

Correspondence Received at the  
February 21, 2012  
Planning Commission Hearing



Napa Pipe Comments

My name is Burt Bundy. I am a farmer and Board member of Los Molinos Mutual Water Company. I am also President of Mill Creek Conservancy, a landowner based watershed group formed in 1994. Both organizations strongly oppose any change of use of water from Mill Creek. Mill Creek is one of three or four central valley streams with remaining native runs of the endangered Spring-run Chinook salmon. Mill Creek also supplies water for about 7,000 acres of important farmland

1. *The EIR is inadequate because it does not:*

- Address Spring-run Chinook Salmon; an endangered species.

The EIR only discusses the life stages of Fall-run Chinook; which has a completely different spawning regime than Spring-run Chinook. There is a Management Agreement in place between MCC, LMMWC, DWR, and Fish and Game that stipulates flow criteria for fish passage during critical periods during the spring and fall. Loss of this water to help supplement these critical flows could impact this program.

- Discuss the cumulative impacts to water users on Mill Creek, or to the economy of Tehama County. The price paid by Napa Pipe has already stimulated interest in other adjudicated water rights holders. The loss of additional water will not only impact the fishery, but because the decree sets co-relative use of the water for all users, the shareholders of Los Molinos Mutual Water Company will be harmed. This cumulative impact is not addressed.

2. *The EIR is inaccurate because it:*

- Assumes that the water is a year around water right. Historically, water has been only diverted during the irrigation season - about 5 months of the year. The EIR mistakenly calculates the water for the whole year.
- Miscalculates the water available in dry years. The EIR uses the decreed optimum flow of 203 cfs and does not use historic records that have shown flows as low as 70 cfs during some summer months. The Napa Pipe allocation is reduced proportionately as the flows decrease. Napa Pipe proposes to use water when Los Molinos Mutual is anticipated to need the water the most.

This ill-conceived scheme to take water from it's origin where it is needed for both agricultural production and endangered species is wrong. It brings to mind the rape of the Owens Valley by the City of Los Angeles nearly a century ago. I ask that you reject this project or any thought of using Mill Creek water to supply it.



Minahen, Sarah

**From:** Trippi, Sean  
**Sent:** Tuesday, February 21, 2012 9:41 AM  
**To:** Minahen, Sarah  
**Cc:** Gitelman, Hillary  
**Subject:** FW: Napa Pipe - Planning Commission Hearing  
**Attachments:** NapaPipeLW.2.20.2011.doc; NapaPipe11.17.09x.doc; NapaPipe1.12.10BOS.doc; NapaPipe7.14.2011.SH.doc

FEB 21 2012

AGENDA ITEM  
NO. 9A

Hi Sarah – This is correspondence for this evenings meeting.

**From:** Lucy White [mailto:lucyw@pearcenet.com]  
**Sent:** Monday, February 20, 2012 1:15 PM  
**To:** Trippi, Sean; 'Keith Rogul'; talk@ahomefornapans.com; 'Napa Pipe'  
**Subject:** Napa Pipe - Planning Commission Hearing

Napa County Department of Conservation Development & Planning:

Attached and shown below is my letter in response for the Planning Commission Hearing tomorrow regarding Napa Pipe.

Sincerely,

Lucy White

Please note that I have previously submitted letters from Robert and Lucy White dated: 11/17/09 CDPC, 1/12/10 BOS, 7/14/11 HG regarding Napa Pipe, which are also attached. I do not understand why at least my 11/17/09 letter was not included in the list of Commentors.

February 20, 2010

Sean Trippi, Principal Planner  
 Napa County Department of Conservation Development & Planning  
 1195 Third Street, Suite 210  
 Napa, CA 94559  
[sean.trippi@countyofnapa.org](mailto:sean.trippi@countyofnapa.org)

Dear Planning Commission:

An integrated design relies on all the various elements to create a sound structural working project. Keith Rogul has worked with the county to adjust and readjust his vision to adapt to restrictions and limitations. The county has continually moved the target farther and farther away from a viable plan, playing with the architectural structure of the plan to the point where it would have a fragile foundation to develop and operate. The county should be there to guide the basic direction, not control and destroy the fundamental core of this project. This plan has integrity with a long term vision – meeting the demands of mandated housing in an eco state of the art community, and the goals of the General Plan\*.

The General Plan and "State legislation..., advance the State's goals of coordinating land use and transportation policies, reducing vehicle miles travelled and combating climate change...this Housing Element incorporates a number of policies and programs aimed at reducing vehicle miles traveled and greenhouse gas... This includes directing new housing development to urbanized areas, thus preserving open space and agriculture and placing homes close to existing job centers, transit, and services; promoting jobs/housing balance and affordable and workforce housing so that workers can find suitable housing near their places of employment; and encouraging and facilitating development of higher-density housing where appropriate. Collectively, these policies and programs will help to limit the impact of new housing development on greenhouse gas emissions and create opportunities to reduce greenhouse gas emissions from existing and future development."

Napa Pipe meets and exceeds the requirements and objectives of the General Plan, including State required housing. It is irresponsible to delay this project. Beyond the great benefits of the development itself, there are the construction jobs, reclaimed and redeveloped land and waterways, and modern aged transportation solutions in a smart growth community.

Napa Pipe is the only viable area for the development of new housing as identified in the General Plan.\* The other three option were obviously never intended to be developed and do not meet the criteria of the General Plan itself. Angwin, Moskowitz Corners and Spanish Flat were the other areas

identified for housing – Where are the jobs near these locations?, How do these areas reduce greenhouse emissions? What are the transit services in these areas? The General Plan requires Site Specific readily available areas to be identified for the future housing. What options are there to the four identified areas which were chosen, through long and costly studies?

Napa Pipe was purchased in 2005, with the DEIR submitted in 2009. The county red tape has cost millions of dollars to Keith Rogul, along with whatever county funds, taxpayer funds, were used to delay the project. The economy which would have been generated by this type of project since 2009 has been lost to this county. The project needs to break ground with the plan that Keith Rogul has submitted – the jobs need to begin, the housing needs to be built, the land needs to become useful as a community.

Sincerely,

Lucy White

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Quotes from the NAPA COUNTY GENERAL PLAN HOUSING ELEMENT follow:

**\*APPENDIX H-1: HOUSING SITES ANALYSIS AND INVENTORY**

State law requires that a Housing Element include an inventory of available land that is appropriately zoned and suitable for housing development to accommodate the County's RHNA. This inventory focuses on sites that are, or can be made available for housing development that could be affordable to households with moderate, low, and very low incomes (i.e., parcels that can accommodate housing at higher densities).

