

**From:** [Tof\\_DG](#)  
**To:** [MeetingClerk](#)  
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Napa County Planning Commission:

How can your conscience allow any more winery/vineyard/water-use expansion in the Simmons Canyon Creek Watershed?

The Emperor has no clothes. Simmons Canyon Creek watershed is dead. No matter how much “reassurance” from “experts” of abundant water when seeking permits or “blessing” of permit violations, the water just ain’t here, no mo’. Our wells are dry. Water trucks roll constantly up and down Pickett and Rosedale (*4 trucks daily just for Treasury!*). Have for years. Pickett Road Wine Company’s own wells evidence the decline. All the flowery words to obfuscate and confuse can’t “water down” the reality - water’s gone. Simmons Creek has been murdered, RIP - September 2020. Our well, RIP - September 2020. Neighbor’s well, RIP - September 2020.

A week before Glass fire, for the very first time in the 100 years that we have sustainably farmed the Simmons’ watershed, Simmons stopped flowing. Stopped moving. Dead. Disconnected little pools of water, filled with algae, scummy, stinky. Dead fish? Thank you Napa County officials for dewatering Simmons Creek and harming every living creature within its watershed. And then, our well went dry.

My creek - Simmons Canyon Creek, an incredibly lush blueline stream; yes, “teeming” with fish, wildlife, trees, flowers, the Tofanelli kids and WATER! State docs refer to Simmons as “Intermittent” because, in summer months, it historically undergrounds before it gets to the Silverado Trail, then resurfaces several hundred feet to the west, along the historic Tucker property, then continues to the Napa River. Desk jockey-techs would never know that - have to walk the creek. Until last September, it flowed EVERY day, for the last 100 years, all along our property and the Calistoga Waste Water Ponds to the Napa River. Not “intermittent”.

We lived in the creek all summer after working in the vineyard. We swam, rafted, tubed, fished, splashed - every warm afternoon. Then Simmons would flood in winter, filling the basement. One year, mom tied my brother’s raft to the back steps as the creek kept rising - she was sure we’d have to float out. My family has lived sustainably in the Simmons watershed for almost 100 years. Our creek was the sole source of domestic water for our property until we drilled the well in 1954. Then the creek kept watering the gardens and orchards.

But NOT the vines. Grape vines do not require irrigation. Water equals tonnage, tonnage equals gallons, gallons equal money. Real old-vine, dry-farmed wines are the most intense and the most sought after - and naturally limited. But there’s an even bigger market for millions more gallons - watered-down or not. Little known is the fact that most of the wine produced in Napa County, using our water and other resources, is not made from grapes grown here. Per 2015 crush data, less than 1/3 of all grapes crushed here are grown here. *Almost 70% (68.5%) of all grapes crushed in Napa County were trucked in* - so they can print a prestigious Napa address on the label, which brings way more consumer cash.

In 1968, the Board of Supervisors approved then-controversial regulation to create the nation's first, and now much-revered (*in name*), Agricultural Preserve. Their intent was to save the land from being paved over at a time when so much prime ag land was being lost to shopping malls and subdivisions and Napa Valley was just starting to be carved up. At that time, our number one ag product was CATTLE! Animals and animal feed were worth four (4) Times (400%) what Napa grapes were worth. Four (4) times!

Their intent was not to create a tourist industry that would become so successful for some that it now threatens that which we originally sought to preserve. They sought, instead, to secure the public trust by saving our rich soils for future food production. Unintended consequences.

As former Supervisor Mark Luce pointed out: *"I don't think we protect agriculture because it's an economic engine. We protect agriculture because it's a principle that we protect agriculture and I think that's what we did in 1968. I don't think it was that the Board said 'we're going to get rich by protecting agriculture'. It was just saying that agriculture is important to feeding people and supporting the world."*

So how did we get here? and why? We used to elect/appoint officials who understood their fiduciary duty to the public trust - brave enough to fight for then-controversial protections. Now forgotten, the battles were legendary.

