



**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 REGULAR MEETING

Monday December 13, 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

3:00 PM Presentation by District Auditor Tracy Schulze and receipt of Independent Financial Audit for FY 2009-10

4. Administrative Items

- A. Consideration of and potential approval of Minutes of Board of Directors meeting of November 8, 2010.
- B. Consideration and potential approval of Certificate of Acceptance, and authorization for the Board President and/or General Manager to take all actions and execute all documents necessary to complete the donation of approximately 3,000 acres of land to the District by Bournemouth LLC (APN Nos 015-070-011, -012; 015-080-003, -007; 016-100-015, -016; 016-120-003, -004, -014, -016, -017, -020, -021, -023, -024, -025, -026; 016-140-004, -010, -011, -012, -014)
- C. Consideration and potential approval of update to Local Guidelines for Implementing the California Environmental Quality Act
- D. Consideration and potential approval of Amendment No. 2 to Agreement 07-01 with CY Yip and Associates to increase the maximum amount of expenses for FY 2010-11 from \$2,000 to \$7,500.
- E. Consideration and adoption of Board of Directors Regular Meeting calendar for 2011
- F. Receipt of District Annual Report for the District covering the period January 1, 2009 through June 30, 2010 (provided under separate cover).
- G. Receipt of report on expenditures, encumbrances, donations and grants approved by the General Manager.
- H. Review of the District Projects Status Report.

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.

- A. Consideration of and direction to staff on potential event in January 2011 to thank District volunteers and supporters.

7. Closed Session

- A. Conference with Real Property Negotiator (Government Code Section 54956.8)
Property: APN Nos 015-070-011, -012; 015-080-003, -007; 016-100-015, -016;
016-120-003, -004, -014, -016, -017, -020, -021, -023, -024, -025, -026;
016-140-004, -010, -011, -012, -014
Agency Negotiator: John Woodbury, NCRPOSD General Manager
Negotiating Parties: NCRPOSD and Bournemouth LLC
Under Negotiation: Instructions to Negotiator will concern terms and conditions

7. Adjournment



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

Harold Kelly—Vice President
Director Ward One

Tony Norris
Director Ward Two

Guy Kay
Director Ward Three

Dave Finigan—President
Director Ward Four

Myrna Abramowicz
Director Ward Five

DRAFT MINUTES

BOARD OF DIRECTORS REGULAR MEETING

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

1. Call to Order

Meeting called to order by President Abramowicz.
Directors Kelly, Norris, Kay, and Abramowicz present.
Director Finigan was excused.

2. Public Comment

None.

3. Set Matters

2:00 p.m. Board of Directors' appointment of Directors for Wards One and Five, and administration of the oath of office for new Directors by Judge Stephen Kroyer.

Directors voted to adopt the attached resolution making the following appointments to the Board of Directors:

Ward One: Harold Kelly

Ward Five: Myrna Abramowicz

TN-GK-HK-MA-DF

X

2:15 p.m. Public Hearing to receive input on the planned update of the District Master Plan and proposed funding priorities for the coming three years, and consideration and potential adoption of funding priorities for the coming three years.

Directors received public comment and provided direction to staff regarding the process for updating the Master Plan.

Directors approved a recommendation to the County Board of Supervisors regarding funding priorities for the next three years.

HK-TN-GK-MA-DF
X

4. Administrative Items

- A. Consideration of and potential approval of Minutes of Board of Directors meeting of October 11, 2010.
Minutes were approved as presented.
TN-HK-GK-MA-DF
X
- B. Consideration and potential approval of District Purchasing Manual.
Directors voted to approve District Purchasing Manual.
TN-HK-GK-MA-DF
X
- C. Consideration and potential approval of contract for preparation of plans, specifications and bid documents and provision of construction management services for Phase I of the Napa River and Bay Trail.
Directors voted to Authorize General Manager to enter into a contract with Questa Engineering in an amount not to exceed \$99,985.
N-HK-GK-MA-DF
X
- D. Receipt of report on expenditures, encumbrances, donations and grants approved by the General Manager.
John Woodbury gave the report.
- E. Review of the District Projects Status Report.
John Woodbury gave the report with discussions on Napa River Bay Trail, Blue Ridge Berryessa Peak Trail, Camp Berryessa, Moore Creek, Lake Hennessey, Napa River Ecological Reserve and Skyline Park.

5. Announcements by Board and Staff

- ▶ Congratulations were given from the Board to County Counsel Chris Apallas and his and new wife, Deanna.
- ▶ Directors Kay and Norris attended the opening of a trail in Yountville.
- ▶ Director Norris announced that he and Director Kay attended the Viticultural Fair on November 6, 2010.

6. Agenda Planning

7. Adjournment

Meeting was adjourned to the Special Park & Open Space District Meeting of December 13, 2010.



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: December 13, 2010
Agenda Item: 4.B
Subject: Consideration and potential approval of Certificate of Acceptance, and authorization for the Board President and/or General Manager to take all actions and execute all documents necessary to complete the donation of approximately 3,000 acres of land to the District by Bournemouth LLC (APN Nos 015-070-011, -012; 015-080-003, -007; 016-100-015, -016; 016-120-003, -004, -014, -016, -017, -020, -021, -023, -024, -025, -026; 016-140-004, -010, -011, -012, -014)

Recommendation

- (1) Authorize the Board President to sign a Certificate of Acceptance to accept fee title ownership of the above-referenced parcels, and for the Board President and/or the General Manager to execute other documents as needed to complete the transfer of this parcel to the Napa County Regional Park and Open Space District.
- (2) Authorize the Board President to execute a grant of easement deed to the Lake Berryessa Estates Resort Improvement District (LBRID) to provide access to the approximately 250 acres which Bournemouth LLC is donating to LBRID.
- (3) Authorize the General Manager to enter into an agreement with David Trincherro to continue to manage the property through June 30, 2011.

Background

Bournemouth LLC owns approximate 3,250 acres of land surrounding Lake Berryessa Estates. The Trincherro family, which controls Bournemouth LLC, has offered to donate approximately 3,000 acres to the park district, and another approximately 250 acres to the Lake Berryessa Estates Resort Improvement District (LBRID). LBRID hopes to use a portion of the property which they receive to expand their wastewater treatment plant. The terms of the grant deed from Bournemouth LLC to LBRID states that once LBRID determines which portion of the property they need for the treatment plant, they will offer the remainder of the property to the District for inclusion with the remainder of the District lands. As part of the overall transactions, the District will need to grant an access easement to LBRID to assure their access to the property which Bournemouth LLC is offering to LBRID.

Bournemouth LLC would like to complete transfer on or before December 31st of this year.

A Preliminary Title Report issued by First American Title Company of Napa identifies a variety of exceptions to title. None of these appear to pose any significant problems in terms of the District's future use of the property. However, it should be noted that there has been a long-standing dispute between Bournemouth LLC and the residents of Lake Berryessa Estates and their homeowner's

association, regarding a boat launch, picnic area and campground that the latter have for many years had and used on a portion of the property along Putah Creek owned by Bournemouth LLC. The legality of these facilities and uses have never been resolved. If the District accepts the property, it will need to work with the residents and the association to resolve this dispute.

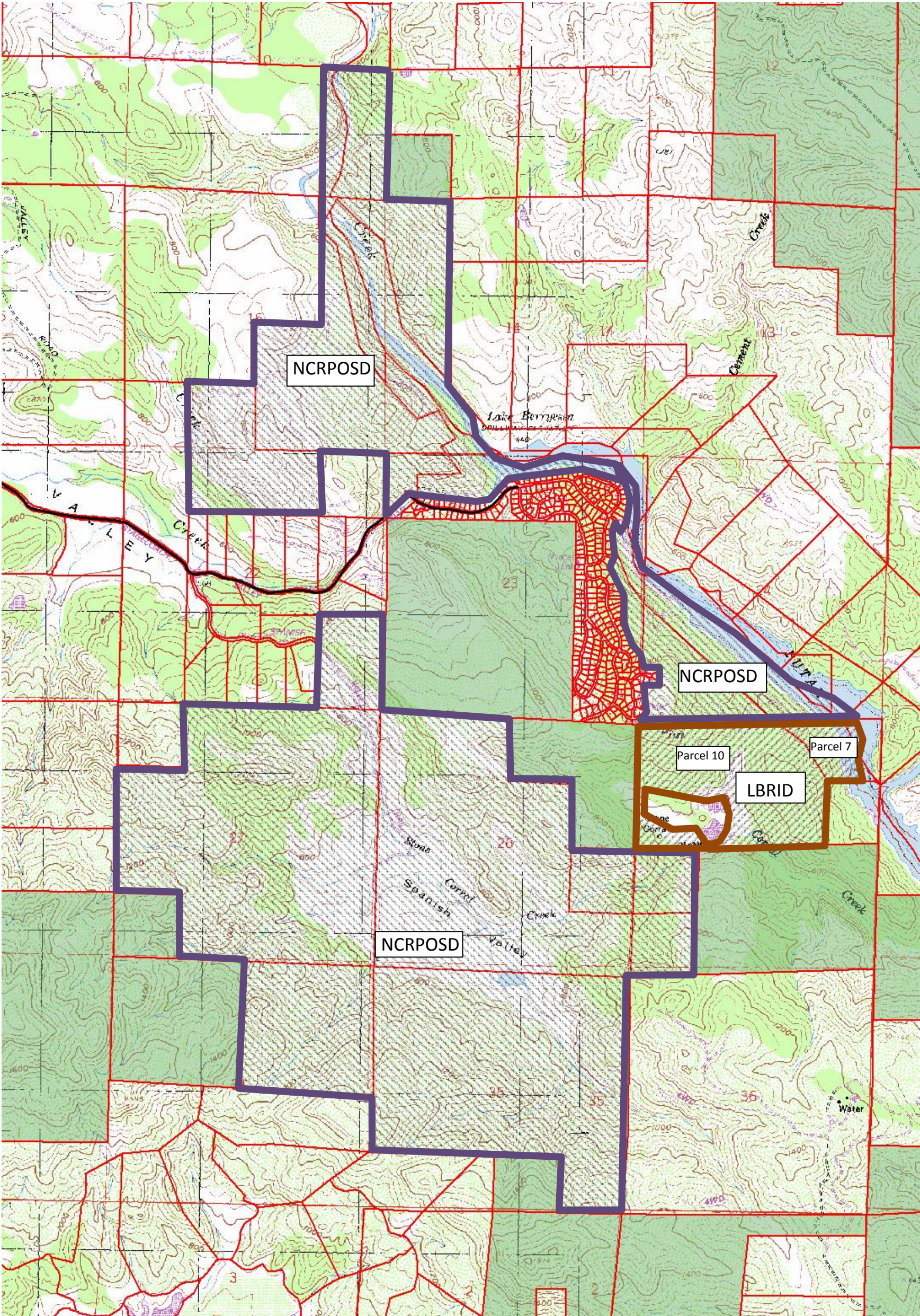
Because of how quickly the property transactions must occur, it will be difficult for the District to immediately take control of managing the property. It would therefore be advantageous to the District to enter into an agreement with David Trincherro, who currently operates a hunting business on the property, to continue to manage the property through June 30, 2011. This will give the District time to make long-term plans for managing the property. Staff and David Trincherro have had an initial discussion about this, and he has expressed a willingness to perform this service for the District. If authorized by the Board, staff will work out the details of this arrangement to address liability, insurance and related issues.

This donation is an exceptional opportunity for the District to preserve high quality open space and provide unique recreational opportunities. The property includes approximately 3 miles of frontage on Putah Creek. About one-third of the property is open grasslands, one-third is oak woodlands, and one-third is chaparral. A large man-made pond is located in the middle of the grasslands. There are a variety of existing dirt roads on the property. There are several points of access to the property, using Snell Valley Road, Stage Coach Canyon Road, and Spanish Valley Trail. The property adjoins 480 acres of Bureau of Land Management property which the District is seeking to have transferred to the District, at no cost to the District, pursuant to the federal Recreation and Public Purposes Act. The property also connects to several hundred acres of other BLM properties, some of which currently have no public access, and some of which are accessible from Pope Canyon Road to the south. The property includes a large and fairly new maintenance and operations building, and an existing well, pump and water pipe from the well to the building. These improvements would be included in the property transfer.

Acceptance of the property is exempt from the California Environmental Quality Act pursuant to Section 15316 (Transfer of Ownership of Land in Order to Create Parks). The Napa County Director of Conservation, Development and Planning has determined that acquisition of the property is in conformity with the County General Plan. The property is designated Agricultural Watershed/Open Space in the County General Plan, and zoned Agricultural Watershed. Any future public use of the property would be subject to environmental review and the approval of a Use Permit by Napa County.

Bournemouth LLC Property Proposed for Donation

For illustrative purposes only – not a legal description





Napa County Regional Park
and Open Space District

STAFF REPORT

Date: December 13, 2010
Agenda Item: 4.C
Subject: Consideration and potential approval of update to Local Guidelines for Implementing the California Environmental Quality Act

Recommendation

Approve update to the District's Local Guidelines for Implementing the California Environmental Quality Act

Background

Section 15022 of the State California Environmental Quality Act (CEQA) Guidelines administered by the California Natural Resources Agency requires public agencies to adopt local procedures for administering their responsibilities under CEQA, and requires that whenever the State CEQA Guidelines are amended the local guidelines must be revised to be consistent. On December 30, 2009, the California Natural Resources Agency adopted amendments to the State CEQA Guidelines to address new concerns related to climate change. Accordingly, Napa County updated its Local Procedures on September 14, 2010. In addition to making required changes related to climate change, the County used the update to make numerous editorial changes, eliminating language which duplicated or paraphrased the State Guidelines or which was excessively detailed.

The District's Local Procedures are modeled on the County's Local Procedures. Since many District projects are subject to County discretionary decisions, it is important from a practical perspective to maintain consistency between the District and County Local Procedures as much as possible. The draft Local Procedures before the Board today therefore generally follow the County's lead and proposes comparable editorial changes. However, there are two proposed changes which differ from the County changes.

First, Appendix B includes examples of projects that would typically be considered Categorical Exempt from CEQA. When the District first adopted its Local Procedures, Appendix B's list of projects was mostly borrowed verbatim from the County's Appendix B. Now that the District has had four years of project experience, it is clear the list of projects should be revised to be more reflective of the types of projects the District engages in.

Second, the County's required public notice process is more extensive than is required by the State Guidelines. For any District project which is subject to County review, the County's more extensive public notice process will apply to District projects regardless of what the District's Local Procedures may say. However, the District also has projects located on State, Federal or City land. In such cases, the District will need to comply with both the District's procedures as well as the

environmental review processes those entities use. To avoid excessive layering of procedures, it makes sense for the District to adopt as its procedures only that which is mandated by the State, but nothing beyond that. Therefore, the proposed District Local Procedures for providing public notice reference the procedures required by the state CEQA Guidelines rather than the County Local Procedures.

The proposed updated District Local Procedures are attached, first using Track Changes, then as a clean document.

Napa County Regional Park and Open Space District

Local Procedures
For Implementing the
California Environmental Quality Act

Adopted January 8, 2007

Proposed amendments December 13, 2010

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NAPA COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT

LOCAL PROCEDURES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

~~The following local procedures for implementing the California Environmental Quality Act (“CEQA”) are adopted pursuant to this Act and Section 15022(a) of the State Guidelines (the “State CEQA Guidelines”). These local procedures (the “District CEQA Guidelines”) supplement the State CEQA Guidelines (Title 14 California Code of Regulations Section 15000, et seq.), as may be amended from time to time hereafter. For actions taken by the Napa County Regional Park and Open Space District (the “District”), the State CEQA Guidelines must be used in conjunction with the District CEQA Guidelines in order to determine the local policies and procedures to be followed in implementing CEQA. Cross references to relevant sections in the State CEQA Guidelines are provided in this document. In case of conflict, the provisions of the State CEQA Guidelines shall control.~~

(State CEQA Guidelines Section 15022(a) requires that each public agency issue local procedures for implementing the State CEQA Guidelines in order to ensure the orderly evaluation and preparation of environmental documents. Such procedures shall be revised when needed to be kept current with changes to the State CEQA Guidelines; however, State CEQA Guidelines shall take precedence even if the local procedures are not updated).