County staff conducted site visits and a suitability and constraints analysis for each of these areas. ... four areas that would be suitable for affordable housing: 1) Angwin, Sites A and B, 2) Napa Pipe, Sites A and B, 3) Moskowite Corner, Sites A, B and C, 4) Spanish Flat, Sites A, B, C, D, E, and F

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**HOUSING  
INTRODUCTION**

Since its establishment in 1969, California Housing Element Law has mandated that California local governments develop plans to supply housing to current and future residents, regardless of income level. (h) Napa Pipe zoning is proposed for enactment per Housing Development Program H-4e. The Study Area land use designation allows for industrial uses but envisions site-specific planning, rezoning, and...

After a review of the County's progress meeting objectives outlined in the 2004 Housing Element and a summary of the County's current housing needs, this Housing Element presents the County's overall housing goals....

The objectives are applicable for the Housing Element planning period (from July 1, 2009 through June 30, 2014, or as may be amended by State law)....

Although the goals are not categorized, the policies, objectives, and programs are classified into six different categories, as follows: 1) Rehabilitation, 2) Affordability, 3) Special Needs, 4) Housing Development, 5) Removal of Governmental Constraints, 6) Energy and Water Conservation

In addition, Appendix H-1 of this document provides a summary of the sites that have been identified and will be made available for the development of housing to accommodate the County's regional housing need allocation (RHNA) for the Housing Element compliance period of January 1, 2007, through June 30, 2014....

**One Coordinated Vision**

Although this Housing Element addresses a range of housing-related issues specific to the unincorporated County in compliance with State law, and is primarily intended to facilitate housing affordable to all economic segments of the community, this Housing Element also furthers a vision that is shared by all jurisdictions within the County. This vision is grounded in Napa County's rural character, its agricultural economy, and each jurisdiction's commitment to combat sprawl by directing growth to urban areas. While facilitating housing in rural Napa County would appear to be at odds with this vision, the State's mandate is clear, and the sites and programs presented in this Housing Element have been tailored carefully to focus primarily on land within already designated urbanized areas of the unincorporated County...

This Housing Element's goals, policies, objectives and programs have also been coordinated with goals, policies, and action items in other sections of the Napa County General Plan. Specifically, the Housing Element is designed to further land use and transportation policies that support using a variety of strategies to address long-term housing needs (Policy AG/LU-30) and using a coordinated approach to land use and circulation, thereby promoting a healthier community (Policy CIR-4).

**Lucy White**

February 20, 2010

Sean Trippi, Principal Planner  
Napa County Department of Conservation Development & Planning  
1195 Third Street, Suite 210  
Napa, CA 94559  
[sean.trippi@countyofnapa.org](mailto:sean.trippi@countyofnapa.org)

Dear Planning Commission:

An integrated design relies on all the various elements to create a sound structural working project. Keith Rogul has worked with the county to adjust and readjust his vision to adapt to restrictions and limitations. The county has continually moved the target farther and farther away from a viable plan, playing with the architectural structure of the plan to the point where it would have a fragile foundation to develop and operate. The county should be there to guide the basic direction, not control and destroy the fundamental core of this project. This plan has integrity with a long term vision – meeting the demands of mandated housing in an eco state of the art community, and the goals of the General Plan\*.

The General Plan and “State legislation... advance the State’s goals of coordinating land use and transportation policies, reducing vehicle miles travelled and combating climate change...this Housing Element incorporates a number of policies and programs aimed at reducing vehicle miles traveled and greenhouse gas... This includes directing new housing development to urbanized areas, thus preserving open space and agriculture and placing homes close to existing job centers, transit, and services; promoting jobs/housing balance and affordable and workforce housing so that workers can find suitable housing near their places of employment; and encouraging and facilitating development of higher-density housing where appropriate. Collectively, these policies and programs will help to limit the impact of new housing development on greenhouse gas emissions and create opportunities to reduce greenhouse gas emissions from existing and future development.”

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Napa Pipe is the only viable area for the development of new housing as identified in the General Plan.\* The other three option were obviously never intended to be developed and do not meet the criteria of the General Plan itself. Angwin, Moskowite Corners and Spanish Flat were the other areas identified for housing – Where are the jobs near these locations?, How do these areas reduce greenhouse emissions? What are the transit services in these areas.? The General Plan requires Site Specific readily available areas to be identified for the future housing. What options are there to the four identified areas which were chosen, through long and costly studies?

Napa Pipe was purchased in 2005, with the DEIR submitted in 2009. The county red tape has cost millions of dollars to Keith Rogul, along with whatever county funds, taxpayer funds, were used to delay the project. The economy which would have been generated by this type of project since 2009 has been lost to this county. The project needs to break ground with the plan that Keith Rogul has submitted – the jobs need to begin, the housing needs to be built, the land needs to become useful as a community.

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**3906 Silverado Trail / Calistoga, CA 94515 / 707 799 2120**  
**Fax 707 942 4824 / [lucyw@pearcenet.com](mailto:lucyw@pearcenet.com)**

**HOUSING  
INTRODUCTION**

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**Robert & Lucy White**

November 17, 2009

Napa County Planning Commission  
1195 Third Street  
Suite 305  
Napa, CA 94558

Comments RE: Napa Pipe Draft EIR

Dear Commissioners;

My thanks go out to Keith Rogal, Richard Walsh, and Caspar Mol for choosing Napa County, and Napa Pipe as a project for Napa Redevelopment Partners. After years of having been an essentially deserted industrial area, the marred the first image of Napa can be transformed by the project. The vision of Rogal, Walsh and Mol for Napa Pipe has the potential of becoming mulit-tiered solution for many issues of Napa County, and has more definitively presented its merits under the Draft Environmental Impact Report [DEIR].

Napa Pipe is ideally located to serve as a gateway for Napa County for those coming from the south, integrating the past industrial elements, a river-front setting, with an introduction to food, wine, retail and community. The development would also create a destination for locals, a supplemental revenue source and most importantly housing in a modern environment. In terms of the DEIR, this location supports the existing economy and stimulates a new economy, with the benefit of protecting the agricultural lands of Napa Valley.

The Napa Pipe community would offer housing for the workforce nearest to the largest concentration of jobs. There are currently 21,000 cars coming into Napa everyday. Nearly half of the 34,000 jobs in Napa, are within four miles of Napa Pipe. The DEIR reveals that with transportation options such as pedestrian walkways, bicycles trails and boats, along with minimization of auto use due to "close to work" housing, Napa Pipe would create a healthier more sustainable environment for everyone. Mitigation measures are identified in the DEIR regarding traffic issues.

Napa County needs to meet the future with environmentally and financially responsible solutions for housing, business and agricultural sustainability. The county does not have another solution other than Napa Pipe. The project needs to move forward so that Napa can realize the enormous benefits it has to offer. The DEIR incorporates the review of an extensive cleanup and reconstruction which remediates land and water contamination and structural inadequacies, to environmental standards for habitable dwellings and public access. Flooding of Napa Pipe is lessened by the raised areas, which is affirmed by the DEIR.

