) Monitor trail conditions and report any damage, erosion or safety hazards to District.
- (ii) Inspect trail signs and make repairs as needed.
- (iii) Collect and pack out any litter

(3) Trail Closure. The trail is intended as a four-season trail, for public use throughout the year. However, due to weather, fire, downed trees, mud flows, emergency conditions, or other adverse conditions identified by Grantor and District, which unduly threaten public health and safety, the natural resources of the property, and/or cattle operations, District will enact temporary closures to public use. Trail closures will be posted at the northern and southern ends of the Easement.

(4) Trespass. If trespass by the general public occurs from the trail corridor onto other properties owned by Grantee, the District will employ reasonable and appropriate measures to deter trespass, including installation of additional signage, and repair of fencing where the trail corridor abuts public lands. Grantee acknowledges that occasional trespass by hunters and others onto Grantee's property has long been a concern, is beyond the ability of the District to control. Other than the reasonable and appropriate measures described in this paragraph, Grantee therefore agrees District is not obligated to control trespass. .

(5) Grantee's Personal Use of Easement Area. The Easement provides that Grantee may make reasonable personal use of the trail specifically and the Easement area generally, for purposes including but not limited to cattle grazing, the application of herbicides, and fire suppression activities. Such use shall not create any lasting conflict with or harm to the purposes of the Easement. In the event use by Grantee of the trail and Easement area has temporary effects which could adversely impact public use of the trail, Grantee shall make a good faith effort to provide sufficient advance notice to District so that District can take appropriate actions, such as providing appropriate notice to the public or temporarily closing the trail to public use.

(6) Maintenance. District shall employ best management practices to ensure that the trail and adjacent area is properly maintained as a hiking-only wilderness trail. District's maintenance responsibilities include repair of trail signs, repair of trail tread, clearing of brush and tree limbs which may block the trail, repair of trail hazards that could be detrimental to general public safety, repair of gates and fencing installed by District, and cleanup of any litter caused by general public use of the Easement.

(7) Adaptive Management. Grantee and District recognize that conditions may change over time, and agree to work together cooperatively to review and amend this Operations and Management Plan to respond to changing conditions.

IN WITNESS of the foregoing provisions, the Parties hereby approve this Operation and Management Plan, which shall be incorporated into the Ahmann Property Trail Easement Deed and Agreement dated February 24, 2009, and agree to be bound by its terms and conditions.

“GRANTEE”

By: _____
John Ahmann

Date: _____

By: _____
Judy Ahmann

Date: _____

“DISTRICT”

By: _____

Date: _____

Title: _____

APPROVED AS TO FORM
Office of District Counsel

By: _____

Date: _____

**APPROVED BY THE NAPA COUNTY
REGIONAL PARK AND OPEN SPACE
DISTRICT BOARD OF DIRECTORS**

Date: _____

Processed by: _____

District Secretary



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: March 8, 2010
 Agenda Item: 4.D
 Subject: Consideration and potential adoption of a Negative Declaration under the California Environmental Quality Act for Sections 7 and 8 of the Napa River and Bay Trail, authorization for the Board President and/or General Manager to execute those documents and take those actions necessary to complete construction and begin operation of the trail, and approval of related budget amendments for FY 2009-10.

Recommendation

- (1) Adopt a Negative Declaration under the California Environmental Quality Act for Sections 7 and 8 of the Napa River and Bay Trail.
- (2) Authorize the Board President and/or General Manager to (a) apply to the City of Napa for a Use Permit for the trail, (b) accept trail easements where the trail crosses through the Napa Valley Corporate Park, (c) obtain permission from the California Department of Transportation to construct and operate the section of the trail crossing state land, (d) amend Napa County Agreement No 6782 to allow the District to construct and operate the trail where it utilizes the Soscol Ferry Road right-of-way, (e) execute a grant funding agreement to pay for construction of the trail, (f) enter into a professional services contract to prepare construction and bid documents, and (g) take any and all other actions necessary to complete construction and begin operation of the trail.
- (3) Amend the FY 2009-10 budget to increase the Napa River and Bay Trail project account by \$30,000 and decrease the Contingency/Special Projects account by an equivalent amount.

Background

Sections 7 and 8 of the proposed Napa River and Bay Trail start at the western end of Soscol Ferry Road, go under the Butler (Highway 29) bridge, cross the Napa Valley Corporate Park and end at property that fronts on Anselmo Court just south of the Napa Pipe property.

The District on January 29, 2010 issued for public comment a Notice of Intent to Adopt a Negative Declaration under the California Environmental Quality Act. The comment period ended on March 3, 2010. One comment was received from the owner of the telecommunications business located within the Napa Valley Corporate Park adjacent to the proposed trail alignment. After discussing the project, they expressed no concerns provided that 4-strand wire (“open space”) style fencing separates the trail from their property, and that appropriate signage indicating the extent of the public right of way be installed. At the request of Caltrans staff, additional documentation from the County Traffic Engineer was produced to demonstrate the trail will not have any significant adverse traffic impacts. Finally, several minor corrections to the biological assessment were requested by Friends of the Napa River. Staff recommends the Board adopt the Negative Declaration, amended to

indicate the open space fencing referenced above is included in the project description, incorporating the additional traffic analysis by reference, and making the changes to the biological assessment requested by Friends of the Napa River.

District staff about two weeks ago learned the District may be able to obtain \$183,000 of Federal Stimulus funding for this project, provided the funding can be obligated within approximately 90 days. This tight time frame will be a challenge to meet. The entities which need to approve the necessary permits and documents have all verbally indicated their support, so as long no unexpected problems arise it should be possible to make the funding deadline.

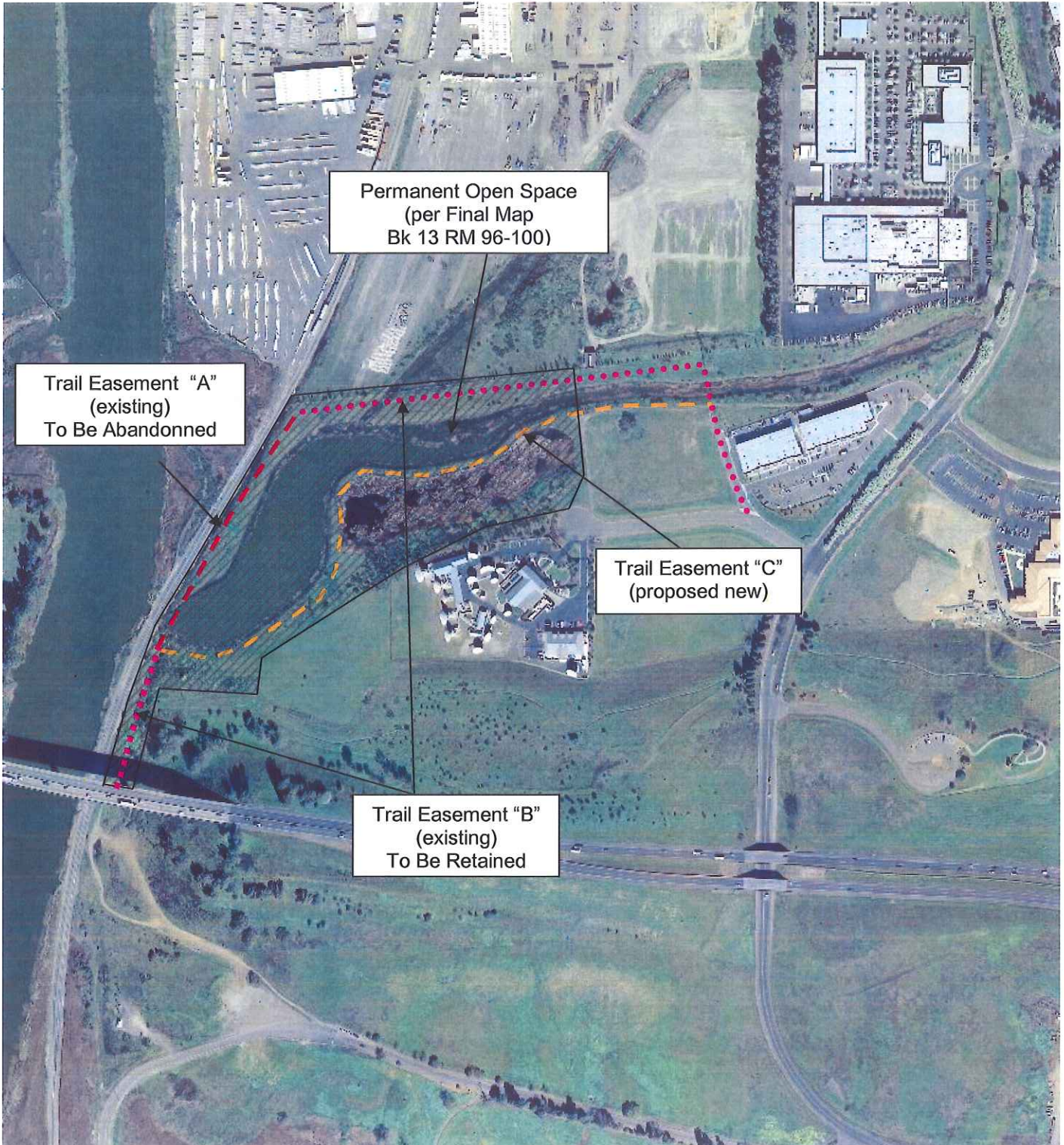
Because \$183,000 is not enough to do the full project, and there is not sufficient time to obtain other matching funds, staff is proposing to use the grant funds for a reduced-scope project. This means doing everything up to but not including paving of the trail with asphalt at this time. Instead of paving, the trail will be surfaced with compacted decomposed granite, quarry fines or similar product. This will provide an ADA-complaint trail that can be used now; the trail can be paved at a future date when additional funds are obtained.