CHAPTER 1. INTENT AND GENERAL PROVISIONS

Section 100. Intent.

These local *District CEQA Guidelines* are established, adopted and intended to meet the requirements of Section 15022(a) of the *State CEQA Guidelines* and to provide the public with information on the ~~detailed criteria, policies, and~~ procedures used by the District in the environmental review process.

Section 101. Applicability. [State CEQA Guidelines §15022(b)]

The ~~rules and~~ procedures established in these guidelines are applicable to both public and private projects under the jurisdiction of the District

Section 102. Compliance Required Prior to Project Approval. [State CEQA Guidelines §15004]

No project or permit shall be approved nor shall any permit be issued or approval given by any District official or body until all procedures required by the *State and District CEQA Guidelines* have been completed, including if required the preparation and certification of a Final Environmental Impact Report (FEIR) by the District. Compliance with CEQA shall be included in the planning process as early as possible in order to allow incorporation of environmental considerations into the design of the project.

Section 103. Public Records. *[Public Records Act]*

- (a) All final documents prepared pursuant to these ~~rules-procedures~~ shall be available for public inspection at the official office for the District, which is the Conservation, Development and Planning Department of the County of Napa, 1195 Third Street, Room 210, Napa, California. Drafts and working papers shall not be considered final documents.
- (b) All reports and documents submitted other than proprietary reports, confidential archaeological and special status species location studies and other confidential information shall be available for public inspection at the official office for the District.

Section 104. Use of Consultants. *[Authorized by State CEQA Guidelines §§15045, 15074, 15090, 15356, implemented via local procedure below]*

- (a) The District may from time to time use consultants to fulfill its obligations under CEQA including, but not limited to, the preparation of Initial Studies, Negative/Mitigated Negative Declarations, and EIRs. ~~Either a Request for Proposal (RFP) or a sole source contract process may be used at the discretion of the General Manager.~~
- (b) All consultant-prepared environmental documents utilized shall be prepared under contract with the District using the most current version of the District's Professional Services Agreement.
- (c) For projects not sponsored by the District, the project sponsor shall pay the full costs of draft and final document preparation including both consultant and District oversight and review costs. A deposit to cover District oversight and review costs shall be paid at the time of application. The deposit shall be made prior to the District contracting with a consultant and prior to commencement of document preparation and in no case later than thirty (30) days after issuance of the letter from the General Manager indicating the estimated cost to produce the document(s) involved.
- (d) When the General Manager determines that it is necessary to contract with a consultant to prepare an environmental document or document(s) for a public project, the final choice of consultant shall be made by the General Manager or, for contracts over \$10,000, the District Board of Directors ~~based on:~~
 - ~~(1) the scope of services proposed;~~
 - ~~(2) the experience of the consultant with evaluating the type of project involved;~~
 - ~~(3) the availability of the special expertise needed to adequately address the main environmental impacts expected;~~
 - ~~(4) past experience with the firm and individuals involved; and~~
 - ~~(5) the cost and time required to prepare the document.~~
- (e) No firm or person having a financial interest in a project shall be employed to prepare environmental documents on that project, ~~except except~~ that the General Manager may authorize non-profit organizations and their employees or agents to prepare draft environmental documents for their projects for use by the District.

Section 105. Notice Generally. *[State CEQA Guidelines §§15072 and 15087 for (a)-(c); Local Procedure for (d)]*

- (a) The General Manager should make a concerted effort to provide early notice and solicit comments on environmental documents from the public and interested organizations so that a broad range of interests and opinions are available to decision-makers regarding the impacts of projects.
- (b) Any required notice shall be deemed given on the date of mailing, the date of posting or the first day of publication, whichever is later.
- (c) Errors, irregularities or neglect in the preparation of any required notice shall not in any way affect the validity or legality of the adoption or certification of environmental documents or approval or disapproval of a project unless such error, irregularity or neglect is clearly substantial and prejudicial and that by reason of such error, irregularity or neglect the party complaining suffered substantial injury and that a different result would have been probable if such error, irregularity or neglect had not occurred.

CHAPTER 2. DEFINITIONS

Section 200. General.

The following definitions which are specific to the District are intended to supplement the definitions found in Article 20 of the *State CEQA Guidelines*:

“Baseline Data Report” (BDR) ~~means a master environmental assessment (MEA) as specified in Section 15169 of the *State CEQA Guidelines*, adopted by the County of Napa or the District, that contains a~~ refers to the comprehensive inventory of the environmental and resource conditions at a specified time in all or a portion of the County completed by Napa County in 2005 and updated as needed to describe, thereby setting the baseline for future environmental analysis of environmental impacts in the area covered a given area of the County. ~~An adopted~~ Information from the BDR may be ~~used in evaluating the impacts of future actions under CEQA and may be~~ incorporated by reference into future environmental documents consistent with State CEQA Guidelines 15150.

“Board” means the Board of Directors of the Napa County Regional Park and Open Space District

“County” means the County of Napa.

~~**“District Official”** means the General Manager or other District staff member responsible for approving the project or permit under consideration.~~

~~**“Cumulative Impact”** refers to two or more individual effects which, when considered together, are incrementally considerable or which compound or increase other environmental impacts to levels that are considered significant. The individual effects~~

~~may be changes resulting from a single project or a number of separate projects. The cumulative impact from several projects may be deemed environmentally considerable and significant, when the combined or individual incremental impacts from one or all of the projects are taken into account along with other closely related, past, present and reasonably foreseeable probable future projects. “Past projects” are those projects approved with still valid permits or undertaken in the last ten years. “Reasonably foreseeable probable future projects” are those projects currently under environmental review by the District or other agency with jurisdiction within the geographical limits of the District, those projects anticipated as later phases of previously approved projects, and public projects where money has been budgeted or the project has been included as part of an approved improvement plan. [State CEQA Guidelines 15355]~~

“Days” means business days, Saturdays, Sundays and County-recognized holidays, unless otherwise stated.

“Decision-Making Body” means the Board or District Official that has the ultimate responsibility for approving the project or permit under consideration.

“District Official” means the General Manager or other District staff member responsible for approving the project or permit under consideration.

~~“Drainage” means one of those drainages depicted on the County Drainage Areas map maintained by the County Planning Department.~~

~~“Environmental Resource of Critical Value or Hazardous Concern” means those resources required to be evaluated by the State CEQA Guidelines, and shall be evaluated based on delineation in the County’s Environmental Resource Mapping System (where such maps are available) or by observation and documentation in the field by a qualified professional.~~

“Environmental Resource Mapping System” means a set of hardcopy and electronic maps and related information maintained by the County Planning Department delineating, among other things, environmental resources and hazards within the County.
{Local Definition}

“Environmentally Sensitive Area” means an area containing one or more environmental resources ~~of critical value~~ or hazards ~~sous concern~~ that may affect or be affected by the specific project involved. *{Local Definition}*

“General Rule Finding” means a finding that it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. *[State CEQA Guidelines §15061(b)(3)]*

“Groundwater Deficient Area” means the area shown on Map 13-1 (as may be amended), in Chapter 13.15 of the Napa County Code as well as any additional area formally identified by an ordinance adopted by the Board of Supervisors. *{Local definition, as defined by referenced Code Section}*

~~“Mitigation Monitoring Program” means a program specifying all mitigation measures adopted, the party responsible for implementing the measure, the timing for implementation, the party responsible for ensuring compliance, and the monitoring schedule to be followed in accordance with CEQA. It does not include other non-CEQA related conditions of project or permit approval. [State CEQA Guidelines §15097]~~

“Permit” means any permit, lease, license, certificate, approval, or other entitlement for use. *{State CEQA Guidelines §15378}*

~~**“Phase 1 Groundwater Extraction Standards”** means those standards implemented by the Department of Public Works in 1991 (or as amended in the future) which establish thresholds above which additional groundwater studies are required. *{Local Program}*~~

“General Manager” means the employee or contractor appointed by the Board as the General Manager of the District, or his/her designee.

~~**“Project Sponsor”** means any person, including private parties and public agencies, applying to the District for a permit along with the owner(s) of the property(ies) on which the project (including all accessory facilities) is located, OR any officer of the District who has the responsibility to carry out a public project for the District. *{State CEQA Guidelines §15377, 15379}*~~

~~**“Scenic Resource”** means, but is not limited to, a scenic vista; a prominent ridgeline or rock outcropping as defined by the County’s Viewshed Protection Program (Chapter 18.106 of the County Code); a visible historic rock wall; a stone bridge; or a historic building. *{State CEQA Guidelines, Appendix G, and Local Ordinance}*~~

~~**“Special-status Animals”** means animals that meet the definition of “rare, endangered, or threatened” under CEQA. *{State CEQA Guidelines §15380}*~~

~~**“Special-status Plants”** means plants that meet the definition of “rare, endangered, or threatened” under CEQA. *{State CEQA Guidelines §15380}*~~

~~**“Special-status Species”** means all special-status animals and plants. *{State CEQA Guidelines §15380}*~~

~~**“Special-status Species Habitat”** means the physical and/or biological environment on which a special-status plant or animal species depends for its survival. *{State CEQA Guidelines §15380}*~~

~~**“State CEQA Guidelines”** means those guidelines adopted by the Resources Agency of California that are found in Title 14, Chapter 3 of the California Code of Regulations, commencing with Section 15000.~~

~~**“Stream”** means any stream as defined in Section 18.108.030 of the County Code. *{Local Ordinance}*~~

~~**“Threshold of Significance”** means an identifiable quantitative, qualitative or performance level for a particular environmental effect, exceedence of which means the effect will normally be determined significant and non-exceedence of which means the effect will normally be determined insignificant. *{State CEQA Guidelines §15064.7}*~~

CHAPTER 3. RESPONSIBILITIES

The responsibilities for implementation of CEQA for the District are as follows:

Section 300. Board of Directors.

When the Board of Directors is the decision-making body on a project, the Board is responsible for certifying the Final EIR, adopting a Negative/Mitigated Negative Declaration, or determining that the project is exempt from environmental review; considering the environmental document prepared prior to taking action on the project; and for making the findings required by *State CEQA Guidelines* Sections 15091 (Findings) and 15093 (Statement of Overriding Considerations).

The Board of Directors shall also act as the appeal board for District Official actions on environmental determinations, Negative/Mitigated Negative Declaration adoptions, determinations that an EIR is required, and Final EIR certifications. In addition, the Board shall set the procedures for implementing CEQA in the District by adopting *District CEQA Guidelines*, and shall be responsible for adopting any thresholds of significance promulgated pursuant to *State CEQA Guidelines Section 15064.7 if desired*.

Section 301. reserved

Section 302. District Official.

When a District Official is the decision-making body on a project, he/she is responsible for certifying the Final EIR, adopting a Negative/Mitigated Negative Declaration, or determining that the project is exempt from environmental review; considering the environmental document prepared prior to taking action on the project; and for making the findings required by *State CEQA Guidelines* Sections 15091 (Findings) and 15093 (Statement of Overriding Considerations).

Section 303. General Manager.

The General Manager or his/her designee is responsible for:

- (a) carrying out all environmental reviews undertaken by the District;
- (b) obtaining comments from other agencies on the expected environmental effects of a project;
- (c) identifying appropriate measures to reduce the potentially significant effects of a project to non-significant levels;
- (d) preparing and processing all environmental documents prepared by the District;
- (e) preparing Mitigation Monitoring and Reporting Programs where required;
- (f) reviewing and commenting on all environmental documents submitted to the District by other public agencies;
- (g) preparing, distributing and filing applicable environmental notices, including a Notice of Intent, Notice of Preparation, and Notice of Completion, and those Notices of Exemption and Notices of Determination for projects approved by the Board or District Official;

~~(h) collecting Fish and Game fees or preparing fee exemptions, and de minimus findings;~~

- (hi) developing, coordinating and implementing the District’s environmental review procedures consistent with policy direction provided by the Board of Directors;
- (ij) establishing informal working thresholds of significance and proposing formal thresholds. ~~AND~~

Section 304. County Clerk/Recorder.

The Napa County Clerk/Recorder is responsible for filing and posting all Notices of Intent, Completion, Exemption, and Determination for projects approved by the District. In addition, the Clerk/Recorder receives all Fish and Game fees collected, distributes them to the State, ~~and processes fee exemptions and de minimus findings.~~

CHAPTER 4. INITIAL ENVIRONMENTAL REVIEW

Section 400. reserved

Section 401. Project Completeness and Acceptance for Filing. *[State CEQA Guidelines §§15101 and 15111]*

- (a) No application for a permit shall be deemed complete, ~~received for filing, or processed unless and~~ until:
 - (1) all information required by the General Manager to complete an Initial Study or make a determination that the underlying project is categorically exempt has been received, **OR**
 - (2) the General Manager has determined pursuant to these and the *State CEQA Guidelines* that the underlying project is not a project under CEQA, is ministerial rather than discretionary in nature, clearly has no potential to have a significant effect on the environment, or is statutorily exempt from environmental review.

~~The type of information needed to complete an Initial Study or make a determination that a project is categorically exempt will in most circumstances be listed on the Application Completeness Checklist for the type of permit being requested.~~

- (b) If the General Manager determines that adequate information has not been submitted to complete a preliminary environmental review and, if necessary, an Initial Study, the project sponsor shall be notified in writing within thirty (30) days of application receipt that the application is incomplete. Any such notification shall state what additional information including fees must be submitted before ~~environmental review can be initiated~~ the application can be considered complete.
 - (1) This preliminary determination of incompleteness may be challenged by the project sponsor in writing within ten (10) working days and appealed to the Board if re-confirmed by the General Manager.
 - (2) Failure to provide the required information within one-hundred twenty (120) days of issuance of a Completeness Determination or thirty (30) days of issuance of a Request For Deposit Submission shall cause the

application to be deemed “abandoned” without further notice or action unless the General Manager gives a written extension to the deadline involved. Once an application is deemed abandoned, no further work shall be done on the project without submission of a new application and payment of new fees.

(c) Notwithstanding subsection (a), accepting an application as complete does not limit the District’s authority to require the applicant to submit ~~needed~~ additional information needed for environmental evaluation of the project if the project sponsor makes changes to the project or if there are changes in circumstances that could not be anticipated during the initial review. Failure to provide this information within one hundred twenty (120) days of issuance of a Request For Additional Environmental Information or a Request For Additional Deposit Submission shall be treated in the same manner as failure to provide the information requested in a Completeness Determination (see Section 401(b)(2) above).