But how did we get here, now? Money. Greed. We now elect officials who are beholden to the wine/tourist industry. The industry has even managed to change the legal definition of "agriculture" in Napa County to now include sales (*parties! events! = highest and best use of the land!*). No amount of evidence of aquifer overdraft presented by the public, and/or experts hired by the public, is ever deemed credible by the county, which advocates solely for the project applicant. So all wineries (*except one!*) and vineyards are approved. No matter how remote, steep, dangerous or dry (*Mountain Peak?*). And no matter how much water is trucked in. (*Or waste hauled out, but that's a story for another day.*)

Napa County applies a groundwater formula that basically allocates 1 acre-foot of water annually per 1 acre of valley-floor land (*whether water is really there, or not*). So, a 12-acre winery is assumed to be able to draw 12 acre-feet of water annually without impact. What grand fiction! Ask winery owner Kirk Venge. Built his winery in 2010, (*permitted per the county's "1 acre = 1 acre-foot" formula*), he had to immediately truck water in. Then, despite all the public testimony about area dry wells and neighbors forced to truck water as well as the fact that the former owners (*an older couple with no lawns or pools*) needed 4 wells, he proceeded to sue the widowed former owner, apparently for not disclosing water problems!

Where does the water come from? Truck after truck, grinding pavement down, clogging roads, hauling water to remote locations that should never be "farmed". Most of it from city hydrants that really pipe it from the Sacramento Delta via that good ol' fixer, the North Bay Aquaduct! Treasury alone hauls 4 trucks almost every day into Pickett/Rosedale. Neighbors curse the trucks up and down, up and down, all day, eating pavement - many apparently going right into the subject winery.

So, while city residents with no other option are rationed, vineyard managers just load up at city hydrants and truck all that water (*that the residents are prohibited from using - rationing,*

*right?*) out to irrigated vineyards planted on dry land. As our well is now dry, we're also forced to buy Napa city water - for as long as Napa city will allow. When will Napa shut down the vineyard hydrants to protect their residents? I've attended meetings where this is seriously discussed.

Ever since the Ag Preserve was created forces have determined to defeat its intent. And they have succeeded. Napa County's "Agricultural Preserve" has nothing to do with preserving real, sustainable agriculture - but it's a great marketing slogan. Monuments to it are all over the county. And Napa County officials, over the years, have knowingly and willingly violated their fiduciary duty to the public trust by allowing continuous overdraft of the ground water aquifer for private benefit. Without water we cannot grow food.

*"Under the Public Trust Doctrine, the trust property is the environment. The government is the trustee of these natural resources and must manage them subject to fiduciary duties, for the benefit of both present and future generations, who are the beneficiaries of the public trust."*<sup>1</sup>

1. Quirke, Douglas, The Public Trust Doctrine: A Primer (University of Oregon School of Law Environmental and Natural Resources Law Center, 2016), 2.

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Calistoga  
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Napa County Farm Bureau President 2013-16

PS: Common sense demands NO VISITATION during PSPS or RED FLAG days...

Addendum:

I have been "witnessing" and warning for 40 years of the dewatering of our watershed. I incorporate by reference files which are too large for email: all water documentation that I have submitted to the County of Napa at various public hearings, from 1984 forward, on the following winery use permits and issues: Clos Pegase, Girard, Pavitt, Venge, Fisher, Paoletti, Canard; water data submitted to the 1990 WDO FEIR by Napa County Environmental Engineer Jill Pahl; 1990 WDO FEIR, Dunaweal Lane area well logs/legend, 2016 Ag definition hearings.

And when did Simons Creek fall ill? When Cab was first planted along Simmons/Pickett and then expanded into Eisele Vineyard in 1969. That's when the creek first started to suffer. It dramatically declined through '70's - '80's. More wineries and irrigated vineyards reduced it to a mere trickle - finally stopped September 2020. Revived a bit with rains over winter. Trickling now - but in a few days it will die again.

During those years, dry farming was forced to change. We never before had to irrigate new plantings. Ground water level was so high, the roots easily extended without initial watering. Now, we have to water (by manually-placed drip or bucket) for 2 years or the little cuttings die. Very obvious evidence of withdrawal of aquifer. Very expensive, labor intensive; replant costs may be prohibitive for many small farmers.

And the ultimate pain for a 100-year Napa County sustainable dry-farmer? Despite all our

efforts and warnings, we have no water. We are forced to bring in storage tanks and truck water from Napa City hydrants. Not to mention adding necessary water filtration systems - never needed before. Very costly in ways not often considered.

Tofanelli well / drilled 1954 / 120' deep

Static level: 2/14 = 12'

Static level: 9/20 = 120'

Static level: 2/21 = 100'

sited about 50' from Simmons' bank

*Only he can understand what a farm is, what a country is, who shall have sacrificed part of himself to his farm or country, fought to save it, struggled to make it beautiful. Only then will the love of farm or country fill his heart.*

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