To meet this deadline, an engineering firm will need to be brought under contract within the next few weeks to prepare construction plans and bid documents. This is estimated to cost about \$20,000. The District will need to use some of its reserves for this purpose. The District currently has undesignated reserves in this year's budget of \$44,130. Staff is recommending increasing the Napa River and Bay Trail project account in the FY 2009-10 budget by \$30,000, and decreasing the Contingencies/Special Projects category by an equivalent amount. This is more than the estimated cost of preparing construction plans and bid documents, so that there will be an estimated \$10,000 available to cover potential but as yet unknown other costs with the project, such as easement recording fees or additional field survey work. With the requested budget transfer, approximately \$14,000 will remain in the Contingencies/Special Projects category.

It should be noted that if for some reason the anticipated grant funding to construct the trail does not come through, all of the other requested actions will still be worth doing so that the project has all of its approval and permits and is ready to go when construction funding does become available.

Napa River and Bay Trail

**Proposed Alignment Amendment
Napa Valley Corporate Park**



NAPA COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT
 1195 3rd Street, Suite 210
 Napa, CA 94559
 (707) 259-5933

Notice of Intent to Adopt a Negative Declaration

1. **Project Title:** Napa River and Bay Trail: Soscol Ferry Road to San Anselmo Court Segment
2. **Property Owner:** A portion of this trail segment is owned by Napa County, a portion is owned by CalTrans, a portion is owned by VCC-Napa LLC, and a portion is owned by Napa Redevelopment Partners LLC.
3. **Contact person and phone number:** John Woodbury, General Manager, (707) 259-5933, jwoodbury@ncrposd.org
4. **Project location and APN:** This trail segment will begin at Soscol Ferry Road, APN 046-400-015, proceed over land owned by CalTrans as part of the State Highway 29 corridor, connect to land owned by VCC-Napa LLA, APN 046-630-007, and either terminate at Anselmo Court, a public way, or proceed over land of Napa Redevelopment Partners, LLC, APN 046-630-008, and terminate at land owned by Napa Pipe. This segment of the trail is partially within Napa County and partially within the City of Napa. The project is within AW (Agricultural Watershed) and AC (Airport Compatibility) Napa County zoning, and AR(Agricultural Resource) City of Napa zoning.
5. **Project Sponsor's Name and Address:** Napa County Regional Park and Open Space District, 1195 Third Street, Ste 210, Napa, Calif. 94559
6. **Hazardous Waste Sites:** This segment of the Napa River and Bay Trail is not on any of the lists of hazardous waste sites enumerated under Government Code §65962.5.
7. **Project Description:** The Napa River and Bay Trail Project is a proposal to construct a multi-use trail (hiking and bicycling) public trail that will provide the only trail link between the cities of American Canyon and Napa. The trail will provide exceptional bird viewing, as well as interpretation and educational opportunities. The segment that stretches from Soscol Ferry Road to San Anselmo Ct is .8 miles long and runs along the Napa River to the east of the Southern Pacific Railroad. Access to this segment of the trail will be from Soscol Ferry Road, a public way, and from Anselmo Court, a public way. Parking is available on Soscol Ferry Road. A pedestrian gate will be constructed at Soscol Ferry Road to get around a border fence on the property of Napa Sanitation District. A 6-foot security fence will be installed where the trail is adjacent to the railroad tracks. A 4-strand wire wildlife fence will be installed to protect wetland areas. The trail alignment runs along Soscol Ferry Road, crosses under Highway 29 on land owned by Caltrans, and proceeds north on land owned by VCC-Napa, also known as the Napa Valley Corporate Park, and Napa Redevelopment Partners. The trail will be 8-feet wide and constructed out of stabilized quarry which is a semi-permeable, stable surface.

PRELIMINARY DETERMINATION:

The Napa County Regional Park and Open Space District has tentatively determined that the Napa River Trail: Soscol Ferry Road to Napa Pipe Segment would have a less than significant effect on the environment and the District intends to adopt a **negative declaration**. Documentation supporting this determination is contained in or referenced by the attached Initial Study Checklist and is available for inspection at the Napa County Regional Park and Open Space District office, 1195 Third St., Suite 210, Napa, California 94559 between the hours of 9:00 AM and 4:45 PM Monday through Friday (except holidays).

DATE:

BY: John Woodbury

WRITTEN COMMENT PERIOD: March 3, 2010

Please send written comments to the attention of John Woodbury at 1195 Third St., Suite 210, Napa, Calif. 94559, or via e-mail to jwoodbury@ncrposd.org.

Initial Study Checklist

1. **Project Title:** Napa River and Bay Trail: Soscol Ferry Road to San Anselmo Court Segment
2. **Property Owner:** A portion of this trail segment is owned by Napa County, a portion is owned by CalTrans, a portion is owned by VCC-Napa LLC, and a portion is owned by Napa Redevelopment Partners LLC.
3. **Contact person and phone number:** John Woodbury, General Manager, (707) 259-5933, jwoodbury@ncrposd.org
4. **Project location and APN:** This trail segment will begin at Soscol Ferry Road, APN 046-400-015, proceed over the right-of-way of the western segment of Soscol Ferry Road which is currently closed to motorized traffic, then over land owned by CalTrans as part of the State Highway 29 corridor, connect to land owned by VCC-Napa LLA, APN 046-630-007, and either terminate at Anselmo Court, a public way, or proceed over land of Napa Redevelopment Partners, LLC, APN 046-630-008, and terminate at land owned by Napa Pipe. This segment of the trail is partially in Napa County and partially in the City of Napa. The project is within AW:AC (Agricultural Watershed:Airport Compatibility Combining District) county zoning for the Soscol Ferry Road segment and RA (resource area) city zoning for the VCC-Napa and Redevelopment Partners parcels.
5. **Project Sponsor's Name and Address:** Napa County Regional Park and Open Space District, 1195 Third Street, Ste 210, Napa, Calif. 94559,

6. **General Plan Description**

The portion of the trail within the County is in Cities and Public Institutional section of the General Plan. The portion in the City is in the Resource Area section.

County: Cities and Public Institutional: The Napa County General Plan refers to these parcels as those lands set aside for existing and future uses of a governmental, public use, or public utility nature such as a public hospital, public use airport, sanitation district facilities, government equipment yard, state or federal administrative offices, recycling-composting facilities, or any other facilities for which the determination set forth, pertaining to criteria for eminent domain in the California Civil Code Section 1245.230(c)(1)-(3).

City: Resource Area: The City of Napa General Plan refers to these parcels as sensitive lands inside the RUL that require special standards due to viewshed, resource, habitat, geotechnical or other considerations that further the conservation and resource protection goals of the General Plan. Limited, very low-density residential use is permitted, with discretionary review of the site development details. Other low intensity uses, such as rural residential or agriculture, may be considered at the discretion of the City on a case by case basis. All uses will be assessed to determine if they will impact or change the underlying character or feature that is intended for preservation by the RA designation.

7. **Current Zoning**

County: AW:AC (Agricultural Watershed:Airport Compatibility)
City: AR (Agricultural Resource)

8. **Project Description:** The Napa River and BayTrail Project overall is a proposal to construct a multi-use trail (hiking and bicycling) public trail that will provide the only non-motorized link between the cities of American Canyon and Napa. The trail will provide exceptional bird viewing, as well as interpretation and educational opportunities. The segment which is the subject of this Initial Study stretches from Soscol Ferry Road to San

Anselmo Ct. is .8 miles long and runs along the Napa River to the east of the Southern Pacific Railroad. While it ultimately may be part of the larger Napa River and Bay Trail Project, the subject segment is a viable stand-alone segment, and will be useful regardless of whether the larger trail project is completed. The remaining uncompleted portion of the Napa River and Bay Trail project involves very different environmental, construction and financing issues and will be the subject of a separate review process at a later date.

Access to the Soscol Ferry Road - San Anselmo Ct. segment of the trail will be from Soscol Ferry Road, a public way, and from Anselmo Court, a public way. Parking is available along Soscol Ferry Road. Gates will be constructed at both ends of the trail to allow pedestrians and bicycles while excluding non-authorized motor vehicles. A 6-foot security fence will be installed between the railroad tracks and the trail where the trail parallels the tracks. A 4-foot wildlife fence will be installed to protect wetland areas. The trail alignment runs along Soscol Ferry Road, crosses under Highway 29 on land owned by Caltrans, and proceeds north on land owned by VCC-Napa and Napa Redevelopment Partners, also known as the Napa Valley Corporate Park. The trail will be 8-feet wide and constructed out of stabilized quarry fines which provide a semi-permeable, stable, ADA-compliant surface. See attached map for trail location.

9. Environmental Setting and Surrounding Land Uses:

The project encompasses three legal parcels that contain wetlands and grasslands typically found along the Napa River. There is an existing dirt road on one of the parcels and dirt trails on the other two parcels that will be utilized to create this segment of the Napa River and Bay Trail. The public currently uses the western section of Soscol Ferry Road which is closed to vehicular traffic for recreation (primarily fishing) though they are not officially designated as open to the public. On the parcels adjacent to the Napa Valley Corporate Park, some restoration work consisting of plantings of native trees was done. The trail alignment is near the Napa Sanitation District, 1.2 miles from the Napa County Airport, and partially adjacent to the Union Pacific Rail Line which parallels the Napa River.