~~(d) Notwithstanding subsection (a), where a District Official or body is required by law to take action on an application within a short time period and the requirements of State CEQA Guidelines Section 15111 are met, the permit application shall not be deemed received for filing and the time period within which the application must be approved or denied shall not begin to run until either:~~

- ~~(1) a tentative finding that the project is exempt from further environmental review has been made by the General Manager,~~
- ~~(2) the fifteenth (15th) day following the close of the public review period on the proposed Negative/Mitigated Negative Declaration prepared, OR~~
- ~~(3) the forty-fifth (45th) day following the close of the public review period on the draft EIR produced.~~

Section 402. Project Segmenting. *[State CEQA Guidelines §15378]*

A project is defined as the “whole of an action” and may not be segmented nor divided into smaller parts in an attempt to avoid full consideration of its environmental impacts. Thus, all of the separate permits and approvals for a particular project shall be considered together (along with the underlying activity itself) when determining the project’s environmental effects. The environmental review of a project must include an analysis of the environmental effects of future expansion or other action if: (a) such future expansion or other action is a reasonably foreseeable consequence of the initial project; and (b) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. When actions are remote or speculative, so that meaningful information regarding their impacts is unavailable, they are not reasonably foreseeable parts of a particular project and therefore need not be considered at the same time. ~~However, under such circumstances, some type of tiered or staged environmental review will be required.~~

Section 403. Project Revisions. ~~{Local procedure}~~

Any revised or amended project shall be treated as a new project for purposes of determining the time period within which CEQA processing must be completed and the project approved or denied unless the revision is found by the Planning Director to be minor and/or technical. ~~A revision or amendment implemented via submission of a Project Revision Statement shall not be deemed either a minor or technical change.~~

Section 404. Early Consultation. *[State CEQA Guidelines §15063(g)]*

~~Once the General Manager determines that a project is complete, the~~ The General Manager or his/her designee shall distribute a request for comments on the expected environmental effects of the project to all responsible agencies, trustee agencies, and other agencies and organizations that in the opinion of the General Manager have an interest in the project or applicable special expertise. The request may occur before or after an application is deemed complete, and may be combined with the request for comments on the project itself. ~~but a~~ At a minimum such requests shall include a request to identify potential impacts, possible mitigation measures, including needed project revisions, and comments on the type of environmental document that should be prepared.

Section 405. Preliminary Environmental Evaluation. *[State CEQA Guidelines §§15060 and 15061]*

~~The General Manager is responsible for conducting~~ A preliminary evaluation ~~is conducted~~ to decide whether or not an Initial Study is required, or whether the project is excluded or exempt from review under CEQA. ~~This process consists of the General Manager determining:~~

- ~~(a) — whether or not the proposal is a project under CEQA [State CEQA Guidelines §15378];~~
- ~~(b) — if a project, whether or not it is discretionary [State CEQA Guidelines §15357];~~
- ~~(c) — if discretionary, whether or not it is exempt under a General Rule finding [State CEQA Guidelines §15061(b)(3)];~~
- ~~(d) — if not exempt under a General Rule finding, whether or not it is statutorily or categorically exempt [State CEQA Guidelines Articles 18 and 19];~~ **AND**
- ~~(e) — if not statutorily or categorically exempt, whether the project is approvable or likely to be approved under current regulations, conditions, and general plan provisions.~~

A list of non-discretionary (ministerial) projects for the District is contained in Appendix A. The District projects that are typically categorically exempt are identified in Appendix B.

~~If the General Manager determines that a proposal is not a project, is not discretionary, meets General Rule findings, is statutorily or categorically excluded or exempt from review under CEQA, or recommended for denial, no further environmental review is required and the General Manager or his/her designee prepares and files a Notice of Exemptions shall document this finding in the record. Otherwise an Initial Study must be prepared. The General Manager may also prepare and file a Notice of Exemption.~~

Section 406. Initial Study Preparation. *[State CEQA Guidelines §§15063 and 15064]*

If a proposed project is not excluded or exempt from CEQA, the General Manager or his/her designee shall prepare an Initial Study to determine whether a Negative/Mitigated

Negative Declaration or an EIR is required for the proposed project. ~~unless~~ If it is clear that the project ~~will~~ may have an unavoidable significant effect on the environment, the General Manager may proceed with preparation of an EIR without preparing an Initial Study. ~~In that case, preparation of an Initial Study is optional.~~ A standard Initial Study checklist form ~~maintained by the District shall be used~~ is contained in Appendix C. ~~If after careful consideration an effect is found by the General Manager to be too speculative for evaluation, the Initial Study shall note that fact and terminate discussion of that impact. Speculative effects shall not be considered potentially significant impacts.~~

If the Initial Study determines, based on substantial evidence in light of the whole record, that the project has no potential to have a significant effect on the environment then a negative declaration must be prepared (see Chapter 6). If the project may have one or more significant impacts on the environment, then preparation of an EIR (see Chapter 7) is required. However, if revisions or mitigation measures can be applied to the project that would clearly reduce all impacts to a level of insignificance, **AND** the applicant project sponsor agrees to these in writing, then a mitigated negative declaration may be prepared (see Chapter 6).

Section 407. ~~Reserved. Thresholds of Significance and Administrative Practices.~~
~~[State CEQA Guidelines §15064.7]~~

- ~~(a) — As appropriate, the District may develop administrative practices and/or adopt as part of these guidelines thresholds of significance to assist in the determination as to whether a particular environmental effect will be deemed significant. Where a low threshold is established, it is to ensure that all potentially significant effects are addressed with respect to an environmental issue that is particularly sensitive to the District. Administrative practices are based upon well-defined and supported past practices utilized by the District or, in the absence of practices defined by the District, by the County. Thresholds, if adopted, shall be formally adopted by ordinance or resolution and shall be developed through a public review process and be supported by substantial evidence including the opinions of qualified experts, standards established in formally adopted regional plans (such as BAAQMD, TMDLs, waste discharge guidelines, etc.) and information from previously adopted EIRs.~~
- ~~(b) — Thresholds of significance and administrative practices shall be reviewed and modified from time to time as deemed necessary. The adoption and revision of formal thresholds of significance shall include CEQA review and a public hearing before the Board.~~
- ~~(c) — Generally, exceedence of a stated threshold means an effect will be deemed significant. However, in the event the proposed project has an environmental effect that complies with a threshold but the record contains credible evidence that the effect would be significant in the particular case involved, the District shall consider the effect significant.~~

Section 408. Previous Prepared District Environmental Document. [State CEQA Guidelines §15162(a)]

- (a) If a previous EIR or Negative/Mitigated Negative Declaration ~~that covers the subject action~~ has been certified/adopted by the District ~~within five years of project submission~~ and ~~none of the findings specified in the above-cited section~~ the General Manager determines that none of the circumstances requiring the preparation of a subsequent environmental document ~~can be made~~ exists, the General Manager ~~or his/her designee shall complete an Adequacy of Existing Environmental Document Finding Form. The document shall thereafter be conclusively presumed to be adequate and shall document that determination in the record, and~~ the decision-making body ~~shall simply read and consider~~ utilize the ~~earlier~~ document ~~and incorporate any mitigation measures contained therein into the project. Documentation of the General Manager's determination may take the form of a memorandum, and may be based on preparation of an Initial Study if desired.~~
- ~~(b) If a previous EIR or Negative/Mitigated Negative Declaration that covers the subject action has been certified/adopted by the District more than five years before project submission, an Initial Study shall be used to determine whether the current project has been adequately reviewed therein. If none of the findings specified in the above-cited section requiring the preparation of a subsequent environmental document can be made, the General Manager or his/her designee shall complete an Adequacy of Existing Environmental Document Finding Form. Otherwise the document shall be recirculated and processed pursuant to the provisions of Section 15073.5 or 15088.5 of the State CEQA Guidelines.~~

CHAPTER 5. EXEMPT PROJECTS

Section 500. General.

Projects that are ministerial in nature, meet General Rule findings, are statutorily exempt, are categorically exempt, or are denied do not require the preparation of an Initial Study, an EIR or a Negative/Mitigated Negative Declaration. ~~However, when a project involves elements, some of which are exempt in nature and some of which are not, the project will be deemed non-exempt and an Initial Study must be prepared.~~

Section 501. Ministerial Projects. [State CEQA Guidelines §15268]

Appendix A contains the list of projects that the Board has found to be ministerial in nature. However, when a project involves elements, some of which are ministerial in nature and some of which are discretionary, the overall project will be deemed discretionary and subject to CEQA review.

Section 502. General Rule. [State CEQA Guidelines §15061(b)(3)]

~~A CEQA does not apply to a project is exempt from the requirements of these regulations where if~~ it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

Section 503. Statutory Exemptions. [State CEQA Guidelines §15260]

Those exemptions granted by the State legislature are listed in *State CEQA Guideline* sections 15260 through 15285, and as may be amended.

Section 504. Categorical Exemptions. [State CEQA Guidelines §15301-15332]

In addition to those specific projects listed above, the Board has found several other kinds of projects that typically do not have a significant impact on the environment. Therefore pursuant to Section 15300.4 of the *State CEQA Guidelines*, the District hereby adds the activities and permits listed in Appendix B to the list of Class Numbers 1, 3, 4, and 5 activities that are categorically exempt for the District.

Section 505. Categorical Exemption Use Limitations. [State CEQA Guidelines §15300.2(a)-(f) and local ordinance (g)]

A categorical exemption shall not be used if ~~any of the following~~ conditions in State CEQA Guidelines Section 15300.2 apply:

~~(a) — Location~~

~~Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located—a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.~~

~~(b) — Cumulative Impact~~

~~The project may have a significant effect when the cumulative impact of successive projects of the same type in the same place are considered.~~

~~(c) — Significant Impact~~

~~The project has a reasonable possibility due to unusual circumstance of having a significant impact on the environment.~~

~~(d) — Scenic Highways~~

~~The project may result in damage to scenic resources that are visible to the naked eye from a designated roadway. This does not apply to improvements that are required as mitigation in an adopted Negative/Mitigated Negative Declaration or a certified EIR.~~

~~(e) — Hazardous Waste Sites~~

~~The project is located on or in the immediate vicinity of a hazardous waste site as delineated in the County Environmental Resource Mapping System and has the potential to effect or be affected by the hazard involved.~~

~~(f) — Historical Resources~~

~~The project may cause a substantial adverse change as defined by the State Office of Historic Preservation or a qualified professional in the significance of a historical resource.~~

~~(g) — Groundwater Extraction in Excess of the Phase 1 Groundwater Extraction Standards~~

~~The project proposes to extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the County Department of Public Works.~~

Section 506. Denial of Projects. [State CEQA Guidelines §15061(b)(4)]

Projects that the District rejects or disapproves are not subject to CEQA. This provision, however, does not relieve a project sponsor from paying the costs for an EIR, Negative/Mitigated Negative Declaration, Initial Study, or preliminary environmental evaluation if prepared.

**CHAPTER 6. NEGATIVE/MITIGATED NEGATIVE DECLARATION
PROCESS**

The following provisions are added as procedural clarifications of *State CEQA Guidelines* Sections 15070 - 15075 with respect to Negative/Mitigated Negative Declarations for the District.

Section 600. Negative Declaration. [State CEQA Guidelines §15070]

If the General Manager finds, based on the Initial Study that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment, the General Manager or his/her designee shall prepare a Negative Declaration for consideration by the decision-making body for the permit(s) involved.

Section 601. Mitigated Negative Declaration. [State CEQA Guidelines §15070]

If the General Manager finds, based on the Initial Study that the proposed project may have possible adverse significant impacts on the environment, but through revisions to the project or imposition of mitigation measures, such impacts would be mitigated or avoided so that no significant impacts remain, **AND** there is no substantial evidence in the ~~entire~~ record as a whole that significant impacts would result from the revised project; then the General Manager ~~or his/her designee~~ shall notify the project sponsor(s) and provide them with a copy of the list of proposed mitigation measures that the project could incorporate to avoid all potentially significant effects. ~~Once~~ If the project sponsors agrees in writing to these or functionally equivalent revisions/mitigation ~~measures and signs the Project Revision Statement indicating same~~, the ~~Planning Department~~ General Manager will then prepare a Mitigated Negative Declaration for public review and consideration by the decision-making body on the permit(s) involved.

Section 602. Contents. [State CEQA Guidelines §15071]

The Negative/Mitigated Negative Declaration must contain all items required by *State CEQA Guidelines* Section 15071. ~~In addition, the following documents must also be included as part of the Negative/Mitigated Negative Declaration:~~

- ~~(a) — a completed one page Negative/Mitigated Negative Declaration form, AND~~
- ~~(b) — a completed Mitigation Monitoring and Reporting Program form [Mitigated Negative Declarations only].~~

Section 603. Public Notice and Review. [State CEQA Guidelines §15072 and 15073]

A Notice of Intent to Adopt a Negative/Mitigated Negative Declaration shall be provided in accordance with *State CEQA Guidelines* Section 15072.

- ~~(a) — The District shall provide such notice in the following manner:~~
- ~~(1) — Publication at least one time in a newspaper of general circulation in the area potentially impacted;~~
- ~~(2) — Mailing of the notice to the owners of all parcels within 300 feet of the boundaries of the parcel(s) on which the project is located plus those parcel owners adjacent to areas to be disturbed by off-site work at their last known address on the latest equalized assessment roll;~~
- ~~(3) — Mailing of the notice to responsible agencies, trustee agencies, and the County Clerk/Recorder; **AND**~~
- ~~(4) — Mailing of the notice to organizations and individuals who have requested special notice in writing.~~
- ~~(b) — A copy of the proposed Negative/Mitigated Negative Declaration shall be sent to the following entities:~~
- ~~(1) — all responsible agencies, trustee agencies, and agencies with jurisdiction by law over the project;~~
- ~~(2) — all organizations and individuals requesting the document; **AND**~~
- ~~(3) — the State Clearinghouse if a state agency is a responsible or trustee agency or otherwise has jurisdiction by law over natural resources affected by the project or if the project is of statewide, regional or area-wide significance as that term is defined in the *State CEQA Guidelines*. In that case, a Notice of Completion shall be filed replacing the Notice of Intent.~~
- ~~(c) — If a comment is not received during the public review period from an agency or person, it shall be assumed, absent a request for a specific extension of time that said agency or person has no comment to make.~~

Section 604. Notice of Determination. [State CEQA Guidelines §15075]

- ~~(a) (a) — Whenever the Board or District Official approves a permit or authorizes a project for which a Negative/Mitigated Negative Declaration has been prepared, the General Manager or his/her designee shall file within 5 **working** days of their action a Notice of Determination with the County Clerk/Recorder.~~
- ~~(b) In instances where multiple approval actions by the District are required, the Notice of Determination shall be filed after the final decision to approve a project — In addition, if the project requires discretionary approvals from one or more state agencies, the Notice of Determination shall also be filed with the State Office of Planning and Research within this same 5-day period. **In this latter case, the period during which the adequacy of the adopted document may be challenged in court shall start on the day the Notice of Determination is posted by the State Office of Planning and Research.**~~
- ~~(c) — (c) — In accordance with Section 711.2 of the Fish and Game Code, if a project impacts plants or animals, a fee payable to the State Department of Fish and Game must accompany the Notice of Determination unless the General Manager finds that a “de minimus” effect on plants and animals will result.~~

~~In that case, a “De Minimus” Fee Exemption form must be filed with the Notice of Determination.~~

~~(c) (d)~~ Payment of any Fish and Game fees ~~(unless a “de minimus” finding is made)~~ due to the State at the time a Notice of Determination is filed is the responsibility of the project ~~proponents~~ sponsor. ~~When the project sponsor is not the District, the project sponsor must submit the fee to the District Payment must be received~~ before the ~~decision-making body~~ District holds a hearing on or decides on the adequacy of the Negative/Mitigated Negative Declaration prepared.

CHAPTER 7. ENVIRONMENTAL IMPACT REPORT (EIR) PROCESS

The following provisions are added as procedural clarifications of *State CEQA Guidelines* Sections 15080–15097, 15120–15132, and 15140–15154 with respect to the preparation and processing of EIRs for the District.

Section 700. EIR Production Preparation. [State CEQA Guidelines §§15081 and 15081.5]

If the General Manager finds during preliminary review or, based on ~~an~~ the Initial Study that there is substantial evidence in the record as a whole that a project may have a significant adverse effect on the environment, or if an EIR is required by statute ~~(see State CEQA Guidelines Section 15081.5)~~, the General Manager shall notify the project sponsor in writing within ~~fifteen~~ thirty (30) days that an EIR must be prepared. The decision of the General Manager’s decision may be appealed to the District Board of Directors.

