



**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 January 10, 2011 2:00 P.M.
1195 Third Street, Third Floor, Napa, CA 94559

GENERAL INFORMATION

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

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

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

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

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

1. Call to Order and Roll Call

2. Public Comment

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

3. Set Matters

None

4. Administrative Items

- A. Consideration of and potential approval of Minutes of Board of Directors meeting of December 13, 2010.
- B. Consideration of and election of Board President and Vice-President for calendar year 2011.
- C. Consideration of and potential decision to release Moore Creek Park Initial Study and proposed Mitigated Negative Declaration.
- D. Consideration of and potential decision on nomenclature for naming district properties.
- E. Consideration of and potential amendment to the District Purchasing Manual to provide for local vendor preference.
- F. Consideration of and approval of supplemental response to the Napa County Grand Jury.
- 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.

7. Closed Session

- A. Public Employee Performance Evaluation (Government Code Section 54957)
TITLE: General Manager

8. Adjournment



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MINUTES

BOARD OF DIRECTORS REGULAR MEETING

Monday December 13, 2010 2:00 P.M.
1195 Third Street, Third Floor, Napa, CA 94559

1. Call to Order and Roll Call

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

2. Public Comment

None

3. Set Matters

3:00 PM Presentation by District Auditor Tracy Schulze and receipt of Independent
Financial Audit for FY 2009-10
Jobina Toh gave the report for Tracy Schulze.

4. Administrative Items

A. Consideration of and potential approval of Minutes of Board of Directors meeting of
November 8, 2010.

Minutes were approved as presented.

HK-TN-GK-MA-DF

A

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)

Directors voted to:

(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 Resort Improvement District (LBRID) to provide access to the approximately 250 acres which Bournemouth LLC is donating to LBRID
DF-TN-GK-HK-MA

Directors voted to:

(3) Authorize the General Manager to enter into an agreement with David Trincherro to continue to manage the property through June 30, 2011.

TN-GK-DF-HK-MA

- C. Consideration and potential approval of update to Local Guidelines for Implementing the California Environmental Quality Act

Directors voted to approve the update to the District's Local Guidelines for Implementing the California Environmental Quality Act.

TN-HK-DF-GK-MA

- 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.

Directors voted to 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

HK-TN-DF-GK-MA

- E. Consideration and adoption of Board of Directors Regular Meeting calendar for 2011

Directors voted to adopt the 2011 Regular Meeting Calendar.

TN-GK-HK-DF-MA

- F. Receipt of District Annual Report for the District covering the period January 1, 2009 through June 30, 2010 (provided under separate cover).

Directors received the report.

- G. Receipt of report on expenditures, encumbrances, donations and grants approved by the General Manager.

John Woodbury gave the report.

- H. Review of the District Projects Status Report.

John Woodbury gave the report with discussions on Napa River and Bay

Ttrail, Berryessa Estates, Berryessa Vista, Blue Ridge/Berryessa Peak Trail, Camp

Berryessa, Lake Hennessey, Napa River Ecological Reserve, Rector Ridge and Skyline Park.

5. Announcements by Board and Staff

- Director Tony Norris announced that Napa County Weed Management Area has been inactive for a while, but may be getting new energy.
- Director Myrna Abramowicz announced that she attended the swearing in of Mayor Leon Garcia, Council members Joseph and Bennett, and will be attending the swearing in of Board of Supervisors Dillon and Wagenknecht.
- Director Myrna Abramowicz announced that she attended the funeral of Muriel Fagiani.

6. Agenda Planning

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

Director Myrna Abramowicz announced that the District is planning a celebration at the end of January 2011.

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

Meeting was adjourned to the regular Park & Open Space District Meeting of January 10, 2011.

MYRNA ABRAMOWICZ, Board President

ATTEST:

MELISSA GRAY
 District Secretary

Key

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

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

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



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: January 10, 2011
Agenda Item: 4.C
Subject: Consideration of and potential decision to release Moore Creek Park Initial Study and proposed Mitigated Negative Declaration

Recommendation

Approve release of the attached Moore Creek Park Initial Study and proposed Mitigated Negative Declaration

Background

An Initial Study for the Moore Creek Park project released last spring for public comment was withdrawn in response to various comments received from the public. Based on those comments, and further evaluation by staff, a revised project description has been prepared, and the Initial Study modified to reflect the revised project description.

As revised, the proposal for Moore Creek Park has been revised in numerous ways. The primary changes include: (1) no tent cabins are proposed; the only camping that is proposed would be two reservation-only, primitive “environmental” backpack-style camping areas, one near the ranch house and one on the hill to the east of the ranch house—no potable water would be provided; (2) the environmental camp proposed for the northern end of the property has been eliminated; (3) the shower facility has been eliminated; (4) there will be no shuttle service for carrying equipment or people from the staging area to the camping areas; (4) no retail sales for campers will be provided; (5) the ranch house will not be used by the public, but rather only by District staff, caretakers and volunteers, (6) the District will make a good faith effort to replace the septic system serving the ranch house with an engineered system located away from Moore Creek, (7) additional fencing, signage, horse watering troughs, and a new segment of trail are proposed for the Lake Hennessey Unit, to provided increased protection to water quality, and (8) all District maps and information will indicate public access to the Lake Hennessey Unit through the Moore Creek Unit staging area rather than Conn Valley Road.

The revised Initial Study and Proposed Mitigated Negative Declaration is attached (Appendices 6 and 7, which contain the detailed plant and animal inventories, are not included in the interest of minimizing paper use). Assuming the Board approves the revised project description, staff will release the document for a 30 day public comment period, and schedule the formal public hearing for the Board’s February 14, 2011 meeting.

NAPA COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT

1195 3rd Street, Suite 210
 Napa, C^{alif.} 94559
 707.253.4417

Initial Study Checklist

1. **Project Title**

Moore Creek Park

2. **Property Owner**

Napa County Regional Park and Open Space District

3. **Contact person and phone number**

John Woodbury, General Manager, (707) 259-5933, jwoodbury@ncrposd.org

4. **Project location and APN**

The proposed Mitigated Negative Declaration covers 673 acres owned by the Napa County Regional Park and Open Space District, spread among four parcels along Moore Creek north of Lake Hennessey at 2607 Chiles & Pope Valley Road (APN # 025-440-010, 025-200-034, 025-060-025 & -026) as well as approximately 970 acres owned by the City of Napa on the north side of Lake Hennessey (portions of APN # 025-440-019, 025-200-012, 030-130-002 & -003, 025-440-033, and 032-010-078). County Zoning: Agricultural Watershed (AW); City Zoning: unzoned

5. **Project Sponsor's Name and Address**

Napa County Regional Park and Open Space District, John Woodbury, General Manager, 1195 Third Street, Rm 210, Napa, CA 94559 (jwoodbury@ncrposd.org)

6. **General Plan Description**

Agricultural Watershed/Open Space (AWOS) for County jurisdiction; none for City jurisdiction.

7. **Current Zoning**

Agricultural Watershed (AW) for County jurisdiction; none for City jurisdiction

8. **Project Description**

Application to and adoption of a Use Permit by the County of Napa, to allow the District-owned Moore Creek parcels to be improved and used as a public recreational facility, including trails for hiking, horseback riding and mountain bicycling, staging area accommodating up to 25 vehicles, and limited environmental camping; adoption of a land use agreement between the District and the City of Napa to allow the District to improve, maintain and operate non-motorized recreational trails on the City property north of Lake Hennessey, and actions by the District to construct, maintain and operate the improvements on both District and City lands.

A more detailed project description is attached.

9. **Environmental Setting and Surrounding Land Uses**

The proposed project encompasses two units: the 673 acre Moore Creek Unit owned by the Napa County Regional Park and Open Space District, and the approximately 970 acre Lake Hennessey Unit, owned by the City

of Napa. The Moore Creek Unit currently includes two private, approximately 60-year old residences and ancillary structures, a dirt road extending the length of the property north to south, several jeep trails, and a parking/equipment/ranch operation staging area. It has historically been used for cattle grazing, for hunting, and for private recreation including ATV and motorcycle use, hunting, target shooting, horseback riding, hiking and parties. Cattle and horse grazing continues to take place on the property under a lease which the District inherited when it purchased the property. The Moore Creek Unit contains a variety of mostly non-native grasslands, mixed Oak Woodlands, Gray Pine, Douglas Fir and Madrone forests, chaparral and riparian vegetation. The Lake Hennessey Unit, located on the north side of Lake Hennessey, contains no structures; improvements are limited to a dirt road that generally follows the shoreline of the lake, a second dirt road that climbs over the main hill on the north side of the lake and which together create the potential for a several mile loop trail, perimeter fencing, access gates off of Conn Valley Road and Chiles and Pope Valley Road, and some regulatory signage. The City currently allows the public to access the area from the terminus of Conn Valley Road and walk along approximately 1.1 miles of the shoreline road. The Lake Hennessey Unit consists of mixed Oak Woodland.

The land east and north of the Moore Creek Unit is divided into ten undeveloped parcels, most of which is used for cattle grazing. There are four adjacent properties to the west, two of which contain private residences. Approximately half of the adjacent land to the west is grazed by cattle, and approximately two-thirds of the land has its open space values protected through conservation easements held by the Land Trust of Napa County. To the south of the District property is the City of Napa's Lake Hennessey property. The City allows boating in the lake using small motor boats, rowboats, and canoes, with access from a public boat launch on the south shore of the lake; however, swimming and other forms of human body water contact are prohibited. The City also currently allows public hiking and fishing along approximately 1.1 miles of the shoreline road on the north side of the lake with access from Conn Valley Road as well along the eastern and southern sides of the lake. The fishing access areas are being congregated by the City of Napa to promote visibility of visitors and dissuade bodily contact with water and associated impacts due to intensification of use of the Lake Hennessey Unit associated with this Project. Signage and fencing will be provided. Private properties on all sides of the lake contain a mix of open space, vineyards, wineries and estate homes.

State Route 128 runs along the southern shore of Lake Hennessey. County roads in the area include Chiles and Pope Valley Road to the northeast of Lake Hennessey and Conn Valley Road to the northwest of the lake.

10. **Other agencies whose approval is required:** (e.g., permits, financing approval, or participation agreement).
 City of Napa (land use agreement)
 County of Napa (Use Permit)

Responsible (R) and Trustee (T) Agencies:

Department of Fish and Game
 Regional Water Quality Control Board
 Bay Area Air Quality Management District
 US Fish and Wildlife Service

Other Agencies Contacted:

None.

ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:

The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, other sources of information listed in the file, and the comments received, conversations with knowledgeable individuals, the

preparer's personal knowledge of the area, and where necessary visits to the site and surrounding areas. For further information see the environmental background information contained in the permanent file on this project.

On the basis of this initial evaluation:

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

BY: John Woodbury

Date

General Manager

Napa County Regional Park and Open Space District

Detailed Project Description

Moore Creek Park

The Moore Creek Park project involves improving and providing public access to and nature-based recreation on the 673 acres of open space in the Moore Creek watershed owned by the Napa County Regional Park and Open Space District (the “Moore Creek Unit”), as well as approximately 970 acres of open space owned by the City of Napa on the northern side of Lake Hennessey (the “Lake Hennessey Unit”). This Initial Study covers the entire project, although the allowable uses and approval process for the Moore Creek Unit will be different than for the Lake Hennessey Unit.. Proposed uses, facilities and other notable features of the project are summarized below:

Proposed Uses

Both Park Units (Lake Hennessey and Moore Creek)

- **Hiking.** Allowed within the Moore Creek Unit and the Lake Hennessey Unit, except when the park is closed due to high fire hazard, excessively wet trails or other hazards (see discussion in “Other Notable Features” section regarding park closure policy).
- **Mountain bicycling.** Allowed on all named trails within the Moore Creek Unit, and on the Connector Trail, Upland Trail, Hillside Trail and Shoreline Trails within the Lake Hennessey Unit, except when park is closed due to high fire hazard, excessively wet trails or other hazards. (see discussion in “Other Notable Features” section regarding park closure policy).
- **Horseback riding.** Same as for mountain bicycling.
- **Nature observation and study.** Allowed year-round, except when necessary to restrict use due to high fire hazard, excessively wet trails or other hazards (see discussion in “Other Notable Features” section regarding park closure policy).
- **No Motorized Recreation.** Except as required or recommended by state and federal disability access laws and regulations no motorized recreation will be permitted, and the public will not be permitted to drive any form of motorized vehicle within the either park unit, other than between Chiles and Pope Valley Road and the Moore Creek Unit staging area approximately ¼ mile north of the main road

Unique Use Aspects of Lake Hennessey Unit

- **Daytime Use Only.** Public use of the Lake Hennessey Unit shall be limited to daylight hours only.
- **Other Restrictions.** The City of Napa may at any time impose further controls and limits on the types, intensity and timing of uses at the Lake Hennessey Unit as it deems necessary to protect water quality and the natural resources of the Lake Hennessey Unit. The process for determining, monitoring and enforcing these restrictions will be specified in a Development, Operations and Management Plan to be entered into by the City and District prior to the District constructing and operating the improvements described in this Initial Study.

Unique Use Aspects of Moore Creek Unit

- **Environmental camping.** Short-term walk-in tent camping will be allowed for small groups, by reservation only, in an area approximately 500 feet northeast of the ranch house and also on the knoll approximately 2000 feet east of the ranch house

- **Other low-impact outdoor recreation and education.** Open space-based activities that do not disturb the natural character of the area, such as non-invasive geocaching or picnicking, but not including hunting, target shooting or barbecuing, may be allowed.
- **Annual special events.** Up to two District-sponsored invitation-only volunteer special events which may include overnight stay by volunteers will be allowed in order to work on park improvement, restoration and maintenance projects. The size of these special events will in no case exceed 125 people.

Proposed Facilities

Lake Hennessey Unit

- **Lake Hennessey Connector Trail.** (0.37 miles) A new trail segment connecting from the staging area in the Moore Creek Unit to the existing dirt road designated as the Lake Hennessey Upland Trail within the Lake Hennessey Unit,
- **Lake Hennessey Upland Trail.** (2.73 miles) An existing unimproved service road.
- **Lake Hennessey Shoreline Trail.** (3.18 miles) An existing City unimproved service road. About one-third of this distance is already open to the public.
- **Lake Hennessey Hilltop Trail.** (1.83 miles) A new single-track trail to the highest point within the Lake Hennessey Unit to be constructed when funding permits. Except for the southernmost section of this trail, which serves as the connection from the Hillside Trail to the Shoreline Trail—Extension, this trail will be constructed as a footpath only (no bicycles or horses) due to steep terrain.
- **Lake Hennessey Hillside Trail** (1.39 miles) A new single-track trail connecting the western section of the Upland Trail with the southern section of the Hilltop Trail, generally uphill from and parallel to the Shoreline Trail to be constructed when funding permits.
- **Signage.** New directional and regulatory signage will be installed, as approved and/or directed by the City of Napa. The regulatory signage will inform users of the Lake Hennessey Unit about park rules including but not limited to all visitors remaining on marked trails only and additional restrictions intended to protect water quality.

Moore Creek Unit

- **Canyon Trail.** (2.8 miles) An existing unimproved road, plus a 700 foot long new bypass trail to eliminate two of the existing seven road crossings of Moore Creek. The southern one mile of the road also provides access to the existing ranch house.
- **Vista Trail** (southeastern upland trail) (2.1 miles) A new single-track trail that together with the southern portion of the Canyon Trail creates a 3 mile loop trail.
- **Madrone Trail** (northwestern upland trail) (1.5 miles) A new single-track trail that together with the northern portion of the Canyon Trail creates a 3.5 mile loop trail.
- **Staging Area.** Located approximately ¼ mile from Chiles/Pope Valley Road, the existing ranching operation staging area will be designated as the public parking area. It will be designed to County of Napa Public Works standards, and will accommodate up to 5 horse trailers and 20 regular-sized vehicles. The general public will not be permitted to drive beyond the staging area. The driveway from Chiles/Pope Valley Road to the existing staging area will be chip-sealed, and the existing staging area will have gravel surface added as needed to provide an all-weather surface. A composting toilet facility will be located at the staging area for use by the public.
- **Environmental Camping.** One primitive tent camp site will be located approximately 500 feet northeast of the ranch house, and another will be located on top of the knoll approximately 2000

feet east of the ranch house. Other than composting toilet facilities at each location, there will be no structures, and no potable water.

- **Existing Houses.** The two existing houses on the property will continue to be used as private residences consistent with County Zoning, Building, Environmental Management and other applicable ordinances and regulations. These houses and ancillary structures will not be open to the public, and are not included in the District's Use Permit application.
- **Signage.** Includes park entrance sign on Chiles/Pope Valley Road, information kiosk at the staging area, educational signage, and directional signage at all trailheads and junctions.

Other Notable Features

- **Sustainability.** Every aspect of construction and operation of the park will be designed to be sustainable in terms of resource and energy consumption and generation of pollutants. Examples include (a) entrance informational display about climate change that encourages each user to make a donation to offset their carbon footprint from use of the park, with donations used to install energy conservation improvements and equipment and generate solar power for on-site use; (b) no motorized recreation within the park, (c) solid waste minimization through education, recycling and composting, and (d) composting rather than flush or chemical toilets.
- **Wildfire hazard.** Park activities will be limited as appropriate, up to and including full park closure, as needed during periods of extreme wildfire hazard, as determined by the County Fire Marshall or additionally whenever in the District's judgment the combination of forecasted temperature, humidity and wind suggest extreme wildfire hazard. No open fires will be allowed except when wildfire hazard is low and even then only within facilities approved by the Fire Marshall and consistent with Cal Fire's Fire Wise standards.
- **Wet weather.** Trails will be closed as needed during and after rainstorms to prevent soil erosion and damage to trails. Trails will be monitored weekly the first wet season, and as needed thereafter, to observe the interaction of trail location, soil type, type and frequency of use and soil moisture level, and appropriate closure protocols for hikers, mountain bicyclists and equestrians will be adopted and enforced. The performance standard used to guide the closure protocols will be that there is no trail related sediment flow either directly or indirectly into Lake Hennessey, Chiles Creek and/or Moore Creek.
- **Other Hazards.** Trails will be partially or fully closed, and either or both Units may be completely closed to the public as needed to avoid conflict with City of Napa or District property maintenance activities, or as needed to avoid any other public safety hazard or to protect water quality or other natural resources.
- **Dogs.** No dogs will be allowed in the Moore Creek Unit except dogs belonging to residents of the Gate House and/or the Ranch House which are either indoors, on leash or in a fenced area, and (b) companion dogs as defined and as required to be permitted by the Americans With Disabilities Act. No change is proposed to the City of Napa's current policy regarding dogs in the Lake Hennessey Unit. The current policy is to allow dogs on leash.
- **Hunting and shooting.** No sport hunting or target shooting will be allowed.
- **Grazing.** Cattle grazing is not currently allowed within the Lake Hennessey Unit, and this project does not propose changing this policy. Once the existing grazing lease within the Moore Creek Unit terminates, cattle grazing will be allowed to continue within the Moore Creek Unit, except that no grazing will be allowed in the northern two miles of the Unit (where it is not feasible to provide off-stream water for cattle, and which is marginal grazing land at best), and new fencing will be installed to keep cattle out of the lower one-half mile of the Unit. The duration and intensity of grazing will be based on best management practices developed in consultation with the Natural Resource Conservation Service. A key grazing objective will be to use grazing to control the risk of wildfire and the spread of invasive weeds.

- **Fencing.** The entire perimeter of the park is already or will be fenced with 4-strand or 5-strand barbed wire fencing to limit trespass onto private property and facilitate managed grazing, while still allowing wildlife movement.

Additional Information Regarding Proposed Lake Hennessey Trails

This project does not propose to expand or in any way change existing public use that the City allows at Lake Hennessey on the lake itself, nor on the southern, eastern and western sides of the lake. The City allows access for hikers only--no pets, bicycles, horses, etc--on a small portion of the western side of the lake. The trail is not a through trail and is being signed by the City to indicate "sensitive habitat area not a through road." Public access is not allowed on the west side of Lake Hennessey near the City's water treatment operations and sludge handling areas. It is also not proposing to change the existing public access points along State Highway 128 on the southern side of the Lake, along Chiles and Pope Valley Road on the east side of the lake, nor along Conn Valley Road on the north side of the lake. This project only proposes District-sponsored improvements and operations on the north side of the Lake with new public access from the District's Moore Creek Unit staging area. District information materials related to public use of the north side of the lake will be designed to encourage public users to access the area using the District's staging area within its Moore Creek Unit. Access to the staging area will be gate controlled, and the presence of the existing District-owned residence on the driveway leading to the staging area will make it possible for the District to easily control public access from this direction.

The District will be responsible for the costs for constructing and operating the proposed expanded public access on the City's property within the Lake Hennessey Unit. Proposed improvements include entry signs, directional trail signs, and a new 0.37 mile trail connecting the existing service road on City property to the planned new staging area on District property. When and if funding is obtained, the District also proposes to construct a new 1.83 mile single-track trail (Hilltop Trail) that would allow people to climb to the top of the unnamed peak on the north side of Lake Hennessey and enjoy spectacular views of the entire watershed, as well as a new 1.39 single-track trail (Hillside Trail) which will provide an alternative route for and reduce usage on the existing shoreline service road.

