

Napa River Watershed Task Force

"The work of this task force is right up there with the Ag Preserve"

by [Mick Winter](#)

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On October 17, in a display of wine industry unity and environmental concern, the Napa Valley's key vintner and grape-growing organizations joined together and, accompanied by the local chapter of the Sierra Club, endorsed the Napa River Watershed Task Force's recommendations to the Napa County Board of Supervisors. The organizations represent 181 wineries and more than 1,100 grape-growers. They stated that they "believe in the community goal of helping the river while not harming the farmer."

The Napa River Watershed Task Force, which has been struggling with environmental issues for the Napa Valley for nearly two years, had presented its final recommendations to the Napa County Board of Supervisors on October 3, 2000.

The Napa River Watershed

The watershed contains 250 miles of streams and covers over 270,000 acres at the north end of the San Francisco/San Pablo Bay. It runs approximately 40 miles north to south and 15 miles east to west at its widest point. Thirty-eight thousand acres are vineyards, and 102,000 acres are range and grazing lands. Only 3 percent of the area is urbanized. Between 1992 and 1997 vineyard land in the watershed expanded approximately 2.1 percent annually. An additional 17,000 acres had to be replanted in the 1990's due to phylloxera.

Planning officials expect Pope Valley and the hillside areas of American Canyon, Jamison Canyon and the western side of the Napa Valley to be the primary vineyard expansion areas in the future. They anticipate that over 4,000 acres will be planted in the next 10 years, primarily on hillsides, since there is very little acreage left unplanted on the valley floor.

There are currently 134,500 acres of Napa River watershed land in protected status in public or quasi-public ownership. This includes over 50,000 acres protected through fee title or conservation easement by the Napa County Land Trust. There are nearly 20,000 acres of the watershed under hardened pavement or rooftops and over 6500 acres of valley floor wetlands have been drained and filled since the 1800's.

The result is that steelhead trout runs that once surpassed 6000 adults have been reduced to several hundred. A Silver Salmon run that once numbered up to 2,000 adults is now extinct. Stream channel and floodplain modification have resulted in the discharge of more water at high velocities, producing increased bank erosion, sedimentation and downstream flooding.

In 1987 the Napa River was listed as "impaired" by the State Water Quality Control Board under the authority of the federal Clean Water Act.

The 17-member task force, representing grapegrowers, vintners, developers, environmental activists, property rights advocates, concerned citizens, and representatives of county government, had met in 33 three-hour meetings since it began in January 1999.

Jeffrey Redding, director of Napa County's Conservation, Development and Planning Department, pointed out that the task force had reached consensus on all but two of the issues that it had been asked to address. The two areas where consensus was not achieved were vineyard replant setbacks from waterways and timber conversion to agriculture.

The wine industry and environmental organizations supported all recommendations concerning stream definitions, stream setbacks on new developments, off-site hydrologic impacts, sedimentation in water supply watersheds, biological analysis and resource protection, oak tree preservation, fencing, one acre exemptions, timber harvest/conversion plan exemptions, erosion control plan requirements, watershed protection/restoration fees, and watershed protection incentives.

In order to deal with the two unresolved areas, the groups encouraged the holding of public workshops during the implementation phase in order to maximize public input. **Tom Gamble**, vice president of the Napa County Farm Bureau said that the organizations were committed to "jointly developing ways that will enable the community to improve the health of the river" and supported "new regulations that include a menu of ministerial mitigations as a regulatory alternative to setbacks on replants."

The "menu of ministerial mitigations" was offered to the supervisors to solve the impasse over the distance that vineyard replants had to be set back from creeks and streams. It minimizes the possibility that vineyard owners will lose acreage when replanting, by giving them options to the proposed 50-foot setback. Instead, they will be able to choose from a number of mitigations that provide other ways of lessening the effect on the waterways.

The Board accepted the suggestion, voting 4-1 to proceed with the Task Force recommendations and the replant compromise. The county planning department will now begin a long period of environmental review and public comment.

Napa County's actions are important not just to that one county. Environmental and wine industry organizations in Sonoma, Monterey, Santa Barbara and other wine counties of California look to Napa as a model for growth control and agricultural protection. Napa County led the way thirty years ago when it first set limits on parcel size in order to protect agricultural land.

The task force was a continuation of those ongoing efforts, designed to put an end to battles--and litigation--between environmentalists, the industry and the county. As Redding stated, "The goal of the task force was to ensure a healthy watershed, now and in the future. There was consensus that the 'highest and best use' of the land was agriculture and that that goal had to remain. Environmental protection needed to be optimized, and treatment of all parties who own land had to be fair."

Task Force History

The first phase of the Task force's efforts was to determine if the current ordinance was satisfactory. That ordinance, the Hillside Ordinance, was adopted in 1991, and its primary purpose was soil erosion control. The task force concluded that the Hillside Ordinance's regulations, even with increased enforcement, were insufficient to ensure a healthy watershed.