Section 701. Contents of an EIR. [State CEQA Guidelines §15120-15132]

An EIR produced by/for the District must contain all items required by *State CEQA Guidelines* Sections 15120-15132, ~~be organized in the manner specified in the District’s Standard EIR Outline (see Appendix C), and meet the District’s EIR Formatting Guidelines (see Appendix D).~~ In addition, it must meet the requirements of *State CEQA Guidelines* Sections 15140-15152 and 15154.

Section 702. Processing an EIR. [State CEQA Guidelines §§15080–15097]

~~The following provisions are hereby added to the above cited sections of the State CEQA Guidelines to clarify the preparation and processing of EIRs by the District.~~

Section 702.1 Notice of Preparation (NOP). [State CEQA Guidelines §15082]

A Notice of Preparation notifying responsible and interested agencies about the project and soliciting their comments on the scope and content of the EIR shall be prepared by the General Manager or his/her designee. This notice shall be sent by certified mail to the project sponsor, all responsible and trustee agencies, and all federal agencies involved in approving or funding the project. If State agencies are involved then the NOP shall also be sent to the State Clearinghouse. A copy of the NOP shall also be delivered to the County Clerk/Recorder for posting for thirty (30) days. ~~A list of agencies that are typically sent the NOP shall be maintained by the Planning Department.~~

Section 702.12 Scoping. [State CEQA Guidelines §15083]

The scope of the EIR prepared is determined using the following sources: the Initial Study, if one is produced, previous environmental documents, responses to the NOP, consultation with other agencies, and public scoping meetings, if held. A public scoping meeting may be incorporated into the NOP process and is typically held by the consultant preparing the EIR with assistance from the General Manager or his/her designee.

Section 702.23 Preparation of Administrative Draft EIR. [~~Local procedure~~]

The pre-circulation draft of an EIR is referred to as the administrative draft. This draft is considered a working document to be circulated among District staff, agents, contractors and other experts as needed ~~and any responsible agencies, where appropriate,~~ for their comment on its accuracy and adequacy. It is not available for public ~~or project sponsor~~ review ~~though the project description may be distributed to the project sponsor to ensure that the project has been accurately depicted.~~ ~~and~~ Copies of the administrative draft EIR shall be destroyed upon release of the DEIR.

Section 702.34 Public Review of Draft EIR. [State CEQA Guidelines §§15085, 15087, 15105]

- (a) The General Manager shall provide public notice of the availability of the Draft EIR for review and comment in the same manner as specified in Section 603~~(a)~~~~(e)~~ for a Negative Declaration. In addition a copy of the Draft EIR shall be sent to the nearest branch of the Napa City/County Library at the same time a Notice of Completion is sent to the State Office of Planning and Research. The contents of the public notice shall be as specified in *State CEQA Guidelines* Section 15087(c).
- (b) The normal public review period for a Draft EIR in the District shall be 45 days unless a shorter period of not less than 30 days is approved by the State Clearinghouse. [State CEQA Guidelines §15105] The General Manager may set a public review period of up to 60 days when circumstances indicate that a longer than normal review period is appropriate.
- (c) A public hearing on a Draft EIR is not required under CEQA and is not typically held by the District when the decision-making body is the General Manager or his/her designee. When the decision-making body is the Board, a public hearing should, ~~when deemed appropriate by the General Manager,~~ be held during the public review period to solicit ~~additional~~ public comments.

Section 702.45 Final EIR. [State CEQA Guidelines §15132]

The Final EIR consists of the text of the Draft EIR revised as necessary to reflect those comments received that require text changes, all comments received on the Draft EIR, the District's responses to said comments, ~~and~~ a list of all persons and agencies that were asked to comment or commented on the Draft EIR, and any other information added by the District.

Section 702.56 Notice of Determination (NOD). *[State CEQA Guidelines §15094]*

After certification of the final EIR and approval of the project, the General Manager or his/her designee shall prepare and file a Notice of Determination with the County Clerk/Recorder following the same procedure and with the same restrictions as specified in Section 604.

CHAPTER 8. MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)

Section 800. General. *[State CEQA Guidelines §15097]*

Pursuant to Public Resources Code Section 21081.6, all jurisdictions must have a method for monitoring compliance and implementation of adopted mitigation measures. The District Mitigation Monitoring and Reporting programs (i.e., MMRPs) shall be in conformance with *State CEQA Guidelines* Section 15097 as augmented by the provisions listed below.

Section 801. Adoption. *[State CEQA Guidelines §15097]*

- (a) At the time the District makes the required CEQA findings regarding the Mitigated Negative Declaration or EIR being used, the decision-making body shall adopt a program for monitoring and reporting on the mitigation measures as part of the project. Conformance with this program shall be a condition of project approval. ~~As such, failure to comply with the provisions of the adopted MMRP will have the same consequences as failure to comply with any other condition of project approval.~~
- (b) The resultant adopted MMRP shall be distributed to all agencies, departments, and parties with monitoring or review responsibility thereunder.

Section 802. Contents. ~~*[Local procedure]*~~

MMRPs shall include at a minimum the following information for each mitigation measure:

- (a) identification of the individual, department, agency, or other entity responsible for performing the mitigation measure;
- (b) identification of the timing for implementation of the mitigation measure;
- (c) identification of the specific results or performance standards that the mitigation is intended to accomplish if not clearly stated in the mitigation measure;
- (d) identification of the individual, department, agency, or other entity responsible for ensuring implementation of the mitigation measure;
- (e) identification of the frequency of inspections or other monitoring activities;
- (f) identification of when compliance completed;
- (g) a statement that the project sponsor shall pay all monitoring costs including but not limited to those included by the District; **AND**
- (h) a signature block for the project sponsor and the property owner.

Section 803. Compliance Assurance Responsibilities. ~~*[Local procedure]*~~

- (a) Overall compliance shall be coordinated by the General Manager or his/her designee unless otherwise indicated in the adopted MMRP.
- (b) The General Manager or his/her designee may hire an outside consultant where mitigation measure compliance cannot be verified through the planning clearance process, where monitoring requires specialized expertise, or when District staff is unavailable to do the necessary work. The cost of said consultant shall be paid by the project sponsor.
- (~~c~~) Other agencies shall monitor the mitigation measures that they request or that are within their area of expertise. The General Manager or his/her designee shall notify these agencies of the mitigation monitoring required. These agencies shall inform the District in writing when each of their mitigation measures has been complied with completely.
- ~~(e) Upon full compliance with all the mitigation measures listed in the adopted MMRP, the General Manager or his/her designee shall sign and file in the project file the MMRP Form thereby documenting satisfactory completion of the MMRP.~~

Section 804. Fees. *[State CEQA Guidelines §15045]*

- (a) The District shall charge and collect from the project sponsor a fee in an amount equal to the actual costs to the District of implementing the adopted MMRP. This includes the costs associated with use of an outside consultant where the General Manager finds said use to be either necessary and/or convenient.
- (b) An initial deposit in an amount equal to the District's total estimated costs of implementing the adopted MMRP for the first three (3) years shall be submitted to the General Manager or his/her designee prior to issuance of the first building permit needed to commence work on the project. Any unused portion of this initial deposit that is not needed to pay for permanent or long-term monitoring will be refunded to the project sponsor upon fulfillment of all those MMRP provisions that do not involve such monitoring.
- (c) The project sponsor shall replenish the initial deposit every two (2) years so that the balance is high enough to pay for the estimated costs of monitoring compliance for three (3) years for those measures that require long-term or ongoing monitoring.

**CHAPTER 9. NAPA COUNTY REGIONAL PARK AND OPEN SPACE
DISTRICT AS A RESPONSIBLE AGENCY**

[State CEQA Guidelines §§15096 and 15253]

The following provisions are added as procedural clarifications of *State CEQA Guidelines* Sections 15096 and 15253 with respect to the responsible agency process for the District.

Section 900. Commenting on a Lead Agency’s Environmental Document. [State CEQA Guidelines §15096]

- (a) The General Manager or his/her designee shall make every effort to provide written comments on the draft Negative/Mitigated Negative Declaration, Notice of Preparation and/or Draft EIR prepared by the Lead Agency within the time frames specified in the *State CEQA Guidelines*. ~~In addition, the District shall attempt to fully participate in any scoping sessions held.~~
- ~~(b) The General Manager or his/her designee shall undertake a preliminary environmental review per Section 405 above and may fill out an Initial Study checklist (but not complete a discussion of the reasons for each check mark) for each project for which it is a responsible agency. The results of this process shall be used as a basis for the District’s comments to the Lead Agency.~~
- (be) The comments provided shall be limited to activities within the District’s area of expertise or jurisdiction. They shall at a minimum identify District standards, permit requirements, potentially significant impacts, alternatives to be analyzed, and any mitigation measures to be considered. In addition, a recommendation as to whether a Negative/Mitigated Negative Declaration, or EIR is the appropriate document for the Lead Agency to prepare may shall be provided. The focus of the comments shall be to assist the Lead Agency in producing a defensible environmental document that meets the District’s needs.

Section 901. Failure of Lead Agency to Consult With District or Adequately Respond to Comments Provided. [State CEQA Guidelines §15096~~162~~]

- (a) If the Lead Agency fails to consult with the District prior to adopting a Negative/Mitigated Negative Declaration or certifying an EIR for a project over which the District has permit authority, the Planning Department will review the document prepared. If the General Manager finds based on the review done that the document is adequate for District purposes, the District shall follow the procedures specified in Sections 903 and 904 below. However, if the General Manager finds that the document is inadequate for District purposes then the District ~~shall~~ may take over the role of Lead Agency. The General Manager or his/her designee shall in that case follow the procedures specified herein in Chapters 4, 5 and 6 to prepare and process the environmental document needed.
- (b) If the Lead Agency fails in the opinion of the General Manager to adequately respond to the comments provided, the General Manager shall consult with District Counsel and jointly recommend a course of action pursuant to CEQA guidelines Section 15096(e)~~either:~~
 - ~~(1) commence preparation of a subsequent EIR or Negative/Mitigated Negative Declaration if permissible under section 15162 of the State CEQA Guidelines;~~
 - ~~(2) assume the lead agency role if permissible under section 15162 of the State CEQA Guidelines; OR~~
 - ~~(3) make a recommendation to the Board within ten (10) working days of the filing of the Notice of Determination for the project as to whether or not to pursue legal remedies.~~

~~**Section 902. Use of a Lead Agency-Prepared Environmental Document.** *[State CEQA Guidelines §15162]*~~

- ~~(a) — If a previous EIR or Negative/Mitigated Negative Declaration that covers the subject action has been certified/adopted by the Lead Agency within 5 years of permit submission and none of the findings specified in section 15162(a) of the *State CEQA Guidelines* requiring the preparation of a subsequent environmental document can be made, the General Manager or his/her designee shall complete an Adequacy of Existing Environmental Document Finding form. The document shall thereafter be conclusively presumed to be adequate.~~
- ~~(b) — If a previous EIR or Negative/Mitigated Negative Declaration that covers the subject action has been certified/adopted by the Lead Agency more than 5 years before permit submission, a full Initial Study shall be prepared and used to determine whether the current project has been adequately reviewed therein. If none of the findings specified in section 15162(a) of the *State CEQA Guidelines* can be made, the General Manager or his/her designee shall complete an Adequacy of Existing Environmental Document Finding form. The document shall then be re-circulated and processed pursuant to the provisions of *State CEQA Guidelines Section 15073.5 or 15088.5*.~~

Section 903. Approval of Project By District Acting as a Responsible Agency. *[State CEQA Guidelines §15096]*

- (a) In issuing approvals or taking any other discretionary action on a project for which the District is a responsible agency, the District shall certify that it has reviewed and considered the environmental effects of the project as shown in the Negative/Mitigated Negative Declaration or EIR prepared by the Lead Agency.
- (b) If an EIR has been produced, the District decision-making body shall adopt findings as set forth in *State CEQA Guidelines* Sections 15091 and 15093, if necessary.
- (c) Where the District decision-making body requires the implementation of mitigation measures or other project changes to substantially lessen or avoid significant environmental effects of activities under its statutory control, a MMRP consistent with Chapter 8 of these guidelines covering those changes and measures shall be adopted at the time of project approval.

Section 904. Limitations on the Power of District as a Responsible Agency to Require Changes in Project. *[Local Procedure]*

- (a) When the District acts as a responsible agency for a project, it may only require those changes in a project that lessen or avoid the effects, either direct or indirect, of that part of the project that the District will be called upon to carry out or approve.
- (b) When the District acts as a responsible agency, it may refuse to approve a project only in order to avoid direct or indirect adverse environmental effects of that part of the project the District must carry out or approve.

Section 905. Certified Equivalent Program: Use of Environmental Document Prepared In Lieu of a Negative/Mitigated Negative Declaration or EIR. [State CEQA Guidelines §§15250-15253]

An environmental analysis document prepared for a project pursuant to a certified equivalent program shall be used by the District as a substitute for an EIR or Negative Declaration/Mitigated Negative Declaration and no additional environmental document shall be required if the conditions in *State CEQA Guideline* Section 15253(b) are met. ~~If a certified agency does not meet the criteria set forth in *State CEQA Guideline* Section 15253(b), the substitute document prepared shall not be used and the District shall act as the lead agency if it is the next agency required to grant an approval of the project. In this case CEQA shall be complied with in the usual manner for a Lead Agency.~~

CHAPTER 10. APPEALS

Section 1000. Appeals Permitted. [Local Procedure]

- ~~(a)~~ (a) — Any interested person ~~who has commented during any noticed public review period on the adequacy of the environmental determination~~ may appeal to the Board the determination ~~made to the Board of the General Manager that a project is/is not exempt from review, or that an EIR is required~~, subject to the payment of all District costs associated with processing the appeal.
- ~~(b)~~ (b) Any decision by the General Manager to adopt a negative declaration, to adopt a mitigate negative declaration, or to certify a Final EIR may also be appealed to the Board, subject to the payment of all District costs associated with processing the appeal.
- ~~(c)~~ (c) Any appeal filed pursuant to this Section ~~1000(a) above~~ will suspend any further consideration of the project until a decision on the appeal is made by the Board. ~~All time elapsed during the course of the appeal filed by the project sponsor and the first 60 days elapsed in the course of an appeal filed by other interested parties shall be considered a suspension of the time periods to complete the environmental document required and act on the project involved.~~
- ~~(d)~~ (d) Appeals must be filed in writing with the District Secretary within ten working days of the decision being appealed. The appeal must contain a detailed statement supported by substantial evidence for each cause of appeal. Arguments and/or evidence not included in the written appeal shall not be considered by the Board. The appeal must also be accompanied by an appeal fee, which shall be reasonably related to the expected full cost to the District of processing the appeal, as determined by the General Manager. Upon conclusion of the appeal process, if the actual cost to the District is less than the amount of the fee collected, the excess amount shall be returned to the appellant.

