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November 19, 2014

County of Napa
Planning, Building and Environmental Services Department
Attn: Kelli Cahill, Project Planner
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Via email: kelli.cahill@countyofnapa.org

Re: Walt Ranch Erosion Control Plan
Application: P11-00205

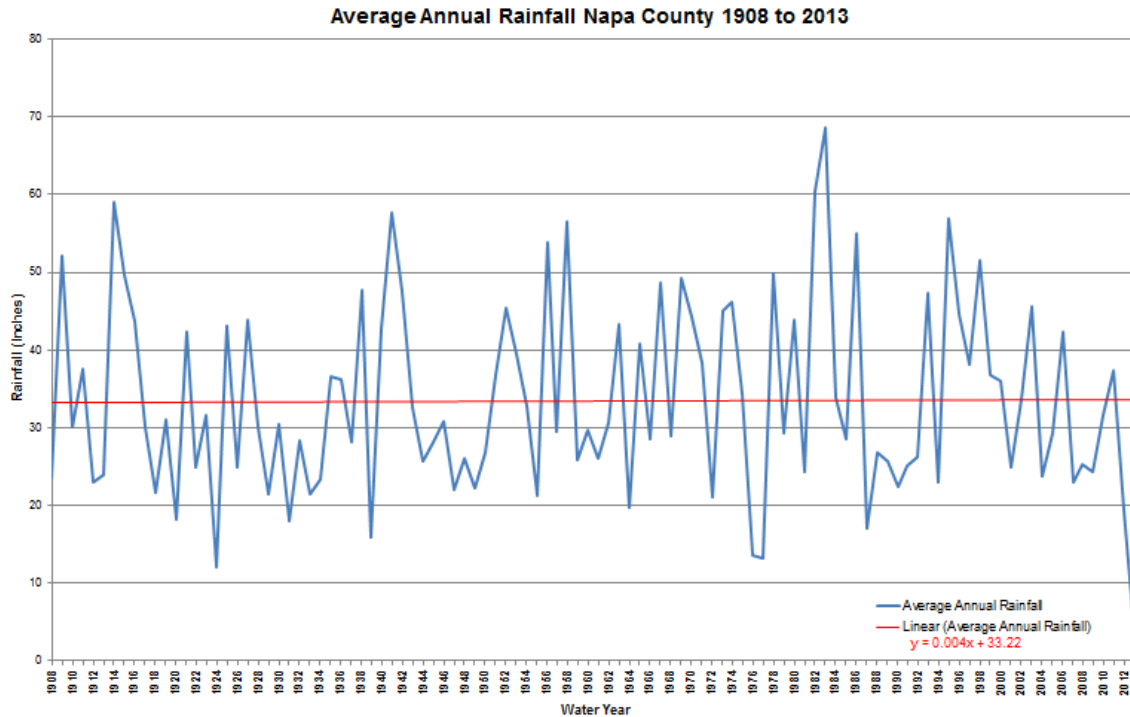
We are opposed to this project as it is too destructive to the environment it is being forced into and we feel that it is not so much a vineyard conversion project but an unstated real estate development project to build homes and wineries on this hilltop. The pristine oak woodlands and associated fauna of this parcel are worthy of public protection. This project threatens the home and land security of those who live on and around Atlas Peak. Since the availability of the draft EIR has been announced, we have spend countless hours reading it and trying to fathom its secrets. At the recent Public Forum we were told that the Halls owned a parcel that would seemingly allow them access to the Walt Ranch via Atlas Peak Road—a secret that wasn't in the dEIR. This seems disingenuous if not illegal. What other facts have been withheld?

Who actually owns this property and project? The name Hall Brambletree Associates LP shows up on the dEIR and land ownership records. Does Hall Wines LLC own the property? Who owns this corporation? The Hall's, and the President of Hall Winery, have stated at Board of Supervisor meetings that Craig and Kathy own the property, or that "my family and children own the property". Who is the true legal representative for this land? The property at 3438 Atlas Peak Road is owned by Hall Michigan. What is the relationship between each of these entities? The hydrology report states that it was performed for Hall Wines LLC. Who is the official correspondent for this EIR?

This project will cause irreparable harm to the water supply of many families as it is likely to remove more groundwater form the "aquifer" than can be replenished—especially under our current drought condition. There is no viable alternative to a net volume decrease of ground water. This groundwater should be under local protection as it lies in the MST watershed.

