

Law Offices of
THOMAS N. LIPPE

329 Bryant Street
Suite 3D
San Francisco, California 94107

Telephone: 415-777-5600
Facsimile: 415-777-9809
Email: lippelaw@sonic.net

June 19, 2006

Mayor Del Britton and members of the City Council
City of St. Helena
1480 Main Street
St. Helena, CA 94574

Re: Proposed Resolution Adopting CEQA Addendum for the St. Helena
Comprehensive Flood Protection Project and Approving the 2006 Plan as Described
in the Addendum

Dear Mayor Britton and Councilmembers:

This office represents the Living Rivers Council ("LRC") with respect to the St. Helena Comprehensive Flood Protection Project. On behalf of LRC, I am writing to submit comments on the CEQA Addendum prepared for the 2006 Plan and the Council's proposal to approve the 2006 Plan and to request, pursuant to the California Public Records Act ("PRA") at Government Code § 6253, that you produce copies of those records in your possession more particularly identified below. Note that under the PRA, public agencies must respond to PRA requests within 10 days.

As you know, LRC previously retained hydrologist Dr. Robert Curry to review and comment on the EIR prepared for the 2004 Plan and the 2005 Plan embodied in the Settlement Agreement between the City and LRC. As a result, Dr. Curry is thoroughly familiar with the history of this project and the analysis of its environmental effects. Enclosed herewith please find a letter dated June 15, 2006 from Dr. Curry containing his brief analysis of the 2006 Plan and the CEQA addendum.

Dr. Curry makes three essential points. First, the Addendum contains hydraulic analyses of the 2005 Plan, but not the changes included in the 2006 Plan to move the floodwall closer to the river channel. Therefore, the Addendum does not adequately disclose whether the 2006 Plan will have more severe or new significant effects not previously analyzed in the project EIR, and thus whether a new EIR is required under CEQA before the City Council approves the 2006 Plan.

Second, there are a number of categories of information that the public and Dr. Curry needs in order to assess whether the 2006 Plan will have more severe or new significant effects not previously analyzed in the project EIR.

Third, based on the limited information available in the Addendum regarding the proposed project changes, Dr. Curry's own analysis reveals that:

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“When I model the proposed changes in the floodwall, I find increases in flood height on the order of 0.5 feet or more, yet the City addendum states that no significant changes in flood height and hence extent will occur. Half a foot is significant because it significantly reduces the factor of safety for the floodwall, floods a larger area upstream, and increases gradients and hence velocities of water passing the mobile home park that is protected by the floodwall. The increased water velocity passing the mobile home park will contribute significantly to bank erosion. This has not been evaluated in prior documents or the addendum.”

Significantly increasing bank erosion represents a new or more severe significant effect, especially in light of the fact that the Napa River is identified as water quality impaired under section 303(d) of the Clean Water Act. Therefore, preparation of a new EIR is required under CEQA before the City Council approves the 2006 Plan.

Finally, the changes proposed in the 2006 Plan violate the terms of the Settlement Agreement attached as Exhibit 1 to the Stipulation and Order Reserving Trial Court’s Jurisdiction to Enforce Parties’ Settlement Agreement entered on January 30, 2006 in the action entitled *Living Rivers Council v City of St. Helena*, Napa Superior Court No. 26-24908 (“Stipulation and Order”), because the changes are not part of the 2005 Plan, i.e., the 2004 Project approved by the City Council as modified by the changes agreed to in the Settlement Agreement.

Therefore, LRC objects to City approval of the 2006 Plan at this time. LRC also requests that you produce copies of all records relating to the subjects listed in numbered paragraphs 1 through 6 on page 2 of Dr. Curry’s June 15, 2006 letter attached hereto.

Finally, I am submitting this letter (with Dr. Curry’s letter) to you by email before 12 noon on June 19, 2006 to enable the City staff to prepare responses to this letter, as described in the June 16, 2006 staff report. I will also submit this letter (with Dr. Curry’s letter) along with a copy of the Stipulation and Order in hard copy on June 20, 2006.

Thank you for your attention to this.

Very truly yours,



Thomas N. Lippe

cc: Chris Malan

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