

Mount Veeder Stewardship Council

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December 16, 2014

Napa County Planning Commission
County Administration Building
1195 Third Street, Suite 201
Napa, CA 94559

Re: Napa County Planning Commission Notice of Intent to Adopt Mitigated Negative Declaration
Girard Winery Use Permit No. P14-00053
Hearing Scheduled for December 17, 2014

Dear Planning Commission:

The Mount Veeder Stewardship Council submits the following letter in Opposition to the Girard Winery Use Permit Application currently pending before the Napa County Planning Commission, and urges the Planning Commission to reconsider its intent to adopt a Negative Declaration for the Winery Use Permit.

The goal of the Mount Veeder Stewardship Council is to encourage sustainability of our natural resources and to ensure that the rich biodiversity and rural quality of life in the private and public lands of our pristine watershed are respected, conserved and protected for future generations through education, local community involvement and outreach to government and business stakeholders. At this time, the Mount Veeder Stewardship Council is concerned about the approval of new uses for water, during the drought.

Based upon our review of the Girard Winery Use Permit Application and subsequent submittals, it is our opinion that the Planning Commission should not adopt the proposed Negative Declaration, due to the fact that an adequate analysis of actual water available for the project was not performed, nor did the Planning Department take into consideration, while reviewing this application, the fact that California is currently in a serious drought.

The Project Fails to Consider Several Water Related Concerns

The Planning Department fails to require the applicant to provide any actual water availability data in support of its application. While the applicant does say that it will use a well on the parcel, as the source of water for the project, there is no data provided as to the amount of water

produced by that well.

The Water Availability Analysis for Napa County presumes that there is 1.0 acre feet of water per year available under each acre of land on the Valley Floor, and without providing any actual data, the applicant just performs the simple math calculations to say that in theory there is sufficient water beneath the site, based upon the Napa County Phase 1 Water Availability Analysis.

This presumption was formed years ago, when California was not experiencing a drought, and this presumption is flawed. In the midst of the drought, to assume that the same amount of water is available, as during a year with normal or higher than normal rainfall, after three years with less than normal rainfall is not supported by any evidence.

California Water Code section 106 states “It is hereby declared to be the established policy of this State that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation.”

Water Code section 1254 states “In acting upon applications to appropriate water the board shall be guided by the policy that domestic use is the highest use and irrigation is the next highest use of water.”

The use of water, for a winery, is neither domestic, nor is it irrigation, accordingly, it is a less important use of water, as set forth by the State of California.

The Planning Department has failed to consider state law in the allocation of scarce water; that domestic water use is the primary use of water, and irrigation is secondary use of water. The proposed Girard Winery is neither domestic use nor is it irrigation. It falls into a category lower than domestic and irrigation uses.

The Project Fails to Address Actual Water Availability for the Project

While the application indicates that there is a well on the parcel, which also serves a winery and vineyard on an adjacent parcel, there is no hard data in the Water Availability Analysis to show that the amount of water necessary for this project, as well as the other winery and vineyard, is available at this location. There are no well tests, or pump tests submitted with the application, to substantiate this claim.

Furthermore, the amount of water used by the existing winery and vineyard, on the adjacent parcel, appears to be based upon numbers provided by the County, rather than actual records showing what the actual amount of water is which is being used by the current adjacent winery operation and vineyard operation.

The lack of analysis of the water available for the site, as well of the lack of consideration of how the drought has and will impact the water availability at the site, the lack of required controls for water usage on the project, to deal with what could be a prolonged drought, all suggest that a thorough review of the actual water available for this project has not been performed.

The adoption of a negative declaration for this project is not appropriate. At the very minimum, the applicant should be required to provide actual water data on its well to address water availability.

The County Fails to Consider, the Cumulative Impact of the Project on Napa County

Before any issuance of a Negative Declaration for the Girard Winery Use Permit application, applicant and the County must consider how the addition of yet another winery, with more events for visitors, will impact the County as a whole. There has been no such consideration or discussion of how the continued approval of winery after winery will impact the County of Napa. At what point does the County reach a level of saturation of wineries? This analysis should consider all predictable and cumulative impacts such as traffic, noise, waste water, water, air, carbon and quality of life for those of us who call Napa County our home.

In the Negative Declaration, on page one, the number of visitors projected for this project, total 28,860¹ daily visitors and 1,600 visitors at large events, for a total of 30,460 visitors per year.

On page 14 of the Negative Declaration, the number of visitors projected for the Girard Winery, 31,200² daily visitors and 1,600 visitors at large events, for total of 32,800 visitors per year.

Page 1 of the Negative Declaration allows 30,460 visitors per year, yet, page 14 of the Negative Declaration allows 32,800 visitors per year at the winery. Which number is correct?

Does Napa County need another winery with over 30,000 visitors per year, adding to the already significant traffic on the roadways in the County? The Mount Veeder Stewardship Council thinks that it does not.

Adoption of a Negative Declaration for the Gerard Winery Project Would Set a Bad Precedent in the County

In the County of Napa, any approval of a use permit application must comply with California

¹75 visitors per day for five days a week, plus 90 visitors per day for two days a week, both for 52 weeks per year, for a total of 28,860 visitors.

²75 visitors per day for four days a week, plus 100 visitors per day for three days a week, both for 52 weeks per year, for a total of 31,200 visitors.

law, including the California Environmental Quality Act, and the California Water Code, as well as County policy. As set forth above, the Girard Winery Use Permit application fails to comply with CEQA.

The Girard Winery Use Permit application raises the question as to whether the Napa County General Plan even contemplates approval of water intensive uses, in this case a winery, in areas in the County which are lacking in water resources. The Mount Veeder Stewardship Council believes that it does not.

The core of the 1976 Land Use Element (since protected by Measure J) was an analysis of the "intrinsic suitability" of land for development, which took into account the County's understanding of water availability, at that time. Today, the County has a better, but still incomplete, understanding of water use and water availability throughout the County. There is increased competition for water from springs, streams and wells. Today, more rural properties are suffering the effects of water shortages.

The adoption of a Negative Declaration for the Girard Winery Use Permit, at this time, without an adequate study of the actual amount of water available for the project, would set the stage for a whole class of applications, whose cumulative impacts would severely harm the County, its resources, and their neighbors.

Accordingly, this use permit and any upcoming permit applications should be seriously weighed by the Planning Commission, and should contain a complete and thorough analysis of actual water availability, during this, California's worst drought, in the history of the State, instead of resting upon the faulty assumption upon which the County currently relies for water calculations.

The Mount Veeder Stewardship Council objects to the adoption of a Negative Declaration for the Girard Winery Use Permit Application, and respectfully requests that the Planning Commission not adopt the Negative Declaration for the Girard Winery Use Permit, and instead have the applicant conduct an Environmental Impact Report, addressing cumulative impacts of the project and requesting the applicant to provide additional information regarding water availability for the project.

Respectfully Submitted.

MOUNT VEEDER STEWARDSHIP COUNCIL


Gary Margadant, President