If Napa Pipe were not to be built as the multi-use for which it is designed, and were to remain industrial only, the status quo environmental quality would suffice to meet industrial standards. Napa County would be endorsing substandard environmental practices. A Remedial Action Plan [RAP] has been approved for soil and groundwater. It has been proven that there is more than adequate ground water to support the development, and the ground water should be used, rather than tax the city of Napa's water resource. Consideration has been taken regarding the Napa Airport, subsequently the very south end of the property would not be residential. DEIR concludes that land use proximity to the airport is not an issue.

Those who are vocal against this project are jeopardizing the future viability of the entire county. The matrix of the Napa Pipe development is integral to the success of Napa County businesses – new and old. Newly developed areas, such as Riverfront Napa and Ox Bow Public Market, along with businesses in Napa will benefit from Napa Pipe. Napa has to ride the wave of global current trends, otherwise the county will fade in its glory, at the demise of many businesses and wineries. With Napa's "unfriendly"

**Robert & Lucy White**

reputation to developers and businesses, if Napa Pipe does not succeed there may not be other opportunities for anything comparable. In fact it is amazing that the Napa Redevelopment Partners are still able to proceed with Napa Pipe financially in today's economy. The August 2009 Metal Architecture Magazine stated, "Many potential clients are unable to secure financing for construction, so there are considerably fewer projects that are moving forward..." by Matthew Dumich, AIA, Valerio Dewalt Train Assoc, Inc, Chicago.

Napa Redevelopment Partners purchased the Napa Pipe property in 2005, the initial application for "Napa Pipe" was submitted in 2007, March through July 2009 there was extensive development and involvement in the DEIR by governing and supportive entities, and the public, the Final Environmental Impact Report [FEIR] is planned for completion mid 2010. Then the caveat - two years of site development and 10 years of construction – only after "the County approves the requested General Plan and zoning changes in addition to a development plan, development agreement and design guidelines." This project has been, and is subjected to excessive controls and manipulations. America "was" built on the free enterprise system, the governing officials roles should be guidance for the protection of the integrity of the county and its economic prosperity.

The DEIR technically supports the Napa Pipe as a smart growth land use project. Napa Pipe will be an environmental statement, housing solution, reclaimed and recycled land area, eco architectural endeavor which will add a balanced dimension to Napa County. I look forward to the realization of the Napa Pipe Project.

Sincerely,

Lucy White

**Robert & Lucy White**

January 12, 2010

Napa County Board of Supervisors  
1195 Third Street  
Suite 305  
Napa, CA 94558

Comments RE: Napa Pipe Draft EIR

Dear Supervisors:

The DEIR has been given double the normal 45 days for review and public comment. Any further extension steps outside any reasonable guidelines. The energy that has been wasted on various stalling tactics should have been put to constructive use and development – such as creating a cleaner environment, jobs, housing, walkways, water access, in an eco-community.

For the property purchased in 2005, we should be seeing groundbreaking not bickering. We need the benefits that Napa Pipe will offer, the longer it is delayed, the longer it will be before Napa will see the many solutions the project and the mitigations will bring to our community. Our land, waters, roads, community infrastructure will all be improved by the development of Napa Pipe.

I would question the motivation of those requesting the extension of the DEIR review period - three former county leaders: former Napa County Supervisor Mel Varrelman, grapegrower and former Napa County Planning Commissioner Will Nord and former Napa County Administrator Jay Hull - those people who would most know the standard review period for public comment on a Draft EIR. The Draft had been open to government and public input since March of 2009. The official public comment period should have been adequate.

It is very strange that Will Nord\* a former Planning Commissioner, grapegrower/developer, with 83 acres of vineyard on the edge of Yountville, managed in November of 2009 to subdivide this precious ag land into six parcels, additionally involving complex lot line adjustments. While Napa Pipe offers appropriate development south of Napa, protecting the agricultural lands, offering an economic and environmental jumpstart to the entire county.

Sincerely,

Lucy White

\*<http://naparegister.com/articles/2009/11/27/news/local/doc4b0f677c5de41963844785.txt>



**Lucy White**

July 14, 2011

Planning Napa's Future Housing

Napa Pipe was purchased in 2005, ideally timed to be incorporated into the General Plan. It is irresponsible for anyone to back step the progress of getting the development of Napa Pipe underway. It is a malicious intent to try not to develop housing, required by the state and needed in the community, by seeking exemptions for a rural area. This is not just a rural area, it is the Wine Producing Napa Valley Destination, with restaurants, spas, accommodations, galleries and wineries – all of which need the support of employees.

Napa Pipe is the only viable housing development in the General Plan, and creates an environmentally responsible and sustainable community. The Napa Pipe community would offer housing for the workforce nearest to the largest concentration of jobs. There are currently 21,000 cars coming into Napa everyday. Nearly half of the 34,000 jobs in Napa are within 4 miles of Napa Pipe. With transportation options such as pedestrian walkways, bicycles trails and boats, along with minimization of auto use due to "close to work" housing, Napa Pipe would create a healthier more sustainable environment for everyone. Napa Pipe is much more than housing, it is a sustainable community – if offers open space, water ways, senior care, day care, restaurants, retail, light industrial, road improvements – it is a model for smart living.

The matrix of the Napa Pipe development is integral to the success of Napa County businesses – new and old. Newly developed areas, such as Riverfront Napa and Ox Bow Public Market, along with businesses in Napa will benefit from Napa Pipe. Immediately when the ground breaks, jobs will be created. It will take two years of site development and 10 years of construction – only after "the County approves the requested General Plan and zoning changes in addition to a development plan, development agreement and design guidelines." If Napa Pipe does not succeed there may not be other opportunities for anything comparable. What other site specific land is being considered for housing development? What developers are proposing to develop housing in Napa County? The county does need to identify other site specific locations which will add to, and compliment Napa Pipe, replacing the General Plan's three areas which were never intended to be developed.

Napa Pipe will be an environmental statement, housing solution, reclaimed and recycled land area, eco architectural endeavor which will add a balanced dimension to Napa County. This location supports the existing economy and stimulates a new economy, with the benefit of protecting the agricultural lands of Napa Valley.

Sincerely,

Lucy White





Building Communities. Changing Lives.

