



**NAPA COUNTY GRAND JURY
2017-2018**

June 18, 2018

FINAL REPORT

**Napa County Climate Action Plan-
A Work in Progress**

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SUMMARY

Napa County began its efforts to deal with climate change factors (specifically heat-trapping carbon dioxide [CO₂] gas) in 2007. To comply with state mandated greenhouse gas (GHG) emission reductions, the County government undertook development of a Climate Action Plan (CAP) the following year. Despite ongoing efforts to finalize and adopt a CAP, today the County remains without such plan.

Preparation and adoption of a CAP was included as an action item in the Napa County General Plan, adopted in June of 2008. The CAP the County is drafting will cover only the unincorporated areas of the County, excluding the City of Napa, American Canyon, Yountville, St. Helena, and Calistoga. These five incorporated areas of Napa County contribute approximately 50 percent of the County's GHG emissions. Instead of a coordinated countywide effort, the municipalities and districts within Napa County are each working independently to address GHG emissions, with some taking only municipal operations into account.

While recognizing the limits of the County's governance authority over the other Napa entities, the Grand Jury concludes that a collaborative effort by all County entities is an approach that reflects the consensus view of the interviewees. A precedent for such cooperation is the Napa Operational Area Hazard Mitigation Plan adopted in 2004.

Currently there is no County measurement or reporting of GHG emissions for the 500 + wineries operating throughout the County. When a winery (or other) project requires an Environmental Impact Report (EIR), emissions calculations are performed, but are based on estimates, with no ongoing reporting and monitoring of actual emissions to ensure compliance with BAAQMD emissions thresholds. As a significant commercial industry within the County, the impact of winery operations GHG emissions should be measured, reported, and included in GHG emissions reduction targets.

The Grand Jury recommends that the Napa County CAP account for all the unincorporated County's GHG emissions sources. Furthermore, that the County government should take the lead to coordinate countywide efforts to mitigate climate change effects.

GLOSSARY (ACRONYMS)

AB	Assembly Bill
BAAQMD	Bay Area Air Quality Management District
BOS	(Napa County) Board of Supervisors
CAP	(Napa County) Climate Action Plan

CARB	California Air Resources Board
CEQ	(President’s) Council on Environmental Quality
CEQA	California Environmental Quality Act
CFCs	Chlorofluorocarbons
CH ₄	Methane
CO ₂	Carbon Dioxide
COUNTY (the)	Napa County
EIR	Environmental Impact Report
GHG	Greenhouse Gas
MTCO ₂ e	Metric Tons of Carbon Dioxide Equivalent
NCTPA	Napa County Transportation and Planning Agency (now Napa Valley Transportation Authority- NVTA)
NEPA	National Environmental Policy Act
SB	Senate Bill
SLCP	Short-lived Climate Pollutant

BACKGROUND

Immediate and significant health, environmental, economic, and national security (“The effect of a changing climate is one of a variety of threats and risks . . .”¹) dangers exist due to the increase in global temperatures. Greenhouse gas emissions are an increasing health concern and are believed by climate scientists to be the leading cause of climate change.² They argue that substantial reductions in human-caused GHG emissions are needed by the mid-21st century to prevent likely catastrophic planetary consequences.

¹<https://www.militarytimes.com/news/your-military/2017/09/12/pentagon-is-still-preparing-for-global-warming-even-though-Trump-said-to-stop>

²<https://climate.nasa.gov/scientific-consensus/>

In the United States, the federal government and the state of California led the charge to study and mitigate the effects of climate change beginning in 1970. The state effort gained momentum in 2005 when Governor Schwarzenegger signed Executive Order S-3-05 setting GHG emissions reduction targets for the state and outlining the responsibilities of state agencies. The legislature followed in 2006 with passage of the California Global Warming Solutions Act (AB 32) with the goal of reducing state GHG emissions to year-1990 levels by 2020. The Scoping Plan (specifics on the scope of the project and how it will be managed) that accompanied the Act recognized that local governments would be essential partners in achieving that goal. The County of Napa responded by including a climate change mitigation “action item” in its 2008 General Plan Update. It is worth noting again that the General Plan covers only the unincorporated areas within the County boundaries.

The long-stalled and increasingly costly CAP has been a work in progress since that time. The County must address a broad array of evolving issues and public concerns, while dealing with developments outside of its control. These challenges have been time-consuming and have delayed finalizing the CAP.

Napa residents and local environmental groups are concerned about Napa County’s delay in adopting a CAP to address GHG emission reductions. For this reason the Grand Jury elected to investigate the status and content of the CAP.

