

# Conservation

## Initiative proponents hope to defuse opposition

031216

[BARRY EBERLING](#)

[beberling@napanews.com](mailto:beberling@napanews.com)



- ### J.L. Sousa/Register file photo

A proposed ballot initiative wants to provide more protection for oak woodlands on Napa County hillside. This photo is of a protected parcel of forest north of St. Helena.

- A Napa County oak and watershed protection initiative proposed for the November ballot has been retooled with the hope of defusing opposition from a wine industry that says tough rules already exist.

The initiative would affect agricultural watershed zoning areas in the hills framing Napa Valley, but not the valley floor. The revamped version has smaller stream setback requirements for new vineyards and other developments.

Michael Hackett of Save Rural Angwin, who helped create the initiative, says the changes won't stop the proposed law from being effective.

“No initiative is perfect,” Hackett said. “If you put something on that’s so restrictive that the populace puts it down, why

bother? We're actually optimistic we're headed in the right direction. Maybe it won't turn the ship 90 degrees, but it will turn it 45 degrees."

He'd like to convince such groups as Napa Valley Vintners to at least remain neutral to the initiative. But the wine industry is wary.

"I think the big point is we (already) have the most restrictive regulatory framework, when it comes to these things, maybe in the country," said Rex Stults of Napa Valley Vintners.

The original version of the initiative created "water quality buffer zones" that prohibited most timber removal within 150 feet of streams. These zones would have been measured from the center of the stream.

The new version creates buffers zones of 125 feet, 100 feet and 35 feet, depending on the type of the stream. The setbacks would be measured from the top of the banks.

Either version is stricter than existing county setbacks, which are based partially on hill slope.

Hackett said initiative critics complained the original idea to apply a 150-foot setback to Class III streams was too restrictive. He described these streams as impressions that carry water during the rainy season.

It's important to include a buffer for Class III streams because they are the headwaters for larger streams that flow to the Napa River and the area's bays, Hackett said. The new, proposed setback is 35 feet.

The initiative would also limit how much oak woodlands in

local hills could be cleared for vineyards and other developments. That is true in both the original and retooled versions.

People wanting to cut down oak woodlands on properties 5 acres and larger would in most cases have to obtain an oak removal permit from the county. They would submit a removal plan signed by a forester or arborist. They would have to maintain at least 90 percent of the canopy on a parcel.

Existing county law for “sensitive domestic water supply drainages” calls for maintaining a tree canopy of at least 60 percent.

Oaks removed would have to be replaced at a 3-1 ratio. Existing county law calls for a 2-1 ratio.

Stults said the Napa Valley Vintners board opposed the original version of the initiative and has yet to take a stand on the revised version. The group has 500 members.

“I don’t think most people outside of the industry know the hurdles you have to go through to have a vineyard project in Napa County,” he said.

He also described how the wine industry has supported such programs as Napa Green, a voluntary certification program for vintners and grape growers to reduce energy and water use, waste and pollution.

Perhaps the proponents of the initiative could work together with vintners and grape growers and take another approach than a ballot measure, Stults said. That would be better than working against each other.

“Is there another way to skin this cat?” he said.

Michelle Benvenuto of Winegrowers of Napa County said her organization opposes the revamped initiative. Winegrowers of Napa County represents 20 wineries.

“We feel that Napa County’s existing regulations have been effective in maintaining a healthy, functioning watershed, which is essential to protecting agriculture—Napa County’s livelihood—and a healthy ecosystem,” she said.

Napa County is doing the right things, Benvenuto told the Board of Supervisors on Tuesday.

“If there’s not a problem, why are we looking for a solution?” she said.

Hackett said proponents made the changes to the initiative after consulting the Napa Valley Vintners, Napa County Farm Bureau and Napa Valley Grapegrowers.

“We are hopeful, because it’s very difficult to imagine a trade organization that would be against water preservation,” Hackett said. “Water affects the quality of life of every resident. The purpose of this is to protect water quality for the future.”

Napa County in 2002 tackled the issue of stricter stream setbacks. That led to much controversy and two competing 2004 ballot measures, Measure O and Measure P, each of which proposed different setbacks. Voters rejected both measures.

Whether a new measure will be on this November’s ballot remains to be seen. Proponents must gather 3,900

signatures from local registered voters to qualify the initiative. Hackett said the effort is underway.