CDPC  
MEETING

FEB 21 2012

AGENDA ITEM  
NO. 9A

February 16, 2012

Ms. Hilary Gitelman  
Director  
Napa County Dept Conservation, Development & Planning  
1195 Third Street  
Napa, CA 94559

**RE:** Napa Pipe proposal

Dear Ms. Gitelman:

As you know, MidPen is one of the nation's largest non-profit developers of affordable rental housing and we have been actively pursuing opportunities for housing low and moderate income residents in Napa County. During our 40 years of operation, we have witnessed significant changes in public policy, housing finance, neighborhood design, and community demographics. Throughout, our success shepherding affordable and mixed-use projects from concept to completion has been due in no small part to a management philosophy which has emphasized both social and fiscal responsibility. On that basis, we are acutely aware of the fine balance required between achieving public objectives and satisfying private sector underwriting criteria so that public/private ventures can truly succeed in the long-term.

The need for affordable housing in Napa County is well documented. As a result, every development proposal should be evaluated carefully and thoroughly to ensure that no opportunity to address this need is missed. We have been impressed by the creativity and foresight invested in the Napa Pipe development proposal, both by the applicant as well as County staff, officials, and broader community stakeholders. We urge the County to avoid actions that might undermine the long-term success of this much-needed housing project which will transform an underutilized brownfield property into an ecologically restored and economically vibrant neighborhood.

Sincerely,

Mathew O. Franklin  
President

RECEIVED

FEB 21 2012

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.





**Minahen, Sarah**

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**From:** Gitelman, Hillary  
**Sent:** Tuesday, February 21, 2012 8:09 AM  
**To:** Trippi, Sean; Minahen, Sarah  
**Subject:** FW: Opposition to Napa Project  
**Attachments:** Napa Pipe line.doc; Signature page 10.pdf

**CDRC  
MEETING**

**FEB 21 2012**

**AGENDA ITEM  
NO. 9A**

Comments for the Commission and the File...

Hillary Gitelman  
Director of Conservation, Development & Planning  
1195 Third Street, Napa, CA 94559  
(707) 253-4805

**From:** Luce, Mark [<mailto:MARK.LUCE@countyofnapa.org>]  
**Sent:** Tuesday, February 21, 2012 7:23 AM  
**To:** Gitelman, Hillary  
**Subject:** FW: Opposition to Napa Project

FYI

Supervisor Mark Luce  
Napa County District 2  
President, Association of Bay Area Governments  
1195 Third Street Suite 310  
Napa, California 94559  
707-253-4386  
[mark.luce@countyofnapa.org](mailto:mark.luce@countyofnapa.org)  
707-738-7319 (mobile)

-----Original Message-----

**From:** Kerry Burke [[burkelanduse@gmail.com](mailto:burkelanduse@gmail.com)]  
**Sent:** Monday, February 20, 2012 03:31 PM Pacific Standard Time  
**To:** Luce, Mark  
**Cc:** b  
**Subject:** Opposition to Napa Project

Dear Mr. Luce, The Mill Creek Conservancy is opposed to the Napa Project since it relies upon critical habitat water from Mill Creek, Tehama County over 150 miles from the project site. The FEIR does not address any of the serious environmental problems that would result in Tehama County and to the endangered wild Spring run Chinook salmon and Central Valley steelhead that reside in Mill Creek and depend on this water. Please read our letter that outlines the adverse impacts that will harm Tehama County and the protected fish.

Thank you for your consideration of this important matter. Kerry Burke

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Kerry L. Burke  
Burke Land Use  
34 Amesport Landing

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Half Moon Bay, CA 94019  
650-726-1738 phone/fax 650-438-2684 cell



Kerry L. Burke

BurkeLandUse@gmail.com / 650-726-1738

February 17, 2012

Mike Basayne, Chair  
Terry Scott, Vice Chair  
Bob Fiddaman  
Heather Phillips  
Matt Pope

**Subject: Napa Pipeline project opposition & impacts to Mill Creek, Tehama County**

Honorable Commissioners:

As the Resource Coordinator of the Mill Creek Conservancy; a resident of Mill Creek, California on a family ranch with a Conservation Easement; as a former Tehama County Planning Commissioner and as a Land Use professional, I strongly object to the importation of critical habitat water from Mill Creek that supports endangered spring run Chinook salmon and Central Valley steelhead to allow an urban project in Napa County.

The folly of this proposal is too much to fathom given the fact that OCID purchased a Mill Creek water right for conservation purposes now only to sell a portion of the water right for this intense urban development in Napa County that is over 150 miles from the water source in Mill Creek, Tehama County.

The proposed water grab from Tehama County is not addressed in the EIR and has significant Endangered Species Act and CEQA issues that are not addressed in the document or to the impacted area – Tehama County. In fact, in the Project graphics in the Water Supply Assessment for the Napa Pipe Project document there is no scale and no mention the Runyon Dam is 150 miles from Barker Slough, Napa County and the entire Mill Creek watershed drainage encompasses an area over 200 miles from Barker Slough.

There has been no outreach to the stakeholders in Tehama County that would be adversely impacted by a Project that cannot be supported by the necessary services in Napa County.

You cannot make the findings for a General Plan Amendment for this project since it does not meet the necessary findings of public benefit for the impacted area in Tehama County. This Napa County Project will be extremely detrimental to the endangered species including the Mill Creek Spring Run Chinook salmon and the Central Valley steelhead since the Project seeks to change a water right designated as an environmental benefit to a water right to allow the urban, intense development of the Napa County project.

I have reviewed the Water Supply Assessment for this project and have the following questions and comments.

**Numerous serious questions come to mind:**

Where in the EIR does it discuss cumulative impacts to Mill Creek?

How much pressure will be created from this Project that seeks to convert a historic irrigation water right into a urban water right for the rest of the water right holders in Tehama County?

Where is the assessment of urban water rights demand on critical habitat and existing agricultural uses in Tehama County?

Where is the Biological Opinion from USFWS, NMFS and the California Fish and Game?

Where is the acknowledgment of the amount of money spent and to be spent on enhancing the critical habitat for spring – run Chinook salmon and steelhead to secure adequate habitat for these special species that are present in Mill Creek, Tehama County.

Where is the approval from SWRCB to allow a transfer of water from Tehama County to Napa County for an entirely different type of use?

Where is the approval of Tehama County Board of Supervisors, Planning Commission, Tehama County LAFCO etc. to allow such a dramatic change in the water right and exportation of Tehama County water to Napa County?

Why wasn't there a separate environmental document and hearings for the use of Mill Creek water in Tehama County?

Why can't Napa County follow its own rules and only allow development that the existing service providers can service without going 150 miles outside their boundaries?

Doesn't Napa County have sustainable development goals? How can the importation of water from 150 miles away to support intense urban development be considered sustainable?

How is being dependent on a water source over 150 miles away a smart approach?

Why is it OK to utilize rural critical habitat water for an urban project 150 miles away from the source?

Where is the data about climate change, drought conditions that could impact the Mill Creek source?

What about the federal or state mandate to protect the critical habitat for the endangered Mill Creek Spring run Chinook salmon?

