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MEMORANDUM

TO: Brian Bordona

CC: Laura Anderson
Annalee Sanborn, AES

FROM: Whit Manley

DATE: December 18, 2015

RE: Walt Ranch – Comment Letter from City of Napa; stream-flow monitoring

We have the following recommendations regarding responding to the comment letter submitted by the City of Napa as it pertains to surface water stream-flow monitoring. We recognize the responses must come from the County and its consultant, and have therefore drafted the responses in that vein. On behalf of the applicant, we are providing these suggested responses for the County's consideration because we believe available information supports them.

Opening Remarks

The opening page of the letter contains a series of introductory remarks describing the project. These opening remarks make a number of statements that are either inaccurate or imprecise. Some of this inaccuracy or imprecision is no fault of the City. The City's comments focused on the project as described in the Draft EIR. Since then, the project has changed. The following, suggested response is designed to make clear what the project now entails. This information is based on the revised application.

Response to Opening Remarks

The comment states the project will affect "almost 4 percent of the Milliken Reservoir watershed." This estimate is based on the EIR's statement that 208 acres of gross vineyard acres will be located in the portion of the site that is located in the Milliken Creek watershed. As a result of the various mitigation measures imposed on the project, the number of vineyard acres located in the Milliken Reservoir watershed has been reduced. As proposed, the project now consists of 177.6 gross acres, and 122.5 acres of vineyards, in this watershed. In addition, although the comment states the Milliken Reservoir watershed encompasses 6,000 acres, the correct number is 6,141 acres. Based on the revisions to the project, and the correct figure for the size of the watershed, the project will affect approximately 177.6 out of 6,141 acres, or 2.9% of the Milliken Reservoir watershed. The commenter's 4% estimate is therefore too high.

The comment states the project will pump 213.5 acre-feet of water per year ("AFY"). This information is set forth on page 3-28 of the Draft EIR. The relevant text states:

> "It is anticipated that a maximum of 213.5 acre feet (af) of water per annum (afa) would be required for the Proposed Project (or approximately 0.5 af per acre of planted vineyard per year and approximately 40 af of groundwater used for frost protection annually)."

Since then, the proposed project has been revised, and the anticipated water demand has changed. In particular, because the project now proposes 295 acres of vineyard, water demand is now estimated to be 187 AFY (147 AFY for irrigation + 40 AFY for frost protection). This estimate is conservative, in that it assumes a usage rate of 0.5 AFY per acre of vineyard; County guidance indicates the rate of usage is between 0.2 AFY and 0.5 AFY per acre, so this estimate is at the high end of the range. (Napa County, *Water Availability Analysis* (May 12, 2015).) In addition, to the extent the County approves a project of less than 295 acres of vineyard, the water demand estimate should be ratcheted back.

The comment states: "The DEIR seems to indicate that the groundwater extractions would occur within the Milliken Creek watershed." The project would extract groundwater from both the Milliken Creek watershed and the Capell Creek watershed. Please see Figures 3.4 and 4.6-1a and 4.6-1b in the Draft EIR and Response to Comment A5-09.

The comment states the project is located just upstream of the Milliken Reservoir. This statement is imprecise. At its closest point, the Walt Ranch property is located approximately 5,500 feet north of the Milliken Reservoir.

Surface Water Flows

In the paragraph at the bottom of page 3, carrying over to page 4, the City states the project will result in reduced surface water flows into Milliken Reservoir. We recommend responding as follows.

Response to Comment on Surface Water Flows

The comment states the project will result in reduced surface water flows into Milliken Reservoir. The comment does not provide data to support this statement. Rather, the comment cites the analysis set forth in the Draft EIR discussing changes in run-off during storm events.

The analysis in the Draft EIR was designed to address whether the project would cause adverse impacts by increasing the rate of peak flows during storm events, which in turn could lead to erosion and degraded water quality. The analysis focuses on peak flow rates during storm events, expressed as cubic feet per second. The analysis shows that, in the Milliken Creek watershed, peak flow rates will experience a modest decline. The EIR concludes this impact is beneficial, because the risk of erosion or degraded water quality will go down as compared to existing conditions. (Draft EIR, pp. 4.6-35 – 4.6-37.)