~~Section 1001. Content of Appeal.~~

~~An appeal filed pursuant to Section 1000(a) above shall not be set for hearing until and the appellant has agree in writing to pay all District costs associated with processing the appeal, and the relevant following statement (to the extent applicable) has been submitted to the Secretary of the Board by the appellant:~~

- (a) ~~a detailed statement supported by substantial evidence for each insignificant or less than significant impact identified in the initial study that the appellant contends may be significant;~~
- (b) ~~a detailed legal and factual statement indicating why the appellant contends that the project is not exempt; and~~
- (c) ~~a detailed statement supported by substantial evidence describing why the Negative Declaration/Mitigated Negative Declaration or EIR is inadequate.~~

CHAPTER 11. FORMS

~~Section 1100. General.~~

~~The General Manager or his/her designee shall maintain and update from time to time as needed those forms listed below and incorporated by reference herein:~~

~~Preliminary Review Forms~~

- ~~Environmental Assessment Background Information Sheet~~

~~Request for Additional Information Forms~~

- ~~Completeness Determination~~
- ~~Request For Additional Information~~

- ~~Guidelines For Preparing~~

- a)~~Geological Hazards Reconnaissance Surveys~~
- b)~~Landslide Hazard Studies~~
- c)~~Seismic Hazard Studies~~
- d)~~Runoff, Stream Flow, and Flooding Studies~~
- e)~~Erosion/Sedimentation Studies~~
- f)~~Groundwater Studies~~
- g)~~Biological Resources Reconnaissance Surveys~~
- h)~~Special Status Plant Studies~~
- i)~~Special Status Animal Studies~~
- j)~~Cultural Resource Surveys~~

- ~~Exemption Preparation Forms~~

- ~~Notice of Exemption~~

~~Initial Study Preparation Forms~~

- ~~Initial Study~~

~~Negative Declaration Preparation Forms~~

- ~~Proposed Negative/Mitigated Negative Declaration~~
- ~~Project Revision Statement~~
- ~~Notice of Intent to Adopt a Negative/Mitigated Negative Declaration~~
- ~~Shortened State Review Period Request~~
- ~~Standard Negative/Mitigated Negative Declaration Findings (for District official)~~

~~EIR Preparation Forms~~

- ~~Notice of Preparation~~
- ~~Notice of Completion~~
- ~~Public Review Period Commencement Notice~~
- ~~Mitigation Monitoring and Reporting Program~~
- ~~Standard EIR Findings (for District official)~~
- ~~Standard EIR Certification Letter~~

Filing Forms

- ~~De minimus Finding for Fish and Game Fees~~
- ~~Notice of Determination~~
- Referral Forms**
- ~~List of Public and Private Referral Agencies~~
- ~~Request for Comments on the Environmental Effects of a Project~~
- ~~Standard Response to Request for Comments~~

APPENDICES

- A. **Ministerially Exempt Projects for the -District**
- B. **Additional Categorically Exempt Projects for the District**
- C. **Initial Study Checklist~~Standard EIR Outline~~**
- D. **~~Standard EIR Formatting Guidelines~~**

APPENDIX A

MINISTERIALLY EXEMPT PROJECTS FOR THE DISTRICT

Pursuant to Sections 15022 and 15268 of the *State CEQA Guidelines* issuance/approval of the following permits by the District shall be conclusively presumed to be ministerially exempt from the requirements of CEQA and thus preparation of an environmental document is not required. However, where a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed discretionary and will be subject to the requirements of CEQA.

No permits meeting this criteria have been identified at this time.

APPENDIX B

ADDITIONAL CATEGORICALLY EXEMPT PROJECTS FOR THE DISTRICT

In addition to the exemptions contained in the *State CEQA Guidelines*, pursuant to Sections 15022(a)(1)(C) and 15300.4 of the *State CEQA Guidelines* the Board has found that the following types of projects typically do not have a significant effect on the environment and therefore qualify for a categorical exemption under the class of categorical exemptions listed below. Listing here does not guarantee a project is exempt if due to location or other unique circumstances the project would have a significant impact on the environment. The *State CEQA Guidelines* provide many examples of when an otherwise exempt project may no longer be exempt. The following list should therefore be read in conjunction with the *Guidelines*. †

Class 1: Existing Facilities [*State CEQA Guidelines §15301*]

1. Repair, maintenance, reconstruction, replacement and minor expansion of Existing roads, streets, highways, bicycle and pedestrian paths and trails, and appurtenant facilities. ~~Repair, maintenance, reconstruction, replacement and minor expansion~~ including, but not limited to:
 - (a) reconstructing, resurfacing and/or seal coating of ~~the pavement~~existing roads and trails;
 - (b) paving existing unpaved road shoulders;
 - (c) widening ~~the paved roadway by less than 8 feet or adding up to 4 foot wide unpaved shoulders~~existing roads and trails by less than 8 feet of paved surface and 4 feet of unpaved shoulders.
 - (d) adding short auxiliary lanes when required for localized purposes such as weaving, turning, climbing, lane changing or accelerating or decelerating;
 - (e) adding non-motorized trails and walkways parallel to the existing roadway to separate such non-motorized uses from motorized traffic;
 - (f) installing landscaping ~~within road right-of-ways~~in and around existing buildings, roads and trails that involves minimal earth disturbing activities;
 - (g) working on clear-span bridge structures, reconstructing existing stream crossings and making minor operational improvements to drainage facilities, provided that the construction of temporary stream bypasses is not involved;
 - (h) modifying to improve existing roadside or trailside safety features such as curbs, pikes, headwalls, slopes and ditches ~~within the right-of-way~~, adding or replacing devices such as fencing, guardrails, safety barriers, guideposts, and markers, or installing, removing, or modifying regulatory, warning, or informational signs;
 - (i) adding, removing and/or replacing distinctive roadway markings such as painted stripes, raised pavement markers thermoplastic, tape or raised bars; **OR**

- ~~(j) abandoning dead end roads when provisions for ongoing, long term maintenance have been made or the road right of way has been returned to a natural state from a hydrologic standpoint.~~
- ~~(j) minor rerouting of trails to correct erosion problems, reduce impacts to environmentally sensitive features, and/or improve safety.~~
- ~~(k) paving of existing unpaved roads and trails, provided water runoff is not concentrated in such a way as to cause downstream erosion and/or water quality impacts. where a grading permit is not required.~~
- ~~(l) construction of water bars, drain dips, swales and other minor water management and erosion control features on roads and trails, provided water runoff is not concentrated in such a way as to cause downstream erosion and/or water quality impacts.~~
- ~~2. Existing telecommunication facilities: Modification and renewal of the permits thereof.~~
- ~~23. Applications for Mminor modifications of existing use permits industrial and commercial facilities: Modifications that have been found by the General Manager to be similar in intensity to those described in Sections 18.124.130 of the County Code.~~
- ~~4. Existing erosion control plans: Modification thereof when:

 - ~~(a) the footprint of the area disturbed is not expanded;~~
 - ~~(b) the amount of sediment delivered from the site as calculated by a qualified professional is not increased; AND~~
 - ~~(c) groundwater use is not increased.~~~~
- ~~5. reserved~~
- ~~6. Tentative map revisions: Revisions to approved maps that do not involve the relocation of either building sites or access roads.~~
- ~~7. Approved oil, gas, and geothermal wells: Revisions that do not involve disturbance of previously undisturbed areas.~~
- ~~8. Existing mining operations: Temporary cessation thereof.~~
- 3. Operation and Maintenance Activities
 - a. Cleaning, painting and repair of existing structures and facilities.
 - b. On-going rental, lease or use of existing facilities by District staff, contractors, agents and/or volunteers.

Class 3: New Construction or Conversion of Small Structures [State CEQA Guidelines §15303]

- ~~9. reserved~~
- ~~10. reserved~~
- ~~11.1 Wells: Installation and/or operation thereof of water wells pursuant to a groundwater permit in accordance with County of Napa Department of Environmental Management requirements when the amount of groundwater proposed to be used in total on the parcel is less than or equal to the amount of groundwater historically used (i.e., during the last 3 years).~~

2. New fencing to protect resources, limit trespass, control grazing, improve safety and restrict public access, provided the fencing is of a variety and in locations where it will not impede wildlife movement.
3. Installation of solar panels on or adjacent to existing structures.
4. Repair, upgrading and extension of utilities.

Class 4: Minor Alterations to Land *[State CEQA Guidelines §15304]*

- ~~12. reserved~~
13. New access roads and driveways (~~longer than 300 feet~~) that would:
 - (a) not disturb more than 2 acres of land;
 - (b) not move more than 2,000 cubic yards of soil;
 - ~~(c)~~ not traverse slopes that are steeper than 29.9%; **AND**
 - ~~(d)~~ not discharge concentrated runoff within a stream setback area.
2. Mechanical or chemical control of invasive plants that is consistent with best management practices.
3. Routine vegetation management including but not limited to pruning, fuel load reduction, and fuel clearance around structures, to reduce wildfire hazard that is consistent with the recommendations of the County of Napa Fire Marshall.
4. Minor temporary use of land having negligible or no permanent effects on the environments, including volunteer work parties, meetings, educational tours and activities, etc.

Class 5: Minor Alterations in Land Use Limitations *[State CEQA Guidelines §15305]*

- ~~14. reserved~~1. Acceptance or granting of easements or other land use agreements which protect natural resources and viewsheds.
2. Acceptance of interests in property, including easements, leases, etc.
3. Lot line adjustments and parcel mergers or divisions which do not create new development rights.
4. Applications for variances or exceptions to standards for permitted projects.
- ~~15. reserved~~
- ~~16. reserved~~

APPENDIX C

DISTRICT ENVIRONMENTAL IMPACT REPORT (EIR) OUTLINE INITIAL STUDY CHECKLIST FORM

An Environmental Impact Report (EIR) produced by or for the District shall be in the following format and include the following elements unless otherwise agreed to in advance by the General Manager.

COVER

TITLE PAGE

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

I. EXECUTIVE SUMMARY

A. Introduction and Purpose

B. Project Location

C. Project Description

D. Summary of Significant Effects and Mitigation Measures (*outline format see sample layout below*)

Geology and Soils

***IMPACT 1.1: Public Safety Risk Exposure.** Exposure of new site users to significant hazards from landsliding

***MITIGATION MEASURE 1.1: Project Relocation.** Relocate structure off landslide.

***IMPACT 1.2:**

E. Areas of Controversy and Issues to be Resolved

F. Project Alternatives Considered

II. PROJECT DESCRIPTION

A. Introduction

1. Intended Uses of the EIR

2. Documents Incorporated by Reference

B. Project Location (*specifically and in context with surrounding area*) and General Description

C. Detailed Project Description

1. Implementation Schedule (both for development and operation, including phasing)

- 2. ~~Development~~
- 3. ~~Operation~~
- 4. ~~Required Permits~~
- D. ~~Project Objectives~~
- E. ~~Project Context~~
 - 1. ~~Applicable Regional Plans~~
 - 2. ~~General Plan Consistency Analysis~~
 - 3. ~~Zoning and Other Applicable Local Regulations~~
 - 4. ~~Applicable Regional, State and Federal Regulations~~
 - 5. ~~Cumulative Considerations~~

~~III. THE PHYSICAL AND BIOLOGICAL ENVIRONMENT~~

- A. ~~Geology and Soils (the following layout shall be used for each section listed below; use of figures, tables, and plates is encouraged)~~
 - 1. ~~Setting (includes regulatory setting)~~
 - 2. ~~Impact (includes identification and where possible quantification of the impact involved, a determination of its significance, and a statement of how significance was determined)~~
 - 3. ~~Mitigation (feasible measures presented in such a manner as to maintain a clear one-to-one correspondence between the impact identified and the measures put forth to mitigate it)~~
 - ~~a. Included as Part of the Project:~~
 - ~~b. Identified By This Report:~~
- B. ~~Climate~~
- C. ~~Drainage and Surface Hydrology~~
- D. ~~Groundwater Hydrology~~
- E. ~~Surface Water Quality~~
- F. ~~Groundwater Quality~~
- G. ~~Air Quality~~
- H. ~~Noise~~
- I. ~~Biological Resources~~
- J. ~~Community Characteristics (includes land use and population, employment and housing, where relevant)~~
- K. ~~Visual and Aesthetic Considerations~~
- L. ~~Cultural Resources (includes archaeological, historical, scientific, and recreational resources)~~
- M. ~~Traffic and Circulation~~
- N. ~~Energy Considerations~~
- O. ~~Community Services (includes services, utilities, and recreation)~~
- P. ~~Public Health and Safety~~
- Q. ~~Fiscal Considerations~~
- R. ~~Rock and Mineral Resources~~

~~IV. MITIGATION MONITORING AND REPORTING PROGRAM~~

- ~~A. Introduction (citing State requirements)~~
- ~~B. Mitigation Monitoring and Reporting Procedures~~
- ~~C. Mitigation Monitoring and Reporting Plan (list organized by when measure must be implemented; i.e., prior to permit issuance, during construction, prior to commencement of operations, ongoing, etc.)~~

~~V. IMPACT OVERVIEW~~

- ~~A. Unavoidable Significant Adverse Environmental Effects~~
- ~~B. Significant Adverse Environmental Effects That Can Be Mitigated~~
- ~~C. Other Adverse Environmental Effects Not Found To Be Significant (includes a concise one sentence justification of why each effect listed was found not to be significant)~~
- ~~D. Significant Beneficial Effects~~
- ~~E. Significant Irreversible Environmental Changes~~
- ~~F. Growth Inducing Impacts~~
- ~~G. Relationship Between Local Short Term Uses of Man's Environment and the Maintenance and Enhancement of Long Term Productivity~~

~~VI. PROJECT ALTERNATIVES~~

- ~~A. Introduction (must include reasoning for selecting the alternatives evaluated and an identification of the environmentally superior alternative)~~
- ~~B. No Project Alternative~~
- ~~C. Reduced Project Alternative~~
- ~~D. Any other alternative(s) deemed potentially feasible~~

~~VII. COMMENTS RECEIVED (Final EIR only)~~

- ~~A. Introduction (includes list of entities and individuals from which comments were requested and responses were received)~~
- ~~B. Correspondence Received~~
- ~~C. Testimony Taken~~

~~VIII. RESPONSES PROVIDED (Final EIR only)~~

- ~~A. Introduction~~
- ~~B. Specific Responses~~

~~IX. REPORT PREPARATION~~

- ~~A. Firms, Agencies, and Individual Involved In Preparing Report (indicating the subject matter or section that each person/firm cited prepared)~~
- ~~B. Other Agencies, Firms, and Individuals Contacted (includes sections for responsible agencies, trustee agencies, and agencies with jurisdiction by law)~~

~~X. REFERENCES~~

- A. Bibliography
- B. List of Acronyms

XI. APPENDICES

- A. Initial Study
- B. Notice of Preparation and Responses
- C. Any Technical Studies Prepared

APPENDIX D

DISTRICT ENVIRONMENTAL IMPACT REPORT (EIR) FORMAT

~~I. Document Layout~~

- ~~A. District Standard Format For Cover and Title Page.~~
- ~~B. District Standard Report Layout (see Appendix C).~~
- ~~C. All major sections start on right hand page.~~
- ~~D. Summary section of a Final EIR preceded and followed by a blank page, if needed to be sure it all is printed on yellow paper.~~

~~H. Text Layout~~

- ~~A. Standard, single column, 8½ by 11 format used unless alternate format approved by the General Manager.~~
- ~~B. Arial 11 font type used.~~
- ~~C. ~1 inch top and right margins provided with an approximately 1¼ inch left margin and an approximately ½ inch bottom margin.~~
- ~~D. All pages throughout report including figures, tables, plates, blank pages and appendices numbered consecutively.~~
- ~~E. All figures, tables, plates and appendices referred to in the text. Reference used in the form of “(Figure A)”, etc.~~
- ~~F. Figures, tables, and plates normally placed immediately following the page of text first making reference to them.~~
- ~~G. Footnotes placed at bottom of page.~~
- ~~H. Scientific referencing system (e.g., Brown, et al, 1977) used in the text.~~
- ~~I. Standard bibliographic citations as in the *Style Manual for Biological Journals or Geology* used.~~

~~III. Printing Specifications~~

~~Draft EIR:~~

- ~~A. Front and back covers printed on card stock~~
- ~~B. All other pages printed both sides on blue 20 lb paper.~~

~~Final EIR:~~

- ~~A. Front and back covers printed on cover stock.~~
- ~~B. Summary printed both sides on yellow 20 lb paper.~~
- ~~C. All other pages printed both sides on white 20 lb paper.~~

Napa County Regional Park and Open Space District

Local Procedures
For Implementing the
California Environmental Quality Act

Adopted January 8, 2007
Proposed amendments December 13, 2010

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NAPA COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT

LOCAL PROCEDURES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

(*State CEQA Guidelines* Section 15022(a) requires that each public agency issue local procedures for implementing the *State CEQA Guidelines* in order to ensure the orderly evaluation and preparation of environmental documents. Such procedures shall be revised when needed to be kept current with changes to the *State CEQA Guidelines*; however, *State CEQA Guidelines* shall take precedence even if the local procedures are not updated).

