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EDEN

#### **Mission Statement**

The Living Rivers Council and Earth Defense for the Environment Now were established to protect, restore, defend and preserve watersheds in natural harmony with the people and wildlife that depend on healthy water for economic vitality, recreational enjoyment and ecological sustainability. We will pursue these goals through education, research, consensus building, and advocacy.

**November 21, 2014**

Napa County Planning and Conservation  
Draft Environmental Impact Report July 2014  
Walt Ranch ECPA # P11-00205  
Code Section 18.108.080

Napa County Planning and Conservation:  
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Hall Brambletree Associates, LP  
2,300 acre property, Initial Study and NOP State Clearinghouse 2008 397 net within 538 gross acres  
65 vineyard blocks; 35 parcels  
Now 355 acres of vineyards net within 507 gross

#### **Walt Ranch ECPA Draft EIR Comments**

These comments are in addition to what LRC will submit through our legal team and various experts. Our legal and expert comments will show negligent lack in details to the EIR regarding protocol level surveys required for special status animals such as: ESA listed steelhead, Western Pond Turtle, Foothill Yellow-legged frog, California Red-legged frog, Pallid and Townsend long eared bats. This project will severely impact over 87 designated wetlands due to deep soil racking and grading, re-contouring of slopes and dynamite blasting of headwaters of Milliken Creek for the next four years to plant wine grapes.

LRC recommends not approving the Draft EIR for Walt Ranch.

#### **Milliken Tulocay Sarco (MST) Groundwater Aquifer**

The Milliken Sarco, Tulocay, aka MST aquifer, which is groundwater serving this project is in detrimental over draft due to existing extraction/pumping. The Walt Ranch EIR ignores MST over drafting making claims that the groundwater will not come from the MST. As evidenced by Sarco and Tulocay Creeks, these creeks have been dammed, diverted and groundwater pumped until there is not a drop of water flowing through the lower elevation reaches of these streams of the MST most of the year. Yet history proves that salmon flourished throughout the Napa River watershed including these tributaries. This constitutes a tragedy of the Public Trust Doctrine which guarantees that the public has a right to fish, swim and recreate in our river and tributaries including Sarco and Tulocay tributaries. MST streams supply groundwater recharge to the MST aquifer. Tulocay and Sarco Creeks in their lower gradient stream reaches have significant cumulative impacts due to groundwater pumping and instream dams for vineyards, hence domestic wells have been going dry. This situation necessitated the development of the Napa County Groundwater Ordinance.

USGS Circular 1376 provides information about how groundwater and surface water are connected and excessive groundwater pumping depletes surface waters (see attached this email).

Milliken Creek still flows to the River year around and provides fresh water habitat year around for special status steelhead. Few streams out of the 53 tributaries provide year around flow to the Napa River. However historically, most tributaries provided significant fresh water flows all the way to the Napa River.

Unfortunately, the Napa River has gradually declined in flows since the 1970's due to diversions, small dams taking tributary water and extensive and excessive groundwater pumping. For the past 7 years the Napa River has been a series of stagnant pools where Chinook salmon and steelhead die for lack of oxygen. I have witnessed this.

Eli Asarian of Riverbend Science recently released a northern California study for National Marine Fisheries Service Coho Recovery Program, showing the historic steady decline in stream flows due to diversions and dams since the 1950s. Eli's study can be seen here:

Study: <https://docs.google.com/file/d/0B2p7GuVSL4OXSVIVMWM4WURXUDQ/edit>

Appendices:

<https://docs.google.com/file/d/0B2p7GuVSL4OXZHVydDUwU09HUTA/edit>

Riverbend website if you have trouble with the above links:

<https://docs.google.com/file/d/0B2p7GuVSL4OXZHVydDUwU09HUTA/edit>

Government has spent millions of public dollars restoring the Napa River, with such projects as Rutherford Dust and Oakville Restoration Projects, (funded largely by the tax payers) but this shall be for nothing because the summer aquatic habitats of the Napa River are mostly dry and may not support sustainable fish populations. Milliken Creek is one of a handful of tributaries supplying the Napa River with fresh flows but now it too is jeopardized by groundwater pumping throughout this tributary and recharge area of the MST. The EIR fails to properly describe the 'setting' of the project because it denies that the MST is part of the project.