METHODOLOGY

Interviews with government entities:

- American Canyon city official
- City of Napa Planning Department staff
- Napa County Planning, Building and Environmental Services (Planning Department) staff
- Napa County Supervisor
- St. Helena City Official

Interviews with public interest groups:

- Napa Climate Now! representative
- Napa County Farm Bureau representative
- Napa Valley Vintners representative
- Sierra Club Napa Group representative
- Watershed Information and Conservation Council representative

- Winegrowers of Napa County representative

Other:

- Review of pertinent federal, state and county documents and local newspaper reporting
- Review of climate science peer review papers and scholarly articles.

DISCUSSION

Climate Change Policy History

Initially using the term “global warming,” the federal government established the blueprint for dealing with climate change via the National Environmental Policy Act (NEPA), which was signed into law in 1970. It required federal agencies to assess the environmental effects of their proposed actions prior to making decisions.

The NEPA process mandates that agencies evaluate the environmental and related social and economic effects of their proposed actions. The President’s Council on Environmental Quality (CEQ) was established by NEPA and its mandate was expanded by an executive order from President Nixon.

Later in 1970, the state of California followed the federal government’s lead and approved the California Environmental Quality Act (CEQA). The Governor’s Office of Planning and Research prepares and develops amendments to the CEQA guidelines for certification and adoption. The most recent guidelines were adopted in November 2017.

CEQA requires state and local agencies to identify the significant environmental impacts of their actions and (taking it further than NEPA) to avoid or mitigate those impacts, if feasible. It makes environmental protection a mandatory part of every California state and local agency’s decision-making process for both public and private projects as defined in the act.

The state of California addressed the increased threat posed by climate change by passing AB 32. The bill calls for a GHG emissions reduction goal for 2020 that is approximately 15 percent below emissions expected under a business as usual scenario. This bill was “the first program in the country to take a comprehensive, long-term approach to addressing climate change,” doing so in a manner that “aims to improve the environment and natural resources while maintaining a robust economy.”³ In 2016, Senate Bill (SB) 32—which updated the California Global Warming Solutions Act of 2006—was enacted and established a new, expanded emissions reduction target of 40 percent below 1990 levels by the year 2030.

³www.arb.ca.gov/cc/ab32/ab32.html

Napa County’s Climate Protection Efforts

In 2007, the County initiated efforts to quantify GHG emissions sources and formulate reduction strategies. The Board of Supervisors followed with the 2008 “action item” in the General Plan that directed the County Planning Commission to develop a Climate Action Plan (CAP).

The County’s response to AB 32 accelerated in 2008 and 2009 with a two-phase campaign to quantify and reduce GHG emissions in Napa County. In 2008, the Napa County Transportation and Planning Agency (NCTPA) received a \$75,000 climate protection grant from the Bay Area Air Quality Management District (BAAQMD) to produce a GHG emissions inventory. Staff at NCTPA and all Napa County government jurisdictions participated in the project. In 2009, the Napa Valley Community Foundation underwrote a survey to refine the inventory and identify actions to reduce those emissions in the County.

The result of their work was the October 2009 publication of the community review draft of the Napa Countywide Community Climate Action Framework. This white paper suggested a series of “high impact/high leverage” actions for the county to consider and provided “a consensus-based context for further, more detailed planning efforts.”⁴ It outlined a package of 53 actions for translation into locally-specific programs and projects countywide.

The below figures cited in the 2009 report illustrate the impact of emissions in each community within Napa County.

Baseline 2005 Napa Countywide Community Emissions by Jurisdiction

Jurisdiction	2005 Emissions (metric tons of CO2 equivalents)	% of Total
Yountville	28,305	2%
Calistoga	28,427	2%
St. Helena	46,052	4%
American Canyon	91,449	8%
City of Napa	455,062	38%
Unincorporated Napa County	550,986	46%
TOTAL 2005 NAPA COUNTYWIDE EMISSIONS	1,200,281	100%

⁴napawatersheds.org/files/managed/Document/4269/Draft_napa_climate.pdf

In October 2011, the County published a revised CAP prepared by ICF International of Sacramento for the County Planning, Building and Environmental Services Department (Planning Department). This plan established 2005 as the baseline GHG emissions level (1990 information did not exist), forecasted emissions for 2020, and identified feasible measures to reduce 2020 emissions below 2005 levels.