10. Other agencies whose approval is required: The following agencies have review and/or approval authority over the project:

Responsible (R) and Trustee (T) Agencies:

Trustee: California Department of Fish and Game
Bay Area Air Quality Management District
San Francisco Regional Water Quality Control Board
US Fish and Wildlife Service

Responsible: Caltrans (encroachment permit)
City of Napa (use permit)
County of Napa (management agreement for use of road right-of-way)

Other Agencies Contacted:

Napa Sanitation District
Napa County Airport
Napa County Airport Land Use Commission
Napa County Flood Control and Water Conservation District

ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:

The conclusions and recommendations contained herein are professional opinions developed in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, Napa County General Plan, updated 2008, City of Napa General Plan Vision 2020, 2002 Aerial Photography, and a Habitat Survey by Questa Engineering subcontractors Michael Morangio, wildlife biologist and Nick Duffert, environmental

scientist. For further information, please see the permanent record file on this project, available for review at the offices of the Napa County Regional Park and Open Space District, 1195 Third Street, Rm 210 Napa, CA

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

BY: John Woodbury
Napa County Regional Park and Open Space District

Date

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I.	AESTHETICS. Would the project:				
	a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a.-d. The trail is not located near a designated scenic byway. The trail will afford unimpeded visual access by the public to the Napa River that currently does not exist. No construction is proposed other than minor informational and directional signage, installation of gates for controlling access and a security fence along the railroad tracks that will not impede the view of the Napa River. No trees, rock outcropping, historic buildings, or other visually attractive features will be adversely affected. No lighting will be installed on the trails.

Mitigation Measures: None are required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
II.	AGRICULTURE RESOURCES. Would the project:				
	a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Important (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a-c. None of the property is currently used or appropriate for agricultural purposes. The trail is located along an existing levee/service road and under a highway in part and along the Napa River in part. Both locations are inappropriate for future agricultural use, thus the trail is not likely to result in any farmland conversion. There is no Williamson Act contract on any of the parcels.

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a.-e. Only an insignificant amount of earthmoving is proposed as part of the project to flatten the trail surface prior to applying stabilized quarry fines, so no measurable airborne dust will be caused by construction activities. The surface of the trail will be constructed with stabilized quarry fines, so that public use will not produce any dust. The two adjacent land users, Napa Sanitation District and the Napa Valley Corporate Park, are not considered sensitive receptors. No pollutants or odors will be generated by the project.

Mitigation Measure(s): None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	26 Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a.-b The general project area consists of a mixture of upland areas having a cover mainly of introduced annual grasses, and ruderal (disturbed) areas. Coyote bush has colonized a portion of the disturbed upland area through which the trail alignment would pass.

There are several isolated patches of wetland adjacent to or near the proposed trail alignment. This includes wetlands along the edge of the Napa River, and along the perimeter of the proposed trail alignment in two adjacent created wetland areas. The created wetlands consist of 1) a tidal lagoon connected to the Napa River via tide gates under the riverside railroad embankment levee, and 2) a small freshwater pond receiving local runoff. These lagoons were created as part of a mitigation project for an adjacent business park (Napa Valley Corporate Park) approximately 15 years ago.

The small tidal lagoon is primarily deep water, but is ringed by a 2-3 foot wide pickleweed/saltgrass zone, while the freshwater lagoon is ringed by a wider zone of tules, cattails, and some willows. A service road located on top

of a berm or levee separates the tidal lagoon from the freshwater pond. The proposed trail would follow the service road in this area. A number of native oaks, buckeyes, and other trees have been planted on upland areas within the mitigation parcel. Most are relatively small (less than 15-feet tall) and several of the planted trees have died.

There is also a small isolated depression immediately north of the Hwy 29 overpass that may meet wetland criteria. The proposed alignment would entirely avoid all of these wetland areas.

As stated above, upland vegetation along most of the trail is dominated by non-native ruderal species. Dominant upland species include soft brome (*Bromus hordeaceus*), bird's-foot trefoil (*Lotus cornicalutas*), coyote bush (*Baccharis pilularis*), Italian ryegrass (*Lolium multiflorum*), spear saltbrush (*Atriplex patula*), black mustard (*Brassica negra*), and seaside barley (*Hordeum marinum*). Wetland species include Baltic rush (*Juncus balticus*), pickleweed (*Salicornia virginica*), gumweed (*Grindelia sp.*), curly dock (*Rumex crispus*), cattail (*Typha latifolia*), saltgrass (*Distichlis spicata*) and salt-marsh bulrush (*Scirpus robustus*).

No special status plant or animal species have been observed in the vicinity of the proposed alignment during several reconnaissance site visits. However, review of California Natural Diversity Database records (CNDDDB 2009) and other sources identified a number of potential special status species and several confirmed in the general vicinity of the proposed trail. These include 11 plant species, 1 reptile, 9 birds, and 2 mammals (see **Table 1**, below).

**Table 1: Special Status Species with
Potential to Occur in the Vicinity of the Napa River Trail**

Scientific Name	Common Name	Fed/State/CNPS Status	Preferred Habitat	Likelihood of Occurrence in the Project Area
PLANTS				
<i>Astragalus tener</i> <i>var. tener</i>	Alkali milk-vetch	SC/-/1B.2	Playas, valley and foothill grassland and vernal pools; often on alkaline soils; blooms Mar-June; elevation range 1 - 60 m.	Not likely to occur within immediate project impact area. The project vicinity may contain suitable habitat. Soil salinity/alkalinity conditions do not appear suitable, and the dense emergent marsh vegetation would likely crowd out this species. However, the nearest occurrence, located 0.6 mi. NE of the project, has been extirpated in the constructed mitigation freshwater wetlands.
<i>Atriplex joaquiniana</i>	San Joaquin spearscale (=saltbush)	SC/-/1B.2	Chenopod scrub, meadows and seeps, playas and valley and foothill grassland; typically with alkaline soils; blooms Apr-Oct; elevation range 1 - 835 m.	Low potential to occur within the project impact area. The project vicinity may contain some suitable habitat, however conditions in the mitigation wetlands are marginal. A known population is located 1.9 mi N of the project site
<i>Cordylanthus mollis</i>	Soft bird's beak	E/R/1B.2	Coastal saltmarsh, riparian wetlands	Very low potential to occur in adjacent tidal lagoon, but not in immediate project impact area. Thin bank of pickleweed provides marginal habitat conditions. Natural recruitment of this species into mitigation wetlands is very problematic. Known from about 1.8 mi S.
<i>Downingia pusilla</i>	Dwarf downingia	-/-/2.2	Valley and foothill mesic grassland, vernal pools; blooms Mar-May; elevation range 1 - 445 m.	Not likely to occur in immediate project area. Grasslands in vicinity disturbed during mitigation site construction and not reported in Napa Valley Corp. Park environmental documents. The project vicinity may support some suitable habitat. Although the nearest occurrence is located about 0.4 miles NE of the project site, it is apparently extirpated.
<i>Lasthenia conjugens</i>	Contra Costa Goldfields	-/-/1B.1	Valley vernal pools and other wetlands	Not likely to occur in immediate project area. No vernal pools in project vicinity, although vernal pools to the south and east on Napa Sanitation District property. Known from 0.7 mi E of the project site.

Scientific Name	Common Name	Fed/State/CNPS Status	Preferred Habitat	Likelihood of Occurrence in the Project Area
<i>Lathyrus jepsonii</i> <i>var. jepsonii</i>	Delta tule-pea	SC/--/1B.2	Marshes and swamps (freshwater and brackish); blooms May-Sep; elevation range 0 - 4 m.	Not likely to occur within the immediate project impact area. Low to moderate potential to occur in adjacent mitigation ponds, although dense cattails/tules would likely crowd out and prevent recruitment. Occurrences known within the project vicinity along the Napa River.
<i>Legenere limosa</i>	False Venus' looking glass	--/--/1B.1	Vernal pools	Not likely to occur in immediate project area. No vernal pools in project vicinity, although vernal pools to the south and east on Napa Sanitation District property. Recorded observations 1 mi E.
<i>Lilaeopsis masonii</i>	Mason's lilaeopsis	SC/R/1B	Marshes and swamps (brackish or freshwater), riparian scrub; blooms Apr-Nov; elevation range 0 - 10 m.	Not likely to occur in immediate project impact area, low potential to occur in adjacent wetlands. The project area may contain potentially suitable habitat. The species is known to occur in remnant wetlands along the Napa River in the project vicinity, but recruitment to mitigation wetlands through tide gate is very problematic.
<i>Polygonum marinense</i>	Marin knotweed	SLC/--/3	Marshes and swamps (coastal salt or brackish); blooms Apr-Oct; elevation range 0 - 10 m.	Not likely to occur in immediate project impact area, low potential to occur in adjacent mitigation wetlands. The project area contains some potentially suitable habitat but recruitment to mitigation wetlands is problematic. The nearest occurrences are 1.7 mi SW
<i>Symphotrichum lentus</i>	Suisun Marsh aster	SC/--/1B	Marshes and swamps (brackish and freshwater); blooms May-Nov; elevation range 0 - 3 m.	Not likely to occur in immediate project impact area. The project vicinity has suitable high marsh habitat in several areas. The project area contains some potentially suitable habitat but recruitment to mitigation wetlands is problematic. The nearest occurrence is located 1.mi N
<i>Trifolium depauperatum</i> var. <i>hydrophilum</i>	saline clover	SC/--/1B	Marshes and swamps, valley and foothill grassland (mesic, alkaline), vernal pools; blooms Apr-Jun; elevation range 0 - 300 m.	Low potential to occur. The general project area previously contained a population which is now extirpated.
AMPHIBIANS AND REPTILES				