**Questions:**

**Shouldn't the EIR correctly describe the groundwater setting by discussing all the tributaries that provide recharge to the MST and the status of that recharge?**

**Shouldn't this EIR discuss safe yield given the MST groundwater aquifer? Can there even be safe yield with this groundwater dependent project in the MST?**

**How many wells have gone dry in the MST in the last 20 years?**

**If Walt urbanizes to 35 houses, 35 wineries, 35 swimming pools and landscaping for 35 parcels, what will the additional groundwater demand be?**

**What if the 35 parcels expand their vineyards within their parcels?**

**What is the safe yield of groundwater given this build out?**

**Can the County provide a map that shows the parcels and vineyards blocks?**

I have been active in the environmental movement in Napa County since the early 1990. This project has stirred the grassroots people who are rural residents of Napa County because we have a lot to loose in eco-system values such as: healthy stream flows, groundwater availability, wildlife corridors, water quality, clean air, safe roads, carbon sequestration and quality of life. Vineyards climbing to the ridge-tops are not the best and highest use of the land because vineyards in wildlands destroys eco-system benefits to the public for decades .

The California Environmental Quality Act, aka CEQA, is the premiere environmental law of California providing an opportunity for the public to change a project that could cause environmental harm.

CEQA is a critical environmental tool to our survival on the planet because severe climate change is impacting us all. Hence, we are currently in drought made worse by human impacts to our environment.

Water availability is less than what population demands, therefore the natural environment continues to decline. In our own back yards of Napa the wine industry will have stripped our mountains of about 1,000 acres of forests not including bio-diverse chaparrals and grasslands just in one year. Our natural landscapes provide eco-system values such as: clean water and air and they sequester harmful C02 emissions. We don't need to look at deforestation in Borneo, Sumatra, the Congo or Amazon as we have our own brand of deforestation here in Napa; deforestation for luxury alcohol beverage. The mountains are sought after throughout the world to make 'premium wines that get \$9,000/ton vs. \$5,000/ton on the valley floor. This spells disaster for water quality and quantity, wildlife habitat, quality of life and a livable space for future generations.

Walt is severely impacting climate by clear-cutting 29,000 + trees. Forests are the single most important natural system of carbon storage reservoirs on the planet. Forests are declining world wide and Napa's wine industry is contributing to world wide deforestation of mountain landscapes.

**Shouldn't Walt Ranch EIR properly characterize the loss of 29,000 + trees and what that does to erosion, water quality and special status animals?**

### **Significant Cumulative Impacts**

Milliken watershed is unique and special due to high biodiversity and richness of flora and fauna. There are species of plants and insects no where else on the planet. Four years ago a new specie of caddis fly was found during biological surveys of benthic macro invertebrates. Napa County and the City of Napa fail to recognize that the Milliken watershed should be protected in perpetuity.

Walt Ranch will develop 355 acres of premiere vineyards. Additionally, at built out there can be 35 ranchetts, each with established vineyards and houses and wineries. The EIR fails to properly identify these significant cumulative environmental impacts.

Napa County Wine Industry Growth Mater Environmental Assessment 1990-2010 II Vineyard Development is a document that predicts environmental harm from wine industry development in Napa County.

Walt ECPA does not discuss nor mitigate for the harm to the environment as was predicted in this document.

### **Walt Ranch Access on Atlas Peak Rd.**

Halls/Walt Ranch purchased access from Atlas Peak Rd., with parcel # APN 033-010-058-000. The EIR claims that the project access road will be on Monticello Rd. LRC references and incorporates with LRC comments, Greg Gale's public hearing comments and slide presentation, submitted to the County on Wednesday November 12<sup>th</sup> and also attached herein to this email and or fax.

Knowing that the project can be accessed at the Atlas Peak parcel shouldn't these environmental impacts be discussed in the DEIR?

