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May 6, 2025

PUBLIC HEARING

**Bonny's Vineyard Winery Appeal P25-00020-APL
New Winery Use Permit No. P22-00002-UP**

Katharine Heldt Falace on behalf of Bonny's Vineyard

➤ The Public Trust Doctrine

The Public Trust Doctrine requires only that the County consider public trust resources; it does not dictate any outcome.

“As the Supreme Court found in *National Audubon* . . . [the public trust doctrine requires only that] public trust uses are to be protected wherever *feasible*. The public trust resources therefore need not be protected under every conceivable circumstance, but only in those where protection or harm minimization is feasible. . . The public trust doctrine necessarily involves the exercise of discretion by state agencies. The state is free to choose between public trust uses and that selecting one trust use ‘in preference to . . . [an]other cannot reasonably be said to be an abuse of . . . discretion. Accordingly, the relevant governing case law does not impress into the public trust doctrine any kind of procedural matrix.”

Monterey Coastkeeper v. Cent. Coast Reg'l Water Quality Control Bd. (2022) 76 Cal.App.5th 1, 21



➤ The Project Review Satisfies the Public Trust Doctrine

Using the Interim Napa County Well Permit Standards and WAA requirements, the MND here provides an analysis of project impacts to groundwater, which is a public trust resource. Discussing the Project characteristics and conditions of approval, the MND concludes:

Through these actions the project will reduce harm to Public Trust resources compared to existing operations.

The project has been specifically conditioned to ensure alleged harm to Public Trust is less than significant.

(IS/MND, p. 22.) This analysis and consideration of the public trust resources is sufficient to comply with the Public Trust Doctrine.



WAA Requirements and Well Permit Standards

- **There is no net increase in water use compared to existing conditions and there are various conditions of approval required by Public Works:**
 - The property has been actively managed as agriculture since the 1940s
 - 2 wells will be used for the private residence and the vineyard
 - 1 well for the winery use
 - The project will fully utilize the processed wastewater to ensure no net increase
 - The three wells will be monitored
 - A groundwater management plan will be prepared
 - No net increase means a further Tier 3 analysis and study is not required

Interim Napa County Well Permit Standards and WAA Requirements – January 2024

WAA Tier 1: Groundwater Use for Napa County					WAA Tier 2: Well & Spring Interference	WAA Tier 3: Groundwater / Surface Water Interaction	
Napa County new regulatory requirements for the a Tier 1 analysis are pursuant to CEQA, Napa County's Water Availability Analysis (WAA) Guidelines, dated May 12, 2015, Napa County's Drought Emergency, Governor's Executive Order N-7-22/N-3-23, Napa Valley Subbasin Groundwater Sustainability Plan, Napa County Resolution 2022-178, Napa County Code Groundwater Conservation Ordinance - Chapter 13.15, recent court decisions, and pending State-litigation.					Tier 2 analysis is governed by the WAA and the Governor's Executive Order N-7-22/N-3-23. Tier 2 analysis must be performed by licensed professional retained by applicant or through County services and paid for by applicant.	Tier 3 analysis is governed by CEQA, the WAA, and the Public Trust Doctrine, and County Resolution 2022-178. Tier 3 analysis must be performed by licensed professional retained by applicant or through County services and paid for by applicant.	
Well Type	Groundwater Use	Inside Napa Valley Subbasin	Inside Napa County Groundwater Deficient Area (MST)	Outside Napa Valley Subbasin & MST	Less than 500-feet to neighboring well(s) and/or 1,500-feet to a natural spring(s)	Less than 1,500- feet to a Significant Stream <u>Inside</u> the Napa River Watershed	Less than 1,500- feet to a Significant Stream <u>Outside</u> the Napa River Watershed
NEW WELL	Domestic - Individual User	0.3 AF/acre ^{2,3}	0.6 AF/year	NA ¹	NA ^{1,7}	Tier 3 Required	NA ^{1,7}
	Commercial, Industrial, or Agricultural	0.3 AF/acre ³	No Net Increase and 0.3 AF/acre	Parcel Specific Recharge ⁴	Tier 2 Required	Tier 3 Required	Tier 3 Required
	Public Water System	0.3 AF/acre ³	No Net Increase and 0.3 AF/acre	Parcel Specific Recharge ⁴	NA ⁷	Tier 3 Required	NA ⁷
REPLACEMENT WELL	Domestic - Individual User	0.3 AF/acre ³	No Net Increase	Parcel Specific Recharge ¹	NA ^{1,7}	Tier 3 Required ⁶	NA ^{1,7}
	Commercial, Industrial, or Agricultural	0.3 AF/acre ³	No Net Increase	Parcel Specific Recharge ⁴	Tier 2 Required ⁵	Tier 3 Required ⁶	Tier 3 Required ⁵
	Public Water System	0.3 AF/acre ³	No Net Increase	Parcel Specific Recharge ⁴	NA ⁷	Tier 3 Required ⁶	Tier 3 Required ⁵
EXISTING WELL	New, Altered or Increased Water Use for Discretionary Project	0.3 AF/acre ³	No Net Increase and 0.3 AF/acre	Parcel Specific Recharge ⁴	Tier 2 Required ⁸	Tier 3 Required ⁶	Tier 3 Required ⁸