Scientific Name	Common Name	Fed/State/CNPS Status	Preferred Habitat	Likelihood of Occurrence in the Project Area
<i>Actinemys marmorata marmorata</i>	Northwestern pond turtle	SC/SSC/--	Inhabits a variety of aquatic habitats with permanent or nearly permanent water. Requires basking sites.	Moderate to high potential to occur. Known to occur in the Napa River. Not observed during several site reconnaissance visits.
Birds				
<i>Agelaius tricolor</i>	Tricolor blackbird	--/SC/--	Colonial nesting in lowland wetlands	High potential to occur. Known to have nested on the project site. Not observed during several site reconnaissance visits.
<i>Aquila chryaetos</i>	Golden eagle	--/-/-- (federally protected under the Bald Eagle Protection Act of 1962)	Found in open and semi-open habitats from sea level to 3600 m elevation. Inhabit tundra, shrublands, grasslands, woodland-brushlands, and coniferous forests. Most found in mountainous areas, but also nest in wetland, riparian and estuarine habitats.	Potential for foraging but not nesting. Known nest site is 0.9 mi WSW
<i>Athene cunicularia hypugaea</i>	Western burrowing owl	SC/SSC/--	Inhabits open, grasslands and scrublands characterized by low-growing vegetation. Subterranean nester dependent upon burrowing mammals.	Moderate potential to occur. Levees with burrows provide suitable habitat for burrowing owls. The nearest known occurrence is located 1.7 mi. SE of the project site. Not observed during several site reconnaissance visits.
<i>Buteo regalis</i>	Ferruginous hawk	SC/SSC/--	Inhabits open grasslands, low foothills and desert scrub; nests in trees, low cliffs, and other elevated structures. Eats mainly lagomorphs, and other small mammals; also birds, amphibians, and reptiles. No nesting records in California.	Low Potential to occur. Site offers some foraging habitat. There are no known occurrences in the project vicinity.
<i>Buteo swainsoni</i>	Swainson's Hawk	--/-/--	Roosts in open areas, usually in a lone tree or utility pole. Tolerant of heat; nest often unshaded. No breeding records from California. Nests in foothills or prairies; on low cliffs, buttes, cut banks, shrubs, trees, or in other elevated structures, natural or human-made.	Potential nesting in site vicinity. Known nesting 0.9 mi SE
<i>Elanus leucurus</i>	White-tailed (=black shouldered) kite	SC/FPI/--	Nests in dense oak, willow, or other tree stands near open grassland meadows, farmlands, and emergent wetlands.	Known to be present. The general project area provides suitable foraging and nesting habitat.
<i>Geothlypis trichas sinuosa</i>	Saltmarsh common yellowthroat (=San Francisco) common yellowthroat	SC/SSC/--	San Francisco Bay region in fresh and saltwater marshes with thick continuous cover to water surface, tall grasses, tule patches and willows for nesting.	Moderate to high potential to occur in adjacent freshwater wetlands. The project area offers some suitable foraging habitat and little nesting habitat. The nearest occurrence is located 1.3 mi N

Scientific Name	Common Name	Fed/State/CNPS Status	Preferred Habitat	Likelihood of Occurrence in the Project Area
<i>Laterallus jamaicensis coturniculus</i>	California black rail	--/T/--	Mainly inhabits salt marshes bordering large bays. It inhabits saltwater, brackish, and freshwater marshes. Nests and forages in dense pickleweed.	Very low Potential to occur in adjacent tidal lagoon. Project area has minimal suitable nesting and foraging areas. Nearest occurrence is about 1.9 mi SSW
<i>Rallus longirostris obsoletus</i>	California clapper rail	E/E/--	Restricted to salt marshes and tidal sloughs; usually associated with heavy growth of pickleweed; feeds on mollusks removed from the mud in sloughs.	Very low potential to occur in adjacent tidal lagoon. Project area has minimal suitable habitat. Nearest occurrences 1.7 mi S
MAMMALS				
<i>Reithrodontomys raviventris</i>	Salt marsh harvest mouse	E/E/--	Salt marshes with a dense plant cover of pickleweed and fat hen adjacent to an upland site.	Very low potential to occur in adjacent tidal lagoon. Project area has minimal suitable habitat. Although they are known from within 0.2 mi of the project site, Minimal habitat requirements are present in salt marsh fringe.
<i>Taxidea taxus</i>	Badger	--/SSC/--	Sandy uplands with supply of rodents	Unlikely to be present. Old record known from about 1.8 mi W

- E – Endangered under the Federal or State Endangered Species Act
T – Threatened under the Federal or State Endangered Species Act
SC – Federal species of concern
SLC – Federal species of local concern
R – California rare species
California Native Plant Society (CNPS)
1B – Plant species that are rare, threatened, or endangered in California and elsewhere
2 – Plant species that are rare, threatened, or endangered in California but more common elsewhere
3 – Plant species about which we need more information (a review list)
E – Endangered under the Federal or State Endangered Species Act
T – Threatened under the Federal or State Endangered Species Act
P – Proposed for federal listing status under the Federal Endangered Species Act
C – Candidate for listing status
SC – Federal species of concern
SSC – California species of special concern

Special Status Plant Species

Of the plants listed in **Table 1**, at least 7 have some potential to be present within the general project area, but are very unlikely to be present within the immediate impact area of the trail alignment. These include alkali milk-vetch (*Astragalus tener var. tener*), San Joaquin spearscale (*Atriplex joaquiniana*), Soft bird's beak (*Cordylanthus mollis*), Contra Costa goldfields (*Lasthenia conjugens*), Delta tule-pea (*Lathyrus jepsonii var. jepsonii*), Mason's lilaepsis (*Lilaeopsis masonii*), and Suisun Marsh aster (*Symphotrichum lentus*). According to CNDDDB GIS data, Delta tule-pea and Mason's Lilaepsis are mapped as occurring within the project vicinity (**Table 1, Special Status Species**). Known populations of this species are present along the edge of the Napa River within small brackish wetlands, although no individuals of these species have been observed within the immediate impact area during several reconnaissance visits.

Vegetation at the project site was inventoried as part of a Preliminary Wetland Delineation completed for the Napa River/San Francisco Bay Trail Feasibility Study (Questa, December 2006). No special status or rare plants were observed during this survey, or during subsequent biological reconnaissance site visits, although no detailed floristic surveys during plant specific flowering periods have been completed. There are no historic observations of these species within the immediate trail impact area (CNDDDB, 2009).

The sensitive plant species listed above have exacting ponding, soil moisture and salinity requirements that do not appear to be fully met within the immediate project vicinity. Some potentially suitable habitat may be present for several sensitive plant species in the adjacent tidal lagoon and freshwater mitigation wetland, but their natural dispersal mechanics generally preclude recruitment into newly established habitat and mitigation areas. Several of the plants in Table 1 occur in native grasslands and associated vernal pools. These were not identified as being present in the Napa Valley Corporate Park environmental document, and nearly all of the adjacent upland grasslands have been highly disturbed during construction of the Business Park, the mitigation wetlands, and the earlier construction of the Highway 29 over-pass. Given these plants strict habitat requirements, disturbance history, a lack of historic and recent observations, and problematic dispersal into created habitat, it is highly unlikely that these species inhabit the immediate project vicinity. Regardless of habitat suitability, any potential impacts have been avoided by positioning the trail alignment outside of suitable habitat. Accordingly, no impacts to special status plant species are anticipated, and no focused floristic surveys are recommended to address their potential presence. Nonetheless, project implementation will include adherence to Environmental Commitment-1, which includes a generalized preconstruction survey for obvious special status plant and animal species (described at the end of this section). Additional Environmental Commitment 2 through 8 will further reduce potential impacts to sensitive plant species through training of all construction personnel in sensitive species habitat avoidance, use of exclusion fencing along adjacent wetlands during construction and replacement with permanent field fencing, and the presence of a qualified Biological Monitor during all work near sensitive habitat.

Special Status Amphibians

The Northwestern pond turtle, a state species of special concern, inhabits a variety of habitats, preferring riparian areas such as slow-moving streams, ponded areas, large rivers, and sloughs. This species requires deep waters, good vegetation cover, and basking sites. While no individuals of this species were observed during numerous biological reconnaissance visits, they are known to inhabit the Napa River and could potentially occur in wetland or ponded areas in the project vicinity.

If present, the turtle would utilize wetted areas outside of the proposed alignment. No long-term impacts are anticipated as a result of project construction, as the trail would not encroach upon potential turtle habitat. Any potential impacts to this species as a result of project implementation would be entirely limited to potential habitat damage during the construction phase.

If improperly managed, construction activities could adversely impact this species or their nesting sites (if present). Potential direct impacts include running over/stepping on turtles or their nests. Indirect impacts would be those associated with habitat degradation as a result of construction. Construction activities could also potentially expose soils, create erosion, and otherwise contribute sediment to waterways and wetlands. Contaminants, including gasoline, lubricants, and others associated with heavy equipment could potentially leak or be spilled. These potential impacts will be avoided through implementation of Environmental Commitment 1 through 8, outlined at the end of this section which include preconstruction surveys, worker education, exclusion fencing, employment of appropriate construction techniques, and presence of a Biological Monitor during work in sensitive areas.