The dEIR fails to adequately address the full volume of water that will need to be pumped annually: The report mentions, but does not elaborate on, evapotranspiration on page 6 while the Edwards report (page 4) suggests that 3 feet/year could be lost from evaporation. Garrett Brown, a neighbor (4016 Atlas Peak Road), reported at the Public Hearing on November 12, 2014 that ponds on the top of Atlas Peak typically lose 6 feet/year due to evaporation. If the Walt Ranch loses 3' or 6'/year in each reservoir to evaporation, they will have to pump even more ground water to make up for this loss. The report fails to provide details for water loss in reservoirs to evaporation, the winds at top of hill, increasing global temperatures and the higher temperatures at top above fog coverage. Edwards says that if 35" of rain occurs annually that will make up for the evaporative loss. But that means the ground water will not be replenished. And during the recent drought the rainfall has been the order of 5", 85% less than Edwards estimates. Shouldn't the applicant be made to provide a more realistic estimate of total water removal from the ground water basin? As an alternate to the open reservoirs, shouldn't closed tanks be employed or covers over the reservoirs?

The dEIR erroneously uses average rainfall data from Napa State Hospital which is at ground level and miles away. They only show data through 2010 even though report is dated 2014; is this to hide drought data? They do provide Circle-S data through 2012 but not '13 or '14. The graph in the 2013 Napa County Crop Report (not cited in the dEIR) indicates the magnitude of the current drought. If only 5" of rain falls for several years, there will be a serious overdrafting if 213 AF of ground water are removed for this project. Shouldn't the well test be performed during this period of drought to more realistically represent well recovery and impact on neighboring wells? Why didn't they use the rainfall gauge on Milliken Creek for a complete data record?



The report tends to offer misleading statements. The dEIR states (p 4.6-11 and p 33) that Walt Ranch and Circle-S are not within the MST, that the MST is 2.5 miles southwest. However, they are in the MST watershed/drainage basin according to the USGS (see Figure 4.6-3). They are withdrawing water from a sloped area that feeds the MST groundwater deficient basin. The groundwater withdrawals should be under local protection like the rest of the MST is. As such, shouldn't their groundwater extraction be regulated as any other property in the MST? The County should require extensive, real-time and continued well monitoring of the Walt wells and other key wells such as properties in the Milliken watershed (Circle-S) including those immediately above the Milliken Reservoir and in Circle Oaks.

The project further threatens the water supply for all those who rely upon these watersheds as they suggest even drilling more wells. All tests were done assuming continued use of the existing onsite wells. *“In fact, both properties (Walt and Circle-S) will construct additional wells in the future, to help distribute pumping demand...”* (p 47) Shouldn't the County not allow the build out of the Walt Ranch due to the likely increased water usage on it and the adjacent Circle-S project?

The reservoirs are primarily located within the Milliken Watershed. Water is to be pumped to the “Capell” side for irrigation. In 1999, the Napa County Board of Supervisors passed a groundwater management ordinance regulating the extraction and use of groundwater in the county and requiring the issuance of a groundwater permit before development may occur. Because the MST basin is in

overdraft, groundwater uses are subject to unique restrictions. For example a groundwater permit in the MST basin cannot be issued if evidence exists showing that the proposed agricultural, commercial or residential development will increase the existing water use on that parcel beyond the fair-share amount or take more than its fair share of groundwater if there is no pre-existing use. Since there is no pre-existing use of water on this property, and since they will have to pump more than 213 af due to evaporation and suggested additional wells, is it legal to pump water from the water deficient Milliken Watershed over to another (Capell) watershed? Doesn't that imply the Walt Ranch will be using more than their fair share? Why would the county allow for this transport of ground water out of the MST watershed? Won't such transport ultimately require additional public costs to further extend the recycled water pipeline to those who will be adversely affected?

The dEIR fails to adequately deal with the slow recovery in well WR-3 after pumping for just 4 days (96 hours, 5760 minutes, 345,600 seconds). *“Based on the extrapolation, full recovery of the well would have likely occurred on July 15, 2009 **approximately one month after pumping ceased**. Figure 7 shows a graph of the water level data, with the extrapolated water level recovery data.”* The conclusions submitted are incorrect and misleading. They say they will not pump continuously, however, they do plan to pump 18 hours a day for 234 days, a level any reasonable person would say is pretty darn continuously. They state [therefore] *“any temporarily-induced water draw down will be able to recover.”* However, their own data suggests prolonged times to recover after just 96 hours of pumping. WR-3 drew down 26.9 ft. After a 120 hours (5d) only recovered 13.8 ft (51%). And after prolonged pumping, especially in drought, isn't it likely that this so-called rapid recovery phase will disappear? They assume that full recovery would take 1 month. Doesn't this really does suggest that if they operate the wells for 18 hours daily they will run out of water? Will this necessitate their need to truck in water? Is it appropriate to allow such a project to commence if it is likely that it will require trucked water from the state Water sources?