CHAPTER 1. INTENT AND GENERAL PROVISIONS

Section 100. Intent.

These local *District CEQA Guidelines* are established, adopted and intended to meet the requirements of Section 15022(a) the of the *State CEQA Guidelines* and to provide the public with information on the procedures used by the District in the environmental review process.

Section 101. Applicability. [State CEQA Guidelines §15022(b)]

The procedures established in these guidelines are applicable to both public and private projects under the jurisdiction of the District

Section 102. Compliance Required Prior to Project Approval. [State CEQA Guidelines §15004]

No project or permit shall be approved nor shall any permit be issued or approval given by any District official or body until all procedures required by the *State* and *District CEQA Guidelines* have been completed, including if required the preparation and certification of a Final Environmental Impact Report (FEIR) by the District. Compliance with CEQA shall be included in the planning process as early as possible in order to allow incorporation of environmental considerations into the design of the project.

Section 103. Public Records. [Public Records Act]

- (a) All final documents prepared pursuant to these procedures shall be available for public inspection at the official office for the District, which is the Conservation, Development and Planning Department of the County of Napa, 1195 Third Street, Room 210, Napa, California. Drafts and working papers shall not be considered final documents.
- (b) All reports and documents submitted other than proprietary reports, confidential archaeological and special status species location studies and other confidential information shall be available for public inspection at the official office for the District.

Section 104. Use of Consultants. *[Authorized by State CEQA Guidelines §§15045, 15074, 15090, 15356, implemented via local procedure below]*

- (a) The District may from time to time use consultants to fulfill its obligations under CEQA including, but not limited to, the preparation of Initial Studies, Negative/Mitigated Negative Declarations, and EIRs.
- (b) All consultant-prepared environmental documents utilized shall be prepared under contract with the District using the most current version of the District's Professional Services Agreement.
- (c) For projects not sponsored by the District, the project sponsor shall pay the full costs of draft and final document preparation including both consultant and District oversight and review costs. A deposit to cover District oversight and review costs shall be paid at the time of application. The deposit shall be made prior to the District contracting with a consultant and prior to commencement of document preparation and in no case later than thirty (30) days after issuance of the letter from the General Manager indicating the estimated cost to produce the document(s) involved.
- (d) When the General Manager determines that it is necessary to contract with a consultant to prepare an environmental document or document(s) for a public project, the final choice of consultant shall be made by the General Manager or, for contracts over \$10,000, the District Board of Directors:
- (e) No firm or person having a financial interest in a project shall be employed to prepare environmental documents on that project, except that the General Manager may authorize non-profit organizations and their employees or agents to prepare draft environmental documents for their projects for use by the District.

Section 105. Notice Generally. *[State CEQA Guidelines §§15072 and 15087]*

- (a) The General Manager should make a concerted effort to provide early notice and solicit comments on environmental documents from the public and interested organizations so that a broad range of interests and opinions are available to decision-makers regarding the impacts of projects.
- (b) Any required notice shall be deemed given on the date of mailing, the date of posting or the first day of publication, whichever is later.
- (c) Errors, irregularities or neglect in the preparation of any required notice shall not in any way affect the validity or legality of the adoption or certification of environmental documents or approval or disapproval of a project unless such error, irregularity or neglect is clearly substantial and prejudicial and that by reason of such error, irregularity or neglect the party complaining suffered substantial injury and that a different result would have been probable if such error, irregularity or neglect had not occurred.

CHAPTER 2. DEFINITIONS

Section 200. General.

The following definitions which are specific to the District are intended to supplement the definitions found in Article 20 of the *State CEQA Guidelines*:

“Baseline Data Report” (BDR) refers to the comprehensive inventory of the environmental and resource conditions completed by Napa County in 2005 and updated as needed to describe, the baseline for analysis of environmental impacts in a given area of the County. Information from the BDR may be incorporated by reference into future environmental documents consistent with State CEQA Guidelines 15150.

“Board” means the Board of Directors of the Napa County Regional Park and Open Space District

“County” means the County of Napa.

“Days” means business days, Saturdays, Sundays and County-recognized holidays, unless otherwise stated.

“Decision-Making Body” means the Board or District Official that has the ultimate responsibility for approving the project or permit under consideration.

“District Official” means the General Manager or other District staff member responsible for approving the project or permit under consideration.

“Environmental Resource Mapping System” means a set of hardcopy and electronic maps and related information maintained by the County Planning Department delineating, among other things, environmental resources and hazards within the County.

“Environmentally Sensitive Area” means an area containing one or more environmental resources or hazards that may affect or be affected by the specific project involved.

“General Rule Finding” means a finding that it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [*State CEQA Guidelines §15061(b)(3)*]

“Groundwater Deficient Area” means the area shown on Map 13-1 (as may be amended), in Chapter 13.15 of the Napa County Code as well as any additional area formally identified by an ordinance adopted by the Board of Supervisors. **“Permit”** means any permit, lease, license, certificate, approval, or other entitlement for use.

“General Manager” means the employee or contractor appointed by the Board as the General Manager of the District, or his/her designee.

CHAPTER 3. RESPONSIBILITIES

The responsibilities for implementation of CEQA for the District are as follows:

Section 300. Board of Directors.

When the Board of Directors is the decision-making body on a project, the Board is responsible for certifying the Final EIR, adopting a Negative/Mitigated Negative Declaration, or determining that the project is exempt from environmental review; considering the environmental document prepared prior to taking action on the project; and for making the findings required by *State CEQA Guidelines* Sections 15091 (Findings) and 15093 (Statement of Overriding Considerations).

The Board of Directors shall also act as the appeal board for District Official actions on environmental determinations, Negative/Mitigated Negative Declaration adoptions, determinations that an EIR is required, and Final EIR certifications. In addition, the Board shall set the procedures for implementing CEQA in the District by adopting *District CEQA Guidelines*, and shall be responsible for adopting any thresholds of significance pursuant to State CEQA Guidelines Section 15064.7 if desired.

Section 301. reserved

Section 302. District Official.

When a District Official is the decision-making body on a project, he/she is responsible for certifying the Final EIR, adopting a Negative/Mitigated Negative Declaration, or determining that the project is exempt from environmental review; considering the environmental document prepared prior to taking action on the project; and for making the findings required by *State CEQA Guidelines* Sections 15091 (Findings) and 15093 (Statement of Overriding Considerations).

Section 303. General Manager.

The General Manager or his/her designee is responsible for:

- (a) carrying out all environmental reviews undertaken by the District;
- (b) obtaining comments from other agencies on the expected environmental effects of a project;
- (c) identifying appropriate measures to reduce the potentially significant effects of a project to non-significant levels;
- (d) preparing and processing all environmental documents prepared by the District;
- (e) preparing Mitigation Monitoring and Reporting Programs where required;
- (f) reviewing and commenting on environmental documents submitted to the District by other public agencies;
- (g) preparing, distributing and filing applicable environmental notices, including a Notice of Intent, Notice of Preparation, and Notice of Completion, and those Notices of Exemption and Notices of Determination for projects approved by the Board or District Official;
- (h) developing, coordinating and implementing the District's environmental review procedures consistent with policy direction provided by the Board of Directors;

- (i) establishing informal working thresholds of significance and proposing formal thresholds.

Section 304. County Clerk/Recorder.

The Napa County Clerk/Recorder is responsible for filing and posting all Notices of Intent, Completion, Exemption, and Determination for projects approved by the District. In addition, the Clerk/Recorder receives all Fish and Game fees collected, distributes them to the State.

CHAPTER 4. INITIAL ENVIRONMENTAL REVIEW

Section 400. reserved

Section 401. Project Completeness and Acceptance for Filing. *[State CEQA Guidelines §§15101 and 15111]*

- (a) No application for a permit shall be deemed complete until:
 - (1) all information required by the General Manager to complete an Initial Study or make a determination that the underlying project is categorically exempt has been received, **OR**
 - (2) the General Manager has determined pursuant to these and the *State CEQA Guidelines* that the underlying project is not a project under CEQA, is ministerial rather than discretionary in nature, clearly has no potential to have a significant effect on the environment, or is statutorily exempt from environmental review.

- (b) If the General Manager determines that adequate information has not been submitted to complete a preliminary environmental review and, if necessary, an Initial Study, the project sponsor shall be notified in writing within thirty (30) days of application receipt that the application is incomplete. Any such notification shall state what additional information including fees must be submitted before the application can be considered complete.
 - (1) This preliminary determination of incompleteness may be challenged by the project sponsor in writing within ten (10) working days and appealed to the Board if re-confirmed by the General Manager.
 - (2) Failure to provide the required information within one-hundred twenty (120) days of issuance of a Completeness Determination or thirty (30) days of issuance of a Request For Deposit Submission shall cause the application to be deemed “abandoned” without further notice or action unless the General Manager gives a written extension to the deadline involved. Once an application is deemed abandoned, no further work shall be done on the project without submission of a new application and payment of new fees.

- (c) Notwithstanding subsection (a), accepting an application as complete does not limit the District’s authority to require the applicant to submit additional

information needed for environmental evaluation of the project if the project sponsor makes changes to the project or if there are changes in circumstances that could not be anticipated during the initial review. Failure to provide this information within one hundred twenty (120) days of issuance of a Request For Additional Environmental Information or a Request For Additional Deposit Submission shall be treated in the same manner as failure to provide the information requested in a Completeness Determination (see Section 401(b)(2) above).

Section 402. Project Segmenting. *[State CEQA Guidelines §15378]*

A project is defined as the “whole of an action” and may not be segmented nor divided into smaller parts in an attempt to avoid full consideration of its environmental impacts. Thus, all of the separate permits and approvals for a particular project shall be considered together (along with the underlying activity itself) when determining the project’s environmental effects. The environmental review of a project must include an analysis of the environmental effects of future expansion or other action if: (a) such future expansion or other action is a reasonably foreseeable consequence of the initial project; and (b) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. When actions are remote or speculative, so that meaningful information regarding their impacts is unavailable, they are not reasonably foreseeable parts of a particular project and therefore need not be considered at the same time.

Section 403. Project Revisions.

Any revised or amended project shall be treated as a new project for purposes of determining the time period within which CEQA processing must be completed and the project approved or denied unless the revision is found by the Planning Director to be minor and/or technical.

Section 404. Early Consultation. *[State CEQA Guidelines §15063(g)]*

The General Manager or his/her designee shall distribute a request for comments on the expected environmental effects of the project to all responsible agencies, trustee agencies, and other agencies and organizations that in the opinion of the General Manager have an interest in the project or applicable special expertise. The request may occur before or after an application is deemed complete, and may be combined with the request for comments on the project itself. At a minimum such requests shall include a request to identify potential impacts, possible mitigation measures, including needed project revisions, and comments on the type of environmental document that should be prepared.

Section 405. Preliminary Environmental Evaluation. *[State CEQA Guidelines §§15060 and 15061]*

The General Manager is responsible for conducting a preliminary evaluation to decide whether or not an Initial Study is required, or whether the project is excluded or exempt from review under CEQA.

A list of non-discretionary (ministerial) projects for the District is contained in Appendix A. The District projects that are typically categorically exempt are identified in Appendix B.

If the General Manager determines that a proposal is excluded or exempt from review under CEQA, no further environmental review is required and the General Manager shall document this finding in the record. The General Manager may also prepare and file a Notice of Exemption.

Section 406. Initial Study Preparation. *[State CEQA Guidelines §§15063 and 15064]*

If a proposed project is not excluded or exempt from CEQA, the General Manager or his/her designee shall prepare an Initial Study to determine whether a Negative/Mitigated Negative Declaration or an EIR is required for the proposed project. If it is clear that the project may have an unavoidable significant effect on the environment, the General Manager may proceed with preparation of an EIR without preparing an Initial Study. . A standard Initial Study checklist form is contained in Appendix C.

If the Initial Study determines, based on substantial evidence in light of the whole record, that the project has no potential to have a significant effect on the environment then a negative declaration must be prepared (see Chapter 6). If the project may have one or more significant impacts on the environment, then preparation of an EIR (see Chapter 7) is required. However, if revisions or mitigation measures can be applied to the project that would clearly reduce all impacts to a level of insignificance, **AND** the project sponsor agrees to these in writing, then a mitigated negative declaration may be prepared (see Chapter 6).

Section 407. Reserved.

Section 408. Previous Prepared District Environmental Document. *[State CEQA Guidelines §15162(a)]*

- (a) If a previous EIR or Negative/Mitigated Negative Declaration has been certified/adopted by the District and the General Manager determines that none of the circumstances requiring the preparation of a subsequent environmental document exists, the General Manager shall document that determination in the record, and the decision-making body utilize the earlier document. Documentation of the General Manager's determination may take the form of a memorandum, and may be based on preparation of an Initial Study if desired.

CHAPTER 5. EXEMPT PROJECTS

Section 500. General.

Projects that are ministerial in nature, meet General Rule findings, are statutorily exempt, are categorically exempt, or are denied do not require the preparation of an Initial Study, an EIR or a Negative/Mitigated Negative Declaration.

Section 501. Ministerial Projects. *[State CEQA Guidelines §15268]*

Appendix A contains the list of projects that the Board has found to be ministerial in nature. However, when a project involves elements, some of which are ministerial in nature and some of which are discretionary, the overall project will be deemed discretionary and subject to CEQA review.

Section 502. General Rule. *[State CEQA Guidelines §15061(b)(3)]*

CEQA does not apply to a project where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

Section 503. Statutory Exemptions. *[State CEQA Guidelines §15260]*

Those exemptions granted by the State legislature are listed in *State CEQA Guideline* sections 15260 through 15285, and as may be amended.

Section 504. Categorical Exemptions. *[State CEQA Guidelines §15301-15332]*

In addition to those specific projects listed above, the Board has found several other kinds of projects that typically do not have a significant impact on the environment. Therefore pursuant to Section 15300.4 of the *State CEQA Guidelines*, the District hereby adds the activities and permits listed in Appendix B to the list of Class Numbers 1, 3, 4, and 5 activities that are categorically exempt for the District.

Section 505. Categorical Exemption Use Limitations. *[State CEQA Guidelines §15300.2(a)-(f) and local ordinance (g)]*

A categorical exemption shall not be used if the conditions in State CEQA Guidelines Section 15300.2 apply:

Section 506. Denial of Projects. *[State CEQA Guidelines §15061(b)(4)]*

Projects that the District rejects or disapproves are not subject to CEQA. This provision, however, does not relieve a project sponsor from paying the costs for an EIR, Negative/Mitigated Negative Declaration, Initial Study, or preliminary environmental evaluation if prepared.

**CHAPTER 6. NEGATIVE/MITIGATED NEGATIVE DECLARATION
PROCESS**

The following provisions are added as procedural clarifications of *State CEQA Guidelines* Sections 15070 - 15075 with respect to Negative/Mitigated Negative Declarations for the District.

Section 600. Negative Declaration. *[State CEQA Guidelines §15070]*

If the General Manager finds, based on the Initial Study that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the

environment, the General Manager or his/her designee shall prepare a Negative Declaration for consideration by the decision-making body for the permit(s) involved.