The analysis prepared by RiverSmith (March 2013) concludes that there would also be a corresponding decline in surface water run-off volumes during the 100-year storm event. Table 8 of the RiverSmith report states that the runoff volume during the 100-year storm event would decline by 2.2% to 5.8%, depending on the watershed.

The comment appears to assume that this decline in surface-water run-off during the 100-year storm event will result in less water flowing into the Milliken Reservoir. This assumption is incorrect. The RiverSmith analysis focuses on peak flows and storm events. Water that does not flow downhill as surface water will not disappear. Rather, that water will infiltrate and become groundwater in the same watershed. That water will either recharge the aquifer, or return to the surface at some downhill location as a spring or seep. In either event, the water will not be "lost" to the watershed.

The County has considered whether, in light of the City's comment, it would be appropriate to propose performing stream-flow monitoring of Milliken Creek to determine whether the project results in a decline in stream flows. For the following reasons, the County concludes that this approach is unwarranted.

In order to obtain meaningful data, it would be necessary to install two in-stream check dams – one at the point where Milliken Creek enters the Walt Ranch property, and another where the Milliken Creek leaves the property. Without installing two monitoring locations, there would be no way to know whether observed changes in stream flows are attributable to Walt Ranch, or to some other cause.

Installing check dams in the creek would have impacts on Milliken Creek itself. Portions of the reach of Milliken Creek that traverses the property are relatively undisturbed. Installing the check dams would have adverse impacts on the riparian habitat located there. The check dams would also affect the hydrology of the creek, particularly during storm events, and could result in increased scour or sediment transport. Installing the check dams would require approval by the California Department of Fish and Wildlife under Fish and Game Code sections 1600 et seq. It is not known whether CDFW would approve the dams, or what environmental review would be required in order to accomplish this. The delay and expense could be considerable, particularly in relation to the limited value of the data that would be obtained.

There may be instances in which it may be appropriate to require vineyard projects to perform monitoring of in-stream flows. Those circumstances, however, differ from those that exist at Walt Ranch.

In particular, the Suscol Mountain Vineyard project, as approved by the County, includes the requirement to monitor surface water flows in Suscol Creek. The County adopted this requirement because (1) Suscol Creek bisects the middle of the property; (2) the creek provides year-round habitat for coastal steelhead, a species protected by the Federal Endangered Species Act; (3) the analysis shows that project-related groundwater pumping could result in a "cone of depression" that has the potential to dewater the creek; and (4) dewatering the creek could harm fish. (Suscol Mountain Vineyard, Draft EIR, pp. 4.6-41 – 4.6-48.)

Those facts do not exist here. Specifically: (1) Milliken Creek traverses the southwest corner of the property; (2) the creek is dammed, and does not provide habitat for steelhead or other listed fish species; (3) the creek is ephemeral and is generally bone dry between June and October, so during the irrigation season there is no flow to monitor; (4) the issue raised by the City focuses on peak stormwater flows, not on groundwater pumping; and (5) even if peak stormwater flows experience a slight decline during certain storm events, that water is not "lost" to the watershed; rather, that water will infiltrate and flow downhill, in the same direction as the creek, and in the same watershed as the reservoir.

For other vineyard projects, the County generally has not required streamflow monitoring, absent the particular facts that exist at the Suscol Mountain property. (See, e.g., Circle S and Upper Range Vineyard projects, neither of which requires monitoring of surface water flows.)

The County's consultants have concluded that the project will not result in a significant impact on the volume of surface water flows in Milliken Creek. The County is not aware of any data or analysis suggesting otherwise. As explained above, surface water monitoring of Milliken Creek would be costly in terms of both time and money, has the potential to harm riparian habitat, and would not provide meaningful data. The County therefore concludes such monitoring is not necessary, and such a requirement has not been incorporated into the project.

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We appreciate the opportunity to provide these recommendations.