Sometime between 2009 and 2012, the other jurisdictions within Napa County were excluded from the Napa County Plan. A Final Draft Napa County CAP for the *unincorporated* areas of the County followed in 2012. The Planning Commission and the Planning Department followed its publication by holding numerous public hearings and workshops explaining the CAP and soliciting input. It is evident from the public response and our Grand Jury interviews that each of the Napa County governments, environmental organizations, and business groups take climate change and the need for emission/pollutant mitigation seriously. The Planning Commission recommended adoption of the CAP that year but the BOS declined to adopt it, citing a need for further review of transportation emissions and the disproportionate burden placed on new development in rural areas.

In July 2015, the Planning Department contracted with consulting firm Ascent Environmental, Inc. of Sacramento to aid the department’s staff. The BOS approved a Professional Services Agreement that was extended for the third time in early 2018. Ascent is currently working to ensure the Plan’s legal defensibility and compliance with CEQA guidelines.

County Professional Services Agreements with Ascent Environmental

Agreement/Amendment No.	Date	Expiration Date	\$ Amount
8385	July 14, 2015	June 30, 2016	99,890
170543B-17	October 4, 2016	<i>(increase to above)</i>	24,850
170543B-17	June 6, 2017	June 30, 2018	29,000
170543B	January 23, 2018	June 30, 2019	276,205
Total			429,945

In June 2017, a revised Final Draft Napa County CAP for unincorporated areas was presented to the BOS. It has not been adopted, due to a Sonoma County Superior Court ruling on a legal challenge to that county’s CAP brought by California River Watch environmental group. The Court ruled in favor of River Watch, citing deficiencies with the Programmatic Environmental Impact Report (PEIR). Most significantly, the Court felt the plan failed to adequately measure the totality of the county’s carbon footprint by not accounting for the global reach of its tourism and wine industries. Because Napa County has a similar economic, geographic, and

environmental profile to Sonoma, the Planning Department and Ascent are examining potential legal issues with Napa’s draft CAP.

The hefty expense of the third amendment to the Ascent agreement is primarily for the preparation of an EIR for a CAP that will pass legal muster. The preparation of an EIR is a 6 to 9-month project followed by a mandatory 45-day public review period, which can be extended up to 60 days. The Planning Department has set January 2019 as its target to have a revised draft CAP to present to the BOS.

Meanwhile, Calistoga and Yountville have adopted CAPs, while the City of Napa, St. Helena, and American Canyon have or are producing climate action plans or sustainability and transportation initiatives of their own. The County Public Works Department has contributed several “green” programs to the cause, as well.

Factors that Affect the Content, Finalization and Adoption of the CAP

There is broad consensus among the government entities, business organizations and environmental stakeholder groups we spoke with that climate change must be addressed in Napa Valley. The long-term viability of the local wine industry and the well-being of the area’s inhabitants are at risk. County planners are working to produce a CAP that balances the concerns of all those groups, and which can withstand any legal challenges that may derail its implementation. The County must consider the following points as it works to finalize the plan:

- Rapidly evolving scientific and technological advancements and updated government regulations that affect the relevancy of the Plan. CEQA regulations require an existing condition analysis of climate change agents, both long-term (GHG emissions) and short-lived climate pollutants (SLCPs), such as methane, chlorofluorocarbons [CFCs] and black carbon particles. Some environmental groups are pushing for the Plan to focus on the latter to realize a more immediate beneficial impact.
- The concepts and practices of carbon sequestration and carbon farming (such as the successful Huichica Creek Demonstration Vineyard project) have been shown to be effective complements to emissions mitigation and potentially lucrative endeavors for farmers. Carbon sequestration is increasingly recognized as an effective tool in the fight to remove CO₂ from the atmosphere.
- In 2011, the California Sustainable Winegrowing Alliance (CSWA)—created by Wine Institute and the California Association of Winegrape Growers in 2003—commissioned a carbon footprint assessment of the California wine industry. The study provides a template for identifying the areas that provide the most opportunities to reduce the carbon footprint of winery and vineyard operations.
- Per the County’s website: “The proposed Climate Action Plan quantifies greenhouse gas (GHG) emissions from *all sources* (Grand Jury emphasis added) in unincorporated Napa County.”⁵