Given these above comments, it appears that the proposed project does not comply with the county's conservation goals: *“Goal CON-10: Conserve, enhance and manage water resources on a sustainable basis to attempt to ensure that sufficient amounts of water will be available for the uses allowed by this General Plan, for the natural environment, and for future generations. Policy CON-42: The County shall work to improve and maintain the vitality and health of its watersheds. Policy CON-53: The County shall ensure that the intensity and timing of new development are consistent with the capacity of water supplies and protect groundwater and other water supplies by requiring all applicants for discretionary projects to demonstrate the availability of an adequate water supply prior to approval.”* Does this project comply with County's Conservation Elements with regard to maintenance of pre-project ground water recharge potential?

The dEIR fails to evaluate the true impacts of the project, as well WR4 is deeper than WR3—no effect on its water levels were observed. Shouldn't they have run the test on the deeper well, WR4, to see effects on the more shallow WR-3?

The dEIR omits known facts: One might conclude that the authors of the report are hiding current literature that has a significant bearing on the conclusions of this project. The report cites many previous reports and findings about water in Napa County including USGS data from 1977 but not the more recent 2003 USGS monograph 03-4229. However, on page 15 in Appendix D they do obliquely reference the report (water Investigations Report 03-4229) so they know it exists. Some key findings of the report, Ground-Water Resources in the Lower Milliken–Sarco–Tulocay Creeks Area, Southeastern Napa County, California, 2000–2002 USGS 03-4229: *The ground-water system is recharged by precipitation that infiltrates, in minor amounts, directly on the valley floor but mostly by infiltration in the Howell Mountains. Ground water moves laterally from the Howell Mountains into the study area.*

The general decline in (MST) ground-water levels is a result of increases in ground-water pumpage and possibly changes in infiltration capacity caused by changes in land use (vineyards).

The largest water-level declines have occurred since the mid 1970s, corresponding with a period of accelerated well construction and ground-water extraction. (Won't this happen with pumping from both Circle-S and Walt?)

Ground-water level and geochemical data collected during this study do not support the notion that these storage units are hydraulically separate (page 4). The dramatic increase in irrigated agriculture is attributable to the emergence of drip-irrigated vineyards for the production of wine grapes.

The principal source of recharge to the groundwater system in the Milliken–Sarco–Tulocay Creeks drainage basin is precipitation within the basin; this recharge occurs as seepage from creeks, lakes, and man-made ponds, and areally as direct infiltration. Other significant sources of recharge are ground-water inflow from the Howell Mountains and, in the northern part of the area, ground-water inflow from the west.

The principal source of ground-water replenishment to the study area is lateral flow of ground water that is recharged in the Howell Mountains to the east of the study area. Additional ground water enters the study area by inflow through the permeable alluvium along parts of the northwestern boundary of the study area. The amount of inflow varies depending on the local distribution of hydraulic heads (page 71).

The observed variations in the chemical composition of ground water are consistent with that shown by the conceptual model of the study area which shows recharge in the Howell Mountains and lateral inflow around the northern, eastern, and southern parts of the study area. As ground water moves into and through the study area it reacts with and dissolves minerals in the rocks and sediments along the flow path, increasing the concentrations of some elements (page 72). Don't these statements indicate that the project could have a significant impact on water availability in the MST and MST watershed?

This report contains scant data but lots of conclusions. “On September 24, 2009, at the request of RCS geologists, Walt Ranch staff measured the static water level in Well WR-3 at a depth of 351.2 ft brp. This measurement was collected during a recent period of non-pumping, and the well had not been pumped for a few days prior to this measurement. Notably, this water level measurement is only 4.2 ft lower than the pre-test static water level measured in the well on June 10, 2009, despite the fact that this well had been used for irrigation purposes subsequent to the pumping test. This shows that the well did indeed continue to recover over time following the July pumping test as anticipated.” With no data collected or reported over the 3 months, they proclaim that recovery was, as *anticipated*, even though the well had been pumped. This doesn't tell us anything as we don't know how often it was pumped in the 106 days (2784 hours) since the well test. Shouldn't their conclusions be disregarded, as there is no real data to support them?

They used theoretical drawdown calculations using PUMPIT software. They suggest that the assumptions in the software are not met but use it anyway (p 35, 46) and then cite the results without the caveats. Doesn't this lessen the value of the conclusions?