The District has prepared a draft Development, Operations and Management Plan for how it will operate and management access within the Lake Hennessey Unit. The Plan covers a wide range of topics, including methods for controlling erosion and the release of sediments and pathogens into the water, assuring public safety, minimizing wild fire hazard, providing insurance, performing maintenance functions, and the process for how the District and the City will communicate and make decisions. Prior to the District constructing and operating the trails as described in this Initial Study, the District will enter into a land use agreement with the City and obtain the City's approval for and complete execution of the Development, Operations and Management Plan.

Per the draft Development, Operations and Management Plan, the District will be responsible for constructing, maintaining and monitoring public use of the trails. The City will have no financial or other obligations for the project, except to the extent that City staff wishes to be involved in reviewing and approving plans and overseeing the District's operation and enforcement of the trails and trail use.

Other notable features of the draft Development, Operations and Management Plan include:

- The District will regularly and actively monitor public use, educate the public regarding appropriate activities, and promptly remove any trash and graffiti. District monitoring will be

done by a combination of District staff, caretaker(s) residing at the Moore Creek Unit, and supervised volunteers.

- The District will name the City as additional insured on its liability insurance policy.
- No hunting or shooting will be allowed.
- No smoking or fires will be permitted.
- Access from the Moore Creek Unit staging area to the Lake Hennessey Unit will be closed to the public during periods of extreme fire hazard, as determined by the County Fire Marshall, and as needed during and after rainstorms to prevent soil erosion and damage to trails.
- Motorized recreation will not be permitted; public access will be limited to hikers, mountain bicyclists and equestrians.
- The District will maintain a reserve fund equal to 10% of the construction cost of improvements within the Lake Hennessey Unit, for up to two years after construction, to be used to repair any construction defects. Subsequent maintenance costs and repairs will be budgeted through the District's annual budget process.
- The Plan will follow the principle of adaptive management. As such, it will be subject to periodic review by the District and the City, and be modified as needed to respond to changing conditions in order to ensure that water quality, public safety and other District and City objectives are fully met.

The draft Development, Operations and Management Plan as described above is considered an integral part of the project description for purposes of this Initial Study.

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

Discussion:

a.-d. Except for a few distant views of new trails, no physical changes to either the Moore Creek or Lake Hennessey properties are proposed which would be visible from any public road or other public access point or from the handful of existing residences which have views of the subject properties. Five new trails are proposed. Their alignments are designed to largely stay under the tree canopy to avoid open slopes which are potentially visible from public roads. No rock outcrops or historic buildings will be affected. No mature trees will be removed by the project. No new lighting is proposed.

Mitigation Measures: None are required.

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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code Section 12220(g), timberland as defined in Public Resources Code Section 4526, or timberland zoned Timberland Production as defined in Government Code Section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use in a manner that will significantly affect timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, or other public benefits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a.-e. None of the subject property is classified as Prime, Unique or of Statewide importance. The Moore Creek property is designated Agricultural Watershed/Open Space by the County General Plan. None of the Moore Creek property is usable for growing grapes or other irrigated crops, due to steep slopes, thin soils and limited water. The property has historically been grazed, and a grazing lease over the property is currently held by the neighboring property owner. The County General Plan indicates that public recreation is permitted in areas designated Agricultural Watershed/Open Space, and that public recreation and agriculture can be compatible uses. It is the District’s intent to continue cattle grazing once the current grazing lease terminates, with the timing, location and intensity of future grazing activity to be based on grazing best management practices. Most of the property qualifies as forest land as defined by the Public Resources Code; however, there is no conflict or impact because (i) forest land is defined in the code section as being compatible with recreation, water quality and other public benefits. The proposed Use Permit would thus not cause any change in the forest land status of the property. The project site is not zoned as a Timberland Production Zone

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a-c A small amount of dust (PM 10 and PM 2.5) may be generated during trail construction. Air Quality Guidelines adopted by the Bay Area Air Quality Management District on June 2, 2010 (page 2-2) (“Guidelines”) indicate that for fugitive dust for construction activities, the Threshold of Significance will not be exceeded if Best Management Practices are adopted. These practices are included in the Mitigation Measures at the end of this section.

The amount of dust generated by trail users after construction is complete is expected to be too minor, infrequent and localized to be significant based on the standards and examples provided in the Guidelines.

Dust is currently generated by vehicles driving on the dirt road extending through the Moore Creek Unit. To control this dust generation, the dirt road between Chiles and Pope Valley Road and the staging area will be chip sealed, and the public will not be permitted to drive beyond the staging area.

Reactive Organic Gases (ROG) and Oxides of Nitrogen (NOx) will be generated by both construction activities and by users driving to and from the park. Air Quality Guidelines adopted by the Bay Area Air Quality Management District on June 2, 2010 (page 2-2) indicate that the level of significance for ROG and for NOx is 54 lbs/day for construction activities as well as for ongoing operations. The Guidelines do not contain a specific threshold for the type of open space park proposed with this project, but Table 3-1 makes it amply clear that the proposed project will generate far less than these levels. For a city park, the screening threshold is 2,613 acres for operations, and 67 acres for construction. In a city park, virtually every acre is constructed landscape, hardscape or buildings, and is used intensively by the public. By comparison, with the proposed project, the area of disturbance for trail construction within the Moore Creek Park Unit is under 8 acres, while with the Lake Hennessey Unit it is under 5 acres. Nearly all of the remaining open space acres within the project will seldom if ever be used by the public. Even if maintenance and improvement of the existing staging area located at the southern end of the Moore Creek Unit (under 2,500 square feet), the one mile of dirt road leading up Moore Creek to the existing ranch house (approximately one acre of disturbed area), and the 5.8 miles of dirt service roads on the Lake Hennessey Unit (approximately six acres of disturbed area) is added into the equation, it is clear that the proposed project does not even come close to meeting the screening thresholds which would require further analysis.

d. According to the Guidelines, sensitive receptors within 1,000 feet of a proposed activity need to be considered in terms air pollutants for which the region is a non-attainment area. The region is a non-attainment basin for particulates. Two sensitive receptors—both District-owned residences—exist within 1,000 feet of the project. As noted above, construction Best Management Practices will be utilized to control fugitive dust, and these

according to the Guidelines will keep fugitive dust below the Air District prescribed level of significance. For operations, the dirt access road passing next to the gatehouse will be chip sealed to prevent dust during park operations. No public vehicular traffic will be allowed near the ranch house. Thus, the two sensitive receptors within 1,000 feet of the project area of disturbance will not be exposed to a significant level of particulates.

- e. The project is not expected to generate any new odors.

Mitigations Measures:

(1) During construction:

- all exposed surfaces (graded areas, staging areas, stockpiles, and unpaved roads) shall be covered, or watered twice per day as needed to maintain sufficient soil moisture to control fugitive dust
- All trucks hauling soil, sand and other loose materials shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.
- the adjacent public roads shall be swept daily with wet power vacuum street sweepers, if visible soil material is carried/tracked out onto roadways.
- Traffic on unpaved areas and roads shall be limited to 15 mph.
- Grading and earthmoving activities shall be suspended when winds exceed 25 mph.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes, as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR). Signs clearly indicating this provision shall be installed at all access points.
- All construction equipment shall be maintained and properly tuned in accordance in manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A sign with the telephone number and person to contact at the Lead Agency regarding dust complaints shall be visibly posted at the site. The contact person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Discussion:

a.-d. Two special status species are noted in the County’s natural resources databases as potentially occurring in the project area: bald eagles (*Haliaeetus leucocephus*) and great blue herons (*Arden herodias*). The County’s databases identify four sensitive biotic communities which are present at various locations within the project area. These are California Annual Grasslands Alliance, Freshwater marsh, Douglas Fir/Ponderosa Pine Alliance, and California Bay/Madrone/Coastal Live Oak Alliance.

To supplement the County database, the Wildlife Habitat Relationship System database developed and maintained by the California Department of Fish and Game was consulted to identify both common and rare/threatened/endangered species which might be expected to be found on the property (either as year-round residents or seasonal visitors). In addition, two plant and three bird surveys were conducted at appropriate times during the year, and an aquatic survey was performed to identify fish and amphibian species within Moore Creek (see attachments).

Based on the databases and surveys referenced above, there are a variety of listed species which inhabit or may inhabit the project area. However, no significant impacts to threatened, endangered or sensitive species or habitats are expected, as discussed in the attachments and below:

--Nature based, non-motorized recreation as proposed will be low-intensity, with most of the property undisturbed and unlikely to experience much public use due to steep terrain and heavy undergrowth. Typical weekday use is not expected to exceed a few dozen people. The maximum peak weekend public usage is

expected to be less than 50 people. The staging area is only designed to accommodate up to 20 cars and 5 vehicles with trailers, with average vehicle occupancy expected to be 2 or less. This represents an average peak weekend density of one person per 33 acres. These park users will be distributed over 15 miles of trails, for a peak weekend density of less than 4 people per trail mile on average.

--The only notable disturbance to plants will occur due to trail construction; proposed trail alignments have been inspected by botanist Jake Rugyt, who found no listed plant species or sensitive habitats within the alignments.

--Immediately prior to any trail or other building construction, a qualified biologist will inspect the area for any temporary or heretofore unidentified presence of nesting birds or other sensitive birds, mammals, reptiles, amphibians and plants; if any species of concern are found, the project will be delayed, relocated or otherwise modified to avoid any significant impact, as recommended by the biologist performing the inspection.

--No construction or soil disturbance will take place within any wetland/blue line creek.

--The most sensitive habitat within the project area is the riparian habitat along Moore Creek and Chiles Creek. The project will overall result in improved riparian habitat. The existing dirt road extending through the Moore Creek Unit currently crosses Moore Creek seven times, and has historically been used by motorcycles and ATV and 4-wheel drive vehicles. When crossing the creek, these vehicles could potentially have killed fish and amphibians living in or on the banks of the creek. With the proposed project, this motorized use will no longer be allowed. Hikers, horses and mountain bicyclists crossing the creek would be travelling at much slower speeds (the rough, rocky creek bed forces such users to cross the creek slowly), giving fish and amphibians ample time to get out of the way. With the project, two existing dirt road crossings of the perennial flow section of Moore Creek will be eliminated through construction of a trail bypass, and one new non-motorized trail crossing of the seasonal section of Moore Creek next to the staging area will be designated (but with no construction or streambed alterations within the creek banks), for a net reduction of one trail crossing of Moore Creek. In addition, cattle will be prevented from getting into Moore Creek on the District's property. Finally, the creek bank in the vicinity of the staging area will be restored and stabilized using native plants.

-- Within the Lake Hennessey property, no new public access will be provided to sensitive riparian areas along Chiles Creek, and dense undergrowth including extensive poison oak will make it highly unlikely that people will attempt to leave the improved trail west of Chiles Creek to get to the water. Along the section of the Shoreline Trail where there is currently no public access, existing barbed wire fencing separates the trail from the water. Along the section of the Shoreline Trail where there is currently access, new drift fencing will be installed in locations where people have been observed coming down to the shoreline and occasionally coming into contact with the water. With this new fencing, there should be reduced human impact on shoreline riparian habitat compared to the present.

--While not a listed species, North American River Otters have been reported to live in the northeastern arm of Lake Hennessey, and could in theory be disturbed by people. However, their preferred habitat is open water and dense riparian vegetation. Boaters are already present in the open water, and no new boat put-ins will be allowed. Further, new public access proposed by the project is limited to the existing road west of the lake which is well removed from the lake. It would be very difficult for trail users to leave the designated trail and access the creek and lake in this area because of poison oak, other vegetation and steep slopes. Overall, the number of potential new people in this area as a result of this project is far less than what already exists due to boaters on the water and by fishermen on the eastern shore.

--New fencing will be installed along the perimeter of the Moore Creek property, as well as along the creek bank in selected locations, to control trespass onto adjacent private properties and to control the timing and location of cattle grazing. Security fencing (such as 6 ft high chain link), as is often used around vineyards, could limit the

movement of wildlife. To avoid this potential impact, the new fencing will be 4-strand wire, which does not cause a significant impediment to the movement of wildlife, which is capable of going over or under such fencing.

--Both California black bears and mountain lions are known to live in the general area. California black bears are not a listed species, but mountain lions are listed as a California species of special concern. A concern has been raised that allowing public access in the project area could potentially lead to attacks on humans by bears or mountain lions, which in turn could lead to deprivation permits being issued by the Department of Fish and Game. In Napa County, in the four years from 2004 through 2007, four bears were killed after deprivation permits were issued. (http://www.dfg.ca.gov/news/issues/bear/bear_depredation.html). For mountain lions, between 1972 and 2009, in Napa County 82 mountain lions were killed after deprivation permits were issued, and the number issued has been increasing in recent years. (<http://www.dfg.ca.gov/news/issues/lion/dep-lions-killed.html>). The increase in permits issued is generally attributed to the increase in the number of mountain lions since the passage of the Mountain Lion Initiative, which eliminated most hunting of lions, and to more people living in rural areas; new residential landscaping attracts deer, and both deer and household pets can attract the mountain lions. With bears, deprivation permits in Napa County have been issued because they were damaging vineyards or people's residences located in rural areas. For mountain lions, deprivation permits are generally the result of lions bothering people and their pets living in rural areas. None of the permits in Napa County are believed to have been issued because of bears or lions attacking hikers, equestrians, mountain bicyclists or campers, although this has occasionally occurred in wilderness parks in other parts of California.

According to the California Department of Fish and Game (<http://www.dfg.ca.gov/news/issues/lion/attacks.html>), fatal attacks by mountain lions are extremely rare: between 1890 and 2007, in all of California there were only 16 human fatalities from mountain lions. The fear of attack is much higher than the reality. Regarding bears, DFG reports (http://www.dfg.ca.gov/news/issues/bear/bear_incidents.html) that in all of California there have been 12 bear attacks on humans since 1980; none were fatal.

Both species generally try to avoid humans, and given the extensive dense vegetation of the project area and the low intensity of proposed public use, both species are easily capable of avoiding human impact within the project area. Despite their instinctive avoidance of humans, poor management practices (unsecured trash containers, food left out, unsupervised pets) can attract bears and mountain lions and contribute to their losing their fear of humans. Thus, while the number of deprivation permits issued, and animals subsequently killed, are quite low compared to the number of bears, mountain lions and humans living in close proximity to each other within the Bay Area, several mitigations are nonetheless proposed to further minimize the risk of attack.

Ground-nesting and feeding birds, amphibians and small mammals could be harassed and/or killed by domestic dogs. The risk posed by dogs is generally low compared to that posed by wild raccoons, snakes, coyotes, bobcat and mountain lions. However, domestic dogs are not subject to natural forces which tend to keep predator and prey in balance. Therefore, the public will not be permitted to bring their dogs into the Moore Creek Park Unit. No change is proposed to the City of Napa's existing policies regarding dogs within the Lake Hennessey Unit.

- e. There will be minimal development as a result of the project. Trail alignments will be designed to not require the removal of mature trees, and preliminary alignment investigations indicate no tree removals will be necessary. However, in the event final trail alignments require that mature trees be removed to accommodate trail construction, trees of the same species shall be replanted in the same general area at a ration of 2 to 1.

The project would not conflict with any local policy or ordinance protecting biological resources or any tree preservation policy or ordinance.

- f. The project will not conflict with the provisions of any adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan, because no such plans have been adopted which include the project area.

Mitigation Measure(s):

- (1) Two dirt road crossings of Moore Creek shall be eliminated, and cattle shall be removed from the portions of Moore Creek under District ownership once the District gains control of the grazing lease.
- (2) No construction or soil disturbance will take place within the banks of any blue line stream.
- (3) The area within 300 feet of proposed new trail alignments will be surveyed by a qualified biologist within 7 days of the start of construction. If nests or other evidence of listed species is found, construction will be delayed or other appropriate actions taken to avoid any adverse impact.
- (4) Excavated materials along the entirety of the trail routes shall be side-cased in a way as to not create piles or berms of disturbed soil that would encourage colonization by invasive plants.
- (5) The trail route shall be monitored and managed for the first two years following construction to prevent introduction of new invasive plant species.
- (6) Hunting shall not be allowed.
- (7) The public shall not be allowed to bring dogs into the Moore Creek Unit.
- (8) All trash, recycling or food containers shall be animal-proofed.
- (9) The entry kiosk shall include information about the presence of bears and mountain lions and encourage practices to reduce risk of interaction (travel in groups, how to react if confronted).
- (10) The presence of bears and mountain lions shall be regarded as natural and desirable, and deprivation permits for problem animals shall only be sought as a last resort, and only if there is a clearly demonstrated and immediate need to protect public safety, and where other methods of risk minimization, avoidance and public education cannot be relied upon.
- (11) In the event any mature trees must be removed for trail construction, replacement trees of the same species shall be replanted and tended until successfully established at the ratio of 2 replacement trees for every one lost.

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

Discussion:

- a-d There are no known historical, archaeological, cultural or paleontological resources or human remains within the areas that will be affected by the project. It is possible that native Americans inhabited the relatively flat area

along Moore Creek where the current ranch house is located, based on the proximity of year-round water and acorns. However, the project will not affect this area, so no impact is expected. In upland areas where trail construction is proposed, it is unlikely but possible that arrowheads or other artifacts could be uncovered. Should any artifacts be found during construction, construction will cease until the District has been able to have the location inspected by a qualified professional and appropriate steps taken to protect the resource. The partial remains of a footing for an early settler residence have been observed at one location within the Lake Hennessey Unit of the project area. However, no trail construction would occur in this area.

Mitigation Measure(s):

- (1) Should any archaeological, cultural or paleontological artifacts be found during any soil disturbing construction activities, construction will cease until the District has had the location inspected by a qualified professional and has taken appropriate steps as recommended by the qualified professional to protect the resource.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VI. GEOLOGY and SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a,i-iv. The County database indicates one earthquake fault crossing the Moore Creek property in a generally southwest-northeast trending direction several hundred feet to the north of the existing ranch house. It also identifies a variety of confirmed and potential landslides on both the Moore Creek and Lake Hennessey properties. The project proposes no changes to the existing ranch house which would affect its susceptibility of damage in the event of an earthquake, and thus no mitigation for this is needed.

The existing dirt road which extends the length of the Moore Creek property, as well as the existing dirt roads on the Lake Hennessey property, cross known or potential landslides in several locations. Given the steep slopes on much of the property, it is not practical to relocate these existing roads. Also, since these roads are only proposed to be used for discretionary (ie recreational) use, and would not be in use during heavy rains, there is little risk of injury or other substantial adverse impact should a landslide damages any section of these roads.

The new trails which are proposed avoid areas which show evidence as having active landslide problems, though they do often traverse steep slopes. One short section of the proposed Vista Trail crosses an area which is mapped as having a historic landslide, but tree growth in the area indicates it has not slid in at least several hundred years. The soils in the area (Sobrante Loam) are gravelly with moderately high permeability. Most areas have mature tree growth where tree roots provide considerable soil stability. In the open slope areas without tree growth, the soils are quite shallow (less than 18 inches) with bedrock beneath. For these reasons, as long as water is properly controlled as discussed below, landslides and soil erosion are not expected to be a significant problem.

- b. Trails will be constructed using modern trail design standards, generally following the standards contained in the Trails Handbook published by the State Department of Parks and Recreation. These design standards include generally keeping trail slopes less than 9 percent, outloping the trail tread and installing reverse grades as needed to prevent changes in natural water flows and concentration of water along the trail rather than across it, and by using native rock to stabilize the soil where trails cross seasonal gullies.
- c. As noted in "a" above, some of the existing roads, and one short section of proposed new trail, are within areas which have in the past or may in the future be subject to landslides. This is not expected to be a significant adverse impact, however, due to the following:
- new trails will have a four foot wide or narrower tread, which is much narrower than the typical 10 or more feet in width of dirt roads, so the amount of cutting into the hillside is considerably less than would be the case for the typical road.
 - Trails will be closed during periods of heavy rains when soils are saturated, which is when a landslide is most likely to occur.
 - a failure of a trail would not have any serious consequence other than the need to temporarily close the trail until repairs could be made.
- d. None of the project area contains highly expansive soils.
- e. Both the gate house and ranch house on the Moore Creek property have existing septic systems. No change is proposed to the gate house septic system. While not a part of nor required for this project, the District is proposing to replace the existing ranch house septic system with a new system which would be more than 200 feet from Moore Creek. Soil tests conducted by Delta Consulting and Engineering indicate the soils uphill from the ranch house are too shallow to accommodate a conventional septic system; therefore, an alternative engineered system that meets Regional Water Quality Control Board regulations is being designed.

Composting toilets are proposed to serve park users; these do not require a septic system.

Mitigation Measure(s):

- (1) New trail construction shall follow the standards contained in the Trails Handbook published by the State Department of Parks and Recreation.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate a net increase in greenhouse gas emissions in excess of applicable thresholds adopted by the Bay Area Air Quality Management District or the California Air Resources Board which may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with a county-adopted climate action plan or another applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a-b. Greenhouse gasses will also be generated by construction activities and by users driving to and using the park. The Guidelines provide a screening threshold of 1,100 metric tons of carbon dioxide-equivalents per year, which is roughly equivalent to a 60-unit residential subdivision. Standard trip generation models used by traffic engineers project that a 60 unit residential subdivision will generate more than 600 vehicle trips per day, Even if all 25 parking spaces in the proposed project were completely full and turned over twice in one day, greenhouse gas emissions would still less than 10 percent of the Air District-prescribed threshold. The project does not conflict with any county-adopted or another applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases.