⁵Napa County Draft CAP FAQ -

<https://www.countyofnapa.org/documentcenter/view/2037>

- The Plan only applies to the unincorporated areas of the County, leaving the other County entities to develop their own plans.
- It appears the Plan is still six to eight months from completion due largely to the shadow cast by the Sonoma County lawsuit. Mostly, the delays and additional costs are due to Napa's necessary response to the ruling in the case.
- Climate change is largely a function of land use, and woodland conversion for vineyards or other development will continue to be a significant factor in the County's CAP. In fact, the draft CAP includes:
 - Measure LU-1: Establishing targets and enhanced programs that result in the preservation of oak woodlands and coniferous forests to avoid future carbon storage and sequestration losses, along with mandatory replanting to mitigate for tree loss when land use changes occur, will result in the annual reduction of 4,544 MTCO₂e by 2030.
- The Planning Department agrees with critics that the Plan language needs tightening up to remove any ambiguity about what will be required. There is support within the Planning Commission and environmental groups that, as much as possible, the proposed steps be mandatory, feasible, and quantified. The parties have coined the term "the trifecta" as shorthand for referring to those qualities.
- Voluntary vs. mandatory solutions. Most governments in the County would prefer a mix of voluntary and mandatory initiatives with an emphasis on the former. They prefer using incentives rather than punitive actions to attain their goals.
- Growers and farmers in the area believe they are already good land stewards and will adapt to the inevitable challenges presented by climate change. They are also concerned that measures promoting conversion from gas-powered to electrical equipment are not currently economically viable.
- Stakeholder groups have varying opinions about the degree to which their input on the current Final Draft Plan has been sought and valued by the County. Comments range from "not inclusive; all groups need a seat at the table" and "the more public hearings the better," to "at least good responses" and "very receptive." The Planning Department notes that four public hearings, workshops, and personal meetings with groups by staff have given the public ample opportunity to weigh in. In addition, the department has posted technical papers and "Master Responses to Public Comments Received on the Public Draft" on the County website.
- Almost to a person, there is agreement that a collaborative effort by all the County jurisdictions is the preferred method of dealing with climate change issues, yet, presently all are "going it alone." They point to unaligned interests making consensus difficult to achieve as the reason. Many say their individual efforts are too far down the road now to make a joint project a reality, and don't want the possible recriminations of being thought to be the one(s) that put the brakes on ongoing efforts.

FINDINGS

The Napa County Grand Jury finds that:

- F1. The Planning Department, the agency responsible for bringing unincorporated Napa County a CAP, has generally been responsive to stakeholder groups' critiques of and suggestions for the Plan.
- F2. Ten years after adoption of Napa County's (updated) General Plan, the County is not in compliance with the General Plan's action item to prepare and adopt a CAP. While specifically the County's jurisdictional area, a CAP covering only the unincorporated areas of the County runs contrary to the comprehensive countywide approach favored by the County entities we interviewed and does not target GHG emissions reductions countywide.
- F3. There is no effort to coordinate Climate Action Plans between each of the jurisdictional communities within Napa County, which complicates the ability to identify, target, and reduce GHG emissions countywide in compliance with CEQA and BAAQMD regulations.
- F4. The County delayed its timeline for completion of the Plan because of the legal challenges that arose from the court ruling in the Sonoma County CAP lawsuit.
- F5. The existing draft CAP does not take into consideration all sources of GHG emissions, most notably winery operations emissions.
- F6. Tools exist to measure winery GHG emissions enabling the County to include winery emissions reductions in its CAP.

RECOMMENDATIONS

The Napa County Grand Jury recommends that:

- R1. The Planning Commission and the Planning Department continue its community outreach efforts with more public hearings for a 60-day period starting in January 2019.
- R2. The CAP should consider including incentives starting in 2019 for carbon sequestration and woodland preservation and/or restoration projects under the guidance of the Planning Department.
- R3. The Planning Department should consider including a proposal to quantify and mitigate winery operations GHG emissions in the next CAP draft revision expected in January 2019.
- R4. The County finalize and adopt the Napa County CAP by June 30, 2019, executing under the terms of the current amendment to the professional services agreement.

R5. As follow-up upon completion of the CAP:

In February, 2019 the Planning Department take the lead to bring all the County jurisdictions to the table to discuss ways to coordinate all the existing climate change mitigation efforts in the County geographical area. We suggest each jurisdiction furnish the department (as a clearinghouse) with emissions targets and reduction results for inclusion in countywide reporting.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

Napa County BOS (R2 through R5)

INVITED RESPONSES

Pursuant to Penal Code section 933.05, the grand jury invites responses as follows:

From the following governing bodies:

Planning Commission, Napa County (R1, R4)

From the following individuals:

Director, Napa County Planning, Building and Environmental Services (R1, R2, R3, R5)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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