The second phase brought in a panel of scientific experts to analyze technical data and previous studies in order to propose updated or new regulations. As Redding said, "It became clear that if the rules were to be changed, they'd better have a scientific underpinning. The recommendations this task force is making are all scientifically-based."

Recommendations and Comments

The task force recommendations (see sidebar) were presented on October 3 by its facilitator, **Daniel Iacofano** of Moore Iacofano Goltsman, Inc. of Berkeley, California. Iacofano had previously been the mediator for the Napa River Flood Control process.

During public comment after the presentation, **Mike Grgich** of **Grigich Hills Cellars** urged the board to remember that "more regulation means less justice" and that "the bigger the government, the smaller the people." He felt that people had polarized since the hillside ordinance was passed, and that the Napa Valley had become a "battleground of different opinions". Grgich urged supervisors to find a solution where "everybody was a winner."

Others spoke on the need for regulations, stating that although the wine industry had protected the valley from the urban sprawl experienced by the rest of the San Francisco Bay Area, the industry itself was destroying the beauty of the valley and the health of its streams, rivers and wildlife.

Moir Johnston-Block, representing *Friends of the Napa River*, said her organization urged adaptation and implementation of the recommendations, pointing out that Napa County is recognized nationally and regionally as a leader in consensus process, and that the work of the task force was in the spirit of the

community process which led to voter approval of the Napa River Flood Control Project, a unique partnership between the community and the Army Corps of Engineers.

The Task Force report was followed by a presentation from **Peter Mennen**, a St. Helena resident and major financial backer of environmental activism and lawsuits. Mennen submitted a petition calling on the Supervisors to enact a moratorium on all hillside development. Mennen said the petition represented the wishes of 5,000 people who had responded positively to a survey he had sent to 40,000 Napa County voters. He said that only 50 people had responded negatively.

Mennen commented, "We need to protect our county as a thing of beauty. What the task force did was extraordinary, but what it left undone is tremendously important. Armies of tractors are stripping the hillsides of trees and vegetation and that's only a taste of vineyard development to come."

Board Actions

Board of Supervisors Chairman **Mel Varrelman**, who represents the district that is home to most up-valley wineries, closed by saying "The comments today and throughout the task force process show the depth of feeling about the watershed. The county is polarized to the point of almost being explosive. That has to be defused if we're going to solve the problem. The work of this task force is right up there with the ag preserve. We have a lot of work to do and it's time to step up to the plate and do it."

Now that the Task Force has presented its final report, and wine industry and environmental groups have come together to support it, it is up to the Napa County Board of Supervisors to take the next actions. These include the drafting and approval of conservation regulations and related legislation; establishing the structure for the Napa River Watershed Information Center and the Napa River Watershed Conservancy; and coordinating with cities to ensure their participation in protecting the watershed.

The Board has started the process by instructing staff to begin an environmental review for an oak tree/oak woodland protection program. Public hearings on the task force recommendations will take place over the coming months.

NAPA RIVER TASK FORCE RECOMMENDATIONS Phase One--Completed May 1999

- Establish a bond and security for high-risk projects.
- Scoreboard to help evaluate erosion control plan effectiveness.
- Higher penalties for non-compliance.
- Increased monitoring efforts.
- Periodic workshops.
- Awards for exemplary development.
- Streamlining the development process, when appropriate.
- Subject public projects such as city and county government buildings to the same regulations.

Note: All of these recommendations were accepted by the Board of Supervisors.

Phase Two--Completed October 2000

Setbacks

Establish four classes of streams, following the frameworks used by the California Departments of Forestry and Fish and Game. Stream classification depends on their biologic and habitat values.

Class I--perennial streams that serve as domestic supplies, including springs and/or streams where fish are always or seasonally present onsite, and includes habitat to sustain fish migration and spawning.

Class II--Perennial or intermittent streams with fish always or seasonally present and/or habitat for aquatic vertebrates.

Class III--Intermittent or ephemeral watercourses showing evidence of defined bed and banks, annual scour, and capacity to transport sediment to Class I and II waters.

Class IV--completely man-made watercourses.

Goal of the setbacks is to minimize sediment entering the watercourses and to maintain existing wildlife habitat. There was no consensus on setback for vineyard replants. Many on the task force wanted a minimum 50-foot setback, while some wine industry representatives wanted a much lower setback. So the report contains both recommended "Conservation Standards" and "Minimum Standards".

The task force established different stream setbacks for different stream classes.

Class I and II would have a Conservation Standard of an average of 150 feet. The first 100 feet is a "no new development zone", and the remaining area up to 50 feet would be a "limited management zone". Minimum Standard would be 50 feet (no new development zone).

Class III depends on whether or not the waterway has existing vegetation.

Streams with aquatic/riparian vegetation would have a 25-foot no new development zone. With no riparian/aquatic vegetation this class would have a 0-25 foot zone based on erosion control plan needs.

There would be no setbacks for Class IV.