Although greenhouse gas emissions from the project will be far below significance levels, the project nonetheless has built into it several features designed to help reduce greenhouse gas emissions. First, non-motorized recreation relatively close to where Napa residents live and work is facilitated, which reduces the need to drive greater distances, usually outside of Napa County, to enjoy this form of recreation. Second, motorized recreation is prohibited. Third, the project includes an active information campaign designed to encourage carpooling and generate carbon offsets. When users arrive at the park, they will be exposed to an interpretive display discussing climate change. The display will let them calculate their carbon footprint for their trip to and from the park that day, and encourage them to make a voluntary "carbon offset" payment to support making the park's operations carbon neutral through installation of solar panels to meet energy needs, and increased carbon sequestration through improved grazing management and native plant revegetation projects. If encouraging voluntary payments based on carbon impacts does not prove effective, mandatory parking charges will be considered.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wild-land fires, including where wild-lands are adjacent to urbanized areas or where residences are intermixed with wild-lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

a.-b. No hazardous materials are expected to be used, with the possible exception of minor amount of gasoline and oil for running equipment, or herbicides for controlling invasive plants. Because of the small amounts which may occasionally be used, no significant impact is expected.

- c. There is no school within or near the project area.
- d. No part of the project is on any list of hazardous materials sites. The property underwent a Phase I Environmental Site Assessment in October 2008, prepared by Amicus—Strategic Environmental Consulting. The Assessment noted the existence of several small sites where household trash, old lumber and metal had been dumped by prior property owners, but did not find any hazardous materials associated with these dumps. The District is nonetheless in the process of removing the trash for aesthetic reasons, to the extent that it can be done without causing soil erosion problems (the trash appears to have been used to help fill in erosion gullies).
- e. There is no public airport in the vicinity.
- f. The nearest private airport is in Angwin, which is located nearly four miles from the nearest edge of the property.
- g. The project will not affect the implementation of or interfere with any emergency response plan.
- h. According to CalFire, the project is located in an area which is subject to high risk of wildland fires (on a scale ranging from low, moderate, high and very high). Two historic fires are recorded—one in 1954 and one in 1961—in the southeast portion of the Moore Creek property, and one fire—in 1964—in the Lake Hennessey area. The project is not expected to create a significant increased risk of wildland fire, for these reasons:

--According to CalFire, the biggest risk of wildland fire is from equipment (causing 29% of all wildfires), with arson second (13%) and automobiles third (12 percent); campfires are only reported to cause 2% of wildfires, and hikers, bicyclists and equestrians present such a small risk that they are not separately identified.

--The general public will not be allowed to drive cars, trucks, motor cycles, ATV's or other motorized recreational equipment on the property, but must park at the staging area. In addition, the access road serving the ranch house will be mowed as recommended by CalFire to prevent the accumulation of weeds which when dry might be accidentally ignited by any authorized motor vehicles using the road.

--There will be no public use of the two existing residences on the Moore Creek Unit.

--Only trained staff or volunteers will use equipment, and its use will be limited to low-fire hazard periods.

--The public will not be permitted to smoke while in the park, except and unless specifically designated locations are provided and maintained free of combustible materials as prescribed by the County Fire Marshall.

--Park activities will be limited as appropriate, up to and including full park closure, as needed during periods of extreme wildfire hazard, as determined by the County Fire Marshall and additionally whenever in the District's judgment the combination of forecasted temperature, humidity and wind suggest extreme wildfire hazard.

--No open fires will be allowed except when wildfire hazard is low, as determined by the County Fire Marshall, and even then only within campfire facilities approved by the Fire Marshall.

--Public education materials provided at the entryway kiosk will emphasize fire safety practices and describe emergency evacuation procedures.

Mitigation Measure(s):

- (1) Public motor vehicle use shall be prohibited, except at the staging area at the southern perimeter of the Moore Creek Unit, or as required or recommended by the Americans With Disabilities Act and related federal and state regulations.

- (2) The two existing residences on the Moore Creek Unit shall not be used by the general public.
- (3) Power tools shall only be used by properly trained and equipped staff and volunteers.
- (4) Smoking shall be prohibited in the Lake Hennessey Unit, and prohibited in the Moore Creek Unit except in designated areas designed according to County Fire Marshall recommendations.
- (5) The park shall be closed to public use during periods of extreme wildfire hazard, as determined by the County Fire Marshall, as well as when in the District’s judgment the combination of temperature, humidity and wind create a potentially unsafe situation.
- (6) The public shall not be permitted to have open fires except during periods of low fire risk, as determined by the County Fire Marshall, and even then only within campfire facilities approved by the Fire Marshall.
- (7) Public information emphasizing fire safety practices, and emergency reporting and evacuation procedures, shall be provided at the staging area kiosk.

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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a & f The project is within a municipal drinking water supply watershed (Lake Hennessey). Maintaining the purity of water in Lake Hennessey is essential. Lake Hennessey currently has low TOC (Total Organic Carbon) levels. However, Trihalomethanes (THM’s) are problematic. In 2009, THMs of Lake Hennessey water ranged from 16.5 ug/L to 50.2 ug/L. If TOC levels were to increase, this would result in an increase in THMs.

Impacts to water quality could potentially occur in several ways: (i) septic systems leaching polluted water into Moore Creek; (ii) increased erosion and resulting sediment flows into Lake Hennessey from trail construction and use; (iii) bodily contact from trail users swimming in Lake Hennessey (fecal coliform and pharmaceuticals); (iv) cattle wallowing in Moore Creek; (v) horses near Lake Hennessey (fecal coliform), and (vi) wildland fire (increased erosion and runoff leading to increased TOC in Lake Hennessey), and (vii) litter and garbage getting into Moore Creek. These are addressed below:

(i) Waste Water. The only new public structures will be three composting toilet buildings, which will be completed self-contained units conforming to County Environmental Management standards. These will have no potential to violate any water quality standard or regulation.

The existing ranch house has an existing septic system which is closer to Moore Creek than is permitted by current County Environmental Health or Regional Water Quality Control Board requirements for new developments. While as an existing residential use it is not required to meet these requirements, the District is nonetheless seeking permits to construct a new, alternative septic system which will be more than the 200 feet creek setback for septic systems required for new construction, and will construct this new system if permits can be obtained.

(ii) Trail construction and operation. The planning consulting firm LandPeople in January 2008 prepared a study for the District which evaluated public recreational access issues in the City of Napa’s Milliken watershed. The study looked at the experiences of the Marin Municipal Water District, East Bay Municipal Utility District and the San Francisco Public Utilities Commission. The study found that properly designed and managed non-motorized recreation in municipal watersheds would not have a significant impact on municipal drinking water quality. The City maintains that this study failed to take into account the steepness of the terrain and very different municipal water treatment capabilities of the Milliken watershed compared to the aforementioned entities or to Lake Hennessey. The California State Park “Trails Handbook” contains the most up-to-date standards for designing and maintaining trails; proposed trails will be constructed and operated consistent with the Trails Handbook guidelines. Prominent signage at the Moore Creek staging area, and elsewhere along trails within the Lake Hennessey Unit as needed, will emphasize that the public must stay on trails.

Public use will initially be monitored twice weekly, and thereafter at a greater or lesser frequency, based on experience, to determine compliance and educate violators. If direct, personal education is insufficient, the District will seek City authorization to issue citations to violators.

In addition to the new trail design practices discussed above, two existing dirt road crossings of Moore Creek will be eliminated, and motor vehicles will not be permitted on any of the remaining five dirt road crossings of Moore Creek (except in the event of an emergency). Existing sediment pollution into Moore Creek from the existing dirt road extending the length of the District's property will also be eliminated by correcting improper drainage flows, repairing erosion gullies, and adding gravel and rock as needed where seasonal creeks cross the road.

- (iii) Bodily contact with Lake Hennessey. The City of Napa currently prohibits swimming and other forms of bodily contact with the water, although current enforcement, particularly on the north shore, is inadequate. Historically there has not been a great cause for concern because the area has had limited public exposure and has been used predominantly by adjacent landowners who have been good stewards of the land. Prominent signage at the Moore Creek staging area, and elsewhere along the Lake Hennessey shoreline will be installed as needed, will emphasize that the public may not come in contact with the water. In addition, new drift fencing will be added along the already open portion of the Shoreline Trail where there is evidence of people coming into contact with the water (the section of the Shoreline Trail not already open to the public already has barbed wire fencing separating the trail from the lake. Public use will initially be monitored weekly, and thereafter at a greater or lesser frequency, based on experience, to determine compliance and to educate violators. If these measures are insufficient, the District will seek City authorization for, and then proceed to issue citations to violators.
- (iv) Cattle. Cattle will be prevented from getting into Moore Creek along the 2.5 miles of the creek owned by the District through the installation of new fencing.
- (v) Horses near Lake Hennessey. Signage at the Moore Creek staging area, and elsewhere within the Lake Hennessey Unit as needed, will be installed reminding equestrians that horses may not leave designated trails to drink from the lake or for any other reason. Horse watering troughs will be provided at the Moore Creek staging area, at a location along the Shoreline Trail, and at a location along the Upland Trail.
- (vi) Wildland Fire. See the discussion and mitigations for Section VII.8.
- (vii) Litter and garbage. Signage at the Moore Creek staging area will inform the public to pack out what they pack in. Any trash containers which are provided (such as in conjunction with the composting toilets, so that trash is not thrown into the toilet, or elsewhere if the "pack it in, pack it out" policy is not consistently followed) will be wildlife-proof. In addition, staff and volunteers monitoring trail use as discussed in "iii" and "iv" above will also be responsible for picking up litter.

For all of the above reasons, and with the mitigations identified below, the proposed project should not cause a significant adverse impact on Lake Hennessey water quality, and may in fact result in improved water quality.

- b. The project will not result in any increase in water usage. The only new facilities are three composting toilets, which do not require new water. Public users will have to pack in their own drinking water.
- c.-e. The project will increase impervious surface by approximately ¼ acre due to the chip sealing of the driveway leading from Chiles and Pope Valley Road to the staging area. This should not result in additional stormwater runoff, however, because drainage will not be concentrated but allowed to flow directly off the road onto adjacent vegetated areas, where it is expected to percolate back into the ground. No storm drains or other water

conveyance systems which concentrate water flows are proposed. Overall, groundwater recharge rates should actually increase due to improved range management which will increase vegetation cover and thus reduce runoff rates.

- g.-h. No construction is proposed within any mapped floodplain.
- i. There is no reservoir upstream of the project site, so there is no risk of dam failure affecting the project. The existing staging area is located next to Moore Creek, and although separated from the creek by an existing levee, is within the 100 year floodplain. The project includes planting and maintaining native vegetation (willows, alders, buckeyes and oaks) to slow floodwaters and reduce the potential for levee failure. No structures (other than signage, gates and fencing) will be located in this floodplain, and the park will be closed during major storm events, so there is no risk of injury to people or significant harm to property.
- j. The project location is such that it is not subject to seiche or tsunami, and the soils are not conducive to mudflows.

Mitigation Measures:

- (1) District shall follow the design guidelines contained in the "Trails Handbook" prepared by California State Parks for the construction, maintenance and repair of existing and new trails.
- (2) District shall obtain and comply with the conditions of the County's Grading Permit for all trail construction.
- (3) No grading shall take place within the banks of any blue line streams.
- (4) Where trails cross seasonal drainages, the drainages shall be kept clear of loose dirt created by trail grading activities, and then armored with native rock as needed to prevent soil from washing downhill during periods of significant rainfall and eventually getting into Moore Creek and/or Lake Hennessey.
- (5) The existing dirt road crossings of Moore Creek shall be closed to public motorized vehicles, two existing dirt road crossings of Moore Creek shall be eliminated, and existing gully erosion and sediment runoff problems on the existing dirt road shall be corrected.
- (6) All trash, recycling or food containers shall be animal-proofed to keep animals from spreading trash which could wash or blow into Moore Creek, Chiles Creek or Lake Hennessey. Signage shall be installed at the Moore Creek staging area informing the public to pack out what they pack in. In addition, staff and volunteers monitoring trail use shall be responsible for picking up litter.
- (7) Prominent signage shall be installed at the Moore Creek staging area, and elsewhere along the Lake Hennessey shoreline as needed, which shall emphasize that the public may not come in contact with the water. Public trail use shall be patrolled as needed to monitor compliance with park rules, educate any violators, and take appropriate enforcement actions to ensure compliance. Public use shall initially be monitored twice weekly, and thereafter at a greater or lesser frequency, based on experience, to determine compliance and educate violators. For the Lake Hennessey Unit, patrolling and enforcement protocols shall be determined and modified as needed in consultation with the City of Napa. These protocols shall be codified in the Development, Operations and Management Plan referenced elsewhere in this Initial Study. The District shall additionally install 4-strand drift fencing along the Shoreline Trail in locations where there is evidence of the public coming into contact with the waters of Lake Hennessey. If signage, monitoring, direct education and drift fencing measures are insufficient, the District will seek City authorization to issue citations to violators, and once obtained, will issue citations to violators.
- (8) Once the District gains control of grazing operations on the Moore Creek Unit, fencing shall be installed to prevent cattle from getting into Moore Creek.
- (9) Signage at the Moore Creek staging area, and elsewhere within the Lake Hennessey Unit as needed, shall be installed reminding equestrians that horses may not leave designated trails to drink from the lake or for any other reason. Horse watering troughs shall be provided at the Moore Creek staging area, along the Shoreline Trail, and along the Upland Trail.
- (10) No new water-using public facilities shall be constructed.

- (11) No permanent structures or other improvements, other than minor improvements such as signs, gates and fences shall be installed within the 100-year floodplain.
- (12) The Moore Creek staging area shall be closed during significant storm events.

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

Discussion:

- a. The project will not divide any established community.
- b. The project does not conflict with any applicable land use plan, policy or regulation of any agency with jurisdiction over the project. The project is consistent with and helps implement many policies in the County General Plan that call for expanded nature-based public recreational opportunities. The project does not violate any adopted water quality regulation or plan affecting Lake Hennessey.
- c. There are no habitat conservation plans or natural community conservation plans applicable to this area.

Mitigation Measures: None are required.

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

Discussion:

a.-b. Historically, the two most valuable mineral commodities in Napa County in economic terms have been mercury and mineral water. More recently, building stone and aggregate have become economically valuable. No commercially viable deposits of any of these materials has been identified for the project site.

Mitigation Measures: None are required.

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

Discussion:

a.-b. Currently the only noises present at the site are sounds typically generated at single family rural residences, natural sounds made by animals and flowing water, occasional distant engine noises (from Chiles and Pope Valley Road, Highway 128 and Conn Valley Road, and from airplanes overhead), and occasional distant train whistles. Park users will therefore not be exposed to excessive amounts of noise.

c.-d. Regular park use will result in a minor increase in ambient noise levels due to human voices and vehicles driving to the Moore Creek Unit staging area. However, any such noise will be well within the limits of what the Napa County Exterior Noise Ordinance considers reasonable.

e.-f. The project will not affect any airport land use plan or any airport (be it public or private).

Mitigation Measures: None are required.

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

Discussion:

- a. This project will not build new housing, establish new businesses, nor induce substantial population growth in or near the project site. It will not change the projections and cumulative impacts related to population and housing balance that were identified in the County of Napa 2008 General Plan EIR.
- b.-c. The proposed project will not result in the loss of any existing housing units and will not necessitate the construction of replacement housing elsewhere. The existing gate house tenants have expressed an interest in staying on as property even after the proposed park is opened, and the District intends to continue renting this house. No one will be displaced as a result of the project.

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES. Would the project result in:				
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. Based on the experience with the District’s Oat Hill Mine Trail, which is a trail through a remote wilderness area used by hikers, mountain bicyclists and equestrians, and thus comparable to the proposed project, the project will result in occasional new emergency calls for ambulance, police or fire services. However, recreation users of wilderness areas are informed of and accept a certain amount of risk, do not expect, and are not provided with the level of public services and response times which are considered standard within urban areas. No new ambulance, fire or police facilities, staffing or equipment will be required as a result of the project. Most of the trails proposed by the project are accessible by ATV’s. If needed, emergency service helicopters can land at several locations within the project area. Cell phone coverage exists at several locations with the project area, telephone service is available at the Moore Creek Unit gate house, and satellite-based communication service is available at the Moore Creek Unit ranch house. No impacts to schools, parks, or other public facilities are foreseeable.

Mitigation Measures:

- (1) In the Moore Creek Unit, emergency vehicle turnouts and turnaround areas on the dirt road leading to the ranch house shall be added where the terrain allows if requested by County Public Works and the County Fire Marshall.
- (2) Emergency “Knox boxes” shall be added to the gates controlling motorized access to the project area.
- (3) The District shall work with emergency services providers to develop an emergency response plan, including emergency contact procedures, access points and routes, and evacuation procedures. Emergency contact information, and the location of the nearest emergency hospital services, shall be posted on the kiosk at the Moore Creek Unit staging area and outside the gate at the Moore Creek Unit ranch house.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a.-b. The project increases the supply of outdoor recreation opportunities. It will not increase the physical deterioration of any existing facility, nor require the construction or expansion of other recreational facilities.

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system and/or conflict with General Plan Policy CIR-16, which seeks to maintain an adequate Level of Service (LOS) at signalized and unsignalized intersections, or reduce the effectiveness of existing transit services or pedestrian/bicycle facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the Napa County Transportation and Planning Agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with General Plan Policy CIR-23, which requires new uses to meet their anticipated parking demand, but to avoid providing excess parking which could stimulate unnecessary vehicle trips or activity exceeding the site's capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a.-b. County General Plan Policy CIR-16 states that the County's policy is to maintain at least a Level of Service (LOS) of "D" or better.

The maximum parking capacity of the Moore Creek staging area is 20 standard spaces plus 5 spaces large enough to accommodate vehicles pulling small horse trailers. Under a maximum traffic generation scenario, all available spaces are assumed to be occupied and turn over twice during the course of a day. With these assumptions, the additional number of vehicles trips on the 2-lane Chiles and Pope Valley Road, both coming and going, could be

as high as 100 over the course of a 12 hour day. Making the further conservative traffic concentration assumption that 90% of the trips will access the park from the Napa Valley rather than the Chiles Valley direction, and that 20% of the trips will occur during the peak hour, the peak number of trips on Chiles and Pope Valley Road south of the Moore Creek Unit entrance would be no more than 18 trips, or less than one vehicle every three minutes. Current accurate counts of traffic volumes are not available for Chiles and Pope Valley Road, but the road appears to operate at LOS A under routine conditions, and the projected number of trips from the project would clearly and easily be accommodated by this road, since a single lane of traffic is capable of carrying close to 2,000 vehicle trips per hour, and informal observation indicates current peak traffic volumes is far less than 100 vehicles per hour.

Chiles and Pope Valley Road connects to Highway 128, a state 2-lane highway, which to the west connects with Silverado Trail and to the east connects with Highway 121. Highway 128 carries substantially more volume than Chiles and Pope Valley Road, but it too has far more capacity than is currently being used. The intersection with Silverado Trail is controlled by a stop sign on Highway 128, and includes a left turn lane and acceleration lane for leaving or entering Highway 128. Cars turning left from Highway 128 onto Silverado Trail currently must wait occasionally for a break in cars heading south on Silverado Trail. However, the wait is usually very brief, and this intersection if formally evaluated would most likely be found to be operating at LOS A, or at worst at LOS B.

The project does not propose any change in public access to the north side of Lake Hennessey utilizing Conn Valley Road, and District-provided maps and information will not advertise this access, but instead promote the public use the new Moore Creek Unit staging area. Because of this, and the fact that there is very limited parking near the Conn Valley Road access gate, no significant increase in traffic on Conn Valley Road is expected.

Cumulative impacts related to traffic were identified in the 2008 General Plan Update EIR. Page 4.4-51 of the 2008 General Plan DEIR identifies specific roadway improvements which could serve as mitigation measures to reduce traffic operation impacts to a less than significant level. In adopting the General Plan EIR, the Board of Supervisors found that the mitigation measures set forth in Table 4.4-15 were infeasible pursuant to Public Resources Code §21081 (a)(3) and CEQA Guidelines §15091(a)(3), and rejected them because many of the roadway segments (such as Ca-128 and Tubbs Lane) would occur in areas where the County lacks sufficient right-of-way and are in proximity to existing commercial and/or residential developments. The majority of the listed roadway improvements are located outside of the area covered by the County's Traffic Mitigation Fee Program (Board of Supervisors Resolution No. 90-152) and therefore would require funding primarily by the County as opposed to being funded by applicants. In addition, the extensive amount of road widening that would be required would be inconsistent with the General Plan objectives of protecting and maintaining the County's rural character; they could result in disproportionately severe environmental impacts associated with visual resources, water quality, noise, air quality, and growth inducement.

The project does not conflict with any applicable congestion management program or other standards adopted by the Napa County Transportation Planning Agency.

Thus, both because the project would not generate significant traffic, and because road widening and/or intersection improvements to Chiles and Pope Valley Road and Highway 128 to deal with potential cumulative traffic impacts from this and other projects are not called for in the County General Plan, no mitigation is necessary.

- c. The project will not cause any change in air traffic patterns.
- d. The only change in traffic patterns caused by the project would be an increase in the number of people entering or leaving the park using Chiles and Pope Valley Road. The access driveway to the park is located on the outside circumference of a curve in the Road, at a location where there are good sight distances to both directions on

Chiles and Pope Valley Road. The existing driveway entrance into the park will be widened and signed according to County Public Works standards. Thus, the modest increase in turning movements at this location should not create any increased safety risk.