- New and increased traffic circulation from Atlas Peak Rd. to Monticello
- Walt Ranch has 2,300 acres of land with 35 parcels and each parcel has the potential to have residential and winery development. This type of development benefits from having access on both sides of the mountain-Milliken watershed, Atlas Peak Rd. through the ECPA area over the ridgeline into Capell watershed, to Monticello Rd.
- Increasing the traffic circulation value of the Ranch will increase urbanization of not only Atlas Peak Rd. but Monticello Rd. (Atlas Peak road is currently a dead end road at the top of the mountain) Halls will provide an access road over the mountain via parcel #APN 033-010-058-000
- With increased traffic circulation, i.e., Atlas Peak Rd connected to Monticello Rd., this opens up Agricultural Watershed land to urbanization the County supplies road improvements and utilities
- Increased circulation makes utility development more probable.

History of access:

2008 Notice of Preparation of DEIR. This states "primary access for the project site is located at 3438 Atlas Peak Road."

2012 Initial Study ECP. "Access for the project site is located at Circle Oaks Drive and at two points along State Route 121."

2014 DEIR. "Access to the project site is located at Circle Oaks Drive."

### **The Public is not Adequately Informed of Necessary Information and Data to Understand the Environmental Impacts**

The public continues to be at severe disadvantage when commenting on any erosion control plan due to releasing an inadequate draft erosion control plan:

1. Erosion Control Plans- in the EIR can not be read because the reduction of the plan to insert it into the EIR reduces the features/details of the plan to an illegible size. The public is not allowed blue print copies of the plan because the engineers claim their work product to be proprietary. While the public can view the blue print size at the County, this is not understood by the public nor can everyone get to the County to view the blue prints. The County should have copies available in blue print for check out purposes.
2. The public is not allowed to have well log information because there are laws calling this information proprietary. Yet, the CEQA promises transparent information sharing to protect the environment.

**How can the public understand what will happen to their groundwater aquifer if the public can not understand the amount of pumping by neighbors occurring in the aquifer relative to water availability?**

3. One person, the planning director decides on whether an ECP is adequate or not. The public does not get a public hearing unless special arrangements are made.

These are serious flaws in the due process of the public accessing information for projects that does devastating harm to our natural environment for a luxury alcohol beverage. The wine industry is not self regulating. They have lost their moral compass.

**Highest and Best Use of Wildlands**

Wine grapes are not the highest and best use of the land in our mountain wildlands and precious habitats. The County General Plan needs to change to protect our environment and quality of life. We can not afford to build out our open spaces to vines, mansions, wineries, tennis courts and heliports because the environmental impacts are devastating and future generations will be left with pollution, over drafted aquifers and poor quality of life. The General Plan must be protective of our open spaces for sustainable and livable spaces.

**Pollutants to the Napa River**

The Napa River is listed on the 303(d) list of the Clean Water Act for pollutants such as sediment, nutrients and pathogens.

**Shouldn't the Walt Ranch ECPA discuss nutrient as a pollutant to waters of the State and provide mitigation measures?**

**Other Hall projects are like Walt Ranch**

It should be noted that the Hall investors may have similar plans for Walt Ranch as can be viewed here and attached.

<http://www.hall-ranch.com/#!map/c1f6w>

**Will Walt Ranch become exclusive hobby vineyard estate properties in county unincorporated wildlands?**

**Alternative Project to the Walt Ranch Project**

The Walt Ranch is 2,300 acres of precious unique and special wildland habitats that provides eco-system values such as clean water, clean air, Co2 sequestration, wildlife habitat, rare and special status animals and plant habitats. This incredible richness and biodiversity of flora and fauna on this landscape has been determined to be biological hot spot in the world. The Walt Ranch should be protected. Public access for recreation and enjoyment of wild places is essential to the quality of life for the public. This is an opportunity for all to work together to protect this incredible landscape instead of producing more wine. LRC invites all to collaborate for conservation and protection of these wildlands in perpetuity.

The Napa County Planning Director should rely on the precautionary principal or precautionary approach to risk management that states that if an action or policy has a suspected risk of causing harm to the public or the environment, in the absence of scientific consensus that the action or policy is not harmful, the burden of proof that it is not harmful falls on the those taking an action.

LRC recommends that the Napa County Planning Director not approve the Walt Ranch draft environmental impact report due to its lack of meaningful and accurate discussion of environmental impacts and its failure to protect our natural resources.