



NAPA COUNTY DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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RECEIVED

JUN 10 2002

TRENT CAVE, R.E.H.S.
Director

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

June 7, 2002

Mr. John Marshall
15 Chateau Lane
Napa, California 94558

**(and property owners neighboring
15 Chateau Lane, APN 52-170-20)**

RE: Groundwater Permit Application # 90-00057
Assessors Parcel # 52-170-20

Dear Mr. Marshall,

Please be advised that the **Groundwater Permit Application #90-00057** has been tentatively approved by the Director of the Environmental Management Department. See the attached Tentative Decision conditionally approving the issuance of a groundwater permit.

APPROVAL DATE: June 7, 2002

The groundwater permit becomes effective on **June 19, 2002** unless a public hearing with the Director is requested before that date pursuant to Chapter 13.15 of the Napa County Code. You may appeal the conditions of approval by requesting a public hearing yourself. **As required, property owners within 300 feet of your property boundary are being notified of this tentative decision.** In the event the request for a public hearing is made by another, to the Director, you will be notified.

Very Truly Yours,

A handwritten signature in cursive script that reads "Christine M. Secheli".

CHRISTINE M. SECHELI
Environmental Health Manager

For: Trent Cave, Director

Cc: Property owners within 300 feet of APN 52-170-20
Conservation Development and Planning Department
Public Works

**NAPA COUNTY DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
APPLICATION NO. 90-00057 FOR GROUNDWATER PERMIT
(MILLIKEN-SARCO-TULOCAY GROUNDWATER BASIN)**

In the matter of:)	
)	
Application of John & Vera Marshall for the issuance of a)	TENTATIVE DECISION
Groundwater Permit to provide water to that parcel located)	(NCC 13.50.333)
in the unincorporated area of the County of Napa at 15)	
Chateau Lane, Napa, California (APN 52-170-20))	

The Director of the Department of Environmental Management has tentatively approved the use permit for Groundwater Permit Application Number 90-00057 based upon the following findings and conditions:

FINDINGS:

1. On May 9, 2001, John and Vera Marshall (“the Applicants”) completed an application to the Napa County Department of Environmental Management (“the Department”) for a groundwater permit for the parcel of land bearing Napa County Assessor’s Parcel Number 52-170-20 and located at 15 Chateau Lane, Napa, California.
2. The groundwater permit (“permit”) is for the development of approximately 4.48 acres of vineyard (with drip irrigation, no water for frost or heat protection and a cover crop to keep water use to a minimum) on a parcel consisting of 12 acres and a projected groundwater use of 2.88 acre feet per year.
3. In accordance with the Napa County Groundwater Conservation Ordinance, Napa County Code Chapter 13.15 (“Ordinance”), the Department has conducted a review of the Applicants’ application for a groundwater permit, including a review of Applicants’ declaration, the environmental determination of the Conservation, Development and Planning Department, the water availability analysis and written appraisal of the Department of Public Works (“the record”).
4. The water usage threshold for the area within the basin affected by the subject application has been established by the Department of Public Works at 0.30 acre feet of water per acre per year, or 0.5 acre feet of water for lots less than 1.66 acres in size. The applicant’s property is 12.33 acres in size which results in a threshold of 3.6 acre feet of water usage. The application indicates a projected water usage of 2.88 acre feet per year, which usage is below the threshold.
5. The conclusions made by the Department of Public Works are based on two factors. First, minimum thresholds for water use have been established by the Department of Public Works using reports by the U.S. Geologic Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood

Control and Water Conservation District. Any water usage which is at or below the established threshold is assumed not to have a significant effect on the affected groundwater levels within the MST basin, even if that groundwater basin is declining. Second, in forming its opinion, the Department of Public Works draws upon its knowledge and experience in the field of groundwater usage in general as well as its familiarity with the MST basin in particular. Facts and measurements obtained by the Department of Public Works and information provided by County Planning Department, and City of Napa are used to increase their knowledge, as well as results of independent studies conducted by hydrogeologic testing firms which are submitted pursuant to various development plans. Records are routinely analyzed to provide the Department of Public Works with an awareness specific to this region and to support rule-of-thumb estimates. This knowledge enables the Department of Public Works to offer an assessment based on their informed conclusions in addition to objective, factual findings.