- e. Within the Moore Creek Unit, an all-weather dirt access road connects Chiles and Pope Valley Road to the existing gate house and ranch house. To ensure that this does not become blocked in an emergency, the section between the public road and the staging area will be improved to meet County standards, and the public will not be allowed to drive north of the staging area. North of the ranch house an existing dirt road continues to the northern end of the property. While this segment of the road is not passable by standard vehicles, it can be traveled by high clearance four-wheel drive and all-terrain. An ATV can also negotiate an existing dirt road which connects the canyon road just south of the ranch house with the top of the knoll to east of the ranch house and to the private properties to the east of the Moore Creek Unit. Thus, emergency access for purposes of rescuing an injured user on the Moore Creek property is as good as or better than is typical for a wilderness park.

The Lake Hennessey Unit has existing service roads accessed from both Conn Valley Road and Chiles and Pope Valley Road which form a continuous loop through the Unit; these roads are routinely used by City service vehicles and provide excellent emergency access. No public motorized use of these service roads is proposed.

With the existing access roads, improved as described above, and with public motorized use restricted as described above, emergency access to the project area will be as good as or better than is normally available at wilderness parks.

- f. As a relatively remote wilderness park (it takes 30 minutes to drive from downtown Napa to the park entrance, the proposed parking of 20 standard spaces and 5 horse trailer spaces should be more than adequate for average and expected peak daily usage. When special events are held, the size of the event will be determined based on the available parking spaces: for special events, carpooling will be required, parking assistance will be provided to assure cars do not block travel lanes and emergency access, and other non-event public use will be curtailed as needed to prevent overflow.

If needed, the District will work with the County of Napa to designate no parking areas along Chiles and Pope Valley Road, and along Conn Valley Road, to prevent unsafe roadside parking.

- g. The project does not conflict with any alternative transportation plans or goals or otherwise decrease the performance or safety of public transit, bicycle or pedestrian facilities. Although no public transit serves the project area, the project will actively encourage carpooling through its interpretive materials (the carbon footprint/offset educational kiosk) and design of the fee structure. Regarding fees, the initial plan is to not charge admission to the park, but encourage a carbon footprint/offset payment to help the park be carbon neutral. Should it become necessary to charge for admission, the charge will be structured as a parking charge rather than a per person charge. Secondly, regarding overnight camping, the camping fee will be substantially higher if there is more than one vehicle per tent cabin or camp site.

Mitigation Measures:

- (1) The driveway entrance from Chiles and Pope Valley Road to the Moore Creek Unit staging area shall be improved consistent with County of Napa standards.
- (2) Work with the County of Napa to designate no parking areas along Chiles and Pope Valley Road and along Conn Valley Road, if needed to prevent unsafe roadside parking.
- (3) The public shall not be allowed to drive vehicles within the Moore Creek Unit north of the staging area, or anywhere within the Lake Hennessey Unit.

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

Discussion:

a-e The project will not require any new or expanded public sewage or water system. No new public water use is proposed. New public toilets will be of the composting variety, which are self-contained and generate no undesirable wastes. Although the existing ranch house will continue to be used as a private residence, and as such is not required to meet standards that apply to new developments, the existing septic system for the house will if feasible be relocated out of the 200 foot creek setback required for new developments within municipal water supply watersheds, to minimize the potential for the existing system leaching into Moore Creek. There will be no increase in storm water runoff, and no need for new storm water conveyance or treatment facilities.

f-g. The project is intended to be a zero waste facility to the greatest practical extent, and the public will be advised to pack out what they pack in. Recycling for bottles, cans and paper will be encouraged, and recycling containers will be co-located wherever trash containers are provided. As a result, the amount of unrecyclable trash generated by the project should be minimal, and will have an insignificant impact on landfill capacity.

Mitigation Measures:

- (1) Information signage at the Moore Creek Unit staging area will direct the public to pack out what they pack in, to minimize the use of disposable, non-recyclable goods, and to recycle all disposable bottles, cans and paper goods.

(2) Where trash containers are provided, recycling containers and instructions will also be provided.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. With mitigation, the project will have a less than significant adverse impact on wildlife resources, and in some ways will actually improve some wildlife habitat. The project will not result in a significant loss of native trees, native vegetation, or important examples of California’s history or pre-history. Prior to trail construction the construction area will be inspected by a qualified professional for the presence of any threatened, endangered or sensitive species, and if found construction will either be delayed, halted or relocated to avoid any significant adverse impact. Non-native invasive species including French Broom, Fennel and Star Thistle will be actively controlled and the extent of such species dramatically reduced. In addition, because the property is in public ownership, with only light, nature-based recreational usage, significant natural plant and animal communities will be permanently protected. In the Moore Creek Unit, changes to existing grazing practices, remedial work to reduce erosion on existing dirt roads, and if feasible the relocation of the existing septic system serving the ranch house, and the elimination of two dirt road crossings of Moore Creek, should result in improved water quality. In the Lake Hennessey Unit, with the mitigations identified herein, water quality in Lake Hennessey will be protected.
- b. The proposed project does not have impacts that are individually limited but cumulatively considerable.
- c. There are no environmental effects caused by this project that would result in substantial adverse effects on human beings, whether directly or indirectly. No significant hazardous conditions resulting from this project have been identified. The project would not have any environmental effects that would result in significant impacts.

Summary of Mitigation Measures:

The following is a consolidated listing of all of the mitigation measures identified in this Initial Study. While a measure may appear more than once in the Initial Study, these duplications have been eliminated below.

- (1) During construction:
 - all exposed surfaces (graded areas, staging areas, stockpiles, and unpaved roads) shall be covered, or watered twice per day as needed to maintain sufficient soil moisture to control fugitive dust
 - All trucks hauling soil, sand and other loose materials shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.
 - the adjacent public roads shall be swept daily with wet power vacuum street sweepers, if visible soil material is carried/tracked out onto roadways.
 - Traffic on unpaved areas and roads shall be limited to 15 mph.
 - Grading and earthmoving activities shall be suspended when winds exceed 25 mph.
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes, as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR). Signs clearly indicating this provision shall be installed at all access points.
 - All construction equipment shall be maintained and properly tuned in accordance in manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - A sign with the telephone number and person to contact at the Lead Agency regarding dust complaints shall be visibly posted at the site. The contact person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- (2) Two dirt road crossings of Moore Creek shall be eliminated, and cattle shall be removed from the portions of Moore Creek under District ownership once the District gains control of the grazing lease..
- (3) No construction or soil disturbance will take place within the banks of any blue line stream.
- (4) The area within 300 feet of proposed new trail alignments will be surveyed by a qualified biologist within 7 days of the start of construction. If nests or other evidence of listed species is found, construction will be delayed or other appropriate actions taken to avoid any adverse impact.
- (5) Excavated materials along the entirety of the trail routes shall be side-cast in a way as to not create piles or berms of disturbed soil that would encourage colonization by invasive plants.
- (6) The trail route shall be monitored and managed for the first two years following construction to prevent introduction of new invasive plant species.
- (7) Hunting shall not be allowed.
- (8) The public shall not be allowed to bring dogs into the Moore Creek Unit.
- (9) All trash, recycling or food containers shall be animal-proofed.
- (10) The entry kiosk shall include information about the presence of bears and mountain lions and encourage practices to reduce risk of interaction (travel in groups, how to react if confronted).
- (11) The presence of bears and mountain lions shall be regarded as natural and desirable, and deprivation permits for problem animals shall only be sought as a last resort, where there is a clearly demonstrated and immediate need to protect public safety, and where other methods of risk minimization, avoidance and public education cannot be relied upon.
- (12) In the event any mature trees must be removed for trail construction, replacement trees of the same species shall be replanted and tended until successfully established at the ratio of 2 replacement trees for every one lost.
- (13) Should any archaeological, cultural or paleontological artifacts be found during any soil disturbing construction activities, construction will cease until the District has had the location inspected by a qualified

- professional and has taken appropriate steps as recommended by the qualified professional to protect the resource.
- (14) New trail construction shall follow the standards contained in the Trails Handbook published by the State Department of Parks and Recreation.
 - (15) Public motor vehicle use shall be prohibited, except at the staging area at the southern perimeter of the Moore Creek Unit, or as required or recommended by the Americans With Disabilities Act and related federal and state regulations.
 - (16) The two existing residences on the Moore Creek Unit shall not be used by the general public.
 - (17) Power tools shall only be used by properly trained and equipped staff and volunteers.
 - (18) Smoking shall be prohibited in the Lake Hennessey Unit, and prohibited in the Moore Creek Unit except in designated areas designed according to County Fire Marshall recommendations.
 - (19) The park shall be closed to public use during periods of extreme wildfire hazard, as determined by the County Fire Marshall, as well as when in the District's judgment the combination of temperature, humidity and wind create a potentially unsafe situation.
 - (20) The public shall not be permitted to have open fires except during periods of low fire risk, as determined by the County Fire Marshall, and even then only within campfire facilities approved by the Fire Marshall.
 - (21) Public information emphasizing fire safety practices, and emergency reporting and evacuation procedures, shall be provided at the staging area kiosk.
 - (22) District shall obtain and comply with the conditions of the County's Grading Permit for all trail construction.
 - (23) No grading shall take place within the banks of any blue line streams.
 - (24) Seasonal drainage routes which are crossed by proposed trails shall be kept clear of loose dirt from trail grading activities, and armored with native rock as needed to prevent soil from washing downhill during periods of significant rainfall and eventually getting into Moore Creek and/or Lake Hennessey.
 - (25) The existing dirt road crossings of Moore Creek shall be closed to public motorized vehicles, two existing dirt road crossings of Moore Creek shall be eliminated, and existing gully erosion and sediment runoff problems on the existing dirt road shall be corrected.
 - (26) All trash, recycling or food containers shall be animal-proofed to keep animals from spreading trash which could wash or blow into Moore Creek, Chiles Creek or Lake Hennessey. Signage shall be installed at the Moore Creek staging area informing the public to pack out what they pack in. In addition, staff and volunteers monitoring trail use shall be responsible for picking up litter.
 - (27) Prominent signage shall be installed at the Moore Creek staging area, and elsewhere along the Lake Hennessey shoreline as needed, which shall emphasize that the public may not come in contact with the water. Public trail use shall be patrolled as needed to monitor compliance with park rules, educate any violators, and take appropriate enforcement actions to ensure compliance. Public use shall initially be monitored twice weekly, and thereafter at a greater or lesser frequency, based on experience, to determine compliance and educate violators. For the Lake Hennessey Unit, patrolling and enforcement protocols shall be determined and modified as needed in consultation with the City of Napa. These protocols shall be codified in the Development, Operations and Management Plan referenced elsewhere in this Initial Study. The District shall additionally install 4-strand drift fencing along the Shoreline Trail in locations where there is evidence of the public coming into contact with the waters of Lake Hennessey. If signage, monitoring, direct education and drift fencing measures are insufficient, the District will seek City authorization to issue citations to violators, and once obtained, will issue citations to violators.
 - (28) Once the District gains control of grazing operations on the Moore Creek Unit, fencing shall be installed to prevent cattle from getting into Moore Creek.
 - (29) Signage at the Moore Creek staging area, and elsewhere within the Lake Hennessey Unit as needed, shall be installed reminding equestrians that horses may not leave designated trails to drink from the lake or for any other reason. Horse watering troughs shall be provided at the Moore Creek staging area, at a location on the Shoreline Trail, and a location on the Upland Trail.
 - (30) No new water-using public facilities shall be constructed.

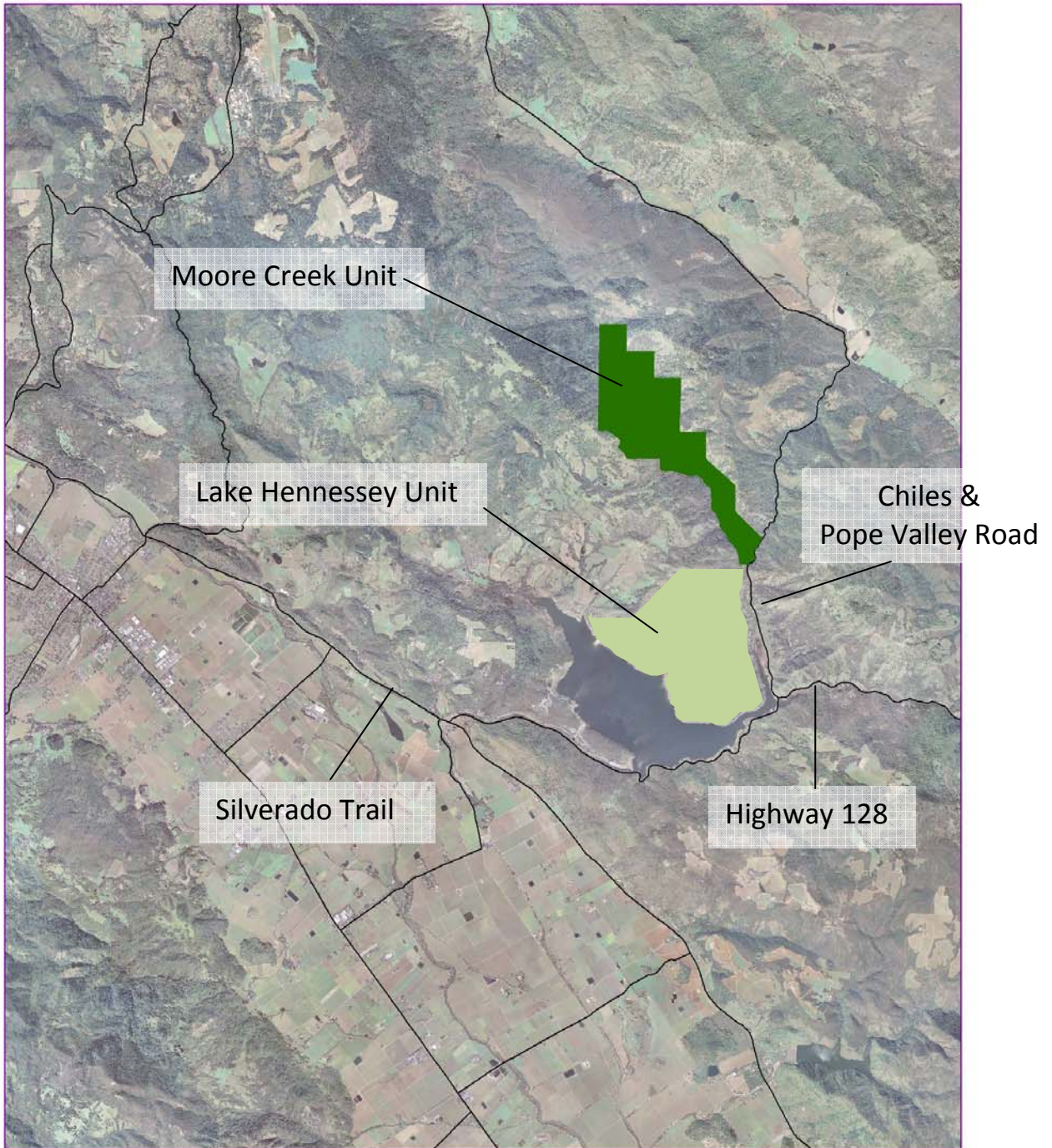
- (31) No permanent structures or other improvements, other than minor improvements such as signs, gates and fences shall be installed within the 100-year floodplain.
- (32) The Moore Creek staging area shall be closed during significant storm events.
- (33) In the Moore Creek Unit, emergency vehicle turnouts and turnaround areas on the dirt road leading to the ranch house shall be added where the terrain allows if requested by County Public Works and the County Fire Marshall.
- (34) Emergency "Knox boxes" shall be added to the gates controlling motorized access to the project area.
- (35) The District shall work with emergency services providers to develop an emergency response plan, including emergency contact procedures, access points and routes, and evacuation procedures. Emergency contact information, and the location of the nearest emergency hospital services, shall be posted on the kiosk at the Moore Creek Unit staging area and outside the gate at the Moore Creek Unit ranch house.
- (36) The driveway entrance from Chiles and Pope Valley Road to the Moore Creek Unit staging area shall be improved consistent with County of Napa standards.
- (37) Work with the County of Napa to designate no parking areas along Chiles and Pope Valley Road and along Conn Valley Road, if needed to prevent unsafe roadside parking.
- (38) Information signage at the Moore Creek Unit staging area will direct the public to pack out what they pack in, to minimize the use of disposable, non-recyclable goods, and to recycle all disposable bottles, cans and paper goods.
- (39) Where trash containers are provided, recycling containers and instructions will also be provided.

Attachments

1. Project Location Map
2. Moore Creek Unit Site Plan
3. Lake Hennessey Unit Site Plan
4. Moore Creek Unit Staging Area Layout
5. Moore Creek Unit Central Area Site Plan
6. Plant Survey and Analysis
7. Animal Survey and Analysis