Why weren't the impacted stakeholders including residents of Mill Creek, the Mill Creek Conservancy, The Nature Conservancy notified of this project?

Why would you degrade the existing purpose of the water right for urban development?

### **Comments on Water Supply Assessment for the Napa Pipe Project:**

Page 1 – states “Importantly, the type of water purveyor used will not have any significant impact on the availability of the water resources described in this WSA.

***Response/Comment – It will have a substantial adverse impact if critical habitat Mill Creek water is utilized by this project and this is not adequately address in the EIR.***

Page 4 – states “In addition to local groundwater, the Project intends to use imported surface water when it is available.”

***Response/Comment – Can a Project be any more tenuous? How much pressure will be put on the critical habitat water in Mill Creek in the future? The EIR does not adequately address the cumulative adverse impacts to the critical habitat in Mill Creek.***

Page 4 – states “The Project applicant has secured the right to substantial surface water rights in the Sacramento River system and plans to convey that water to the Project site by working cooperatively with the Napa County Flood Control and Water Conservation District, AmCan, CON, and California Department, which are the entities with interests in the Napa County portion of the North Bay Aqueduct and local water conveyance facilities.

***Response/Comment – Why doesn't the document reveal that the surface water right is 150 miles away? Why are only the local interest entities listed and not the impacted entities of the water source? Where are the interests of the critical habitat in Mill Creek considered?***

Page 10 states – in Section 1.5.2 Imported Surface Water Supplies – “Data is not available to calculate the specific quantity of water (Mill Creek is implied) that could be conveyed by CON to the Project, but it is known that some capacity is not fully utilized by CON and might be made available to the Project.”

***Response/Comment – Can a project be any more tenuous? How much pressure will be put on the critical habitat water in Mill Creek in the future? The EIR does not adequately address the cumulative adverse impacts to the critical habitat in Mill Creek.***

Page 11 states – “In order to provide value to AmCan or CON(or both) for their services in conveying water from Barker Slough to the Project, NRP may assign the unneeded portion of the Mill Creek water right described above to the cities for use within their respective water service areas.”

**Response/Comment – Not only does this Project utilize critical habitat water that was adjudicated for irrigation uses only and currently results in water recharge in Tehama County, it will be sold piece meal to other urban development schemes far from the source. Where is this additional impact addressed in piles of documents for this Project?**

Page 22 states: “While CON currently provides water to the Project site for industrial purposes, NRP and CON have not reached agreement regarding the terms and conditions under which CON would provide water service to the Project.

**Response/Comment – Can a project be any more tenuous? How much pressure will be put on the critical habitat water in Mill Creek in the future? This Project is not appropriate to utilize critical habitat water.**

Page 23 states – “CON could agree to provide water service to the Project. A charter city may provide water service outside of its boundaries, and in fact CON already does so in several locations.”

**Response/Comment – The entire length of Mill Creek from Lassen Volcanic National park, through several Nature Conservancy easements, USFS land, State Refuge areas, ISHI wilderness and private property is not a Charter City. The vast majority of the Mill Creek watershed in state and federal land that is has numerous policies, laws and programs and budgets for resource protection. Also the majority of the land within the Mill Creek watershed is zoned as rural and there are numerous policies to protect this sensitive area within the Tehama County General Plan, USFWS policies, Fish and Game policies and USFS policies. This is totally responsible to put this type of pressure of converting critical habitat water for use 100 miles downstream for urban use.**

Page 25 – states “The city, county or other land use agency considering land use approval must then analyze the environmental impacts of providing water to the project based upon the public water supplier’s analysis and any other relevant considerations.

**Response/Comment – The residents of Tehama County, the landholders within the Mill Creek watershed, the endangered species that we have been working to preserve all are relevant considerations. Where is the outreach to local California Fish and Game, USFWS, the Mill Creek Conservancy, Tehama County and Los Molinos Mutual Water Board? Mill Creek and Tehama County will be adversely impacted by this project and there has not been adequate disclosure or analysis of the impacts to this sensitive habitat area.**



Page 54 – lists Goal CON 11 & 12 that serves to protect and preserve groundwater resource in Napa County for agricultural and rural uses.

***Response/Comment – Why is it OK to rob the groundwater recharge function that critical habitat Mill Creek water provides for Mill Creek. The Project would result in groundwater use in Tehama County has not been addressed in the EIR as an adverse impact.***

Page 71 states “ A change (of water right) is subject to environmental review under CEQA, and the petition to SWRCB should include all project features or mitigation measures required to avoid significant impacts.”

***Response/Comment – Mill Creek is critical habitat to spring run Chinook salmon and Central Valley steelhead. Any possible change from the existing legal irrigation use, that provides groundwater recharge and benefit to the environment needs to be evaluated as part of the Napa Project. If the Napa Project is approved the pressure to convert the critical habitat water will be tremendous.***

Page 72 states – The only exception is that local jurisdictions may regulate surface water transfers that rely upon increased groundwater extractions.

***Response/Comment – Where is the analysis that proves that the Project will not result in additional groundwater extractions in Tehama County to counter the loss of exported water?***

Page 74 – Figure 4 Mill Creek General Location

***Response/Comment - Why is there no scale on this map that would show the actual distance of Mill Creek to Napa that is 150 miles. Also why doesn't the map show the entire watershed, with the headwaters of Mill Creek are in Lassen Volcanic National Park which is over 200 miles from Napa County? Why are does the document not ever state how far the proposed imported water is from Napa County?***

Page 80 – “5.3.1.3 Mill Creek Conservation / Restoration Effort”

***Response/Comment – This section does not address the decades of effort and the millions of dollars spent and that are currently dedicated to restoring critical habitat for the Spring-run Chinook salmon and the Central Valley Steelhead that are present in the Mill Creek Watershed. This report does not disclose that the wild Mill Creek Spring-run Chinook salmon travel from the valley floor to over 5,000' elevation to spawn. It does not disclose that this is the highest elevation habitat for wild-spawning Spring Run Chinook salmon that are genetically specific to this watershed. This section does not disclose the countless volunteer efforts of the local community, the local schools, the Mill Creek Conservancy, The Nature Conservancy, the monitoring and screen work of Department of Fish and Game, the support and partnerships with Lassen Forest Service, Lassen Volcanic National Park, UFSWS, and grants from local, state and federal agencies. The effort to preserve and protect these endangered species has been comprehensive and heart felt by the Tehama***

*County community. The proposed Napa PROJECT is at total odds with the local Tehama County efforts to protect our natural resources.*

Page 80 states- "OCID originally acquired the water right with the intent to dedicate the water to a specific environmental restoration project."