6. The Director has reviewed the record for this application for compliance with the requirements of the Ordinance and any other applicable provisions of law. The Conservation, Development and Planning department conducted a review of the proposed project and completed an initial study to identify any significant environmental impacts per the California Environmental Quality Act. It was determined that due to the fact that the projected water use falls short of the accepted fair-share standards in the groundwater deficient region, no significant environmental effects are expected in the groundwater basin. The initial study reviewed the vineyard and associated erosion control project and no significant environmental impacts were identified. A Negative Declaration has been prepared and the written comment period ends June 18, 2002. The director has considered this determination of the Conservation, Development and Planning department in his decision. He has further considered the affect of the new water system or improvement as proposed in the permit application upon the impacted groundwater basin in Napa County, including: the impact on the affected groundwater table, negative impact on agriculture in the affected groundwater basin, degradation of water quality, adverse effects on the reasonable and beneficial uses of groundwater, and interference with surface water flows.
7. The Director finds that the application is in compliance with the requirements of the Ordinance. Based upon his review of the record, he further finds that the groundwater use proposed in the application will not adversely impact the affected groundwater table, will not have a negative impact on agriculture in the affected groundwater basin, will not degrade water quality, has no adverse effects on the reasonable and beneficial uses of groundwater, will not interfere with surface water flows, and will not adversely change the physical environment.

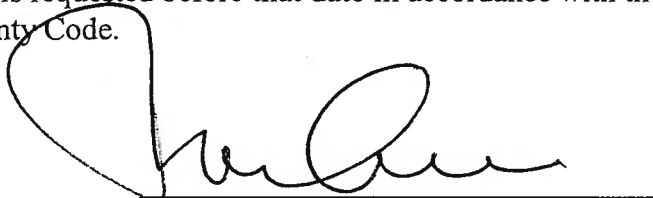
TENTATIVE DECISION:

The Director hereby determines that the issuance of the permit for the new water system or improvement will not significantly affect the impacted groundwater basin in Napa County. The Director hereby issues a tentative decision conditionally approving a groundwater permit for this application subject to the following proposed conditions:

1. The applicant shall install a meter on the wells serving the parcel to measure all groundwater used on the parcel. The configuration of the installation shall conform to a drawing prepared by the applicant and reviewed and approved by the Public Works Director.
2. On or near the first day of each month the owner shall read the water meter and provide this data to the Public Works Director during the first weeks of April and October. The applicant shall also convey to the Public Works Director, or his designated representative, the right to access and verify the operation and readings of the meters and well levels at any time.
3. The applicant shall also read the static level of the water in the wells during the first weeks of April and October and submit the data to the Public Works Director with the meter readings.
4. The property owner understands that the fair share water allocation for this parcel is 3.6 acre-feet per year.
5. If the total groundwater use on the parcel exceeds 3.6 acre-feet per year, this Permit may be subject to modification or revocation. Modification or revocation of the Permit shall not occur unless and until a hearing has been set for the purpose of determining whether the additional water usage is adversely affecting the Milliken-Sarco-Tulocay groundwater basin or the static water level of neighboring wells and, if so, whether the conditions of the Permit should be modified or the Permit revoked. Notice of that hearing shall be given in the same manner, and to the same individuals, that received notice of the issuance of the Director's Tentative Decision. Notice shall also be personally served on the Applicant or their succor in interest
6. The public comment period for the Negative Declaration of the proposed project is May 30, 2002 through June 18, 2002. The Conservation, Development and Planning Department intends to adopt the Negative Declaration on June 19, 2002. If the Negative Declaration is not adopted on June 19, 2002, this tentative decision shall be reconsidered and re-noticed in this same manner, once said Negative Declaration is complete.

EFFECTIVE DATE: This tentative decision shall become final, effective **June 20, 2002**, unless a public hearing with the Director is requested before that date in accordance with the provisions of Chapter 13.15 of the Napa County Code.