Although not listed in Table 1., California Red Legged Frog (CRLF), a fully state and federally protected endangered species deserves mention in this assessment, as the freshwater mitigation pond provides potentially suitable habitat. In general, CRLF has not been observed in this area, and no populations of CRLF have been previously determined to be present west of HWY 29. In addition, there are no streams that drain into the pond (originating east of HWY 29) that could potentially allow CRLF to disperse into this area. As with the Northwestern pond turtle, Environmental Commitment 1 through 8 would provide protection, if for some unknown reason, they were present.

Special Status Bird Species

Two special status birds are known to inhabit the project site in the vicinity of the created wetland ponds, the tricolor blackbird (*Agelaius tricolor*) and white-tailed kite (*Elanus leucurus*) (Table 1, Special Status Species). There

is a high potential for these species to nest within the vicinity of the proposed trail alignment. Habitat is also suitable for the Swainson's hawk (*Buteo swainsoni*) and saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*). These species have been observed less than two miles from the project site, though not in the vicinity of the proposed trail alignment. The Western burrowing owl (*Athene cunicularia hypugaea*) has also been observed nearby, but no burrows suggesting their presence were observed during several site reconnaissance visits.

Construction of the trail adjacent to nesting birds, including birds of prey, other special status species, and most migratory bird species could result in disturbance of nesting birds which would violate the Migratory Bird Treaty Act. Potential impacts to these species would be those associated with noise and intrusion, with destruction or degradation of habitat, or associated with direct take (i.e., stepping on or otherwise destroying individuals or their nests). Nesting habitat for these species is limited to areas with dense wetland vegetation, and in riparian trees. As stated, the proposed alignment would entirely avoid these areas, and would be located on existing service roads, and in a few areas on introduced grassland and disturbed ruderal areas. In addition, construction activities will only be allowed to take place outside of the known nesting periods of these birds (excluded March 1st through July 30th). No tree removal is proposed. Any potential impacts to these species would be limited to disturbance during construction phase.

If improperly managed, construction activities could adversely impact these species or their nesting sites (if present) including both direct and indirect impacts. Potential direct impacts include running over/stepping on birds and/or nests. Indirect impacts would be those associated with habitat degradation as a result of construction (inputs of sediment or contaminants to the waterway). These potential impacts will be avoided through implementation of Environmental Commitment 1 through 8, outlined at the end of this section.

Special Status Rodent Species

An endangered rodent, the salt marsh harvest mouse (SMHM), is known to inhabit salt marsh habitat within 0.2 mi of the project trail. Protected habitat is known near the project area. This includes coastal brackish marsh remnants along the Napa River (**Table 1, Special Status Species**).

The proposed alignment would be set back over 100-feet from the Napa River, and avoids adjacent wetland areas. Only the trail alignment near the created tidal wetland would border very marginal SMHM habitat (i.e., pickleweed dominated tidal wetlands). As indicated previously, only a narrow band of pickleweed surrounds the tidal lagoon.

The remnant salt marsh along the Napa River where SMHM is known to occur is separated from the tidal mitigation pond by a railroad levee and a series of tide gates, making the movement and relocation of SMHM to the tidal lagoon mitigation area very problematic. In addition, since the tidal wetland only has a 1 to 2 foot wide fringe of pickleweed and salt grass, suitable habitat is very marginal. It is therefore highly unlikely that this species inhabits the project vicinity. Nonetheless, Environmental Commitments (avoidance and minimization) including preconstruction surveys, worker education, exclusion fencing, and construction of open space fencing adjacent to sensitive habitat, appropriate construction techniques, and presence of a biological monitor during work in sensitive areas will be employed to further minimize potential impacts to this species. These measures are outlined at the end of this section (Env. Comm. 1-8).

- c. Natural wetlands and waters under the jurisdiction of the Army Corps of Engineers exist along the Napa River and at the two created mitigation water bodies in the project vicinity. In addition, a low wetland area draining west beneath railroad tracks and near the HWY 29 overpass is located just south of the western water body. Fill of this area could potentially constitute loss of wetlands. The final trail alignment entirely avoids these wetland areas.

Only a small area of ruderal and non-native grassland would be disturbed as a result of trail construction. The trail project does not propose any significant new facilities or uses, nor does it increase the potential for new facilities or uses which could impact biological resources.

No permanent impacts to Waters or Wetlands are anticipated as a result of the project, as the proposed alignment would entirely avoid such areas within the vicinity of the trail. If improperly managed, construction activities (i.e. equipment and materials staging) could adversely impact neighboring Waters/Wetlands in the vicinity of the created mitigation water bodies. Construction activities could potentially expose soils, create erosion, and otherwise contribute sediment to waterways and wetlands. Contaminants, including gasoline, lubricants, and others associated with heavy equipment could potentially leak or be spilled. These potential impacts would be minimized through implementation of Environmental Commitments 2, -3, -4, and -8 which include suitable construction techniques for working near wetlands sensitive habitats.

- d. There are existing fences along the border of adjacent properties erected by CalTrans and Napa Sanitation District. Additional fencing adjacent to sensitive habitat areas has been designed so that they do not adversely interfere with wildlife movement.
- e-f. There are no Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional, or state habitat conservation plans applicable to this segment of the trail.

Reference Sources: Habitat Survey by Michael Morangio, wildlife biologist and Nick Duffert, environmental scientist
Project Feasibility Study by Questa Engineering Corporation

Environmental Commitments

The District pledges that the project implementation shall include the following environmental commitments. A biologist report confirming that the following actions were taken will be completed at the end of construction.

1. *Preconstruction surveys, relocation, and avoidance.* Provision will include, but is not limited, to the following:

- *As close to the beginning of construction as possible, but not more than 14 days prior to construction, a qualified biologist shall conduct a final pre-activity survey of the construction zone to ensure that no special-status wildlife and/or plant species have recently occupied the site, including at a minimum those species described herein as potentially occurring (Table 1).*
- *If any disturbance might occur (field topographic surveys, geotechnical investigations, etc.) during the nesting season (generally between March 1st and July 31st), a nesting survey will be performed by a qualified biologist and nesting sites avoided or work delayed until fledging.*
- *If any special-status species are found, exclusion zones shall be established and maintained until all construction activities are completed. In some rare cases it may be preferable to remove and/or relocate the individual plant or animal (to be determined by qualified services-approved biologist in consultation with appropriate agency).*
- *If special-status species are found during the pre-construction survey, the biologist will be present immediately prior to construction activities that have the potential to impact special-status species to identify and protect potentially sensitive resources.*

2: *Construction staging and vehicle maintenance.* *The construction staging area and material storage shall be located a minimum of 50 feet away from wetland and sensitive habitat areas. A fueling and vehicle maintenance area shall be designated outside of wetland areas and at least 100-feet away from sensitive biological resources.*

3: *Project construction schedule.* *Construction activities shall be limited to the low-precipitation period to reduce the potential for impacts on sensitive, aquatic and wetlands habitat species and water quality. After construction is complete,*

areas disturbed by construction activities will be stabilized as needed to avoid increased erosion during subsequent storms and runoff.

4: Worker education. A construction worker education program shall be implemented that includes an explanation of all special-status animal species, identification, avoidance measures, and federal and state laws that protect the species. This shall include at a minimum those species described herein as potentially occurring in **Table 1**.

5: Temporary Rodent Exclusion. Herpetological and rodent exclusion fencing shall be erected around the perimeter of work areas adjacent to sensitive habitat and wetlands prior to construction initiation. Fencing shall remain until work in sensitive areas is complete.

6: Permanent Open Space Area Fencing. In areas where the trial alignment abuts wetlands and sensitive habitat, a four strand t-post wire fence will be permanently erected to preclude entrance into adjacent sensitive habitat.

7: Presence of Biological Monitor. A qualified Biological Monitor shall be present to oversee all work conducted adjacent to sensitive habitats and wetlands.

8: Development and Implementation of Stormwater Pollution Prevention Plan (SWPPP) and Spill Control and Counter Measures Plan (SCCP). A SWPPP and SCCP shall be developed as part of the final Construction Documents for implementation by the construction contractor. They will address site disturbance, vehicle deployment and fueling maintenance, hazardous materials handling, and erosion and stormwater management control. The following Best Management Practices (BMPs) will be employed as appropriate to prevent direct and indirect impacts to sensitive species and habitats. Each of these BMPs seeks to minimize the project construction impacts on aquatic and terrestrial environments.