Response/Comment – *The intent use of the critical habitat water must remain as an environmental restoration project purpose. The water transfer would not have been approved for downstream urban uses 150 miles away! The Napa Project approach is a strong arm tactic to change resource water into dense urban development and is totally inappropriate and adverse to the health of the critical habitat area of Mill Creek.*

Page 81 states – "According to the Agreement, no further grant, instrument, deed or agreement shall be necessary to make the Option effective.'

Response/Comment – *That is very convenient for the parties to the Agreement, however the water is being used for a different purpose than that it was sold for, therefore, it should not stand. The Agreement does not cover ESA and CEQA issues and should be cancelled.*

Page 82 – states - "Morgan and Growler Hot Springs are located along Mill and Canyon Creeks just north of Highway 36. The last additional geothermal input into Mill Creek occurs just north of the town of Mill Creek. These springs have a seasonal and diurnal variation but contribute about 10 to 15 percent of the stream flow."

Response/Comment – *Morgan and Growler Hot Springs are located on private property owned by my family since the 1920's. There has been no measurement allowed in recent history of this springs. Also our family knows of no other geothermal input just north of the Mill Creek Homesites (not a town). It is total misinformation that these very small springs could contribute 10 – 15 percent of the stream flow in Mill Creek. This is such a ridiculous claim that it makes all the other "facts and figures" suspect in this "report" for the Project.*

Page 83 - "5.3.4. Mill Creek Biological Resources"

Response/Comment – *This section does not come close to disclosing as mentioned above the biological importance of the Mill Creek spring-run Chinook salmon. Dept. of Fish and Game does annual surveys of the salmon population and has verified spawning fish at 5,000' on private property. This unique wild fish must have all the available water within this watershed to survive.*

Page 83 states- "The stakeholders on Mill Creek, including U.S. Forest Service, California Department of Fish and Game, DWR Mill Creek Conservancy and LMMWC, have worked to develop a long-term strategy to manage Mill Creek since approximately 1990."

Response/Comment – *Why haven't the Project proponents come to any of the agencies and organizations mentioned above for endorsement of the Project? There was no attempt to*

*involve the local agencies in evaluating the Napa Project. The Mill Creek Conservancy does not support use of Mill Creek water for the urban Napa Project.*

*Since no public hearings were held in Tehama County, it is doubtful that any landowners or local Mill Creek agencies officials have even heard about the change in use from environmental benefit to urban development for the Napa Project.*

Page 83 – states “The proposed change of part of the OCID water right to use at the Project would further than(sic) recommendation by providing additional flows in lower Mill Creek downstream of Runyon Dam.”

***Response/Comment – This claim is totally unsupported by data. Also the Forest Service has no property downstream of Runyon Dam. Where is the specific endorsement of USFS for this Napa Project?***

Page 88 states – “As proposed, the assignment and change of the OCID water right for the supply of imported surface water to the Project would consists of several elements: a change in the point of diversion from Runyon Dam on Mill Creek to Barker Slough Pumping Plant in Barker Slough, downstream from the original point of diversion; change in the place of use from the Patrick and Word Orchard parcels and LMMWC service area to the Project site in Napa County; and the change in the purpose of the use from irrigation to municipal and industrial use.

***Response/Comment – This is a major environmental problem that is not addressed in the EIR – the changing the use from irrigation water that stays in Tehama County and recharges the groundwater for our critical habitat needs to exporting the critical habitat water to Napa County for residential, commercial and industrial use. The water right was not sold for this purpose and should not be allowed. The water right was sold for environmental benefit purposes only not for monetary gain by developers 100 miles from Mill Creek.***

Page 89 states – “The proposed assignment and change of the OCID water right for the benefit of the Project will have incidental benefits to salmon and steelhead habitat on lower Mill Creek generally and the MCWEP specifically.”

***Response/Comment – Where is the concurrence of this statement with Dept. of Fish and Game, MCWEP and all the Tehama County stakeholders? That is an outrageous statement without any merit unless you have all local parties provide data to support this unsubstantiated claim. This does not take in to account the irrigation water recharge benefits and the potential additional urban demands on critical habitat water once the Project is built.***

Page 92 – states – “In order to make water available for the Project. OCID would notify LMMWC that the Water Transfer License agreement of April 1, 2005 is terminated for 2.00 percent of its 5.57 percent water right. As provided in the agreement, LMMWC is required to “relinquish all right, title and interest to any flows of said water upon due notice of OCID.”

Response/Comment – How can the Project force the Water Transfer License be terminated for a new urban use that is not consistent with the original agreement with LMMWC for conservation use for a project 150 miles away?

Page 92 “Although NRP hold the option to purchase the Mill Creek water right from OCIS, NRP would assign the water right to an entity in Napa County for future use at the Project.....

Response/Comment – ***In this current and foreseeable extended period of public agencies austerity why would any Napa County agencies want to manage a water right that originates from Lassen Peak, over 200 miles away. NRP is misusing all the agencies including LMMWC to get their development done, pick up a fat profit from the Project and leave all the true stakeholders dealing with an adverse use of critical habitat Mill Creek water for a Project 150 miles away.***

Page 93 states – “The impact of reduced diversions by LMMWC would never be greater than 2 percent of Mill Creek diversions, since the Project water right would be set at the amount during periods of low flow.”

Response/Comment – *The change in use from irrigation water to domestic water for distance development sites will put unknown pressure on all the other remaining water rights for Mill Creek. This document states that the remaining 3.57 percent for a total of 5.57% can be sold to other Napa County water customers. Where will it stop! 2% of critical habitat is 2 % too much water to export.*

Page 93 – “While less water would flow through the remaining LMMWC canals, the relatively small percentage reduction described above would not be expected to cause any measurable impact to riparian habitat.

Response/Comment – *This claim is totally unsupported by any information. This is critical habitat and the Project must prove that is is not detrimental. Also the Forest Service has no property downstream of Runyon Dam.*

Page 94 states – The next question is whether an assignment and change of the OCID water right would injure any water user on the Sacramento River downstream from the confluence with Mill Creek.

Response/Comment – ***The real and first issue is that the assignment and change of the OCID water right from environmental benefit to residential, municipal, industrial use 150 miles away will adversely impact the source stream.***

Page 94 states – As an adjudicated right, the water right that would be acquired by NRP is considered legally secure.

Response/Comment – *By whom? The Project proponents? This statement does not take into account the current situation and the change in use. A substantial change must trigger ESA review and CEQA review. There is a higher authority and this claim has not been substantiated or approved by State Water Resource Control Board.*

Page 95 states- Based upon historical practices, it is expected that a transfer could be arranged that would meet those conditions and gain SWRCB approval, such as the transfers described above.