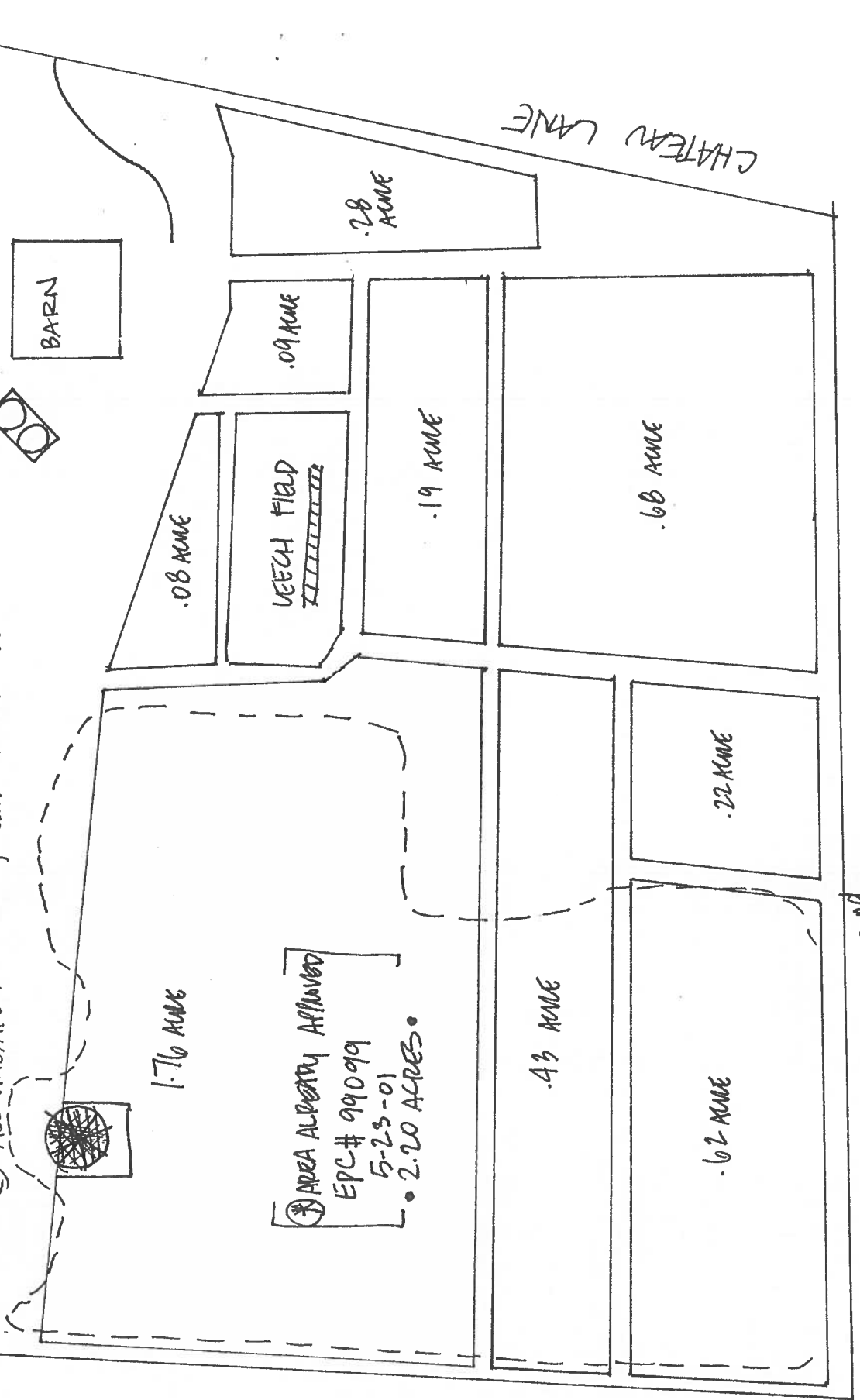
Date: **June 7, 2002**



Trent Cave, Director
Department of Environmental Management

MARSHALL VINEYARD

- ⊛ NO CLASS 1, 2, 3 STREAMS WITHIN 150 FEET OF THE DISTURBED AREA.
- ⊛ NO PEAR PENNING EXISTING OR PROPOSED
- ⊛ NO EXISTING VINEYARD
- ⊛ TOTAL DISTURBED AREA: 5.2 ACRES
- ⊛ ALL VINEYARD ROWS ARE 10', INCLUDES TURN ABOUNDS



⊛ AREA ALREADY APPROVED
 EPC # 990999
 5-23-01
 • 2.20 ACRES •