Table 2. Project Best Management Practices

Potential Impact	BMP to Employ	Description of BMP
Discharge of pollutants associated with maintenance of construction equipment.	SC (Source Control)-20, 21,22 Equipment and Vehicle Maintenance	Methods to prevent or reduce the discharge of pollutants to stormwater from vehicle and equipment maintenance by conducting these activities off-site or in a designated area designed to contain spills and prevent runoff
Discharge of pollutants associated with cleaning of construction equipment.	SC-20, 21, 22 Equipment and Vehicle Cleaning	Practices to prevent or reduce the discharge of pollutants to stormwater from vehicle and equipment cleaning by using off-site facilities whenever possible, or by conducting these operations in designated, protected area.
Potential degradation of habitat quality to wildlife dependent on riparian areas.	SC-40 Biotechnical bank stabilization.	Use of "soft" bank repair/stabilization methods incorporating biological materials (seeds, plants, root wads) rather than or along with hard armoring. Employ the services of qualified staff (engineer, planner) or biotechnical specialist.
Increased hazard of erosion and adverse effects to special-status species through project scheduling.	SC-40 Project Planning/ Scheduling	Plan channel maintenance projects to minimize potential for erosion and to protect special-status species.
Potential entry of sediment into the creek during dewatering.	SC-10, SC-44 Brush or Rock Filter	A temporary erosion and sediment control method used to slow runoff (coffer dam return flow) that allows sediments to settle out before the water leaves the site.
Runoff and sediment entering the creek from bare/smooth banks.	SC-44 Slope Roughening or Terracing	Used to create unevenness on bare soil to reduce runoff velocity, to trap sediment, and to increase water infiltration into the soil. Likely to be done over small areas using hand tools prior to seeding.
Release of sediment along the perimeter of the channel during construction.	SC-11, SC-33 Straw or Sandbag Barriers	Temporary devices consisting of straw, bio-degradable fiber, or sandbags that are placed to direct flow so as to intercept sheet flow runoff and settle sediment through the barriers while slowly allowing water through.
Increased erosion and airborne pollutants due to airborne dust particles released during construction.	SC-32 Dust Control	Dust control measures used to keep the amount of airborne dust particles to a minimum to reduce erosion and airborne pollutants during the time between site disturbance and paving or revegetation. Dust control measures may include chemical or other measures (e.g. vegetation, mulch, stone, gravel).
Tracking of sediment from construction site onto roadways.	SC-32, 33, 44 Construction Road Entrance Stabilization	Measures to prevent construction equipment or vehicles from tracking sediments out of a work site onto paved roadways.
Potential entry of sediment into the creek during dewatering.	SC-44 Brush or Rock Filter	A temporary erosion and sediment control method used to slow runoff (coffer dam return flow) that allows sediments to settle out before the water leaves the site.
Potential contamination of water by construction equipment operating in the channel.	SC-44 Check Dams	A small dam (sandbag cofferdam) placed across swales or drainage channels to slow concentrated stormwater flows.
Water entering a work area interfering with work and contaminants being discharged downstream.	SC-10, 11 In Channel Flow Diversion System	Methods and measures for implementing/installing flow diversion systems, designed to prevent flow from entering the work site that could result in interfering work or the transport of contaminants downstream.
Erosion and surface runoff from disturbed soils, especially on slopes.	SC-40 Erosion Control Blankets, Mats, and Geotextiles	Use of erosion control blankets and similar devices to stabilize disturbed soils, especially on slopes, and protect soil from rain, surface runoff, and wind cause erosion while enhancing infiltration, decreasing soil compaction, and increasing protection of seeds from predators.
Bank erosion after site disturbance.	SC-40, 44 Revegetation After Soil Disturbance	Methods to properly revegetate sites after site disturbance to reduce bank erosion potential.

Note: BMP #s and descriptions from The California Stormwater Quality Association Construction BMP handbook (<http://www.cabmphandbooks.com/industrial.asp>).

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	37 Less Than Significant Impact	No Impact
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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

- a.-d. This project does not include any earth disturbing activity or any other specific development. There are no known historic buildings or sites, archaeological resources, paleontological resources, unique geological features, nor human remains on the project site. All of the proposed trail alignment is in areas which have been extensively altered by construction activities over the past several decades.

Mitigation Measure(s): None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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VI. GEOLOGY and SOILS. Would the project:

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	38 Less Than Significant Impact	No Impact
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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

- The project does not include the construction of any buildings that would be subject to seismic forces. People using the trail will be out-of-doors and dispersed along the trail. There is no potential for the proposed project to expose people to substantial adverse effects, including the risk of loss, injury, or death involving fault rupture, ground shaking, liquefaction, or landslides.
- Due to the use of existing levees/service roads, no significant soil erosion is expected.
- There is little likelihood of an on or off-site landslide given the levelness of the Napa River floodplain of the project area.
- No structures are proposed, so the issue of expansive soils is irrelevant
- No septic or wastewater systems are included in the project.

Mitigation Measure(s): None are required.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	39 Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wild-land fires, including where wild-lands are adjacent to urbanized areas or where residences are intermixed with wild-lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a-c. The project does not use any hazardous materials.
- d. The project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.
- e-f. This segment of the trail is within two miles of the Napa County Airport, however no safety hazard will result to trail users or workers constructing the trail because the trail is not near a flight path where planes take off and land. The trail is within Zone D of the Airport Compatibility Zones which means residential uses are prohibited as are uses that would hazardous to flight. A recreational trail is permitted.
- g. The project will not interfere with any adopted emergency response plan or emergency evacuation plan.
- h. No structures are proposed as part of the project. This trail segment is not located near residences or an urban area. Risk of harm from fire is reduced by the proximity of the trail to the Napa River.

Mitigation Measure(s): None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	40 Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a.-f. The proposed project will not involve any pollutants that could enter adjacent wetlands. Nor will it change runoff rates, direction of water flow, water temperature, or sediment loading as the trail is utilizing an existing levee/service road. Surfacing of the trail with stabilized quarry fines, a semi-permeable surface, would slightly improve water quality by stabilizing the surface of what is now a dirt service road, thereby preventing any existing minor flow into the adjacent wetlands of dirt road soil loosened by occasional service vehicles.

- g-h. No housing or structures will be constructed as part of the project.
- i-j. The trail is located on a levee so there is some risk of flooding in the event the levee fails. The risk is less than significant because there are no permanent structures or residences and the trail will be closed to hikers in the event of a flood.

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The proposed project does not divide any established community.
- b. The Agricultural Watershed, Airport Compatibility, and Agricultural Resource zones within which the project is located allows rural recreational uses upon the grant of a use permit. Although the project is not subject to a County Use Permit (since it is located on a County public road and is thus considered a non-motorized road), it is nonetheless consistent with the general standards (Section 18.104.340) as well as the environmental performance standards for outdoor recreation (Section 18.104.350).
- c. There are no habitat conservation plans or natural community conservation plans applicable to the project site.

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
X. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a.-b. There are no known mineral rights on the property and the subject parcel is not in an area of a known mineral resource of value to the region or state, or within a known mineral resource recovery site.

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a-d. No significant construction or any other noise-generating development is proposed as part of this project and none is foreseeable. The only noise generated by the project will come from human voices. There will be no ground-borne vibrations and no increase in the ambient noise levels either permanently or temporarily. Presently, ambient noise from Highway 29, Napa Sanitation, and the Corporate Park exceed any noise generated by trail users.
- e-f. The proposed trail is within 2 miles of the Napa County Airport, however the airport does not service large planes, The project is not within designated flight paths, planes which use the airport are not close to the ground in the vicinity of the trail, and ambient noise from the adjacent roadways is greater than what is likely from aircraft. Trail users and trail construction workers will not be subject to harmful noise levels.

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. POPULATION and HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a-c The project will not have a significant effect on population growth in the area, will not displace any existing housing, and will not displace any people. It will have a small beneficial impact on improving the quality of life of residents on Napa County by providing a public access trail along the Napa River.

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES. Would the project result in:				

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	44 Less Than Significant Impact	No Impact
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a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. This project includes no development and will not result in any increased demand for public services or any change to government facilities. The project will improve the availability of outdoor recreation opportunities. The District will maintain the trail and monitor its use.

Mitigation Measures: None are required.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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XIV. RECREATION. Would the project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a.-b. This project includes no development and will not, in and of itself, result in any increased demand for recreation facilities.

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a.-b. Automobile traffic from people using the trail will be insignificant. The public roads provide vehicular access to both ends of the trail. There is more than enough parking capacity available along the wide shoulders of Soscol Ferry Road.
- c. The project would not affect existing air traffic and thus no impacts on either air traffic patterns and/or air traffic safety are anticipated.
- d. There will be no change to design features and no change of use for the roads that provide access to the trail.
- e. There will be no change to emergency access.
- f. There is ample parking available along the public roads that provide access to the trail.
- g. The proposed project does not conflict with but instead supports adopted alternative transportation policies. Once the entire Napa River and Bay Trail is completed, there will be a safe bicycle and pedestrian route between American Canyon and Napa, so the project encourages alternative transportation.

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of a new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of a new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a-b. The project will not generate wastewater and therefore will not exceed wastewater treatment standards as established by the Regional Water Quality Control Board and will not result in any wastewater discharge.
- c. The project will not require or result in the construction of new storm water drainage facilities or an expansion of existing facilities which would cause a significant impact to the environment.
- d-e. The project does not require any water and will not generate any wastewater.
- f. The project proposes no development and will not result in any increase in waste generation.
- g. Trail users will be expected to carry out their trash. The project will not generate any solid wastes.

Mitigation Measure(s): None are required.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	47 Less Than Significant Impact	No Impact
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

- a. See Commitments for Section IV Biological Resources (above).
- b. As discussed above, the proposed project does not have impacts that are individually limited, but cumulatively considerable.
- c. There are no environmental effects caused by this project that would result in substantial adverse effects on human beings, whether directly or indirectly. No hazardous conditions resulting from this project have been identified. The project would not have any environmental effects that would result in significant impacts.

Mitigation Measure(s): None required.



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: March 8, 2010
Agenda Item: 4.E
Subject: Budget Amendments for FY 2009-10

Recommendation

- (1) Cancel the contract with Land Conservation Associates, and unoblate the remaining fund balance in the contract of an estimated \$33,960.26.
- (2) Amend the District FY 2009-10 District Budget by increasing the budget for the Napa River and Bay Trail project by \$21,500 and decreasing the PSS:Other (Professional Services) budget category by an equal amount.