***Response/Comment – None of the examples cited involved critical habitat for the wild Mill Creek Spring Run Chinook salmon that spawn at 5,000' elevation. Therefore the claim that this Project to change irrigation water and the point of diversion by 100 miles would gain SWRCB approval is false. Both the change in use and the exportation of critical habitat water have substantial Endangered Species Act and CEQA issues that must correctly be addressed.***

Page 143 states- "Based on the general policies of LAFCO, that agency's approval might be required for an extension of service to the Project; such an extension would be consistent with LAFCO policies and would be expected to be approved."

***Response/Comment – This claim is totally unsupported since the Project should also be processed through Tehama County LAFCO that would rightfully evaluate service impacts for Tehama County from the Project.***

The Napa County Planning Commission should have the EIR redone to address impacts to Tehama County. You cannot certify an EIR that does not address all potential impacts from this substantial urban project and you can not make the necessary findings for General Plan Amendments when there are adverse impacts to the public in Tehama County. Napa County officials should seek input from Tehama County and all the local stakeholders including all landowners on Mill Creek prior to making a decision on this ill thought out Project.

Recently the Mill Creek Conservancy had to testify the San Joaquin River Restoration Project that is funded from a lawsuit brought against water users that destroyed the salmon habitat in the San Joaquin River. That project seeks to take spring run Chinook salmon from Mill Creek and put them in a river that only goes to the dam face at 800'. If that is not bad enough, now our endangered species face a threat of urban development in Napa County that would use their water for short-term monetary gain.

**Napa County should develop a Project that can be supported and sustained by Napa County, not Tehama County critical resources. The importation of Mill Creek water for the Napa Pipe Project is an ill conceived PIPE DREAM since it makes no sense for responsible development, the adverse impacts to Mill Creek critical habitat and Spring run Chinook salmon and Central Valley steelhead have not been considered, and the specter of increase conversion of irrigation water for urban development 150 miles away in an urban area totally ignored for the greed of a project that can not be supported by local services.**

**Please do not certify the flawed EIR.**

**It does not address adverse impacts to  
Mill Creek, Tehama County.**

**The insatiable developers need to redesign the Napa Project so  
that does not involve critical habitat Mill Creek water.**

Respectfully yours,

Kerry L. Burke

Cc: John McDowell  
Napa County Board of Supervisors  
Tehama County Board of Supervisors  
Mill Creek Conservancy  
The Nature Conservancy  
Department of Fish and Game  
Lassen National Forest  
USFWS  
Napa Valley Register  
Red Bluff Daily News  
Sacramento Bee  
Chico Enterprise  
San Francisco Chronicle  
Trout Unlimited

Mill Creek Conservancy  
40652 Hwy 36E  
Mill Creek, CA 96061

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Red Bluff Daily News  
Sacramento Bee  
Chico Enterprise  
San Francisco Chronicle  
Trout Unlimited

Mill Creek Conservancy  
40652 Hwy 36E  
Mill Creek, CA 96061





**Minahen, Sarah**

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**From:** Gitelman, Hillary  
**Sent:** Wednesday, February 15, 2012 1:01 PM  
**To:** Trippi, Sean; Minahen, Sarah  
**Subject:** FW: South Napa County - Industrial Land Inventory  
**Attachments:** Preliminary Site List 2.14.12.pdf

CDPC  
MEETING

FEB 21 2012

AGENDA ITEM  
NO. 9A

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sean & Sarah:

This is for transmittal to the commission after the packet goes out. Let's not hold it up.

Hillary Gitelman  
Director of Conservation, Development & Planning  
1195 Third Street, Napa, CA 94559  
(707) 253-4805

**From:** Keith Rogal [<mailto:keith@rogalwalshmol.com>]  
**Sent:** Wednesday, February 15, 2012 12:45 PM  
**To:** Gitelman, Hillary  
**Subject:** Fwd: South Napa County - Industrial Land Inventory

Hillary, someone forwarded me the GGG newsletter in which Eve calls about Napa Pipe "the last significant industrial parcel in the County." It is an absurd claim but presumably one which will be raised and if true - which it is not - would be of concern to planning commissioners. I have pasted their email below. And I thought the attached information from Cushman and Wakefield might be of interest.

Begin forwarded message:

**From:** Glen Dowling <[Glen.Dowling@cushwake.com](mailto:Glen.Dowling@cushwake.com)>  
**Subject:** South Napa County - Industrial Land Inventory  
**Date:** February 14, 2012 4:03:39 PM PST  
**To:** Keith Rogal <[keith@rogalwalshmol.com](mailto:keith@rogalwalshmol.com)>

Keith,

Per your request, please find attached a "partial" list of industrial land available in South Napa County. There are currently well over a 1,000 acres of industrial land with varying states of entitlements and infrastructure in place. Bottom line, there is a lot of land available for future industrial development in South Napa County. Please let me know if you need further detail or explanation.

Glen.

Glen W. Dowling - Lic. # 00890450

Executive Director  
The Dowling - Bracco Team  
Cushman & Wakefield of California, Inc. - Lic. # 00616335  
[glen.dowling@cushwake.com](mailto:glen.dowling@cushwake.com)  
[www.dbrea.com](http://www.dbrea.com)

**Marin/Sonoma County Office**

1000 Fourth Street, Suite 350  
San Rafael, CA 94901  
(415) 451-4700 Phone  
(415) 451-1730 Fax  
(707) 227-7800 Cell

**Solano/Napa County Office**

4820 Business Center Drive  
Fairfield, CA 94534  
(707) 421-2900 Phone

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[www.RogalWalshMol.com](http://www.RogalWalshMol.com)

1025 Kaiser Road  
Napa, CA 94558

**From:** [gggnews@yahoogroups.com](mailto:gggnews@yahoogroups.com) [<mailto:gggnews@yahoogroups.com>] **On Behalf Of** Eve Kahn

**Sent:** Sunday, February 12, 2012 3:41 PM

**To:** [gggnews@yahoogroups.com](mailto:gggnews@yahoogroups.com)

**Subject:** [gggnews] The New Napa Pipe Proposal

Many of you have, no doubt, read the Napa Register article outlining the County's Planning staff's recommendation for a greatly reduced Napa Pipe development. 63 acres of the 154 would be rezoned for mixed use with the remainder in Light Industrial. Dwelling units reduced from 2030 to a range of 700-945. And the build-out would stay within the County's Growth Management system (1% per year).

While this may sound like an attractive alternative, many issues still exist and GGG will continue to actively challenge the need to rezone the last significant industrial parcel in the County. And we encourage you to be involved as well. The first Planning Commission meeting/presentation will be 6pm on Tues, Feb 21 at the Napa Opera House.

GGG still has concerns that the "fair share" payments for off-site traffic improvements will still result in significant (and unavoidable) impacts, the potential use of groundwater, and the true cost of fire, police, and emergency protection (and who pays for all this) is unresolved.