Setbacks for Replants

Consensus was not reached. However, if a 50-foot setback is accepted, Class I and II would have a Standard of 50 feet with a 25-foot no new development zone and a 25-foot limited management zone.

Class III with aquatic/riparian vegetation would have a 25-foot limited management zone and without vegetation a 0-25 foot limited management zone based on erosion control plan needs.

Class IV would have no setbacks.

Concern for Off-site/downstream Hydrologic Impacts led the Task Force to recommend that a vulnerability rating be established based on soil hydrologic group and pre-application vegetation. High-vulnerability sites would be allowed no net increase in peak rate of runoff. They could choose from a range of runoff/erosion control measures.

Low-vulnerability sites would be required to minimize peak flow and could also choose from a range of runoff/erosion control measures.

Sedimentation in Water Supply Watersheds

The task force recommended deleting the 60/40% canopy retention standard and replacing it with no net increase in the pre-application sedimentation standard.

Biological Analysis and Resource Protection

Vulnerability ratings would be created, based on habitat/vegetation type and special status habitats. Areas of high biological sensitivity would need a detailed biological survey to determine if state or federally listed species were present or specialized habitats were evident. Property owners would need to avoid, minimize and/or mitigate for potential impacts.

For moderate biological sensitivity sites, an oak tree and/or stream survey would be conducted and appropriate measures taken. For sites of low biological sensitivity, only the established stream setback applies.

Oak Tree Preservation

Currently there are no special protections or requirements for oak trees. The task force recommended that specified species of oak trees be preserved over a 6-inch dbh (or 4-inch dbh for blue oak). Valley oak, Oregon oak and woodland communities receive the highest level of protection. Black, live, blue, coast live and interior oak also would be protected, but with more flexibility for authorized removal. Other species are not protected.

Valley and Oregon oak could be removed only if development of the site is precluded by preservation of oaks and vegetation removal will not significantly reduce wildlife habitat or threaten viability of the remaining oak community, OR the trees were in poor health or a safety hazard. For black, blue, coast live

and interior oak, removal must not significantly reduce wildlife habitat or threaten viability of the woodland stand. Reduction in canopy cannot exceed 25% of pre-development cover.

If protected oaks are authorized for removal, minimal mitigation is:

- Replant at a 4:1 ratio. Security bond to ensure 50% survival in 5 years
- On-site or off-site plantings are allowed, as well as in lieu fee.
- Replacement trees must be the same species and ideally planted from local acorns or otherwise site adapted.

Fencing

Minimal level of fencing to enhance habitat connectivity especially near riparian corridors and between riparian corridors and existing natural areas.

One Acre Exemption

Currently one-acre contiguous planting areas are exempt from the 30% slope restriction. The task force recommends closing this loophole that has allowed large projects to avoid regulation but making exemptions based on project size:

- 0-50 acre project has a maximum allowable cumulative exemption of 5% of total project acreage.
- Greater than 50 acres a cumulative exemption of 2.5% of total project acreage.
- At no time can any contiguous unit exceed one acre.
- No exemptions for areas over 50% slope.
- Establish administration standards to evaluate exemptions.

Timber Harvest/Conversion Plan Exemption

The current ordinance exempts areas covered under a Timber Harvest Plan or Timber Conversion Plan. The task force recommends removing the current exemption, subjecting all areas to Napa County Conservation Regulations. Additionally, timber conversions under three acres now exempted from TCP requirements would be subject to conservation regulations. No changes to current THP regulations. Consider additional measures to address tree removal in sensitive areas.

Erosion Control Plan Requirements

Currently requires no erosion control plan on slopes below 5%, an erosion control permit for slopes between 5-30%, and development on slopes greater than 30% only through an exemption.

Recommended regulations would require that slopes under 5% that do not require an Erosion Control Plan must comply with setbacks, limitations on use of setback areas, and biological protection. Maintain current slope-based requirements for Erosion Control Plans. Continue to require use permits for development on slopes of greater than 30%.

Watershed Protection/Restoration Fee

Currently there is no fee. The task force recommended that a fee be established to provide funds to offset cumulative watershed impacts.

Incentives

There are currently no incentives. The task force recommended conservation easements, public funding through bond and/or taxes, increased flexibility in application of regulations for restoration, green certification programs, and the study of opportunities for tax incentives.

The task force also proposed that a *Watershed Information Center* be established. It would serve as a coordinating body for research and monitoring in the watershed, a repository of watershed information, and a community-based center on watershed issues. It would be funded by grants and contracts from public agencies, grants from private foundations, contributions from cities and the county, and funds from watershed mitigation fees. It is believed that the federal government will help, in part, to fund the center.

In addition, the task force recommended the establishment of a *Watershed Conservancy* to support restoration and resource protection activities. It would do this through conservation easements and fee title donations and acquisitions, as well as coordinate projects such as stream bank restoration, stabilization riparian vegetation planting, meadow re-watering, exotic plant removal, pest control and other similar activities.