Background

As reported to the Board at its February 8, 2010 meeting, Elizabeth Wroblicka dba Land Conservation Associates has taken a full-time job with another organization, and will thus no longer be available to provide professional project management services to the District. The unexpended amount of her contract should therefore be unencumbered.

Separately, the Board at its February 8, 2010 meeting authorized the General Manager to enter into a professional services agreement in an amount not to exceed \$55,000 to prepare a habitat assessment and biological survey for the proposed Napa River and Bay Trail between Soscol Ferry Road and the northeastern corner of pond 10 of the former Salt Plant property now owned by the Department of Fish and Game. The General Manager subsequently entered into a contract with LSA Associates in the amount of \$55,000 to perform this work. Funding for this contract is available in the Napa River and Bay Trail project account and the PSS: Other (Professional Services) account.

For ease of accounting and budget review, it would be best to consolidate the funding for this contract in one budget category. Accordingly, it is recommended that the Board reduce the PSS: Other budget category by \$21,500, and increase the Napa River and Bay Trail project budget category by an equal amount.



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: March 8, 2010
 Agenda Item: 4.F
 Subject: Consideration and potential approval of amendment to District By-Laws authorizing General Manager to file Notices of Completion for construction projects pursuant to California Civil Code 3093.

Recommendation

Amend District By-Laws to authorize the General Manager to file Notices of Completion for construction projects pursuant to California Civil Code 3093.

Background

Under California law, contractors and subcontractors have the right to file liens on the property where they perform construction work in the event of disagreements with the property owner over payments for construction work. California Civil Code Section 3093 sets up a process whereby the property owner can file a notice of project completion. Section 3115 states that if the notice is filed within 10 days of project completion, any contractor lien must be filed within 60 days of the notice. Without this filing, contractors have up to 90 days to file the lien.

Because the District Board only meets monthly, it is not feasible for the Board to authorize the filing of completion notices within the required 10 day window. The proposed amendment to the By-laws therefore delegates this authority to the General Manager.

The proposed By-Law amendment is as follows (proposed new text is underlined):

Section III.A General Manager.

...The General Manager has the following administrative and executive functions, powers, and duties, and shall do all of the following:

...

(9) Apply for, sign and/or otherwise authorize and implement permits, memorandums of understanding, letters, actions authorized by the Local Procedures for Implementing the California Environmental Quality Act adopted by the Board on January 8, 2007, actions related to the National Environmental Policy Act, the filing of Notices of Completion pursuant to California Civil Code Section 3093, and other similar administrative actions....”

Plan of Projects

Status Report for March 8, 2010

<u>Name of Project</u>	<u>Description</u>	<u>Status</u>
Bay Area Ridge Trail Realignment	Amendment to the proposed alignment of the Bay Area Ridge Trail extend north to the Oat Hill Mine Trail	Ridge Trail Board has approved evaluating the amended alignment. District staff is working with the Ridge Trail and other partners to prepare the evaluation.
Bay/River Trail -- American Canyon to Napa	An 8+ mile recreational trail between the cities of American Canyon and Napa generally following the Napa River and interior levees of associated wetlands.	
	Phase One--Euclyptus Drive to Green Island Road	Feasibility study completed. Phase one (American Canyon to Green Island Rd) CEQA review and Use Permit done. The contract for a \$1,032,300 California River Parkway Grant has been signed. Agreements between the Waste Management Authority, City of American Canyon and the District for the landfill loop have been signed. The District-DFG MOU for the phase one trail is still with DFG legal staff for review.
	Phase Two--Green Island Road to Soscol Ferry Road	Questa is preparing the PUC permit application for a public crossing of the SMART tracks. DFG has agreed, subject to further environmental review, to allow the trail to run along the eastern edge of Fagan Marsh. <u>LSA Associates has been retained and hs started biological survey work for this segment.</u>
	Phase Three--Soscol Ferry Road to Napa Pipe	The City of Napa staff have agreed to transfer their easement to the District. The owners of the Napa Valley Corporate Park have agreed to relocating the easement, and are prepared to sign the trail easement once their receive title to the parcel in question. A District application for federal Transportation Enhancements funds for this section was turned down in November 2009, <u>but it now appears a partial grant of \$183,000 may be awarded. A Negative Declaration for this trail segment is scheduled for Board adoption on March 8, 2010</u>
Berryessa Estates	Acquire 480 acres next to Berryessa Estates from BLM at no fee through their Recreation and Public Purpose Act procedure. Would serve as a wilderness park for local residents eventually be the northern trailhead for a trail between Berryess Estates and Pope Canyon.	The District has applied to BLM for the no-fee transfer of this property. CDF and the Pope Valley Volunteer Fire Department have added a proposal to construct a fire substation on a corner of the property. A community meeting with about two dozen attendees was held March 10, 2009 at the Pope Valley Farm Center to get input from and determine level of support in the community. The District has completed the donation to the District of a small, 0.2 acre property that provides critical access to the northeast corner of the property. <u>The District has been asked to allow excess soil from a nearby public project to be disposed of on this property, which will save money and facilitate the eventual construction of the fire substation.</u> CDF crews did extensive fire break work in 2009 to protect the residences next to the BLM land. It appears CDF crews will be available again in 2010 and will clear brush along the main ridgeline where the future trail alignment is proposed.
Berryessa Vista	Planning and stewardship of this 224 acre wilderness park.	Volunteers working with the District have completed detailed GIS mapping showing all existing roads, creek crossings, vista points and potential campsites. Continuing damage by off-road vehicles trespassing on the property was noted. No further work is anticipated until Lake Berryessa Trail planning is completed by Berryessa Trails and Conservation.
Blue Ridge/Berryess Peak Trail	Obtain right of way and construct trail to provide public access to extensive federal lands on Blue Ridge and to Berryessa Peak	Obtained donated trail easement from the Ahmann family to close gaps between existing public lands on Blue Ridge. Undertook a reconnaissance of the trail route in December 2008. Based on this reconnaissance, a revised easement description was drafted, approved by the landowner and recorded. Botanical surveys field work needed for CEQA review is complete. At Negative Declaration and Use Permit hearing was approved December 16, 2009 by the County Planning Commission. <u>An Operations and Management Plan has been approved by the property owner, and is scheduled for District Board approval on March 8, 2010. District staff and volunteers have flagged the route of the trail through the Ahmann property.</u>
Camp Berryessa	Redevelopment of former Boy Scout Camp into a group/environmental education camp.	MOU with Bureau of Reclamation gave the District an 18 month period to develop a feasibility study for the camp. BOR has completed its cultural survey of the site. <u>The District has completed the feasibility report, and BOR has reviewed and supports the conclusions.</u> The District has prepared a draft land use agreement, which is undergoing review by BOR.
District Non-profit Foundation	Organize a non-profit foundation to raise funds for District projects	The District Board has approved the goals, objectives and basic structure for a non-profit foundation to assist the District with fundraising. Board members are contacting potential future members of the foundation governing board.
Lake Hennessey North Shore Trails	Would open up several miles of existing dirt access road, and construct approximately 1 mile of new single track trail, into a loop trail system on the north side of Lake Hennessey, and connecting to the planned Moore Creek Open Space Park trail system.	This project is being combined with the Milliken Ridge Trail project for purposes of seeking City of Napa approvals to construct and operate trails on their property. the Napa City Council in November, 2009 directed city staff to work with the District to finalize an agreement for the proposed Hennessey trails. A plant survey of the new section of trail is scheduled for the beginning of April.