Regards, Eve Kahn GGG Chair

[www.NapaGGG.org](http://www.NapaGGG.org)

**AVAILABLE LAND  
NAPA VALLEY CORPORATE PARK  
SOUTH TO  
AMERICAN CANYON  
2/14/2012**

<b>1. FORMER NAPA PIPE FACILITY</b>	<b>152 ACRES</b>	<b>KAISER ROAD - BASALT</b>
<b>2. FORMER DILLINGHAM SITE</b>	<b>55 ACRES</b>	<b>SOSCOL AND 221</b>
<b>3. NAPA VALLEY CORPORATE PARK</b>	<b>35 ACRES</b>	<b>NVCP</b>
<b>4. J. O'NEILL</b>	<b>21 .79 ACRES</b>	<b>AIRPORT AREA</b>
<b>5. WRIGHTWOOD CAPITAL</b>	<b>18 ACRES</b>	<b>AIRPORT AREA</b>
<b>6. KRIS PIGMAN</b>	<b>30 ACRES</b>	<b>AIRPORT AREA</b>
<b>7. FRED FRANZIA</b>	<b>40 ACRES</b>	<b>AIRPORT AREA</b>
<b>8. NAPA VALLEY GATEWAY</b>	<b>60 ACRES</b>	<b>AIRPORT AREA</b>
<b>9. DOCTOR'S INSURANCE</b>	<b>18 ACRES</b>	<b>AIRPORT AREA</b>
<b>10. MAI FAMILY TRUST</b>	<b>45 ACRES</b>	<b>HIGHWAY 29 - S. KELLY RD.</b>
<b>11. PANATTONI DEVELOPMENT</b>	<b>50 ACRES</b>	<b>DEVLIN RD. - HIGHWAY 29</b>
<b>12. CAL STERS/CANYON</b>	<b>218 ACRES</b>	<b>DEVLIN RD. - HIGHWAY 29</b>
<b>13. ALBERT GIAVONNONI</b>	<b>225 ACRES</b>	<b>DEVLIN RD. - GREEN ISLAND RD.</b>
<b>14. BROCK/THE GROVE</b>	<b>100 ACRES</b>	<b>GREEN ISLAND RD.- COMMERCE</b>



**Minahen, Sarah**

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**From:** Gitelman, Hillary  
**Sent:** Tuesday, February 21, 2012 1:26 PM  
**To:** Trippi, Sean; Minahen, Sarah  
**Subject:** FW: Napa Pipe Elevation Questions

**ODPC  
MEETING**

**FEB 21 2012**

**AGENDA ITEM  
NO. 9A**

Please provide a copy of this email to the Commission and place one in the file. Thanks,

Hillary Gitelman  
Director of Conservation, Development & Planning  
1195 Third Street, Napa, CA 94559  
(707) 253-4805

**From:** Keith Rogal [<mailto:keith@rogalwalshmol.com>]  
**Sent:** Tuesday, February 21, 2012 12:58 PM  
**To:** Whit Manley  
**Cc:** Steve Noack; Richard Walsh; Gitelman, Hillary  
**Subject:** Fwd: Napa Pipe Elevation Questions

FYI - this organization contacted PWA with questions and we gave PWA authorization to respond directly

Begin forwarded message:

**From:** "Betty Andrews" <[bAndrews@esassoc.com](mailto:bAndrews@esassoc.com)>  
**Subject:** RE: Napa Pipe Elevation Questions  
**Date:** February 21, 2012 12:50:38 PM PST  
**To:** "Bernhard Krevet" <[krevet@sbcglobal.net](mailto:krevet@sbcglobal.net)>  
**Cc:** "Hench, Jim" <[MBarson@pacbell.net](mailto:MBarson@pacbell.net)>, "Keith Rogal" <[keith@rogalwalshmol.com](mailto:keith@rogalwalshmol.com)>

Bernhard (and Jim) --

The table you sent shows tidal datums for the Napa, Napa River tide gage (NOAA tide station 9415623), which is located in downtown Napa near Third Street. It shows tidal datums as estimated for that gage, based on all observations during a 4-month period in 1979 (and potentially adjusted using the long-term observations at the San Francisco station).

The data shown on Figure 8 (p28) in our report (as included in Appendix I of the Supplemental DEIR, pdf page 199) is based on a different source. This Figure shows the tidal datums at the site -- downstream of the NOAA tide gage in the city of Napa -- as estimated from our modeling results. The particular model used to produce these results included the following:

- 1) a downstream tidal boundary condition based on an observed tidal signal data set at Mare Island from July 2001; and
- 2) an upstream river inflow boundary condition representing a two-year

flood event on the Napa River (representative of a "typical" high water condition).

The tidal datums for the downstream boundary data used in our model are presumably different from those at the NOAA station 9415623 both because the location is different and the timing of the data used is different. More importantly, because the inflow data we used assumed the river was in a "typical" winter flood condition the modeled results we used to generate the tidal datums show the effect of the high river flow condition. The NOAA station data, on the other hand, represent tidal datums during all kinds of river flow conditions.

Especially as a result of the "typical river flood condition" assumption implicit in our tidal datums analysis, our predicted tidal datums for the Napa Pipe site are higher. As shown in the referenced Figure 8, our datums are 1.3 ft higher for MHHW and nearly 4 ft higher for MLLW than those reported for the Napa, Napa River tide station.

The values we show are more representative of tide conditions at the project site that would be expected during the runoff season, when flood conditions would be a hazard. We used these values as a representation of tidal datums at the Napa Pipe site for the purpose of our flood hazard analysis. In short, the tidal datums we used are higher, and therefore more conservative, than those for the NOAA tide station datums you supplied. These higher values are more representative of tidal conditions during the flood season -- an approach we felt was appropriately cautious given the purpose of our analysis.

Regards,

Betty

Elizabeth (Betty) Andrews, PE  
Principal Engineer / Director  
ESA PWA | Environmental Hydrology

-----Original Message-----

From: Bernhard Krevet [<mailto:krevet@sbcglobal.net>]  
Sent: Sunday, February 19, 2012 11:48 AM  
To: Betty Andrews  
Cc: Hench, Jim  
Subject: Re: Napa Pipe Elevation Questions

Hi Betty,  
our concern is about an apparent misalignment of elevation data in the DEIR and a table we have (attached). It appears that in the DEIR table on page 28 of the PWA Flood Hazard Analysis in Appendix I the tidal elevations (MLLW etc) vs the NGVD29 numbers are offset by almost 3 feet

compared to the same data in the attached table.

I think this may be a misunderstanding on my (our) part. What is your explanation?

Jim and will be attending the workshop on Feb 21, where we could talk about this.

Thanks for your patience,  
Jim & Bernhard.

[www.RogalWalshMol.com](http://www.RogalWalshMol.com)

1025 Kaiser Road  
Napa, CA 94558