Section 601. Mitigated Negative Declaration. *[State CEQA Guidelines §15070]*

If the General Manager finds, based on the Initial Study that the proposed project may have possible adverse significant impacts on the environment, but through revisions to the project or imposition of mitigation measures, such impacts would be mitigated or avoided so that no significant impacts remain, **AND** there is no substantial evidence in the record as a whole that significant impacts would result from the revised project; then the General Manager shall notify the project sponsor(s) and provide them with a copy of the list of proposed mitigation measures that the project could incorporate to avoid all potentially significant effects. If the project sponsor agrees in writing to these or functionally equivalent revisions/mitigation, the General Manager will then prepare a Mitigated Negative Declaration for public review and consideration by the decision-making body on the permit(s) involved.

Section 602. Contents. *[State CEQA Guidelines §15071]*

The Negative/Mitigated Negative Declaration must contain all items required by *State CEQA Guidelines* Section 15071.

Section 603. Public Notice and Review. *[State CEQA Guidelines §15072 and 15073]*

A Notice of Intent to Adopt a Negative/Mitigated Negative Declaration shall be provided in accordance with *State CEQA Guidelines* Section 15072. If a comment is not received during the public review period from an agency or person, it shall be assumed, absent a request for a specific extension of time that said agency or person has no comment to make.

Section 604. Notice of Determination. *[State CEQA Guidelines §15075]*

- (a) Whenever the Board or District Official approves a permit or authorizes a project for which a Negative/Mitigated Negative Declaration has been prepared, the General Manager or his/her designee shall file within 5 **working** days of their action a Notice of Determination with the County Clerk/Recorder.
- (b) In instances where multiple approval actions by the District are required, the Notice of Determination shall be filed after the final decision to approve a project
- (c) If the project requires discretionary approvals from one or more state agencies, the Notice of Determination shall also be filed with the State Office of Planning and Research within this same 5-day period. Payment of any Fish and Game fees due to the State at the time a Notice of Determination is filed is the responsibility of the project sponsor. When the project sponsor is not the District, the project sponsor must submit the fee to the District before the District holds a hearing on or decides on the adequacy of the Negative/Mitigated Negative Declaration prepared.

CHAPTER 7. ENVIRONMENTAL IMPACT REPORT (EIR) PROCESS

The following provisions are added as procedural clarifications of *State CEQA Guidelines* Sections 15080–15097, 15120–15132, and 15140–15154 with respect to the preparation and processing of EIRs for the District.

Section 700. EIR Preparation. *[State CEQA Guidelines §§15081 and 15081.5]*

If the General Manager finds during preliminary review or based on an Initial Study that there is substantial evidence in the record as a whole that a project may have a significant adverse effect on the environment, or if an EIR is required by statute, the General Manager shall notify the project sponsor in writing within thirty (30) days that an EIR must be prepared. The decision of the General Manager's decision may be appealed to the District Board of Directors.

Section 701. Contents of an EIR. *[State CEQA Guidelines §15120-15132]*

An EIR produced by/for the District must contain all items required by *State CEQA Guidelines* Sections 15120-15132. In addition, it must meet the requirements of *State CEQA Guidelines* Sections 15140-15152 and 15154.

Section 702. Notice of Preparation (NOP). *[State CEQA Guidelines §15082]*

A Notice of Preparation notifying responsible and interested agencies about the project and soliciting their comments on the scope and content of the EIR shall be prepared by the General Manager or his/her designee. This notice shall be sent by certified mail to the project sponsor, all responsible and trustee agencies, and all federal agencies involved in approving or funding the project. If State agencies are involved then the NOP shall also be sent to the State Clearinghouse. A copy of the NOP shall also be delivered to the County Clerk/Recorder for posting for thirty (30) days.

Section 702.1 Scoping. *[State CEQA Guidelines §15083]*

The scope of the EIR prepared is determined using the following sources: the Initial Study, if one is produced, previous environmental documents, responses to the NOP, consultation with other agencies, and public scoping meetings, if held. A public scoping meeting may be incorporated into the NOP process and is typically held by the consultant preparing the EIR with assistance from the General Manager or his/her designee.

Section 702.2 Preparation of Administrative Draft EIR.

The pre-circulation draft of an EIR is referred to as the administrative draft. This draft is considered a working document to be circulated among District staff, agents, contractors and other experts as needed for their comment on its accuracy and adequacy. It is not available for public review and copies of the administrative draft EIR shall be destroyed upon release of the DEIR.

Section 702.3 Public Review of Draft EIR. *[State CEQA Guidelines §§15085, 15087, 15105]*

- (a) The General Manager shall provide public notice of the availability of the Draft EIR for review and comment in the same manner as specified in Section 603 for a

Negative Declaration. In addition a copy of the Draft EIR shall be sent to the nearest branch of the Napa City/County Library at the same time a Notice of Completion is sent to the State Office of Planning and Research. The contents of the public notice shall be as specified in *State CEQA Guidelines* Section 15087(c).

- (b) The normal public review period for a Draft EIR in the District shall be 45 days unless a shorter period of not less than 30 days is approved by the State Clearinghouse. [*State CEQA Guidelines §15105*] The General Manager may set a public review period of up to 60 days when circumstances indicate that a longer than normal review period is appropriate.
- (c) A public hearing on a Draft EIR is not required under CEQA and is not typically held by the District when the decision-making body is the General Manager or his/her designee. When the decision-making body is the Board, a public hearing should, be held during the public review period to solicit public comments.

Section 702.4 Final EIR. [*State CEQA Guidelines §15132*]

The Final EIR consists of the text of the Draft EIR revised as necessary to reflect those comments received that require text changes, all comments received on the Draft EIR, the District's responses to said comments, a list of all persons and agencies that were asked to comment or commented on the Draft EIR, and any other information added by the District.

Section 702.5 Notice of Determination (NOD). [*State CEQA Guidelines §15094*]

After certification of the final EIR and approval of the project, the General Manager or his/her designee shall prepare and file a Notice of Determination with the County Clerk/Recorder following the same procedure and with the same restrictions as specified in Section 604.

CHAPTER 8. MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)

Section 800. General. [*State CEQA Guidelines §15097*]

Pursuant to Public Resources Code Section 21081.6, all jurisdictions must have a method for monitoring compliance and implementation of adopted mitigation measures. The District Mitigation Monitoring and Reporting programs (i.e., MMRPs) shall be in conformance with *State CEQA Guidelines* Section 15097 as augmented by the provisions listed below.

Section 801. Adoption. [*State CEQA Guidelines §15097*]

- (a) At the time the District makes the required CEQA findings regarding the Mitigated Negative Declaration or EIR being used, the decision-making body shall adopt a program for monitoring and reporting on the mitigation measures as part of the project. Conformance with this program shall be a condition of project

approval. (b) The resultant adopted MMRP shall be distributed to all agencies, departments, and parties with monitoring or review responsibility thereunder.

Section 802. Contents.

MMRPs shall include at a minimum the following information for each mitigation measure:

- (a) identification of the individual, department, agency, or other entity responsible for performing the mitigation measure;
- (b) identification of the timing for implementation of the mitigation measure;
- (c) identification of the specific results or performance standards that the mitigation is intended to accomplish if not clearly stated in the mitigation measure;
- (d) identification of the individual, department, agency, or other entity responsible for ensuring implementation of the mitigation measure;
- (e) identification of the frequency of inspections or other monitoring activities;
- (f) identification of when compliance completed;
- (g) a statement that the project sponsor shall pay all monitoring costs including but not limited to those included by the District; **AND**
- (h) a signature block for the project sponsor and the property owner.

Section 803. Compliance Assurance Responsibilities.

- (a) Overall compliance shall be coordinated by the General Manager or his/her designee unless otherwise indicated in the adopted MMRP.
- (b) The General Manager or his/her designee may hire an outside consultant where mitigation measure compliance cannot be verified through the planning clearance process, where monitoring requires specialized expertise, or when District staff is unavailable to do the necessary work. The cost of said consultant shall be paid by the project sponsor.
- (c) Other agencies shall monitor the mitigation measures that they request or that are within their area of expertise. The General Manager or his/her designee shall notify these agencies of the mitigation monitoring required. These agencies shall inform the District in writing when each of their mitigation measures has been complied with completely.

Section 804. Fees. *[State CEQA Guidelines §15045]*

- (a) The District shall charge and collect from the project sponsor a fee in an amount equal to the actual costs to the District of implementing the adopted MMRP. This includes the costs associated with use of an outside consultant where the General Manager finds said use to be either necessary and/or convenient.
- (b) An initial deposit in an amount equal to the District's total estimated costs of implementing the adopted MMRP for the first three (3) years shall be submitted to the General Manager or his/her designee prior to issuance of the first building permit needed to commence work on the project. Any unused portion of this initial deposit that is not needed to pay for permanent or long-term monitoring

- will be refunded to the project sponsor upon fulfillment of all those MMRP provisions that do not involve such monitoring.
- (c) The project sponsor shall replenish the initial deposit every two (2) years so that the balance is high enough to pay for the estimated costs of monitoring compliance for three (3) years for those measures that require long-term or ongoing monitoring.

CHAPTER 9. NAPA COUNTY REGIONAL PARK AND OPEN SPACE
DISTRICT AS A RESPONSIBLE AGENCY
[State CEQA Guidelines §§15096 and 15253]

The following provisions are added as procedural clarifications of *State CEQA Guidelines* Sections 15096 and 15253 with respect to the responsible agency process for the District.

Section 900. Commenting on a Lead Agency’s Environmental Document. *[State CEQA Guidelines §15096]*

- (a) The General Manager or his/her designee shall make every effort to provide written comments on the draft Negative/Mitigated Negative Declaration, Notice of Preparation and/or Draft EIR prepared by the Lead Agency within the time frames specified in the *State CEQA Guidelines*.
- (b) The comments provided shall be limited to activities within the District’s area of expertise or jurisdiction. They shall at a minimum identify District standards, permit requirements, potentially significant impacts, alternatives to be analyzed, and any mitigation measures to be considered. In addition, a recommendation as to whether a Negative/Mitigated Negative Declaration, or EIR is the appropriate document for the Lead Agency to prepare may be provided. The focus of the comments shall be to assist the Lead Agency in producing a defensible environmental document that meets the District’s needs.

Section 901. Failure of Lead Agency to Consult With District or Adequately Respond to Comments Provided. *[State CEQA Guidelines §15096]*

- (a) If the Lead Agency fails to consult with the District prior to adopting a Negative/Mitigated Negative Declaration or certifying an EIR for a project over which the District has permit authority, the Planning Department will review the document prepared. If the General Manager finds based on the review done that the document is adequate for District purposes, the District shall follow the procedures specified in Sections 903 and 904 below. However, if the General Manager finds that the document is inadequate for District purposes then the District may take over the role of Lead Agency. The General Manager or his/her designee shall in that case follow the procedures specified herein in Chapters 4, 5 and 6 to prepare and process the environmental document needed.
- (b) If the Lead Agency fails in the opinion of the General Manager to adequately respond to the comments provided, the General Manager shall consult with

District Counsel and jointly recommend a course of action pursuant to CEQA guidelines Section 15096(e)

Section 902. Approval of Project By District Acting as a Responsible Agency. [*State CEQA Guidelines §15096*]

- (a) In issuing approvals or taking any other discretionary action on a project for which the District is a responsible agency, the District shall certify that it has reviewed and considered the environmental effects of the project as shown in the Negative/Mitigated Negative Declaration or EIR prepared by the Lead Agency.
- (b) If an EIR has been produced, the District decision-making body shall adopt findings as set forth in *State CEQA Guidelines* Sections 15091 and 15093, if necessary.
- (c) Where the District decision-making body requires the implementation of mitigation measures or other project changes to substantially lessen or avoid significant environmental effects of activities under its statutory control, a MMRP consistent with Chapter 8 of these guidelines covering those changes and measures shall be adopted at the time of project approval.

Section 903. Limitations on the Power of District as a Responsible Agency to Require Changes in Project.

- (a) When the District acts as a responsible agency for a project, it may only require those changes in a project that lessen or avoid the effects, either direct or indirect, of that part of the project that the District will be called upon to carry out or approve.
- (b) When the District acts as a responsible agency, it may refuse to approve a project only in order to avoid direct or indirect adverse environmental effects of that part of the project the District must carry out or approve.

Section 904. Certified Equivalent Program: Use of Environmental Document Prepared In Lieu of a Negative/Mitigated Negative Declaration or EIR. [*State CEQA Guidelines §§15250-15253*]

An environmental analysis document prepared for a project pursuant to a certified equivalent program shall be used by the District as a substitute for an EIR or Negative Declaration/Mitigated Negative Declaration and no additional environmental document shall be required if the conditions in *State CEQA Guideline* Section 15253(b) are met.

CHAPTER 10. APPEALS

Section 1000. Appeals Permitted. [*Local Procedure*]

- (a) Any interested person may appeal to the Board the determination of the General Manager that a project is/is not exempt from review, or that an EIR is required, subject to the payment of all District costs associated with processing the appeal.

- (b) Any decision by the General Manager to adopt a negative declaration, to adopt a mitigate negative declaration, or to certify a Final EIR may also be appealed to the Board, subject to the payment of all District costs associated with processing the appeal.
- (c) Any appeal filed pursuant to this Section will suspend any further consideration of the project until a decision on the appeal is made by the Board. (d) Appeals must be filed in writing with the District Secretary within ten working days of the decision being appealed. The appeal must contain a detailed statement supported by substantial evidence for each cause of appeal. Arguments and/or evidence not included in the written appeal shall not be considered by the Board. The appeal must also be accompanied by an appeal fee, which shall be reasonably related to the expected full cost to the District of processing the appeal, as determined by the General Manager. Upon conclusion of the appeal process, if the actual cost to the District is less than the amount of the fee collected, the excess amount shall be returned to the appellant.

APPENDICES

- A. Ministerially Exempt Projects for the District**
- B. Additional Categorically Exempt Projects for the District**
- C. Initial Study Checklist**

APPENDIX A

MINISTERIALLY EXEMPT PROJECTS FOR THE DISTRICT

Pursuant to Sections 15022 and 15268 of the *State CEQA Guidelines* issuance/approval of the following permits by the District shall be conclusively presumed to be ministerially exempt from the requirements of CEQA and thus preparation of an environmental document is not required. However, where a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed discretionary and will be subject to the requirements of CEQA.

No permits meeting this criteria have been identified at this time.

APPENDIX B

ADDITIONAL CATEGORICALLY EXEMPT PROJECTS FOR THE DISTRICT

In addition to the exemptions contained in the *State CEQA Guidelines*, pursuant to Sections 15022(a)(1)(C) and 15300.4 of the *State CEQA Guidelines* the Board has found that the following types of projects typically do not have a significant effect on the environment and therefore qualify for a categorical exemption under the class of categorical exemptions listed below. Listing here does not guarantee a project is exempt if due to location or other unique circumstances the project would have a significant impact on the environment. The *State CEQA Guidelines* provide many examples of when an otherwise exempt project may no longer be exempt. The following list should therefore be read in conjunction with the *Guidelines*.