<p>Milliken Reservoir Trails and Picnic Area Would construct approximately 3 miles of Bay Area Ridge Trail plus additional feeder and loop trails, along with a staging and picnic area</p>	<p>The feasibility study has been completed, and accepted by the Board of Directors. The Napa City Council in November, 2009 approved city staff recommendation to hold off on the Milliken Reservoir trails project until the Hennessey trail project is up and running.</p>
<p>Moore Creek Open Space Park Development Development of open space park on 673 acres acquired by the District adjacent to City of Napa watershed lands at Lake Hennessey to protect habitat, provide recreational trails, and overnight camping facilities.</p>	<p>The gatehouse well has been drilled, pump installed, well flushed, <u>water quality tested, and bids for installing water treatment system are being sought</u>; the ranch house well has been drilled, and pump installation contract awarded. An agreement for surveying the boundary between the District property and adjacent private property to the east has been signed, <u>but the survey is going slowly if at all</u>. Volunteers have demolished a large old shed in early September, constructed a new boundary/pool fence at the ranch house in October, in November planted 250 willows, oaks and buckeyes to stabilize a section of creek bank; <u>and in February demolished 3 additional decrepid structures and removed French broom. The next work party will be March 12-14, 2010</u></p>
<p>Napa River Ecological Reserve Restoration Remove invasive plants and restore native vegetaion in the entryway meadow, replace damaged signage and information panels, restorate the interior trail and interpretive elements, and if feasible install a seasonal bridge.</p>	<p>The Coastal Conservancy has approved a \$100,000 grant for restoration, environmental education and signage. CEQA review is complete, and the grant contract has been signed. Funding was then frozen due to the state budget crisis, but is now unfrozen. <u>A new project scope and team has been assembled, and the CCC is scheduled to start work the last week in March</u>. Audubon has obtained a small grant which will help the District work with volunteers to do some invasive plant removal on the northeast side of the river.</p>
<p>Oat Hill Mine Trail Improvements to first 1/2 mile of trail next to Calistoga</p>	<p>The project is on hold pending resolution of litigation. The judge hearing the legal challenge to the trail in December 2008 denied the substance of the issues raised by the plaintiff. The plaintiff in late April 2009 selected new legal counsel to represent him; this was the third legal counsel he has used on this case. The court case was scheduled to be heard on December 16, 2009, was postponed until February due to the judge's illness, was postponed until March due to plaintiff's illness, <u>and on March 1st in the courtroom the plaintiff fired his attorney and obtained a continuance until June.</u></p>
<p>Oat Hill Mine Trail Transfer of 40 acre parcel from BLM</p>	<p>The District in 2008 applied to BLM for a non-fee transfer to the District of a 40 acre parcel at Maple Springs on the Oat Hill Mine Trail; this application is pending.</p>
<p>Rector Ridge/Stags Leap Ridge Trail Construction of staging area and 6+ miles of Ridge Trail climbing east from Silverado Trail near Rector Creek.</p>	<p>CEQA on this project was completed several years ago--staff is preparing an update to the Negative Declaration due to the passage of time since the original approval. The project concept has been approved by the District Board, and is being positively viewed by the Veterans Home administration. District and Veterans Home staff met on June 30, 2009 to develop a strategy to allow the project to go forward. <u>In late February, 2010 the Veterans Home staff indicated they had a revised strategy for moving forward; District and Home staff will me meeting in the near future to discuss this revised strategy.</u></p>
<p>River to Ridge Trail Lot line adjustment to legalize River to Ridge Trail as constructed (it curently encroaches on private property in two locations)</p>	<p>Lot line adjustment approved by Syar Properties. However, the California Department of General Services decided it cannot do a lot line adjustment without legislative authorization; County-sponsored legislation carried by Assemblymember Evans to grant the necessary authority was approved by the legislature but vetoed by the Governor. In response to efforts by our state legislators, DGS has now determined they are able to process the lot line adjustment, and it is proceeding. The District is paying for DGS's costs to process the lot line adjustment and easement relocation. <u>Updated lot line and easement legal documents have been prepared and forwarded to DGS in late February 2010.</u></p>
<p>Skyline Park Improvements Partner-sponsored improvement include a second greenhouse and a covered equestrian arena.</p>	<p>The proposals for a second greenhouse and a covered arena were approved by the Department of General Services and by the County Board of Supervisors. The sponsors of these projects are now raising funds for implementation.</p>
<p>South Napa Wetlands Habitat Area Transfer to the District those wetlands owned by the Napa County flood control district between the Napa River, Highway 29 and Newport Drive for use as habitat and nature-based recreation.</p>	<p>Transfer approved in concept by the flood control district. Park District staff has prepared the first draft of a transfer agreement. The Flood District and staff are continuing to research details related to completing the transaction.</p>
<p>Vallejo Lakes Possible purchase of 1100 acres of surplus Vallejo Water District lands, of which 200 acres are located in Napa County</p>	<p>Staff-level discussions between the District, the Land Trust of Napa County, the County of Solano and the Solano Land Trust indicate a common desire to work together to purchase this property adjacent to Skyline Park. The City Council of the City of Vallejo has officially authorized staff to pursue surplus of the property. District staff and our partners are continuing to research issues related to the property, including potential public access locations, potential trail alignments, and easements and other encumbrances which affect the property. The State Coastal Conservancy has indicated an interest in assisting with the funding necessary to purchase the property. We are now waiting for the City to complete title research for the property so that an appraisal can be prepared. The surplus process has slowed down due to new discussions between the City and residents of Green Valley over overall water supply arrangements. The District is working with the American Land Conservancy to find funding for the acquisition.</p>
<p>Vine Trail A Class I bicycle/pedestrian path extending from Calistoga to the Vallejo Ferry Terminal</p>	<p>The District has entered into an MOU with the Vine Trail Coalition to provide assistance as requested by the Coalition in receiving funds, preparing plans and environmental documents, constructing and operating the trail. The District on May 1st submitted a request to Congressman Thompson to include the Vine Trail as an authorized project within the next federal surface transportation program. A similar request was submitted to Senators Feinstein and Boxer in July 2009. The District, the Bay Area Ridge Trail, the San Francisco Bay Trail and the Vine Trail Coalition <u>have prepared a joint Case Statement for the combined trail network for fundraising purposes. The District on February 5, 2010 submitted an appropriations request for FY 2011 to Senator Feinstein, and a similar request to Congressman Thompson on February 26, 2010 at the request of the Vine Trail Coalition.</u></p>

Wild Lake Ranch

Possible joint management of trails, camping and picnic areas through agreement between the Land Trust, the District and State Parks

The District is participating in the development of a strategic plan for the property, together with other public lands in the area, that is being led by the Land Trust of Napa County. The advisory committee has met once, and completed a field trip to inspect the property. The planning process was put on hold due to the freeze in the state bond-funded grant; however, the freeze was mostly lifted in August and the planning process has restarted. A community input meeting is scheduled for March 24, 2010.

Completed Projects

- Berryessa Vista Acquisition**
Purchase of 224 acres from the Land Trust of Napa County for use as a public park completed in early 2008 using State Prop 12 funds.
- Connolly Ranch**
Construction of patio, restrooms and cooking facilities completed in 2008 using State Prop 12 funds.
- Oat Hill Mine Trail**
The Oat Hill Mine Trail was formally opened in May 0f 2008, after a major volunteer work party doing signage installation, brush removal and erosion control.
- Linda Falls**
Conservation easement accepted in spring 2008 from Land Trust of Napa County to provide additional protection for this 39 acre property, which is owned by the land trust
- Master Plan Development**
The Master Plan for 2008-2013 was approved in January 2009
- Moore Creek Open Space Park**
Acquisition of 673 acres in the Moore Creek Watershed completed in December 2008. Trail reroute to remove two stream crossings mostly completed in May 2009. New heater installed in gatehouse in
- Napa River Ecological Reserve Improvements**
Parking area paved, and rock barrier installed to control vehicular access in 2007. Trash enclosure constructed and entry signs restored by volunteers in 2008. Deteriorated kiosk removed in 2008. The District in July 2008 assumed the County's role in managing the preserve under the joint management agreement with DFG. A new maintenance contract with the non-profit organization Options 3 was started in January 2009. The old deteriorated information kiosk, which had become a serious eyesore, was removed in November 2008.
- Napa River Flood Control Easement**
Conservation easement accepted by District in 2007 to facilitate Flood District project and grant funding
- Newell Preserve Improvements**
Provide on-site water supply for group campground and so cattle can be restricted from access to riparian areas. As part of the arrangement with the land trust on the District's purchase of Berryessa Vista, the land trust was willing to use some of the proceeds from the transaction to fund a well pump and distribution system at the Preserve. However, the first well drilled by the City of American Canyon came up dry. The City has dropped plans for digging any more test wells.
- River to Ridge Trail Enhancements**
Installation of animal silhouettes along the entryway fence illustrating the types of birds and mammals that can be found in the area completed by Eagle Scout candidate in 2008. In November 2008 five Valley Oak trees were planted at the Highway 221 entrance to the trail with the assistance of a volunteer from CNPS.
- River to Ridge Trail Entrance Enhancements**
A new information kiosk was installed at the entrance in December 2008 as part of a Boy Scout project. Several Live Oak seedlings were donated by CNPS and have been planted at the entrance to improve its appearance.
- Skyline Park Improvements Phase I**
Erosion control work on Lake Marie Road, and paving of campground loop road, completed in 2007 using State Prop 12 funds.
- Skyline Park Protection**
Three past legislative efforts to authorize sale to the County failed due to unrelated disagreements between the state legislature and administration. Separately, the County in September 2009 approved a new park overlay zone and an updated Master Plan for Skyline Park.
- Skyline Park Concessionaire Agreement Renewal**
District staff negotiated renewal of concessionaire agreement on behalf of the County. The renewal involved changes to the fee schedule and amendments to and approval of subagreements with three non-profit partner organizations.



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: March 8, 2010
 Agenda Item: 4.H.
 Subject: Receipt of report on expenditures, encumbrances, donations and grants approved by the General Manager, and potential authorization for General Manager to approve future invoices from the State Department of General Services related to the lot line adjustment and relocation of easement for the River to Ridge Trail

Recommendation

Receive the report, and authorize the General Manager to approve future invoices from the State Department of General Services covering their costs for the lot line adjustment and trail easement relocation.

Background

Section III.A (7) authorizes the General Manager to bind the district for supplies, materials, labor and other valuable consideration, in accordance with board policy and the adopted District budget, up to \$10,000 for non-construction purposes and up to \$25,000 for construction purposes, provided that all such expenditures are subsequently reported to the Board of Directors. Section III.A(8) of the By-Laws authorizes the General Manager to apply for grants and receive donations, subject to reporting such actions to the Board of Directors. Pursuant to this authorization, the following information is provided to the Board.

In addition to an initial invoice from the Department of General Services as noted below, staff expects further invoices of an unknown amount to complete the lot line adjustment and relocation of the trail easement to correct an encroachment problem with the River to Ridge Trail. Although the River to Ridge Trail, like the rest of Skyline Park, is legally a County facility rather than a District facility, the District has a clear interest in correcting the encroachment problem, and there is no money in this year's County budget to pay for DGS to process the application. There should be sufficient funds within the District budget as recommended by Agenda Item 4.F under Contingencies/Special Projects to more than cover likely expenses.

<u>Date</u>	<u>Purpose</u>	<u>Source / Recipient</u>	<u>Amount</u>
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2/4/2010	River to Ridge Trail Lot Line Adjustment	California Dept of General Services	\$2,550.00
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