Attachment One

Moore Creek Park Location Map

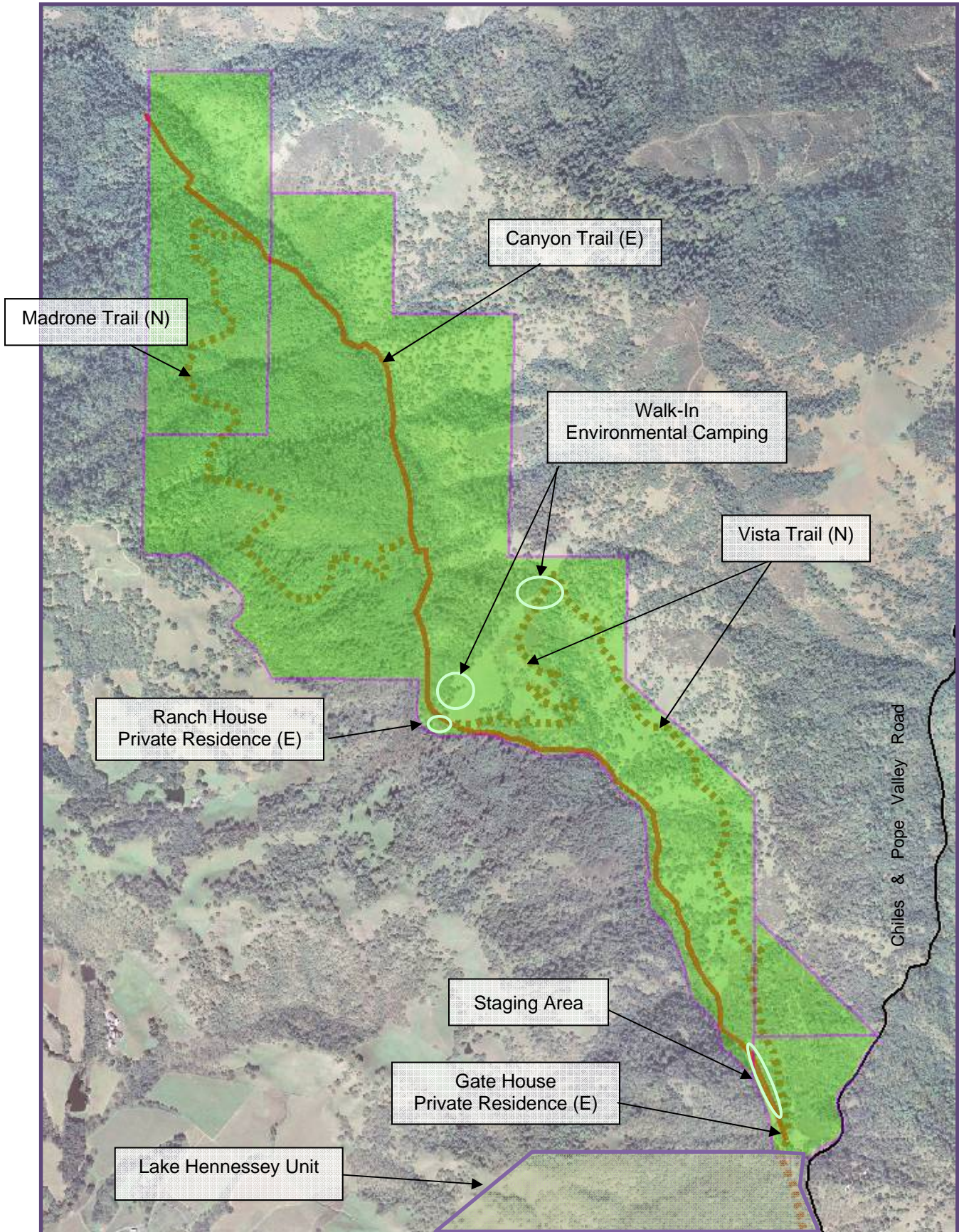


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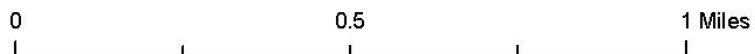
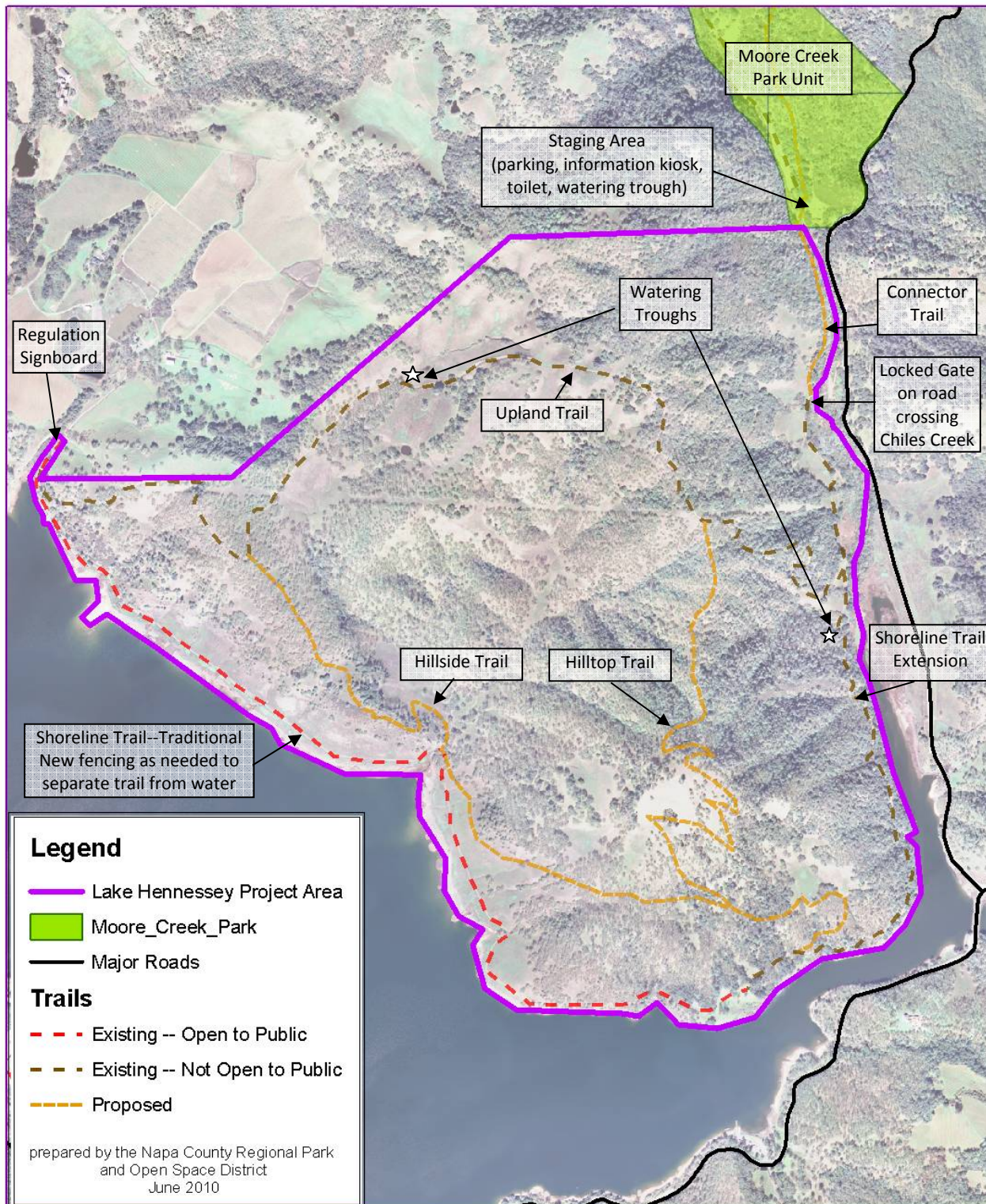
prepared August 2010

Moore Creek Unit Site Plan

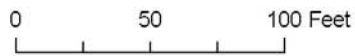
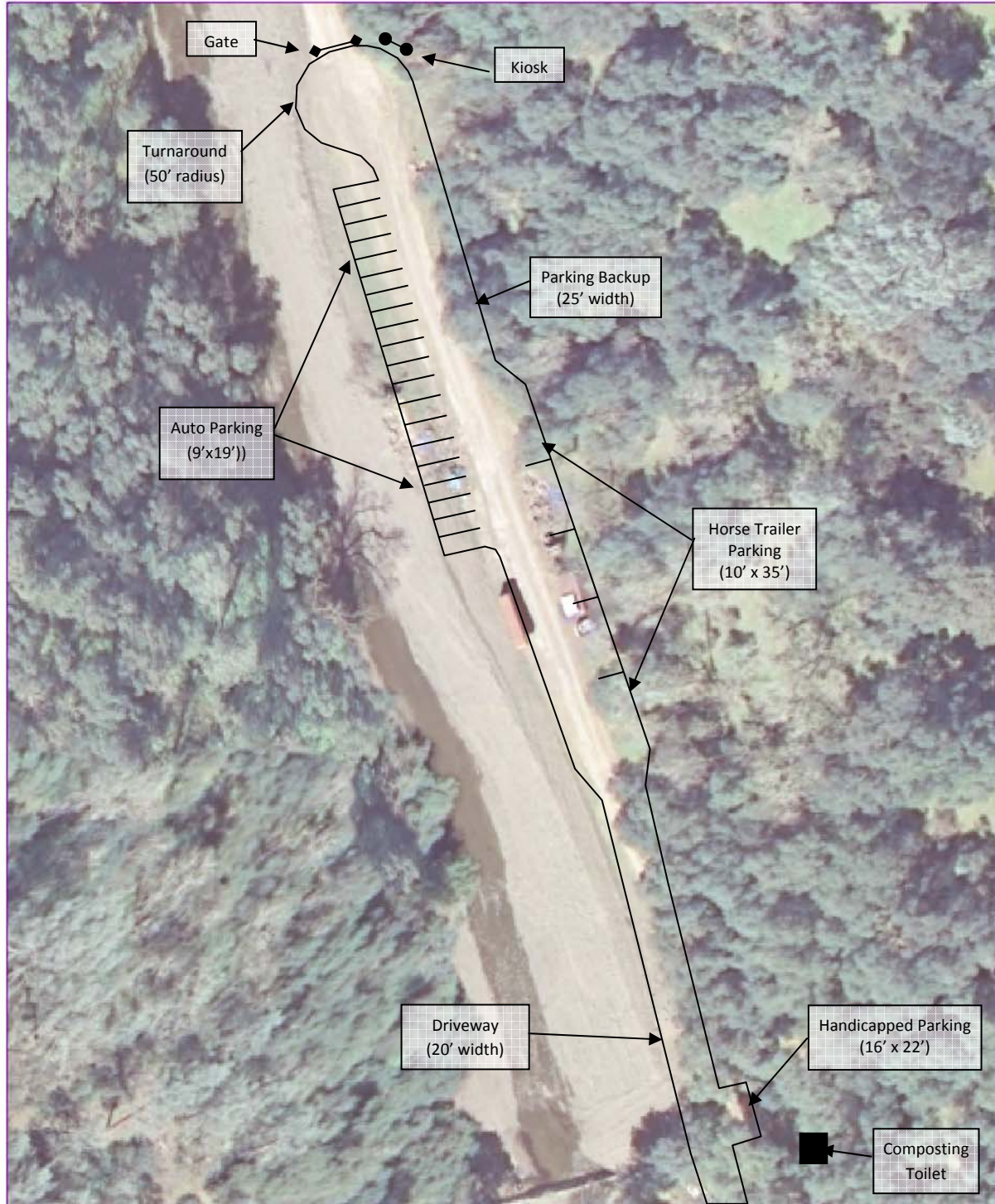


Attachment Three

Lake Hennessey Unit Site Plan

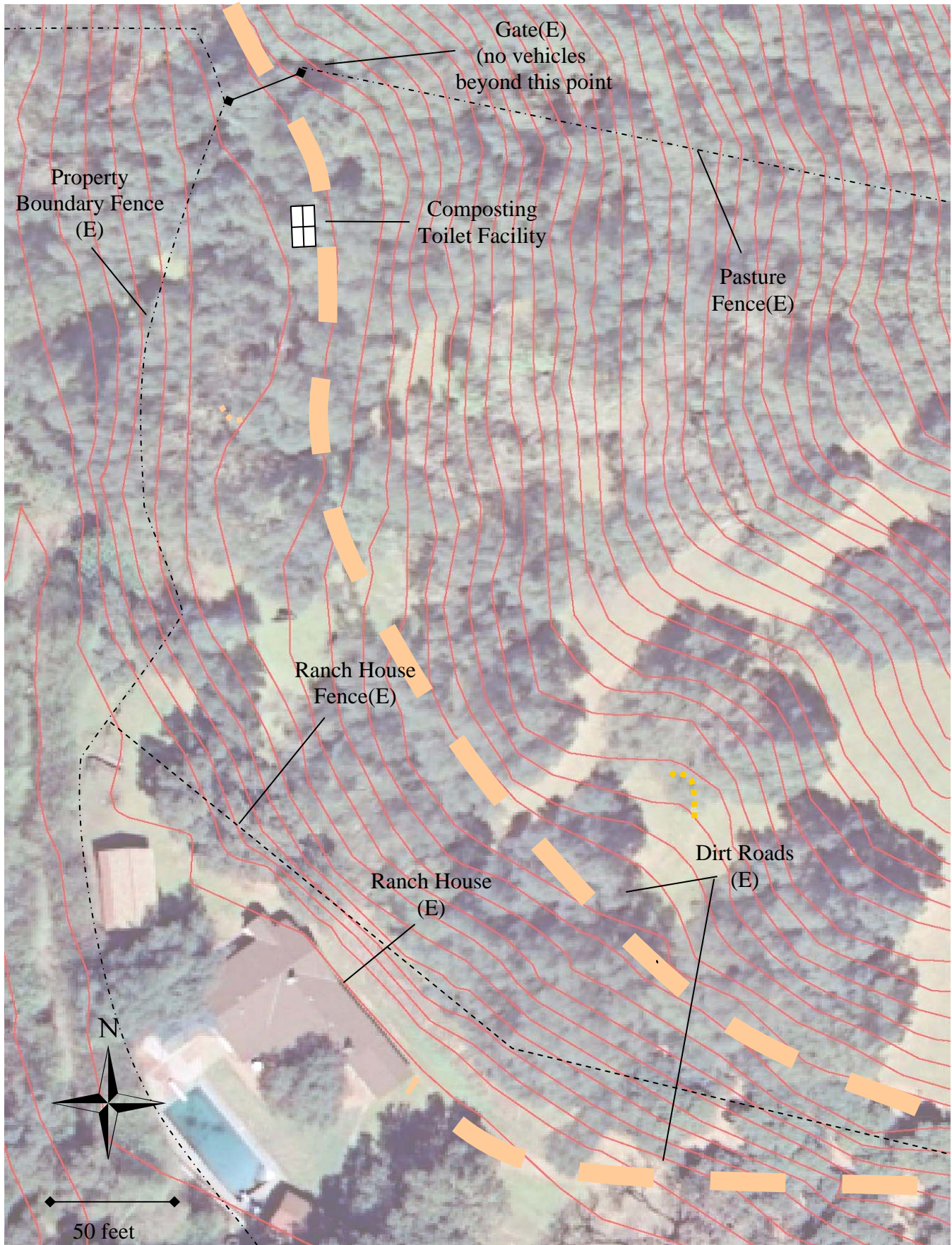


Moore Creek Staging Area



prepared August 2010

Central Area Site Plan





Napa County Regional Park
and Open Space District

STAFF REPORT

Date: January 10, 2011
 Agenda Item: 4.D
 Subject: Consideration of and potential decision on nomenclature for naming district properties.

Recommendation

Discuss and provide direction to staff regarding whether to develop standard terminology for naming district properties

Background

At the December meeting of the Board, Director Kay requested the Board have a discussion about nomenclature for naming district properties. The immediate question was whether the District's Moore Creek property should be simply called a "park", or if some other term such as "preserve", "reserve", "wilderness park", "open space park", or "regional park" would be more appropriate. This issue will come up every time the District acquires more properties, so some discussion now of the broader question of nomenclature may be helpful. This memo provides some background information to help inform the discussion.

Every public agency that owns public land has wrestled with the issue of whether and how to categorize their properties, and what names to use to describe these categories. The simple answer is that there is no simple answer, and no agreement on standards and naming conventions.

When considering what to call our properties, key questions include:

- (1) What is the purpose for the name (informative, regulatory, political)?
- (2) Who is the audience for the name (managers, directors, users)?
- (3) Does having a standardized system of names make things easier (for management) or clearer (for the public), or does it just create another thing to worry about and fight over?
- (4) Is it even possible to design and hold to a standard nomenclature over time?

Some naming systems are designed to indicate what agency or type of agency owns the facility. Others attempt to convey the regulatory framework which guides facility management. Yet others are intended to convey something to the public about what they can expect to find at the facility. Many naming systems end up combining a bit of each of these purposes. In nearly all cases, whatever naming system an agency adopts ends up not being consistently applied, because purposes change, parks grow and change, management philosophies change, and regardless of what agencies want to do, historic usage is often more powerful than anything else.

Land managers often prefer a strict naming system because, once applied, it may make it simple for a park manager to tell someone (whether an employee, a park user or a neighbor) what is or is not allowed in terms of management practices or public use. However, if there is controversy about the use of a property, having a particular name applied to the property does not resolve the controversy, but merely shifts the debate from what should happen on the property to what name should be applied. Further, any management simplicity comes at the expense of at least some arbitrariness. Each property has unique resource values, and these values often vary considerably even within a single property, making it hard to establish rational categories.

In practice, nomenclature seems to have less to do with consistency and more to do with particular political or planning needs at particular times in particular locations. This makes consistency across time and space virtually impossible. As one local example, Skyline Wilderness Park got its name because of the desire of its supporters to distinguish it from more developed city parks, but it would never qualify as a “wilderness” by state or national standards.

The National Recreation and Park Association, which is the leading national organization representing a wide variety of park and open space agencies, classifies parks on the basis of size and who they serve. Under their system, parks are broadly classified as neighborhood parks, community parks, and regional parks (a few other categories are sometimes used, such as a tot lot or community center). Their system was designed primarily as a planning and management tool, as opposed to a way of communicating to the public; thus, while planning documents will say what type of park each property is, the name the public sees typically does not convey its classification. Their classification system is also geared primarily to developed urban parks, so is not very applicable to our District. (“regional park” in the NRPA classification typically means a park that has highly developed facilities that serve more than one community, such as sports complexes, rather than a large open space area).

Federal government nomenclature is based mostly on who manages the land, and the regulatory framework that is applied. Thus, federal lands may be identified as National Parks, National Monuments, National Forests, National Wildlife Refuges, National Recreation Areas, National Seashores, Marine Sanctuaries, etc.

The State of California has different naming systems depending on the management agency. Various terms used by the California Department of Parks and Recreation are shown in the attachment to this memo. The Department of Fish and Game categorizes the properties it manages as Ecological Reserves and Wildlife Areas. The State Lands Commission has its own naming conventions, related to how and why it owns the land (such as the State School Lands northeast of Calistoga). The California Department of Forestry has its own names (Las Posadas Demonstration Forest, for example).

Most cities simply call their facilities “parks”. This simplicity is appealing, though the District may be better off distinguishing itself from city parks by adding another word (eg, “regional park” or “open space park”).

Attached to this memo are examples of the naming conventions used by other park and open space districts in California, as well as a few nearby county park departments. As can be seen, each has its own system. While a few have adopted only a few standard terms, most use a plethora of terms, and seem to regularly add more.

California State Parks

State Park
State Recreation Area
State Historic Park
State Vehicle Recreation Area
State Beach
State Natural Reserve
State Seashore
Point of Interest
Property

East Bay Regional Park District

Regional Park
Regional Shoreline
Regional Recreation Area
Regional Preserve
Regional Open Space Preserve
Regional Wilderness
Picnic Park
Shoreline Park
Historic Farm
Recreation Area
Open Space Preserve
Open Space
Wilderness
Island
Beach
Bay
Plateau
Land Bank

Marin County Parks and Open Space

Park
Preserve
Playgrounds
Boat Launch
Pool
Beach
Open Space Preserve

Midpeninsula Regional Open Space
District

Open Space Preserve
Nature Center
Farm

Monterey Peninsula Regional Park
District

Open Space Preserve
Community Park
Preserve
Wetland Preserve
Regional Park
Trail
Open Space

Riverside County Regional Park and
Open Space District

Regional Park
Nature Center
Historic Center
Recreation Center
Museum
Park
Reserve
Ecological Reserve
Wildlife Area
Ranch

San Mateo County Department of Parks

County Park
Marine Reserve
Marina
Trail

Santa Clara County Open Space
Authority

Open Space Preserve

Santa Clara County Department of Parks
and Recreation

County Park
Sports Park
Parkway
Trail
Park Preserve
Reservoir
Art Center

Sonoma County Agricultural
Preservation and Open Space District

Open Space Preserve
River Access
Waterfront Park
Marsh
Regional Park
Preservation Bank
Trail Access

Sonoma County Regional Parks

Coastal Access
River Access
Trail
Park
Regional Park
Reserve
River Park
Wayside Park
Fields



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: January 10, 2011
Agenda Item: 4.E
Subject: Consideration of and potential amendment to the District Purchasing Manual to provide for local vendor preference

Recommendation

Approve amendments to the District's Purchasing Manual to add a local vendor preference policy.

Background

When the Board approved the District Purchasing Manual in November 2010, staff indicated it would be coming back to the board with a proposed local vendor preference policy after the County of Napa had completed consideration of a county local preference policy. The County adopted such a policy in December 2010.

The County policy contains several elements: (1) granting a 5 percent price preference for local vendors, when price is a factor in bid award, (2) undertaking additional outreach to encourage local vendors to bid, (3) encouraging the use of local subcontractors, when subcontractors may be used, (4) ensuring insurance requirements are not unnecessarily strict, and (5) evaluating the effectiveness of the local vendor policy by various tracking and reporting mechanisms.

Staff is recommending the District adopt a local vendor preference policy (see Section 2-5, attached). The recommended policy follows the same basic principles as contained in the County policy, although the specific recommended procedures are different, and in general much simpler, reflecting the fact that the District is a much smaller agency making far fewer purchases.

Copies of the local vendor preference policies for the County of Napa, the City of Napa and the Napa County Transportation Planning Agency are attached for comparison purposes.

Two additional non-substantive changes to the manual are also proposed (see pages 14 and 16) to provide greater clarity.

**NAPA COUNTY REGIONAL PARK AND
OPEN SPACE DISTRICT**

PURCHASING AND PROCUREMENT

MANUAL

Adopted November 8, 2010

Draft Amendments January 10, 2011

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MANUAL

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II. SAMPLE FORMS

PROFESSIONAL SERVICES AGREEMENT CONTRACT FOR CONSTRUCTION

NAPA COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT

PURCHASING AND CONTRACTING MANUAL

SECTION 1. GENERAL

1-1 PURPOSE AND AUTHORITY

The purpose of this Purchasing and Contracting Manual (“Manual”) is to prescribe the policies and procedures to be used by the Napa County Regional Park and Open Space District (“District”) to acquire (and where necessary dispose of) equipment, materials, supplies and other personal property, services and real property, as authorized statute and adopted by resolution of the governing board (“Board”) of the District pursuant to Public Resources Code section 5593. This Manual includes District policies and procedures for:

- Purchase of materials, supplies and equipment (“goods”), as required by Government Code sections 54202 and 54204, with the term “purchase” as used in this Manual including lease or lease-purchase of such items by the District;
- Selection of and execution of contracts with professional and other service providers, including construction contractors, as authorized and/or limited by Section 10 of Article XI and Section 1 of Article XXII of the California Constitution, Government Code Section 53060, Public Resources Code sections 5538, 5539.5, 5541, 5543, 5546, 5549, 5556, 5564, 5567 and 5594 and other statutes and regulations;
- Acquisition by the District of title to real and personal property, as authorized by Public Resources Code section 5565;
- Disposition, temporarily by lease or permanently by sale, exchange or other conveyance, of surplus or obsolete District equipment, supplies and other assets, including real property to the extent permitted by Public Resources Code sections 5540, 5540.5, 5540.6, 5563 and 5564; and
- Disposition of unclaimed property not owned by but in the possession of the District, as authorized by Public Resources Code section 5561.5.

Copies of the laws referenced in this Manual are included in the Appendix to guide the user of the Manual. All references to codes are to the California statutory codes unless otherwise specified. The Appendix shall be deemed automatically amended from time to

time without further action of the Board to incorporate subsequent amendments of the referenced provisions or inclusion of useful sample forms. The user of this Manual is advised that statutes and regulations other than or in addition to those referenced in the Manual or included in the Appendix may apply in specific circumstances or may be adopted in the future. The user is advised to consult with the user's own legal counsel to determine whether such is the case in regard to particular situations.

1-2 APPLICATION; INCLUSION IN DISTRICT BYLAWS

The policies and procedures contained in this Manual are effective as of the date of original adoption of this Manual and shall apply thereafter as indicated unless modified by subsequent resolution of the Board amending this Manual or unless otherwise expressly required by federal or state statutes, by federal, state or local regulations, by funding agreements or agreements with other public agencies for whom the District is providing management services, or by deed restrictions, if the requirements of any of the above are more strict than those provided in this Manual. Such modifications shall be deemed automatically incorporated into this Manual for the situations governed by such other authorities as long as such remain in effect. Specific provisions of resolutions of the Board in effect on the date of the original adoption of this Manual which are inconsistent with the provisions of this Manual are repealed by the Board's adoption of the Manual. This Manual shall be deemed a part of the District's Bylaws.