Class 1: Existing Facilities [State CEQA Guidelines §15301]

1. Repair, maintenance, reconstruction, replacement and minor expansion of existing roads, streets, highways, bicycle and pedestrian paths and trails, and appurtenant facilities. including, but not limited to:
 - (a) reconstructing, resurfacing and/or seal coating of existing roads and trails;
 - (b) paving existing unpaved road shoulders;
 - (c) widening existing roads and trails by less than 8 feet of paved surface and 4 feet of unpaved shoulders.
 - (d) adding short auxiliary lanes when required for localized purposes such as weaving, turning, climbing, lane changing or accelerating or decelerating;
 - (e) adding non-motorized trails and walkways parallel to the existing roadway to separate such non-motorized uses from motorized traffic;
 - (f) installing landscaping in and around existing buildings, roads and trails that involves minimal earth disturbing activities;
 - (g) working on clear-span bridge structures, reconstructing existing stream crossings and making minor operational improvements to drainage facilities, provided that the construction of temporary stream bypasses is not involved;
 - (h) modifying to improve existing roadside or trailside safety features such as curbs, pikes, headwalls, slopes and ditches, adding or replacing devices such as fencing, guardrails, safety barriers, guideposts, and markers, or installing, removing, or modifying regulatory, warning, or informational signs;
 - (i) adding, removing and/or replacing distinctive roadway markings such as painted stripes, raised pavement markers thermoplastic, tape or raised bars; **OR**
 - (j) minor rerouting of trails to correct erosion problems, reduce impacts to environmentally sensitive features, and/or improve safety.
 - (k) paving of existing unpaved roads and trails, provided water runoff is not concentrated in such a way as to cause downstream erosion and/or water quality impacts. .

- (1) construction of water bars, drain dips, swales and other minor water management and erosion control features on roads and trails, provided water runoff is not concentrated in such a way as to cause downstream erosion and/or water quality impacts.
3. 2. Applications for minor modifications of existing use permits
Operation and Maintenance Activities
 - a. Cleaning, painting and repair of existing structures and facilities.
 - b. On-going rental, lease or use of existing facilities by District staff, contractors, agents and/or volunteers.

Class 3: New Construction or Conversion of Small Structures [State CEQA Guidelines §15303]

- 1 Installation and/or operation of water wells in accordance with County of Napa Department of Environmental Management requirements .
2. New fencing to protect resources, limit trespass, control grazing, improve safety and restrict public access, provided the fencing is of a variety and in locations where it will not impede wildlife movement.
3. Installation of solar panels on or adjacent to existing structures.
4. Repair, upgrading and extension of utilities.

Class 4: Minor Alterations to Land [State CEQA Guidelines §15304]

1. New access roads and driveways that would:
 - (a) not disturb more than 2 acres of land;
 - (b) not move more than 2,000 cubic yards of soil;
 - (c) not traverse slopes that are steeper than 29.9%; **AND**
 - (d) not discharge concentrated runoff within a stream setback area.
2. Mechanical or chemical control of invasive plants that is consistent with best management practices.
3. Routine vegetation management including but not limited to pruning, fuel load reduction, and fuel clearance around structures, to reduce wildfire hazard that is consistent with the recommendations of the County of Napa Fire Marshall.
4. Minor temporary use of land having negligible or no permanent effects on the environments, including volunteer work parties, meetings, educational tours and activities, etc.

Class 5: Minor Alterations in Land Use Limitations [State CEQA Guidelines §15305]

1. Acceptance or granting of easements or other land use agreements which protect natural resources and viewsheds. 2. Acceptance of interests in property, including easements, leases, etc.
3. Lot line adjustments and parcel mergers or divisions which do not create new development rights.
4. Applications for variances or exceptions to standards for permitted projects.

APPENDIX C
INITIAL STUDY CHECKLIST FORM



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: December 13, 2010
Agenda Item: 4.D
Subject: Consideration and potential approval of Amendment No. 2 to Agreement 07-01 with CY Yip and Associates to increase the maximum amount of expenses for FY 2010-11 from \$2,000 to \$7,500

Recommendation

Authorize Amendment No. 2 to Agreement 07-01 with CY Yip and Associates to increase the maximum amount of expenses for FY 2010-11 from \$2,000 to \$7,500

Background

The District has a standing contract with CY Yip and Associates to provide a variety of outreach, volunteer supervision and project management services. In the current fiscal year, one of the projects managed by the contractor is the habitat restoration and public access improvements project at the Napa River Ecological Reserve. This project is funded through a grant from the State Coastal Conservancy. This project includes working with 11 teachers at various local schools to develop course outlines aligned with the state-mandated curriculum and supervise student field trips to the Reserve to learn about the ecology of this area while engaging in habitat restoration. Each participating teacher is being paid \$500 for their work. CY Yip and Associates has taken the lead in selecting the teachers for this project, overseeing their work and coordinating the field trips. Because of this role, as well as to avoid the extra paperwork of setting up each of the teachers as a separate vendor, staff recommends that the teachers be treated as subcontractors to CY Yip and Associates. To do this, the amount of expenses allowed under Agreement 07-01 for this fiscal year needs to be increased by \$5,500.



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

Board of Directors Regular Meeting Calendar 2011

draft 12/13/2010

<u>Day</u>	<u>Date</u>	<u>Major Planned Topics (tentative-subject to change)</u>
Monday	January 10 th	Purchasing Policies Review
Monday	February 14 th	Financial Report Second Quarter
Monday	March 14 th	TBD
Monday	April 11 th	District Master Plan Update
Thursday	May 9 th	Financial Report Third Quarter Review of Preliminary Budget for FY 2011-12 and setting of Public Hearing for June 6th
Monday	June 6th	2010-11 Final budget hearing and adoption 2010-11 Work Program adoption
Monday	July 11 th	Financial Report 4 th Quarter
Monday	August 8 th	TBD
Monday	September 12 th	Bi-Annual Review of Conflict of Interest Code
Monday	October 10 th	Financial Report 1 st Quarter
Monday	November 14 th	TBD
Monday	December 12 th	Adoption of 2012 Calendar of Regular Meetings

Note

Board meetings are normally the second Monday of each month. Exceptions are noted in bold red type.



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: December 13, 2010
Agenda Item: 4.G
Subject: Receipt of report on expenditures, encumbrances, donations and grants approved by the General Manager

Recommendation

Receive the report.

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.

Date Purpose Source / Recipient Amount

<u>Date</u>	<u>Purpose</u>	<u>Source / Recipient</u>	<u>Amount</u>
11/1/2010	Preliminary Title Report	FIRST AMERICAN TITLE	\$2,500.00
11/15/2010	Skyline VOCAL event – portable toilet rental	UNITED SITE SERVICES	\$255.32
11/17/2010	Skyline VOCAL event expenses reimbursement	CJ YIP & ASSOCIATES	\$752.18
11/1/2010	Moore Creek native grass seeds	HEDGEROW FARMS	\$94.60
11/17/2010	Moore Creek expense reimbursement	CJ YIP & ASSOCIATES	\$2,027.22
10/31/2010	Moore Creek road and parking area grading	COUNTY ROAD DEPT	\$1,937.07
11/15/2010	NRER—student transportation	NAPA VALLEY UNIFIED SCHOOL DISTRICT	\$592.20
11/17/2010	Donation for Skyline Park Work Party	THE HUB BICYCLE SHOP	\$200.00

Plan of Projects

Status Report for December 13, 2010

Name of Project	Description	Status
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. Sonoma County agency staff have prepared an initial analysis of trail alignments on the Sonoma side of the Napa-Sonoma border. District staff is working with two volunteers to prepare the analysis for the Napa County side.
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--Euclpytus 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 Agreement has been signed. The Authority has approved the necessary amendment to the landfill closure permit. DFG expects to complete levee repair work by early September. <u>Questa Engineering was awarded the contract to prepare plans and specifications in November, with the goal of starting construction in June 2011.</u>
Phase Two--Green Island Road to Soscol Ferry Road	<u>Questa has completed a revised the draft PUC permit application for a public crossing of the SMART tracks.</u> SMART, NRCA and the PUC have verbally agreed to allow the railroad crossing; formal concurrence is now being sought. LSA Associates has completed a biological survey for the Fagan Marsh area; <u>based on the results, DFG has indicated they do not want the trail alignment to follow the levee on the north side of Fagan Marsh; District staff is now reviewing the feasibility of an alternative alignment.</u> DFG, the Bay Trail Project and the Coastal Conservancy have tentatively agreed on funding to prepare the supplemental environmental analysis for the section of the trail next to DFG's ponds 9 and 10; this work will be handled by Ducks Unlimited on behalf of DFG, who in September 2010 submitted a grant request to the Conservancy.	
Phase Three--Soscol Ferry Road to Napa Pipe	All permits and permissions have been obtained, and construction bid documents are done. The project is ready to go to construction as soon as funding can be obtained. Funding for this project is included in the draft regional Transportation Improvement Plan, which will be voted on by the Metropolitan Transportation Commission in November or December of 2010. <u>Staff has applied for a Master Agreement with Caltrans for the receipt of this and expected future grants using federal transportation funds.</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 is waiting on BLM to complete their process 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 was held March 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. The District has allowed excess soil from a nearby public project to be disposed of on this property, which saves them money and facilitates the eventual construction of the fire substation; staff is working on a drainage easement to the County to assure the County takes care of the extension of the storm drain under this new fill. CDF crews did extensive fire break work in 2009 to protect the residences next to the BLM land.
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; <u>staff is developing a plan for how to stop the trespass.</u> 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. An Operations and Management Plan has been approved by the property owner and the District. District staff and volunteers have flagged the route of the trail through the Ahmann property. <u>A volunteer trail building work party in November 2010 completed the first rough pass on about half of the easement section of the trail. Further work parties are being scheduled monthly between January and May to complete the easement section of the trail.</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. The District has completed the feasibility report, and BOR has reviewed and supports the conclusions. The District has prepared a draft land use agreement, which is undergoing review by BOR. The Coastal Conservancy has expressed preliminary support for funding most of the cost of construction for Option A. The administrative draft of a combined NEPA/CEQA document has been completed (pending completion of cultural resources survey by BOR). A grant for \$50,000 to help with construction has been approved by the Mead Foundation. Staff submitted a \$1.5 million grant/loan request to the State Coastal Conservancy for construction of the camp and Conservancy staff toured the site on December 6, 2010.

<p>District Non-profit Foundation Organize a non-profit foundation to raise funds for District projects</p>	<p>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.</p>
<p>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.</p>	<p>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 was completed on April 3, 2010. <u>The Administrative Draft of a proposed Mitigated Negative Declaration has been completed by the District; once City staff completes their review, it will be released for public comment.</u></p>
<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>Wells at the gate house and ranch house dug, pumps installed and water quality tested, and the gate house well connected up. An agreement for surveying the boundary between the District property and adjacent private property to the east has been signed, but the survey is going slowly; District Counsel has corresponded with the owner's attorney regarding completing the work. Volunteers have demolished a large old shed, constructed a new boundary/pool fence at the ranch house, planted and irrigated 250 willows, oaks and buckeyes to stabilize a section of creek bank; demolished 3 additional decrepid structures, removed thousands of invasive French broom plants, and done a lot of tree pruning and weed removal to reduce fire risk, and hauled off more than 50 yards of trash. Work on a Proposed Negative Declaration, Use Permit application and operating agreement with the City of Napa continues. Contracts for engineering and architectural services were approved in June 2010. The County road crew did extensive drainage improvements to the dirt access road in August and September 2010, and water meters were added to the subcreek wells to comply with new state regulations. <u>The ranch house driveway and parking area was surfaced with gravel in October.</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, using a \$100,000 grant from the State Coastal Conservancy.</p>	<p>The California Conservation Corps completed a first round of mechanical weed removal and installed an all-weather surface on the trail from the parking area to the river levee, in May 2010. In June the CCC did follow up chemical spraying and completed construction of the interpretive path. Staff is continuing to work with local teachers to development curriculum and set up educational field trips for the next school year. Additional invasive weed removal was done by volunteers on two weekends in September 2010. <u>The District assisted Audubon coordinate a volunteer project on November 6, 2010 to prepare new maps showing the location of invasive species on the southwest side of the river and continue removal of invasive plants. The District in Oct and Nov coordinated four student field trips to the Reserve to study ecology of the area and assist with the habitat restoration; a total of 11 such field trips are planned through June 2011.</u></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, and on March 1st in the courtroom the plaintiff fired his attorney and obtained a continuance until June. At the June court hearing the judge threw out the lawsuit for failure of the plaintiff to have an attorney and to pursue the litigation in a timely way. Still remaining to be heard is a cross-complaint by the County which is intended to get judicial approval for a specific surveyed right-of-way. County staff is preparing the necessary survey documents.</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. Veterans Home staff have been having difficulty figuring out what approval process is needed, because of ongoing discussions at the state level about the appropriate roles and future programs for the Veterans Home. District and Veterans Home staff have discussed possible short-terms steps that can be taken to get the project moving. <u>Key management staff at the Veterans Home retired in November, so progress is delayed pending the filling of their vacant positions.</u></p>
<p>River to Ridge Trail Lot line adjustment to legalize River to Ridge Trail as constructed (it curenly encroaches on private property in two locations)</p>	<p>Deeds accomplishing the adjustment in property boundaries between Syar and the State have been recorded. If the County ends up not being able to purchase Skyline Park, including the area with the River to Ridge Trail, then the County and the state will need to record a new trail alignment easement description.</p>
<p>River to Ridge Trail Correct drainage problems to trail can be used year-round.</p>	<p>Two volunteer work weekends in March and April and two more in May of 2010 were organized by the District to clear brush, improve drainage, and surface about 300 feet of the trail with quarry fines to control problems with mud. About 50 feet of the trail still needs to be surfaced with quarry fines.</p>

<p>Skyline Park Trail Improvements</p> <p>Major volunteer event to reroute and repair trails</p>	<p>Staff worked with SPCA and V-O-CAL to sponsor a weekend work party on October 15-17, 2010. Approximately 110 volunteers worked to reroute and repair trails experiencing serious erosion problems. SPCA is donating \$1,000 toward expenses.</p>
<p>Skyline Park Facility Improvements</p> <p>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>Skyline Park Protection</p> <p>Purchase of Skyline Park from the State</p>	<p>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. A fourth legislative effort by Assemblymember Evans in 2010, sponsored by Napa County and supported by the District, was approved by the legislature and signed by the Governor. The next big step is for the County and state General Services to agree on an appraisal process for determining the fair market value purchase price. <u>DGS has assigned one of their staff to work on the sale, and discussion on how to proceed have begun.</u></p>
<p>South Napa Wetlands Habitat Area</p> <p>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. Attorney's for the flood district have concluded it would be better from their perspective for the flood district to retain ownership of the property, but to grant an access and habitat restoration easement to the district.</p>
<p>Vallejo Lakes</p> <p>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</p> <p>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, the Bay Area Ridge Trail, the San Francisco Bay Trail and the Vine Trail Coalition 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 on behalf of the Vine Trail Coalition. The Metropolitan Transportation Commission has included \$211,000 in the draft Transportation Improvement Plan for FY 10-11 to fund preliminary engineering work on the trail, and the Coalition in September voted to provide the grant's required \$28,000 non-federal match.</p>
<p>Wild Lake Ranch</p> <p>Possible joint management of trails, camping and picnic areas through agreement between the Land Trust, which acquired the property.</p>	<p>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 was held on March 24, 2010. The Wildlife Conservation Board approved purchasing a \$6 million easement from the Land Trust at its August meeting, this purchase will enable the Land Trust to repay its outstanding loans and start an endowment for managing the property. The Advisory committee on which the District serves met in October to review the draft plan. <u>Next steps will depend on how the Land Trust decides to proceed.</u></p>

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 of 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 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 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 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 Road and Trail Improvements

Erosion control work on Lake Marie Road, and paving of campground loop road, completed in 2007 using State Prop 12 funds.

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.

Skyline Park Trail Improvements

Major volunteer event to reroute and repair trails

Staff worked with SPCA and V-O-CAL to sponsor a weekend work party on October 15-17, 2010. Approximately 110 volunteers worked to reroute and repair trails experiencing serious erosion problems. SPCA is donating \$1,000 toward expenses.