RCS consistently uses the term conservative estimates: conservatively (?) estimated that 7% of the rainfall has the ability to deeply percolate into the underlying aquifers (they don't explain how the estimate was arrived at). They go on to state that given average rainfall of 35 inches, that 161af of water will be recharged (75% of the 213af). (p 48) However, in 2013, the rainfall was the lowest recorded since 1908, 5 inches. Therefore, only 23af will be replenished if it is even absorbed into the hydrophobic dry earth after a prolonged drought (10% of the 213af). Their rainfall data are not from Atlas Peak, they are from the Napa Hospital at ground level miles away. Aren't these conclusions seriously under estimating the lack of sustainability of the proposed pumping regimen? Won't this produce a drawdown of the aquifer? How can 96 hours of pumping serve to predict what impact daily withdraws over 240 days will have—and more importantly, 240 days during a drought?

This report is insufferable in its rephrasing and repeating of statements. They conclude (p 50), “It is our opinion that cumulative effects for the Walt Ranch and Circle-S Ranch vineyard development projects will not have a significant impact

on the groundwater production of others in the area.” Then they add, Additional Conclusions (p50): they repeat and strengthen their verbiage... Then add Key Recommendations (p53): wherein they commend Hall wines for monitoring wells; discuss what they will do if the water levels drop for them...

The report fails to note current expert opinion regarding stream flow depletion from ground water pumping. At 4.6-18 they state that, “Given the distance of the Walt Ranch wells from surface streams and creeks (greater than 1000 feet), the wells do not pump surface water or subterranean flow from any creeks.” However, the USGS report, Streamflow Depletion by Wells—Understanding and Managing the Effects of Groundwater Pumping on Streamflow USGS #1376: *Groundwater pumping reduces the amount of groundwater that flows to streams and, in some cases, can draw streamflow into the underlying groundwater system. Streamflow reductions (or depletions) caused by pumping have become an important water-resource management issue because of the negative impacts that reduced flows can have on aquatic ecosystems, the availability of surface water, and the quality and aesthetic value of streams and rivers.* Since the Walt Ranch proposes to do much of their groundwater pumping during the winter, isn't it reasonable to expect they will influence the flow of water into the Milliken Creek?

This report presents unsubstantiated conclusions regarding the cumulative effects. The adjacent Circle-S ranch project EIR discusses its impact on the MST. These two projects will have a greater net cumulative impact on the Milliken Creek watershed. The applicant needs to show cumulative analysis for CQEA. However, this EIR suggests there won't be any water issues [interestingly, both hydrology reports were prepared by the same firm]. What will the County do if the water supply to numerous families goes dry? There is no satisfactory mitigation for the hill going dry.

One has to question the veracity of this report given that they state, “RCS attempted to contact the COCWD on at least two occasions in 2010 to collect information on their water system, but to no avail.” Really—how bogus is that? They have had over 4 years to make that connection. It is specious to pretend otherwise.

The dEIR is full of statements that generally obscure how little actual test data was generated. *“The only deletions from the protocol of the aquifer test (albeit of no consequence to the test) were in regard to the originally-recommended pumping development and step drawdown testing of well WR-3; per the protocol, this work was to have been performed in advance of the constant rate testing. Due to project delays, time constraints, the summer start date of the pumping test, and the need to irrigate the vineyards, RCS determined that it was not feasible to perform these two minor tasks.”* This work was to be performed in 2009. Why wasn't it performed at a later date per the protocol? Why was it of no consequence if it was in the protocol?

The background well monitoring data are not complete e.g. *“WR-5 – As noted above, WR-5 experienced a brief period of unplanned pumping on June 4, and hence, its water levels showed a slow recovery in the first day or two of background monitoring.”* What is the significance of this, and the other disclaimers in this section? Shouldn't the “slow recovery” been quantified and discussed as that is the purpose of the entire well pumping study?

This project is not in compliance with the General Plan Safety Elements (June 23, 2009), Goal SAF-2: To the extent reasonable, protect residents and businesses in the unincorporated area from hazards created by earthquakes, landslides, and other geologic hazards. The Plan shows a photograph (Page SAF-2) of a massive landslide on Monticello Road/Highway 121 that occurred in 2006. This slide blocked the main highway for hundreds of families. The site is just 4 miles from the Circle Oaks Community where two homes slipped and there was a landslide during the same weather episode. The dEIR fails to address how blasting and other earth movements will affect the homes of Circle Oaks. Given the known landslip history of this side of Atlas Peak shouldn't blasting be prohibited for this project?

Given the numerous property and life threatening issues with the proposed project, we ask the County to insure us that it or Hall Brambletree LLC will maintain a cash reserve in escrow to compensate any party injured as a result of this project moving forward by loss of their home, roadway and associated infrastructure or water supply. We believe that it is in the best interests of the County and its citizens that an alternate project be proposed. We think that this land would best serve the citizens of Napa County by formal conversion to a wildlife conservation area: it is the best and highest use for this property.

Submitted by email November 19, 2014

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