1-3 ROLE OF THE GENERAL MANAGER

(a) The District's General Manager ("General Manager") is the chief administrative officer of the District with the duties and powers described in Public Resources Code sections 5538, 5543 and 5549 and this Manual, as well as those described in Section III.A of the District Bylaws to the extent not inconsistent with this Manual. Pursuant to Public Resources Code section 5543, the General Manager may appoint an assistant to assist the General Manager with the performance of any of the General Manager's duties, including those described in this Manual. However, the General Manager remains responsible for the performance of those duties unless delegation of those duties to the assistant has been authorized by action of the Board pursuant to Public Resources Code section 5538, in which case the assistant will be acting as a deputy General Manager to the extent of the authorized delegation. Such Board authorization may be accomplished either by the Board taking action to create a deputy position with a specified job description including the delegated duties or by the Board authorizing deputization of a specific person to exercise specifically delegated powers. All references in this Manual to the General Manager shall apply to any deputy General Manager when he/she is performing duties so delegated.

(b) The duties and powers of the General Manager include negotiation of all agreements and conveyances on behalf of the District, approval and execution of contracts within the monetary limits set forth in Public Resources Code section 5549(b)(1), and implementation of all District agreements, whether approved by the Board or the General Manager, as long as such actions are in accordance with adopted Board policies, the

adopted District budget, and limitations prescribed by law. Implementation of approved agreements includes the power of the General Manager to approve or disapprove vendor claims and purchase orders and to authorize the District Controller to issue checks and warrants relating to such agreements, subject to subsequent review and approval by the Board when required by Public Resources Code section 5552.

(c) To facilitate implementation of Board-approved conveyances of District property, the General Manager is authorized to sign all documents necessary for the finalization of such conveyances, including any necessary deeds and escrow documents.

(d) Any duty or power of the General Manager described in this Manual may also be exercised by the Board directly.

1-4 ETHICAL STANDARDS

In order to promote governmental integrity and to guard against the appearance of impropriety, the General Manager shall comply with the following standards of ethical conduct when exercising any of the powers or duties described in this Manual:

(a) The General Manager shall discharge his/her duties impartially so as to assure fair access to governmental procurement by responsible vendors and service providers and to foster public confidence in the integrity of the District procurement system;

(b) The General Manager shall not solicit, demand, accept or agree to accept a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement, specification, standard or contract; and

(c) The General Manager shall not participate directly or indirectly in procurement when he/she knows that the procurement will adversely or beneficially affect the financial interests of any of the following in a way different from the effect on the public generally:

- The General Manager or any member of his/her immediate family;
- Any business or organization in which the General Manager or any member of the his/her immediate family has a personal financial interest; or
- Any other person, business or organization with which the General Manager or any member of the his/her immediate family is negotiating or has an arrangement concerning prospective employment.

For purposes of the above, “immediate family” means the spouse and dependent children of the General Manager (Government Code section 82029).

(d) The General Manager shall not be entitled by virtue of the General Manager’s

position to any special consideration from vendors or merchants in his/her personal affairs. For this reason, the General Manager shall not accept for the personal use of the General Manager or his immediate family (as opposed to use by the District) any gifts, entertainment, or anything of more than nominal value from vendors or potential vendors. Examples of acceptable gifts might include pencils, scratch pads, calendars, other advertising supplies where such items can be shared with the public, or promotional items which are offered to such public employees in their private capacity in the same manner as to any other member of the public. The monetary value of any such gifts or services, as well as specific limitation on the types of gifts and services which may be received, shall be consistent with the limits and prohibitions set forth in the District's adopted Conflict of Interest Code.

(e) While the District's suppliers and their products, personnel and service are legally distinct from the District, they are a natural extension of the District's own resources. It is the responsibility of the General Manager to work to maintain the good name of the District and to develop good relations between the District and its suppliers, reflecting and presenting the interests and needs of the District.

(f) Prior to entering into any agreement for the provision of professional or administrative services, the General Manager shall determine whether those services entail sufficient independent judgment and discretion by the provider so as to require the provider (or its employees actually providing the services) to file Statements of Economic Interest (Form 700's) pursuant to the District's Conflict of Interest Code. If filing is determined to be required, the requirement shall be included in the agreement and shall be reported by the General Manager to the Elections Division of the County of Napa Assessor/Clerk-Recorder's Office.

(g) Upon discovering an actual or potential conflict of interest, the General Manager shall promptly consult with the District Counsel for advice. If, in the opinion of the District legal counsel, there is an actual or potential conflict of interest or appearance of conflict of interest, the issue shall be referred to the Board of Directors for determination and whether to proceed or continue with the procurement.

1-5 UNAUTHORIZED PURCHASES

(a) Only the Board of Directors, or the General Manager when acting within the monetary limits of Public Resources Code section 5549 (b) (1), may commit District funds for the purchase of goods or services for District use. No purchase of goods or contract for services by anyone other than the Board, General Manager or authorized deputy of the General Manager, acting in accordance with the requirements of this Manual including those pertaining to ethical standards, shall be binding on the District or constitute a lawful charge against District funds.

(b) Because unauthorized purchases are not considered an obligation of the District, any unauthorized person purporting to enter into an oral or written agreement to procure goods or services on the District's behalf will be deemed to have made the purchases on

the person's own behalf. Such person, rather than the District, shall be liable to the vendor for the cost of the purchase if the items cannot be returned for a full refund or the services have been completed.

(c) Any goods or services provided to the District without an authorized oral or written agreement between the District and the vendor are not required to be accepted by the District and may be returned by the General Manager to the vendor at the vendor's expense or, in the discretion of the General Manager and if the vendor refuses to accept the return, may be accepted by the General Manager on the District's behalf as a donation to the District by the vendor for which no payment or other remuneration shall be paid to the vendor.

SECTION 2. PROCUREMENT PROCESS AND PROCEDURES

2-1 INFORMAL QUOTATIONS AND REQUESTS FOR PROPOSALS

(a) Procurement by Informal Quotations. Before an agreement is made to purchase goods or services which are not required by Public Resources Code section 5594 to be purchased through competitive bidding (see Section 2-2, below), the General Manager shall seek a reasonable number of informal quotations from vendors of those goods or services, including making good faith effort to identify local (District jurisdiction) vendors, service providers and contractors for the goods or services desired, and to include a reasonable number of them in the solicitation ([see Section 2-5](#)). For purposes of this requirement, a reasonable number of informal quotations shall be at least three unless the General Manager determines that the items or services are available in a timely fashion from only two vendors, or the General Manager determines that the items should be obtained on a "sole source" basis. A sole source decision shall be made only if the General determines that the goods or services sought can be obtained in a timely and responsive fashion from only a single vendor or, based upon prior purchasing efforts relating to the same type of item, that the total cost of the items or the historical cost differential between likely vendors is so small that the expense of time and labor expended by District staff to obtain multiple quotes will exceed any possible savings. All such purchases by the General Manager, including any "sole source" purchases, shall be reported by general category by the General Manager to the Board at its next regularly scheduled meeting, with itemized records made available to the Board and public upon request. Informal quotations may be solicited and/or received orally or in writing, including but not limited to by phone, fax, website or email. When evaluating informal quotations to obtain the best overall value for the District, the General Manager (or the Board after consulting with the General Manager, for procurement of goods or services in excess of the limits set forth in Public Resources Code section 5549(b) (1)), may take into consideration the following criteria, among any other factors which the General Manager (or Board, where applicable) find relevant to the specific procurement as well as any criteria required by statutes applicable to the specific procurement;

- product functionality (as opposed to brand);

- budgetary constraints;
- price
- quality of work or workmanship;
- familiarity with the relevant regulatory context;
- timely availability, including time savings resulting from proximity of the vendor to the District or District project site, demonstrated prior and likely ongoing familiarity with the specific project or area of work, and availability of sufficient experienced and appropriately-licensed staff to deliver goods or complete services within any stated deadlines and to provide follow up work or guarantee support if necessary;
- vendor history for responsibility in contract performance;
- vendor history of non-discrimination during product manufacturing, handling or in contract performance. While not obligated to affirmatively investigate the practices of each vendor or contractor, the General Manager and Board shall not knowingly enter into any agreements for the purchase of goods or services with any vendor or contractor who is reasonably apparent discriminates against any person on the basis of sex, race, color, ancestry, religion or religious creed, national origin or ethnic group identification, sexual orientation, marital status, age (over 40), mental disability, physical disability or medical condition (including cancer, HIV and AIDS), or discriminates unlawfully against any employee or applicant for employment because of sex, race, color, ancestry, religion or religious creed, national origin or ethnic group identification, sexual orientation, marital status, age (over 40), mental disability, physical disability or medical condition (including cancer, HIV and AIDS), or use of family care leave;
- life cycle water and energy consumption, with preference given to equipment and supplies which minimize water and energy consumption over the life cycle of the product, all other factors being equivalent;
- pursuant to Public Contract Code sections 22150, 22152 and 22154, if fitness (including timely availability) and quality are equal, the District shall purchase recycled products, as defined in Public Contract Code sections 12200 and 12209, instead of non-recycled products whenever recycled products are available at the same or a lesser total cost than the non-recycled items, requiring the vendors to certify in writing the recycled and postconsumer content, or estimate thereof, and the District may purchase recycled products even if they are available only at a higher price than non-recycled items, in the discretion of the District, if the recycled products better meet other criteria listed in this subsection (a);

- compatibility of the items sought with existing District property and systems;
- preference shall be given to United States-grown produce and United States-processed foods when there is a timely choice and the General Manager determines that, considering total cost, quantity, and quality of the food and budget it is economically feasible to do so. [Public Contracts Code section 3410]. In addition and as a matter of District policy, the District shall also seek and give preference when purchasing produce and processed foods to those products which are grown, through organic processes, and/or processed within the jurisdiction of the District and areas within nearby regions, to the extent such items are available in a timely manner and are economically feasible to purchase;
- furtherance of the District's purpose and goals, including but not limited to whether using local youth, senior, disabled and other community groups on a volunteer or paid basis to produce the goods or services will improve public outreach regarding District goals and projects, and/or improve provision by the District of public recreational experiences to underserved groups.

(b) Procurement of Architectural or Engineering Services by RFP. To ensure a fair and competitive process for the procuring of architectural or engineering services (including architectural, landscape architectural, environmental, engineering, land surveying, and construction project management services) as required by Government Code section 4529.12, the foregoing informal quotation criteria and any other evaluation factors deemed relevant by the General Manager shall be described in a written request for proposals (RFP) which the General Manager shall provide to all vendors supplying quotes for these types of services. Each RFP shall also describe the scope of work to be performed, the award process, and any special provisions or conditions. The award of any contract for architectural or engineering services shall not be determined by lowest price, but price may be considered as part of the process of determining the understanding and approach of proposers. However, unless specifically stated otherwise in the RFP, the award need not be made to the lowest (in terms of price) responsible and responsive bidder and The RFP process may be abandoned by the General Manager or Board at any time during the process with no reasons stated and no obligation to the bidders, including after the receipt of bids. Any vendor who has requested the District in writing to provide notice of pending RFPs for the type of these technical professional services which the vendor believes it is qualified to perform shall be given notice of the issuance of the RFP by the General Manager via email, letter, fax or telephone to the last address given to the District in the request for notice. A request for notice of RFPs shall be good for five years but will then expire unless renewed with the District by the vendor. The General Manager may also solicit quotations from other qualified vendors who have not filed a request for notice, in the discretion of the General Manager. Notice of issuance of RFPs may also be distributed, in the discretion of the General Manager, by other methods including but not limited to posting on the District's website or on the websites of professional organizations. Except as provided in this subsection, the process for RFPs shall be the same as the process for informal quotations.

(c) The process for procurement of services described in (b) may, but is not required, to be used for the procurement of professional services other than architectural or engineering services, in the discretion of the General Manager and/or Board on a case by case basis.

(d) When Informal Quotations, RFPs or Competitive Bidding are Not Required. Neither informal quotations, RFPs nor competitive bidding are required for the following purchases of goods or services:

- Purchase of goods or services through contracting with the County of Napa, as authorized by Public Resources Code 5538.4, except that the General Manager may seek informal quotations, or competitive bids if such would otherwise be required, if the General Manager determines that there is a reasonable argument that the goods and/or services could be obtained at a better value to the District by not contracting with the County, or where formal bidding is required by law or agreements with any state, federal or other public agency; or
- Purchase of goods or services whose price is fixed by law.

(e) When Informal Quotations or RFPs are Required, but not Competitive Bidding. Informal quotations (including RFPs for specialized or professional services) are required (except as otherwise provided in this Section 2-1), but competitive bidding (with advertised notice and award to the lowest responsible and responsive bidder) is not required for the following purchases of goods or services:

- Purchase of goods or services, whether by the General Manager or by the Board, which are not for: (1) maintenance projects involving contractor services to preserve, maintain, or repair any existing building, structure or improvement; or (2) construction projects for the construction of any new building, structure or improvement (Government Code section 5594);
- Purchase of goods or services by the General Manager for: (1) maintenance projects involving contractor services to preserve, maintain, or repair any existing building, structure or improvement where the cost does not exceed \$10,000; or (2) construction projects for the construction of any new building, structure or improvement where the cost does not exceed \$25,000 (Government Code section 5594); or
- Purchases of goods or services by the General Manager or Board from or through other public agencies pursuant to joint powers agreements to the extent authorized by the Joint Exercise of Powers Act (Government Code section 6500 et seq.) or other applicable state laws authorizing public agency pooled purchasing, as such may be adopted from time to time.

2-2 PROCEDURE FOR PURCHASES BY THE BOARD (Public Resources Code 5549 and 5594; Government Code sections 53064, 53068)

(a) When Competitive Bidding Is Not Required for Purchases by the Board. Although the Board must approve all purchases of goods or services costing over \$10,000 (except for new construction) or over \$25,000 (for new construction), informal quotations (or RFPs) may be used to solicit the offers, and competitive bidding prior to award of such contracts shall not be required unless the goods or services are needed as part of the actual work to be done by licensed contractors on such maintenance or new construction projects. When informal quotations are used, the Board shall follow the procedures contained in Section 2-1.

(b) When Competitive Bidding is Required for Maintenance Projects. All contracts for the purchase of goods and/or services for maintenance projects over \$10,000 shall be awarded by the Board to the lowest responsive and responsible bidder after a notice inviting bids has been published in a newspaper in the District at least one week before the time set for receiving bids. After the notice has been given and bids opened, the Board may reject all bids and either re-advertise or, by no less than a five-sevenths vote (4 affirmative votes), may elect to either purchase the materials or supplies in the open market or to complete the project by force account. For purposes of this requirement and as required by Public Resources Code section 5594, a “maintenance project” is a District project involving the provision of contractor (as opposed to professional engineering or architectural) services to preserve, maintain, or repair any existing building, structure, or improvement. For purposes of this subsection, “by force account” includes work performed by District employees and support services contractors paid on a wage or salary (rather than project) basis, by volunteers and paid or unpaid volunteer coordinators, and/or by County of Napa employees performing the functions of District employees under direct supervision and control of District pursuant to support services agreement between the District and the County of Napa.

(c) When Competitive Bidding is Required for New Construction Projects. All contracts for the purchases of goods and/or services for new construction projects over \$25,000 shall be awarded by the Board to the lowest responsible bidder after a notice inviting bids has been published in a newspaper in the district at least one week before the time set for receiving bids. After the notice has been given and bids opened, the Board may reject all bids and either re-advertise or, by no less than a five-sevenths vote (four affirmative votes), may elect to either purchase the materials or supplies in the open market or to construct the building, structure or improvement by force account. For purposes of this requirement, Public Resources Code section 5594 defines a “new construction project” as a District project involving contractor (as opposed to professional engineering or architectural) services to construct any new building, structure or improvement. For purposes of this subsection, “by force account” includes work performed by District employees and support services contractors paid on a wage or salary (rather than project) basis, by volunteers and paid or unpaid volunteer coordinators, and/or by County of Napa employees

performing the functions of District employees under direct supervision and control of District pursuant to support services agreement between the District and the County of Napa.

(d) When a Competitive Bid is “Responsive”. For purposes of this Manual’s procedures for competitive bidding, a bid is “responsive” when the bidder has complied with the terms, conditions, provisions, specifications, instructions, and all other requirements of the notice inviting bids. Criteria such as required delivery time, delivery instructions, the timely submission of quotations, and other factors that influence the decision to purchase may be used to determine whether a bid is considered responsive. Such criteria shall be made known to the prospective bidders at the time quotations are solicited. The determination whether a bid is responsive is an administrative decision, which shall be made by the General Manager after the receipt and evaluation of quotations.

(e) When a Competitive Bid is “Responsible”. For purposes of this Manual’s procedures for competitive bidding, a bidder is “responsible” when it has been established that the bidder has the technical capability, financial capacity, facilities, and manpower required to perform as outlined in the requirements of the notice inviting bids. Reference checks concerning reputation, judgment, experience, and efficiency of the bidder, site visits and interviews, and performance history may be used to determine whether a bidder is responsible. The determination whether a bidder is non-responsible is an administrative decision which shall be made by the General Manager, in consultation as needed with the District Counsel. Any determination that a bidder is non-responsible shall be documented by the General Manager along with the reasons for making such a determination.

(f) Contents of Notice Inviting Bids. A notice inviting competitive bids shall include at least the following items:

- Bid Signature. A statement that each bid must be signed in ink by an authorized representative of the vendor and include the legal name of the bidder;
- Submission of Bids. As required by Public Contract Code section 4104.5, the address of the location where the bids are to be received, the date and time by which the bids must be received in sealed envelopes, and the date and time when the sealed bids will be opened and reviewed by the General Manager. Competitive bids will not be received over the internet because the District does not presently have a means to insure that such bids cannot be opened before the bid deadline or to insure that such bids are authentic, as required by Public Contract Code section 1600 for internet bids. Any bids received by the District at the specified location after the time stated in the notice shall be considered non-responsive and shall be returned unopened. Late bids will not be opened and will not be considered under any circumstances. A late bid will be date-stamped and promptly returned unopened to the bidder accompanied by a letter from the General Manager notifying the bidder that the bid was received late and was not considered. A

copy of the rejected bid envelope and the letter will be retained in the bid file. Late bids received without a return address on the envelope will be date/time stamped upon receipt and retained in the bid file unopened.

- Bid Opening. A statement that all timely-received sealed bids will be opened publicly by the General Manager or designee in the presence of one or more witnesses at the time and place designated in the notice inviting bids or as soon thereafter as is possible; that the only information that will be read aloud is the information that will be recorded in the bid abstract with details of any bid's exceptions or nonconformance not being read in public although the fact of their existence may be publicly noted; and that while the actual bid documents will not be examined by bidders or the public at the bid opening, the District assumes no responsibility for the confidentiality of bid information;
- Bid Abstract Contents. A statement that the following information shall be recorded in the bid abstract, which shall be signed by the opener and witness: the bidders' company name and location, bid prices, the presence of addenda and exceptions, other pertinent information such as delivery terms, promised delivery date, and payment terms;
- Plans and Specifications. Plans and specifications for the project, including the words "or equal" whenever the specifications call for a specific brand or trade name unless the notice includes the findings set forth in Public Contract Code section 3300 allowing exclusive brand name specification, and stating in the notice a period before or after the award of the contract when the bidder may substantiate the substitution of a product offered as "equal". While the General Manager may consult with local vendors, licensed professionals, other public agencies and their employees and any other resource the General Manager finds helpful when the General Manager and any District-contracted design professional prepare the project plans and specifications, the plans and specifications should not be written so as to limit competition or to favor one otherwise qualified contractor over another based on helpfulness in project conceptual development;
- Examination of Plans and Specifications. A statement that each bidder is responsible for viewing the complete plans and specifications prior to submitting a bid, the time and place where project documents, including complete plans and specifications are available, and the amount of the fee, if required, to be paid for the complete plans and specifications;
- Required Licenses. The classification of all contractor's licenses which a contractor contracting directly with the District must possess at the time the contract is awarded (Public Contract Code section 3300);
- Site Visits and Pre-Bid Conferences. Whether a site visit or pre-bid

conference is required of all bidders and, if so, the date, time and location of the visit or conference, which shall occur no earlier than five calendar days after publication of the notice inviting bids [Public Contract Code section 6610];

- Bidder's Bonds. Whether a bidder's bond will be required and, if so, the amount. The notice should also indicate that although the District will endeavor to return bid bonds or bid deposits, except those of the three lowest bidders, as soon as practical following the bid opening and checking of bids, the bid bond of the lowest bidder must be retained until the contract has been executed and approved and any performance and/or payment bonds and certificate of insurance provided, at which time the bid bond will be released except where forfeited. The notice will also indicate that the bidder's security posted by the second and third lowest responsive and responsible bidders will likewise be retained until the contract has been fully executed and insurance certificates are obtained from the successful bidder due to the possibility of the award being given to either the second or third lowest responsive and responsible bidders if all of the prior responsive and responsible low bidders default;
- Default by Successful Bidder. A statement that failure by the successful bidder within the time allowed to execute the contract or comply with any other requirement imposed precedent to execution of the contract shall be considered just cause for cancellation of the award and forfeiture of the bid security, not as a penalty but in liquidation of certain damages sustained, and that the contract award may then be made to the next lowest responsive and responsible bidder, the call for bids re-advertised, or such other action taken as deemed appropriate by the General Manager or Board;
- Relief of Bidders. A statement that relief of bidders who have submitted bids containing errors shall be governed pursuant to the procedures in Public Contracts Code section 5100 et seq.;
- Standard Contract Provisions. The minimum standard provisions of the contract which the successful bidder will be required to execute with the District;
- Payment Bonds. That a payment (labor and materials) bond will be required for construction contracts over \$25,000, as required by Civil Code section 3247;
- Performance Bonds. Whether a performance bond will be required and, if so, the amount, with the determination whether to require a performance bond being made in the sole discretion of the Board prior to publication of the notice inviting bids;

