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December 13, 2016

Chair Pedroza  
Board of Supervisors  
1195 Third St., Ste. 310  
Napa, CA 94559

Re: Walt Ranch Appeal

Dear Chair Pedroza:

The Sierra Club is writing to protest the last minute inclusion of the AES memorandum of December 2 without allowing adequate time for appellants to review, or opportunity for response.

We are also responding to misstatements made during the hearing by a planning staff member and a representative of AES.

We have two major objections to the material in the AES memorandum.

First, AES claimed to have redone their calculations on GHG emissions related to loss of woodland according to the "Leff methodology". Here is the response of Ron Cowan, the chief developer of the "Leff methodology" :

*"The authors of the Leff GHG biogenic emissions analysis vehemently reject the AES misrepresentation that Walt Ranch incorporates the GHG biogenic emissions methodology applied to the Leff vineyard conversion project."*

12/5/2016 email, **Re: new GHG memo**, from Ron Cowan, *Quercus Group*, Forest & Greenhouse Gas Consultants, Expert consultant to Napa Sierra Club

To note some of AES's deviations from the Leff model:

The Leff methodology appropriated for this memorandum was from the draft

EIR; the methodology had been modified for the final EIR.

The Leff methodology analyzed the biogenic GHG emissions according to the tree disposal method of the project. The County still refuses to specify the tree disposal method of the Walt Project.

The Leff project calculated the carbon which would be emitted as methane and nitrous oxide, both of which are much higher in GHG equivalent impact than carbon dioxide. The Walt project does not provide any projections or analysis for methane and nitrous oxide emissions.

The Leff project only used replanting of trees as mitigation for tree loss. The Walt project uses only conservation easements as mitigation.

Secondly this document cites California Cap and Trade rules as support for allowing conservation easements as mitigation. However, California Cap and Trade requires that any land being placed under protection as carbon mitigation meet the criteria of the Compliance Offset Protocol, US Forests. This protocol requires a thorough assessment and documentation that the land fulfills the requirements of the protocol, the first and central one being that

*“It can be demonstrated that there is a significant threat of conversion of project land to a non-forest land use”*

As we have already argued, the land placed under conservation easement for the Walt Project mitigation of loss of woodland GHG services has not been shown to meet this requirement.

This misinformation was reinforced in the hearing, both by a Planning Staff employee, (not introduced by name, but in the minutes identified as Annalee Sanborn) and Erin Quinn of AES. Both gave the distinct impression in their remarks to the Board that the conservation easements of the Walt Project meet the requirements of the CARB Cap and Trade program. Since the required assessment of the characteristics of the lands placed under protection has not been performed, it is a falsehood to maintain that Walt meets the Cap and Trade criteria.

Specifically, Ms Sanborn stated that the Cap and Trade Program “also allows conservation easements on existing woodlands... as valid mitigation... there is a very clear route to use this as mitigation”. Indeed there is a clear route which requires an assessment of the land, and the EIR did not take that route.

Erin Quinn of AES then also stated “voluntary markets have provided protocols for years which were adopted by CARB... we have seen a progression for years

of this type of mitigation”. Mr Quinn is correct, CARB has a protocol, (again, Compliance Offset Protocol, US Forests) but the Walt project did not follow it.

Ms. Sanborn also made other errors of fact related to GHG analysis. We had testified that CalEEMod, the model used for GHG sequestration, did not allow land conservation as mitigation. She responded that we were in error, that CalEEMod does allow land conservation as mitigation, it just didn't supply the relevant calculations, so they had to take the calculations from someplace else. Here is the text from the CalEEMod Appendix A, section 11.1, page 50:

Overall change in sequestered CO2 is the summation of sequestered CO2 from initial land use type multiplied by area of land for initial land use type subtracted by the summation of sequestered CO2 from final land use type multiplied by area of land for final land use type. **There is no reduction in GHG emissions associated with preservation of a land.**  
(boldface not in original).

Translation: CalEEMod says that if you have 100 acres of trees, and fell the trees on 50 acres, you are down 50% on carbon sequestration. End of story. No credit for putting the other 50 acres under a conservation easement.

In point of fact, the County has not cited a single example of policy by any state agency which allows mitigation for loss of woodland carbon sequestration by placing a conservation easement on any old patch of trees.

Ms Sanborn also baldly stated that black carbon only acts as a climate warmer when it covers ice or snow, therefore it is not a problem in Napa, which rarely sees snow. This is untrue. Airborne black carbon is actually rated as one of the strongest “climate forcers” which captures and holds heat in the atmosphere. It doesn't have to land on snow or ice to hasten global warming.

Finally, she stated that methane is only emitted from decaying wood under anaerobic conditions, therefore since the Walt trees would not be buried in a swamp, it would not be a factor. On the contrary, wood chips/sawdust emit varied amounts of methane depending on how they are stored or distributed. I am not qualified to argue correct calculations for determining amounts of methane emitted by tree decay. That is for the experts. And since the EIR does not reveal the fate of the downed trees, there are no calculations to be made anyway. But the remark about “swamps” runs counter to scientific research.

These misrepresentations by staff/consultant served to reassure the Supervisors that the County is on solid legal ground by a) allowing non-protocol conservation easements as mitigation for woodland destruction and b) not analyzing the biogenic emissions of tree disposal methods – in fact, even refusing to specify the tree disposal method. My lay opinion is that the county's legal terra is not so firma with this approach.

It is just plain wrong to find County Staff and consultants paid by the County asserting such glaring misstatements of scientific and technical fact during an official hearing, errors which even a layperson can spot. This performance did not enhance the credibility of PBES.

Sincerely,



Nancy Tamarisk  
Chair, Napa Sierra Club

Cc: Supervisors Dillon, Wagenknecht, Caldwell, Luce;  
Laura Anderson  
David Morrison  
Brian Bordona