- Subcontractor Listing. That any bidder who will be using subcontractors to perform part of the work shall state in the bid the name and location of the place of business of, and the portion of the work that will be done by each subcontractor (listing only one for each portion of the work) who will perform work or render service to the prime contractor as part of construction of the work, or of each subcontractor licensed by the State of California who, under subcontract to the prime contractor, will specially fabricate and install a portion of the work according to detailed drawings in the plans and specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid or, in the case of street, highway or bridge construction, in excess of one-half of 1 percent of the prime contractor's total bid or ten thousand dollars, whichever is greater;
- Clayton Act and Cartwright Act. The statement required by Public Contract Code section 7103.5(b) that in entering into a public works contract or a subcontract to supply goods, services, or materials for the erection, construction, alteration, repair or improvement of any structure, building, road or other improvement, the contractor or subcontractor offers and agrees to assign to the District all rights, title, and interest in and to all causes of action the contractor or subcontractor may have under Section 4 of the Clayton Act (15 U.S.C. Section 15) or under the Cartwright Act (Chapter 2 commencing with Section 16700 of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services or materials pursuant to the public works contract or subcontract, and that this assignment shall be made and become effective at the time the District tenders final payment to the contractor, without further acknowledgement by the parties;
- Non-Collusion Affidavit. A requirement that the bidder execute and submit with the bid the Non-Collusion Affidavit in the form prescribed in the notice, which shall be the form set forth in Public Contract Code section 7106 (see Appendix for form);
- Additive/Deductive Bids. If the District wishes to require the bids to include prices for items that may be added to, or deducted from, the scope of work in the contract for which the bid is being submitted, the notice inviting bids shall specify which one of the following methods will be used to determine the lowest bid: (a) The lowest bid shall be the lowest bid price on the base contract without consideration of the prices on the additive or deductive items; (b) The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price; (c) The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that when taken in order from a specifically identified list of those items in the solicitation, and added to, or subtracted from, the base contract, are less than, or equal to, a funding amount publicly disclosed by the local agency before

the first bid is opened; (d) The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the public entity before the ranking of all bidders from lowest to highest has been determined. The notice shall also indicate that the responsible and responsive bidder who submitted the lowest bid under the selected criteria shall be awarded the contract, if it is awarded, but the District will not be precluded from adding to or deducting from the contract any of the additive or deductive items after the lowest responsible bidder has been determined [Public Contract Code section 20103.8];

- Handling of Construction Claims. If the cost of the contract will be \$375,000 or less, the notice inviting bids shall include the provisions of Public Contract Code section 20104 through 20104.6 (see Appendix) or a summary of those provisions, relating to submission, processing and resolution of construction claims;
- Payment of Construction Claims. Regardless of the cost of the project, the notice inviting bids shall also include the provisions of Public Contract Code section 20104.50 or a summary of those provisions, relating to prompt payment of construction claims;
- Prevailing Wage Laws. If the project will cost more than \$1,000, is for a “public work” as defined in Labor Code sections 1720 (public projects) or 1720.2 (work under certain private contracts) and is not exempt as a volunteer project (Labor Code section 1720.4), the notice inviting bids must include a statement that the project will be subject to the laws of the State of California pertaining to prevailing wage rates including the requirement that the successful bidder and any subcontractor under the successful bidder shall pay not less than the specified prevailing wage rates to all workmen employed in the execution of the contract as required by Labor Code section 1774; that, pursuant to Labor Code section 1773.2, a copy of the prevailing rate of per diem wages will be on file at the principal District office and will be made available to any interested party upon request, and a copy of the prevailing wage rate determinations for the work will also be posted by the District at each job site; that the contract entered into with the successful bidder will include the requirement to comply with the payroll record requirements of Labor Code section 1776; that, if the contract is for \$30,000 or more, the successful bidder will be required to comply with the apprenticeship requirements of Labor Code section 1777.5; and that, pursuant to Public Contract Code section 6109, no contract will be awarded to a bidder who is ineligible to bid or work on or be awarded a public works project because the bidder has been found to be in noncompliance with the prevailing wages laws pursuant to Labor Code sections 1777.1 or 1777.7 or proposes to use a subcontractor who is likewise barred pursuant to these sections;

- Rejection of Bids; Alternative Procurement Methods. A statement that the District Board reserves the right without making findings or stating reasons, and at no obligation of the District to any bidder, to reject all bids and, if so, to re-advertize or by a five-sevenths vote (4 affirmative votes), to accomplish the work by District force account and/or to buy the materials on the open market;
- Addenda. A statement of the procedures for addenda to the notice inviting bids, including: that all bidders shall promptly notify the District's General Manager of any ambiguity, inconsistency or error that they may discover upon examination of the bidding documents; that bidders requiring clarification or interpretation of the bid documents shall make a written request (facsimile acceptable) which shall reach the General Manager at least five (5) working days prior to the date for receipt of bids, or as otherwise specified in the bid document; that any interpretation, correction or change of the bidding documents will be made by addendum issued by the General Manager; that interpretations of, corrections to or changes in the bidding documents made in any other manner will not be binding, and bidders shall not rely upon such interpretations, corrections and changes; that addenda will be mailed or delivered to all that are known by the General Manager to have received a complete set of bidding documents; that copies of addenda will be made available for inspection wherever bid documents are on file for that purpose; that no addenda will be issued later than four working days prior to the date for receipt of bids, except for an addendum withdrawing the request for bids or one that includes postponement of the date for receipt of bids; that each bidder shall be responsible for ascertaining prior to submitting a bid that he has received all addenda issued; and that each bidder shall sign and submit all required addenda in order to receive award consideration unless otherwise indicated in the bid document;
- Protest Filing. A statement that any directly affected party who is aggrieved in connection with the solicitation or award of a contract issued by the District through a formal sealed bid procedure may protest the procurement action taken by filing a protest in writing with the General Manager within five (5) working days from the time of the occurrence generating the protest. Protests received after this time will not be considered. Any protest shall include the following information: date and action taken resulting in a protest; identification of the material issue, including a detailed explanation of the basis for the protest, and the remedy sought; if the protest relates to specification, provision of supporting technical data test results, or other pertinent information, showing that the substitute offered is equal to or better than the specification requirement;
- Protest Processing. A statement that upon receipt of a protest, the General Manager will convene, at the earliest possible convenience, discussions with

the protesting party to seek informal resolution and/or to clarify the issues, but that if the protest is not resolved by mutual agreement, the General Manager shall provide a written response to the protesting party within fifteen (15) working days following the informal meeting stating the General Manager's decision, the facts supporting the decision, and informing the protesting party of its right to appeal the decision to the Board of Directors;

- Protest Appeal. A statement that if the informal resolution procedure is unsuccessful, the protesting party may request an appeal hearing before the Board of Directors by filing a written request with the District Secretary no later than five (5) working days after notification of the General Manager's decision; that any appeal hearing shall be scheduled within thirty (30) working days, or the next regularly scheduled meeting after thirty (30) working days, from the date request is received by the District Secretary; that the District Secretary shall notify the appellant by personal service or registered mail of the scheduled hearing date not less than ten (10) working days from the date of hearing; that the appellant shall have the right to testify at the hearing, to be represented by counsel, to present witnesses on his behalf, and to present oral and written documents and evidence on the issue; and that after the conclusion of the hearing, the Board of Directors shall make findings of fact and a final decision concerning the issue(s).

(g) Identical Bids. Pursuant to Government Code section 53064, if there are two or more identical lowest responsible and responsive bids for the awarding of a contract requiring competitive bidding under this Manual, the Board may draw lots to determine which bid shall be accepted or may make the award to that identical bidder who is located within the jurisdiction of the District, if the other identical bidder(s) are not so located.

2-3 PURCHASING LIMITS; PROJECT SPLITTING

The purchasing limits provided in this Manual are per purchase or contract by the District, rather than being based upon the overall budget or cost of a project if the project is completed through more than one contract. For example, the cost of an agreement for professional services to design a construction project is not added to the cost of the construction contract with the licensed general contractor in order to determine whether competitive bidding is required on the construction contract. In addition, the District may act as its own project manager, and may contract with multiple suppliers or contractors on any given project. Arbitrarily dividing an integrated project into separate components or executing multiple purchase orders for goods in item counts individually less than the vendor's minimum commercially available order solely to lower per contract costs below these purchase limits is prohibited. However, if completion of work on part of a facility or system is necessary in order to be able to determine the nature of the specifications needed for a succeeding part, the two parts need not be viewed as an integrated project for purposes of this prohibition against project splitting.

2-4 MINIMUM STANDARD PROVISIONS AND FORMS FOR DISTRICT

AGREEMENTS

- (a) Purchase or Lease of Goods. Contracts for the purchase (or lease) of personal property should be reviewed by District Counsel, but if acceptable to District Counsel as written or with addenda (including those which may be required by law for recycled or postconsumer content), may be entered into by the General Manager or Board (depending upon purchase limit) using the vendor's standard contract forms rather than forms provided by the District.
- (b) Standard Provisions for Professional (i.e., Non-Construction) Services Contracts. To avoid conflict with requirements of the District in the Grant Agreement with the County of Napa which is the District primary funding source for administrative costs, professional services contracts should be drafted to utilize, to the maximum extent practicable and consistent with District-specific statutes, standard provisions of the County's annotated professional services agreement boilerplate(s) then in effect, adapted as needed to reflect the District's different powers, governing structure, purchasing limits, funding constraints and types of projects. If the vendor desires and the General Manager is willing to use the vendor's own standard contract, especially for low cost or low risk contracts, the vendor-supplied agreement should be reviewed by District Counsel and modified, by amendments or addenda, to conform in substance as much as reasonably possible with the County models as adapted to District use prior to approval. A copy of the County's current annotated boilerplate as so adapted shall be deemed included for reference in the Appendix of this Manual and shall be deemed replaced as needed to reflect changes by the County. In particular, the County's standard provisions and options, as adapted, for the following subjects should be included in District professional services contracts, with the references to "County" and Board of Supervisors modified to refer instead to the District and the District's governing Board:
- Date. The date the Agreement is deemed to be entered into, which will usually be the date of approval by the District, it being preferable to have the vendor sign the agreement first;
 - Name of Vendor. The true legal name of the vendor, plus any fictitious ("doing business as" or "dba") business name used by the vendor, the legal status of the vendor (sole proprietor, partnership, limited partnership, limited liability company, or corporation), the state in which the vendor is organized (if other than a sole proprietor or partnership), and any shorthand reference which will be used in the agreement to refer to the vendor, such as "contractor", "consultant", an acronym or the vendor's fictitious business name;
 - Term, Scope of Work and Compensation. The term, description (scope) of work and the compensation payable for the work, with the details contained in exhibits attached to the agreement and incorporated by reference;
 - Manner of Payment. The procedure for payment, modified to correspond to

the payment approval, reporting and processing authority of the District's General Manager, Controller and Board, and the longer timelines necessitated by the District Board meeting once each month rather than weekly;

- Insurance. Types and amounts of insurance to be provided by the vendor, including where applicable worker's compensation and liability coverage, certificates of coverage and deductibles, except that references to the County's Risk Manager should be modified to refer to the District General Manager and waivers of the types and modifications of the amounts of insurance shown in the standard Napa County boilerplate(s) may be made by the General Manager or Board, depending upon which is approving the agreement as a whole, to reflect the level of risk;
- Hold Harmless/Defense/Indemnification. Provisions for hold harmless, defense and indemnification, including with the optional provisions for design professionals which must be used when the District executes agreements with architects, engineers and other design professionals in relation to design and oversight of construction projects, to comply with state law;
- Termination for Cause/Termination for Convenience or Lack of Funding, except that references to the County Executive Officer should be modified to refer to the District's General Manager;
- Disposition of, Title to and Payment for Work upon Expiration or Termination. No significant modifications are needed;
- No Waiver. No significant modifications are needed;
- Notices. The notice address for the District should be the mailing address of the General Manager;
- Compliance with County Policies on Waste, Harassment, Drug/Alcohol/
- Violence-Free Workplace and Computer Use. To ensure a consistent environment for District support staff many of whom are County employees provided to the District pursuant to agreement between the County and District, the District will require its services vendors to abide by the policies adopted by Napa County on these subjects, as they may be amended from time to time by Napa County, except that references to County officers and employees should refer to District Directors, officers, employees, contract staff, and independent contractors;
- Confidentiality. This provision can be used as-is except modified to provide that authorization of the District to disclose such information shall be within the discretion of the District's General Manager;

- No Assignments or Subcontracts. This provision can be used as-is, except modified to provide that consent may be given by the District's General Manager;
- Amendment/Modification. This provision can be used as-is, except that references to Board of Supervisors will be modified to refer to the District Board, references to the Purchasing Agent (or other County officer) will be modified to refer to the District's General Manager, and the monetary limits requiring Board approval of contracts originally approved by the General Manager will be modified to conform to the District limits in Public Resources Code section 5549 (b);
- Interpretation/Venue. No significant changes required;
- Compliance with Laws (Non-Discrimination/Documentation of Right to Work/Inclusion in Subcontracts/Prevailing Wages). These provisions can be used in substantially the form used by Napa County, but modified to indicate that when the work is grant-funded, the professional services contractor shall also comply with any special requirements imposed on the District by the underlying funding agreement;
- Taxes. No significant changes required;
- Access to Records/Retention. No significant changes required other than modifying the retention period to five years after final payment except for services related to construction projects, in which case the records should be retained for at least eleven years to be consistent with statutes of limitation relating to latent defects;
- Authority to Contract. No significant changes required;
- Conflict of Interest (Covenant of No Undisclosed Conflict/Statements of Economic Interest). Modified to reflect that the determination to waive the filing by the contractor or consultant of Statements of Economic Interest shall be made by the General Manager or Board, depending upon who approves the agreement, and should where feasible be indicated on the written agreement;
- Third Party Beneficiaries. No significant changes required;
- Attorney's Fees and Costs. No significant changes required;
- Severability. No significant changes required; and
- Entirety of Contract. No significant changes required.

(c) Standard Provisions for Construction Contracts. A construction contract shall include the following, at a minimum and shall use for guidance the standard construction contract forms generally employed by the Public Works Department of the County of Napa, as amended from time to time, where appropriate to the type of work and differences in District powers, governing structure, and types of projects. One or more copies of typical Napa County contract boilerplates and/or versions thereof adapted for prior District construction contracts shall be placed in Part II of the Appendix to this Manual by the General Manager for guidance when drafting future District construction contracts:

- Notice Inviting Bids. A copy of the notice inviting bids (see Section 2-2(f) for required contents) shall be incorporated into the construction contract if the contract required competitive bidding;
- Accepted Bid. The accepted bid stated any unit prices and maximum amounts, including all bonds, certificates and declarations required in the Notice Inviting Bids or, if competitive bidding was not required, as noted in the RFP or request for Informal Quotations if required by statute;
- Plans and Specifications. The contract shall include a copy of the plans and specifications, along with any required timelines and deadlines and any addenda added during the bidding process;
- Safety Requirements. The contract shall specify any safety precautions or requirements for coordination with other work on site which the District, through its General Manager or contract design professional or project manager has determined to be necessary in light of the nature and location of the project;
- Statutorily Required Provisions. The contract shall include all standard provisions required by statute to be included in a District construction contract, including all of those listed in the notice inviting bids and the following, where applicable: Public Contract Code section 7104, pertaining to trenches; and substitution of subcontractors, as provided by Public Contract Code sections 4107, 4107.2 and 4107.5;
- Special Provisions Required by Funding Agreements. The contract shall include, expressly or by reference, any special provisions required by an underlying state, federal, local or other funding agreement funding all or part of the project;
- Performance or Payment Bonds. The contract shall include any performance or payment bonds specified in the Notice Inviting Bids, fully executed by all of the parties to the bonds, if the contract was required to be competitively bid;

- Standard Provisions for Services Agreements. The construction contract should also include where relevant the standard provisions required by this Manual for District professional or other nonconstruction service agreements other than those standard provisions pertaining to Term, Compensation, Scope of Work, Disposition/Title to Work & Payment on Termination, Confidentiality, Amendments, and Conflicts of interest;
- Change Orders. A methodology for approval of change orders, to deal with post-award changes in environmental requirements or standards or to deal with unexpected increases or decreases in the amount or nature of the work required to accomplish the same project described in the plans and specifications, as long change orders are approved by the contractor and either the General Manager (if the total project cost remains under the contracting limits prescribed for the General Manager by Public Resources Code section 5549) or by the Board in all other instances;
- Liquidated Damages. The contract shall specify the daily rate at which liquidated damages may be assessed if the contractor fails to meet deadlines stated in the plans and specification and such failure is not due to events beyond the control of the contractor; and
- Cessation of Work/Termination of Contract by District. The contract shall specify the procedure (including no less than five days prior written notice by the General Manager to the contractor except where shorter notice is determined by the General Manager to be necessary to prevent an immediate hazard to health of safety) for cessation of work on the project and termination of the contract with no further financial obligation of the District to the contractor for work not yet performed if the Board determines that the project has become impossible for the District to complete due to loss or diminution of originally available funding sources, due to events outside the control of either the contractor or the District, including but not limited to environmental considerations, or the Board (or General Manager for contracts within the his limits under Public Resources Code section 5549) determines that the contractor has breached its obligations under the contract in a way which will prevent the project from being completed in a timely fashion or which exposes the District to third party liability, extra expense or regulatory action.

2-5 LOCAL VENDOR PREFERENCE

(a) "Local vendor" means a "firm or individual who regularly maintains a place of business and has an inventory of merchandise for sale or distribution within Napa County".

(b) Proposals, Quote or Bids shall be solicited from local vendors whenever possible.

- (c) Local vendors shall be awarded contracts for services where qualifications are otherwise equal, unless such preference is not allowed by law (such as when formal competitive bidding is required and the contract must be awarded to the lowest responsible and responsive bid).
- (d) When price is used as a factor, a local vendor price preference of five percent shall be applied. "Price" means the dollar amount of the quote, including any delivery charges, taxes and fees.
- (e) Where possible the District shall encourage and facilitate the use of local vendors and firms by following these guidelines:
- Identify a reasonable number of local vendors providing the desired goods or services, and include them in every informal or formal purchasing process.
 - Ensure insurance requirements are not greater than necessary to protect the District considering the specific types and levels of risk involved in the service to be provided.
 - Where subcontractors may be used, include language in RFP/RFQs encouraging subcontracting with local firms.
 - For purchases to be made by the Board, the staff recommendation shall include information on which vendors and any subcontractors are local, and provide justification for the recommended award if a local vendor is not recommended to receive the contract.

SECTION 3. SURPLUS PROPERTY

3-1 SALE OF REAL OR PERSONAL DISTRICT PROPERTY AND LONG-TERM LEASE OF REAL PROPERTY [Public Resources Code sections 5540, 5563]

(a) Sale or Long-Term Lease of District Real Property. If, in the opinion of the Board, any real property owned by the District, or any interest in such real property, becomes unnecessary for the purposes of the District, the Board may sell such real property or interest after first complying with Government Code sections 54222 et seq. (for real property or interests therein), except that the District may not sell, or lease for a period exceeding 25 years, any interest in real property actually dedicated and used for park or open space purposes, or both, without the consent of a majority of the voters of the District voting at a special election called by the Board and held for that purpose. Notwithstanding the foregoing, consent of the voters is not required for such a conveyance of dedicated real property if (1) the real property is transferred as part of an exchange complying with Public Resources Code section 5540.5; (2) the real property is conveyed to another public agency for park or open space purposes, pursuant to Public Resources Code section 5540.6; or (3) the Legislature, by concurrent resolution, authorizes the conveyance after a resolution of intention specifically describing the property to be conveyed, has first been adopted by at least a two-thirds vote (four affirmative votes) of the Board.

(b) Sale or Long-Term Lease of District Personal Property. If, in the opinion of the Board, any personal property owned by the District becomes unnecessary for the purposes of the District, the Board may authorize the General Manager to sell for cash to or lease the personal property on a long-term basis (more than 25 years) to another public agency by negotiated sale or lease, to the public by noticed public auction, to the highest responsive bidder following solicitation of sealed bids, or by means of trade-in or exchange for personal property which is currently necessary for the purposes of the District. The public auction or the sale following solicitation of sealed bids may be conducted by the General Manager by giving at least five days public notice by publication in a newspaper of general circulation published in the District. In lieu of noticed public auction or sale by sealed bids, the Board may authorize the General Manager to consign the items to a professional auctioneer or auction house (including but not limited to online auctions such as EBay or the equivalent) for inclusion in one or more of the public auctions conducted by such person or business.

3-2 SHORT-TERM LEASE OF REAL OR PERSONAL PROPERTY [Public Resources Code section 5563]

If, in the opinion of the Board, any real or personal property owned by the District is temporarily unnecessary for park or open-space purposes, the Board may lease such property to any person or entity for other purposes for a term not exceeding 25 years. If the property is leased to another public entity, no prior notice of the lease (other than Brown Act notice on the agenda approving the lease) need be given, but in all other instances, the personal property shall first be offered for lease to the public generally by at least five days prior notice in a publication of general distribution in the District. Such leases shall include a provision that if the Board by ordinance determines during the term of the lease to use the property for park, open-space or other District purposes, the lease shall be terminated by the adoption of such ordinance with no compensation to the lessee for any losses incurred by virtue of such early termination.

3-3 USE OF PROCEEDS FROM SALE OR LEASE OF DISTRICT PROPERTY [Public Resources Code section 5563]

The proceeds of any sale or lease of real or personal property owned by the District shall be used for and applied to such purposes as the Board may determine by resolution, which may in the form of a written resolution or minute order.

3-4 RE-TRANSFER OF REAL PROPERTY ORIGINALLY ACQUIRED BY GRANTING AGENCY WITH HIGHWAY FUNDS [Government Code sections 54231, 54232]

Notwithstanding Section 3-1, if a local agency which acquired real property with funds allocated under Sections 2100 et seq. of the Streets and Highway Code transferred that property to the District for public park and recreational purposes pursuant to Government Code section 54231 and the real property has not been developed within 10

years and used for at least 25 years after such transfer, the District shall re-transfer the property to the granting agency who shall either use the real property for highway purposes or sell the real property and use the proceeds for highway purposes, as required by Government Code section 54232.

3-5 DISPOSITION OF DISTRICT PROPERTY HAVING NEGATIVE NET VALUE

Recognizing that the transfer, receipt, storage, and sale of surplus property may involve labor, transportation, and administrative costs that exceed the value that could be recovered from the sale of damaged items, items that have outlived their intended usefulness, and items that have been determined to have very low resale value, the General Manager is hereby authorized to discard or otherwise dispose of damaged, useless, or very low value surplus property owned by the District when the costs associated with selling such goods would exceed the anticipated revenues to be realized from the sale. At least annually, the General Manager shall prepare and submit to the Board a summary of such actions.

3-6 TRANSFERS AND EXCHANGES OF DISTRICT PROPERTY [Government Code sections 53073 and 54221, Public Resources Code section 5540.5, 5540.6]]

(a) Notwithstanding Public Resources Code section 5540, the Board may convey on such terms and conditions as it determines to be in the public interest, any surplus real property owned by the District, together with any buildings on such property if the Board determines the real property to be of general historical interest within the area of the District, to a nonprofit corporation organized under the laws of the state of California whose purpose is to research and promote the area's historical heritage or preserve property of historical interest. The deed shall include a condition requiring the historical nature of the property to be restored, preserved or both, for the benefit of the citizens of the area, and that the title will revert to the District if the transferee conveys the property to any person or entity which is not a nonprofit corporate involved with preserving and researching the history of the area.

(b) Notwithstanding Public Resources Code section 5540 and pursuant to Public Resources Codes section 5540.5, the Board may by unanimous vote of its members exchange up to 10 acres of District-owned real property or interest therein which is dedicated and used for park or open-space purposes or both, for other real property or interest in real property, without complying with Government Code section 54221 et seq., if the Board determines that the property to be acquired is of equal or greater value than the property to be transferred, is necessary for park or open-space purposes or both, and is adjacent to other real property owned by the District.

(c) Pursuant to Public Resources Code section 5540.6, the Board may, by a four-fifths vote, convey to another public agency any real property or interest in real property owned by the District which is dedicated and used for park or open-space purposes or both, without obtaining the consent of the voters or of the Legislature, or complying with Government Code section 54221 et seq. as long as the transferee agency and the

District enter into a recorded written agreement that the transferee agency will continue to use the real property for those part or open-space purposes and to not convey the real property to any other person or entity without the consent of a majority of the voters of the district at an election called and conducted by the Board pursuant to Public Resources Code section 5540, unless that further conveyance is also to a public entity who assumes the obligations of the grantor agency by a recorded written assignment containing the consent of the District Board.

3-7 PROHIBITION ON PURCHASES OF SURPLUS DISTRICT PROPERTY BY DIRECTORS OR STAFF

The General Manager, as well as any District employee or contractor who has been delegated General Manager authority, shall not, either directly or indirectly, bid for or purchase surplus property owned by the District. This provision shall be liberally construed to prohibit any appearance of impropriety and District Counsel should be consulted for an opinion whenever there is a question of probable conflict. If a person violates this policy, the purchase shall be voided, if possible, and the person shall be subject to discipline.

3-8 UNCLAIMED PROPERTY IN THE POSSESSION OF THE DISTRICT [Public Resources Code section 5561.5)

Unclaimed lost or abandoned personal property in the possession of the District may be disposed of by the General Manager as follows:

- (a) Retention Period; Notification of Law Enforcement. The property shall be held by the District for at least six months, during which time the General Manager shall inform the local law enforcement agency (sheriff in the county, police department in a city) where the property was found;
- (b) Sale at Public Auction. If the local law enforcement agency does not require the property to be turned over to that agency, the District Board may authorize the General Manager to sell the property at public auction to the highest bidder, after giving notice of the proposed sale at least five days before the auction by publication in a newspaper of general circulation published in the District; and
- (c) Alternative Disposal for Negative Net Value Items. In lieu of sale at public auction, the Board hereby authorizes the General Manager to dispose of unclaimed lost or abandoned personal property not required to be turned over to the local law enforcement agency before the retention period has expired in the same manner as provided Section 3-5 of this Manual for District property if the General Manager determines that the property has a negative net value, or if after holding a noticed public auction, if no bid is received at the public auction.

County of Napa Local Preference Policy

7-5 LOCAL VENDOR PREFERENCE – SERVICES

- (a) Proposals, Quotes or Bids shall be solicited from local firms whenever possible.
- (b) Local vendors shall be awarded contracts for services where qualifications are otherwise equal, unless such preference is not allowed by law.
- (c) Where possible the County shall encourage and facilitate the use of local firm on County projects by following these guidelines:
- Place RFP/RFQ/IFB and all announcements for competitive purchasing in a centralized location on the County's Web page.
 - Send out email alerts to registered business informing them of upcoming opportunities.
 - Mail notices of pending RFP/RFQ/IFB opportunities to local contractors who submit names to the County.
 - Public Works shall meet twice yearly and Health and Human Services shall meet quarterly with the local contracting community to apprise them of upcoming contracts.
 - Purchasing Division shall hold annually local vendor outreach clinics to assist the local community in better understanding the County's contracting programs.
 - Health and Human Services Agency shall publish, through the Non Profit Coalition website, a listing of upcoming contracting opportunities.
 - Limit professional liability insurance to contracts that are specifically for professional services.
 - Attach insurance requirements to RFP/RFQ so contractors can appropriately price their submittals.
 - Risk Manager shall be available to answer any specific questions that contractors have prior to submitting proposals.
 - Include in the RFP/RFQs that are sent out specific language that encourages larger, out-of-the area firms to subcontract with qualified smaller local firms where appropriate.
 - Purchasing Division shall meet with Department Heads to clarify the County policy as to when the use of sole source vendor selection is appropriate.
 - Track on a County-wide basis each department's usage of local vendors.
 - Departments that annually issue more than five (5) contracts or contracts totaling more than Five Hundred Thousand Dollars (\$500,000) – aggregate per annum – shall report in the yearly Budget Book their performance measurements.
 - In contracting for new services the County shall inform the Workforce Investment Board (WIB) of all vendors that have been selected to perform County services. Additionally, contractors will be informed of the services of the WIB and encouraged to contact them to assist with their hiring.

- Public Works and Conservation and Planning Departments shall keep information regarding the WIB on their counters so that when applicants pick up a permit, they will be given information about the WIB.
- Create language in Board Agenda letters indicating if a chosen firm is local and if not, the reason why.

7-5.1 SPECIFIC RFP LANGUAGE

RFP documents shall contain the following specific language:

- “Napa County has a local vendor preference which covers the acquisition of requested services. Local vendors will be awarded contracts for services where qualifications are determined by the reviewing panel to be otherwise equal, unless such preference is not allowable by law. For this matter, a local vendor is a vendor who has a billing address located within Napa County.”
- “Where appropriate, out of county vendors are encouraged to subcontract with qualified local vendors.”

City of Napa

Local Vendor Preference

Current	Proposed
3% PW construction projects	3% PW construction projects; Pre-Qualification questionnaire for construction projects requiring specific experience / expertise; 3% Goods and materials including vehicle purchases; 3% General services; Professional services – Qualifications-Based System (QBS) rating that will provide points for local vendors/professionals and local subs; On-line registration for bidding announcements / public communications upgrades .

Definitions:

"*Local business*" means any business which has or maintains its primary office, distribution point or place of business within the County of Napa, and which is shown by the records maintained by the City's Finance Department as having secured a City of Napa business license.

"*Preference*" means the reduction factor applied to the bid and/or estimate of a local business pursuant to this chapter.

"*Reduction factor*" means the amount by which any bid or estimate submitted by a local business for a City contract shall be deemed by the City to be reduced as a preference for a local business in the City's award of a City contract and/or selection of a City contractor.

Exemptions and limitations:

- Where, for reasons other than price or the amount of a bid or estimate, the City determines that a bid is unresponsive and/or, that the person, entity or business seeking the City contract is unqualified and/or is not responsible;
- Where application of this chapter would violate or be prohibited by any applicable state or federal law;
- Contracts with any single or sole source supplier of any good or service;
- Contract which for any reason does not either require competitive bidding or otherwise involve a comparison of the price of bids or estimates.

**Napa County Transportation Planning Agency (NCTPA)
Napa Valley Transportation Authority (NVTA)
Policy 06-01
For Professional Services Contracting with Respect to Local Preference**

1. **Statement of Principles:** It is the policy of the Napa County Transportation Planning Agency (NCTPA) and the Napa Valley Transportation Authority (NVTA) to encourage hiring professional service firms that have an office within Napa County.
2. **Local Preference:** A firm is considered "local" for the purposes of this policy if it has maintained a local working office within the county for at least six months prior to the date the Request for Proposal (RFP) or Request for Qualifications (RFQ) was issued, and the proposed work is to be done in the office within Napa County. That portion of work performed outside the county by a firm with a local office would not qualify toward meeting the local preference "content" of a proposal.
3. **Points:** A point system will be used to evaluate professional service contracts. These proposals will be based on a 100 point scale. Of the 100 points, up to seven points would be awarded for local preference. The remaining 93 points will be used based on criteria established that evaluate the project team, the proposal, the firm's experience and any specific qualities needed for the task.
4. **Points for Local Preference:** Points will be awarded for local preference on the following basis:
 - 3 points – if between 25% and 49% of the dollar value of services to be rendered will be performed by a local firm,
 - 5 points – if between 50% and 69% of the dollar value of services to be rendered will be performed by a local firm.
 - 7 points – if 70% or more of the dollar value of services to be rendered will be performed by a local firm.
5. **Contract Monitoring:** The prime contractor must include on all invoices to NCTPA and or NVTA the percent of work (in dollars) performed within Napa County by local firms.



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: January 10, 2011

Agenda Item: 4.F

Subject: Consideration of and approval of supplemental response to the Napa County Grand Jury

Recommendation

Authorize the Board President to execute and submit the attached supplemental response.

Background

Last fall the District submitted to the Napa County Grand Jury responses to the Recommendations contained in their report on the District, as requested by the Grand Jury. On November 10, 2010 the Grand Jury sent a follow-up letter to the District indicating that, although the Grand Jury had not requested that District also respond to the Findings contained in that report, state law in fact requires responses to the Findings as well as the Recommendations.

Attached to this memo for Board consideration are draft responses to the Findings of the Grand Jury report.



Napa County Regional Park
and Open Space District

D R A F T

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

January 10, 2011

The Honorable Stephen T. Kroyer
Presiding Judge, Superior Court of California—Napa County
825 Brown Street
Napa, CA 94559

RE: Supplemental Response to Grand Jury Report of May 24, 2010

Dear Judge Kroyer:

This letter is in response to the letter from the 2010-2011 Napa County Grand Jury, dated November 10, 2010. His letter notes that while it was not specifically requested by the Grand Jury, the District is required to respond to the Findings in the Final Report as well as the recommendations.

Therefore, provided below are the Findings in the Final Report, together with District Board responses. These responses were approved by the Board of Directors at their regular meeting of January 10, 2011.

Finding #1: The County's intent was to provide funds for the initial operational support of the District.

Response: Agree

Finding #2: The BOS anticipated a base level of funding to the District of \$350,000 per year (with adjustments for inflation, and adopted labor agreements) and an additional amount for election costs.

Response: Agree

Finding #3: In formation of the District, the BOS did not acknowledge any additional need for acquisition and capital improvement funding above the base level of funding.

Response: Disagree.

The Board Agenda Letter for June 13, 2006, regarding formation of the District, clearly notes that the District would need considerably more acquisition and capital improvement funding than the base level of funding that was to be provided by the County.

Finding #4: The BOS anticipated costs to the County in future years would be reduced, as the District is successful in obtaining its own outside funds.

Response: Disagree.

While it is clear that the Board of Supervisors expected the District to seek dedicated revenues for the District, it is not clear that they intended to *reduce* County support once dedicated revenues were obtained. The Board Agenda Letter for June 13, 2006, regarding formation of the District, which represents the County staff's position, *did* note that "The cost to the County in future years can be reduced as the District is successful in obtaining its own dedicated revenues." However, the actual resolution adopted by the Board of Supervisors initiating the formation of the District (Resolution 06-110), included the following statement: "Whereas, the County of Napa intends to provide the initial operational support for the recommended District at a level comparable to that which the County is currently budgeting for park, recreation and related open space purposes, with the expectation that the District will develop *additional* sources of revenue in future years..." (emphasis added)

Finding #5: All increased TOT taxes go to a SPF within the County's General Fund and are allocated as directed by the BOS.

Response: Agree

Finding #6: In the most recent distribution of the SPF in FY 2008-2009, 60 percent was allocated to the District, 30 percent to the NVDC, and 10 percent to the Arts Council of Napa Valley.

Response: Disagree.

The percentages for the three purposes were adopted by the Board of Supervisors on July 31, 2007. These percentages were for a three year period. The amount actually granted to each purpose for any given fiscal year could be (and in fact have been) above or below the set percentages. In addition, the 60 percent figure was for the purpose of parks and open space generally, and not guaranteed to only be granted to the District. Apart from the funds granted to the District for its general operations, the County utilized a competitive grant process to determine to whom the remainder of the funding for parks and open space would be awarded.

Finding #7: The BOS Resolution No. 07-97 of July 18, 2009, providing principles for allocation of the SPF, will expire June 30, 2010.

Response: Disagree.

This Finding has a typographical error. The Resolution was adopted in 2007, not 2009.

Finding #8: District budgets do not differentiate between County and outside sources of funds for acquisitions and capital improvements.

Response: Disagree.

As noted in the District Board's July 12, 2010 response to the Recommendations contained in the Final Report, the District's budget does in fact clearly differentiate between County and outside sources of funds for acquisitions and capital improvements.

Finding #9: The annual allocation of the SPF for the District's operation and capital improvements, plus an additional \$200,000 per year is designated in the SPF for use by the District for the anticipated future purchase of Skyline Park.

Response: Disagree.

At the present time, the County has not made a determination regarding the future ownership of Skyline Park, assuming the State and County can come to an agreement on terms of sale. The funding which the County has set aside for potential purchase of the property is entirely under the control of the County, and is neither available nor promised to the District.

Finding #10: The District has been operating within the limits of the SPF as currently allocated by the BOS.

Response: Agree.

Finding #11: The District has the authority to raise revenues through some types of property assessments and taxes if approved by the voters.

Response: Agree.

Finding #12: The FY 2009-2010 District Budget, dated May 11, 2009, indicates an increase in funding from the County.

Response: Agree.

Finding #13: The County anticipates a reduction in the SPF available in the FY 2010-2011 due to the decline in the TOT collections.

Response: Agree.

Finding #14: The District is currently considering whether to form its own non-profit foundation or join an existing community foundation.

Response: Agree.

Please do not hesitate to contact me if you have any questions regarding our responses as noted above.

Sincerely,

Myrna Abramowicz
President, Board of Directors

Cc: David Mendelsohn, Foreperson, 2010-2011 Napa County Grand Jury



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: January 10, 2011
 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.

<u>Date</u>	<u>Purpose</u>	<u>Source / Recipient</u>	<u>Amount</u>
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Expenses

12/22/2010	BRBNA Dues	NAPA COUNTY LAND TRUST	\$500.00
12/7/2010	First Aid Supplies Reimbursement	JOHN WOODBURY	\$4.38
12/23/2010	Spanish Valley Title Report	FIRST AMERICAN TITLE	\$3,262.00
12/22/2010	Skyline Volunteer Expense Reimbursement	CJ YIP & ASSOCIATES	\$783.00
12/7/2010	Skyline Volunteer Expense Reimbursement	JOHN WODBURY	\$33.43
12/7/2010	General Transportation Reimbursement	JOHN WOODBURY	\$142.00
12/22/2010	Moore Creek Expense Reimbursement	CJ YIP & ASSOCIATES	\$8.66
12/7/2010	Napa River and Bay Trail Reimbursement	JOHN WOODBURY	\$3.00
11/15/2010	NRER—student transportation	NAPA VALLEY UNIFIED SCHOOL DISTRICT	\$1,339.00

Revenues

12/22/2010	Skyline Volunteer Event Revenue	SKYLINE PARK CITIZENS ASSOCIATION	\$1,000.00
12/22/2010	Skyline Volunteer Event Expense Offset	COUNTY OF NAPA	\$1,250.00

Plan of Projects

Status Report for January 10, 2011

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. Questa Engineering was awarded the contract to prepare plans and specifications in November, with the goal of starting construction in June 2011. Phase Two--Green Island Road to Soscol Ferry Road Questa has completed a revised the draft PUC permit application for a public crossing of the SMART tracks. 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; 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. 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 is working with Caltrans to obtain a Master Agreement 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.	<u>The District will be meeting with BLM in mid-January to discuss how to speed up BLM's process for the no-fee transfer of this property.</u> 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; staff is developing a plan for how to stop the trespass. 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. 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.

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. <u>The draft combined NEPA/CEQA document has been released for public comment.</u> 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. Conservancy staff toured the site on December 6, 2010. <u>District staff is now soliciting letters of support. Conservancy staff has indicated they will be recommending award of the grant. The Conservancy Board will consider the grant award at their March Board meeting.</u>
District Non-profit Foundation	Organize a non-profit foundation to raise funds for District projects	The District Board has approved the goals, objectives and basic structure for a non-profit foundation to assist the District with fundraising. Board members are contacting potential future members of the foundation governing board.
Lake Hennessey North Shore Trails	Would open up several miles of existing dirt access road, and construct approximately 1 mile of new single track trail, into a loop trail system on the north side of Lake Hennessey, and connecting to the planned Moore Creek Open Space Park trail system.	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 and reviewed by City staff. Authorization to release the draft for public comment will be considered by the Board at its January 10th meeting.</u>
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	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.
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.	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. The ranch house driveway and parking area was surfaced with gravel in October. <u>A volunteer work party to remove invasive French Broom is scheduled for January 8-9, 2011.</u>
Napa River Ecological Reserve Restoration	Remove invasive plants and restore native vegetation 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.	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. 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.
Oat Hill Mine Trail	Improvements to first 1/2 mile of trail next to Calistoga	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.
Oat Hill Mine Trail	Transfer of 40 acre parcel from BLM	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.
Rector Ridge/Stags Leap Ridge Trail	Construction of staging area and 6+ miles of Ridge Trail climbing east from Silverado Trail near Rector Creek.	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-term steps that can be taken to get the project moving. Key management staff at the Veterans Home retired in November, so progress is delayed pending the filling of their vacant positions.

River to Ridge Trail	Lot line adjustment to legalize River to Ridge Trail as constructed (it currently encroaches on private property in two locations)	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.
River to Ridge Trail	Correct drainage problems to trail can be used year-round.	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.
Skyline Park Facility Improvements	Partner-sponsored improvement include a second greenhouse and a covered equestrian arena.	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.
Skyline Park Protection	Purchase of Skyline Park from the State	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>Negotiations with DGS over determining the purchase price are underway.</u>
South Napa Wetlands Habitat Area	Transfer to the District those wetlands owned by the Napa County flood control district between the Napa River, Highway 29 and Newport Drive for use as habitat and nature-based recreation.	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.
Spanish Valley and Crystal Flats Open Space Acquisition	Donation of 3,400 acres of open space to the District by Bob and Evalyn Trinchero	<u>The donation was completed on December 29, 2010. A related granting of an access easement to the Lake Berryessa Resort Improvement District will be completed by mid-January 2011.</u>
Vallejo Lakes	Possible purchase of 1100 acres of surplus Vallejo Water District lands, of which 200 acres are located in Napa County	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. <u>The City of Vallejo has hired an appraiser to prepare an estimate of the property's fair market value.</u> 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.
Vine Trail	A Class I bicycle/pedestrian path extending from Calistoga to the Vallejo Ferry Terminal	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.
Wild Lake Ranch	Possible joint management of trails, camping and picnic areas through agreement between the Land Trust, which acquired the property.	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. Next steps will depend on how the Land Trust decides to proceed.

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

As part of the arrangement with the land trust on the District's purchase of Berryessa Vista, the land trust was willing to use some of the proceeds from the transaction to fund a well pump and distribution system at the Preserve. However, the first well drilled by the City of American Canyon came up dry. The City has dropped plans for digging any more test wells.

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.

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

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.

Major volunteer event to reroute and repair trails