NA = Not Applicable

¹ Assumes less than 2-acre-feet per year of groundwater for individual domestic users.

² Requirement can be met by submitting a "Water Use Declaration" that reflects the allowed water usage.

³ Where existing groundwater use exceeds the 0.3 ac-ft/ac, No Net Increase in Groundwater use is required (Subject to change by the CSA), and shall be demonstrated through a water demand analysis.

⁴ Where existing groundwater use exceeds the Parcel Specific Recharge, No Net Increase or reduction in Groundwater use is required, and shall be demonstrated through a water demand analysis.

⁵ The analysis is not required when the replacement well is located further away from the neighboring well, natural spring, or Significant Stream and there is no increase in groundwater use.

⁶ The analysis is not required if modifications to the location, construction, or operations of the project well(s) are made to reduce harm relative to current conditions based on the conclusions by a qualified professional.

⁷ Unless associated with a Discretionary Project; and every effort should be made to locate the well as far as possible from neighboring wells and springs.

⁸ The analysis is only required for an increase in groundwater use.

➤ The MND was Adopted

A Mitigated Negative Declaration (MND) was prepared for the Project, finding the Project, with certain mitigation, will have a less than significant impact on the environment.

The MND found either no impact or a less than significant impact to most environmental resources because many aspects of the Project are already existing, and certain project elements, such as reduced water demand and the use of recycled water, will lessen impacts below the baseline conditions.

Staff determined to impose mitigation measures only with respect biological resources when it did not receive comment from CDFW; even these measures are highly conservative.

COMMISSIONER BRUNZELL: “Staff basically took a conservative approach based on the highest level of mitigation that CDFW might have asked for.”



➤ Support from Neighbors

23 November 2024

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NOV 27 2024 *JD*

Napa County Planning, Building, and
Environmental Services

Dana Morrison, Supervising Planner
Napa County Dept of Planning, Building, and
Environmental Services
1195 Third Street, Suite 210
Napa, CA 94558

Re: Comments on New Winery Use Permit #P22-00002-UP, Bonny's Vineyard Winery

To All Concerned:

As a nearby neighbor when Bonny Meyer and her family lived across Conn Creek from my family, and longtime admirer of her family's contributions to the development of Napa Valley's reputation for world class wines, I am happy to support her application to build a small winery on the property her family has owned for decades.

This new winery is a natural evolution since Bonny has been growing grapes for years on "Bonny's Vineyard," the source for an early Silver Oak special bottling made by her husband Justin Meyer. It makes perfect sense to make her own wines from those grapes now.

It is hard to imagine that anyone in our quiet winegrowing area would object to Bonny's Vineyard Winery application. I certainly do not.

Thank you.

Michaela K. Rodeno
Michaela K. Rodeno
7878 Money Road
Oakville, CA

➤ The Thoughtful Project Demonstrates the Meyers are Stewards of the Land

- **Commissioner Dameron:** “I appreciate the really thorough conditions of approval that have been laid out and I feel confident that even without the comment from CDFW, that the language used thoroughly protects the wildlife from any negative impacts, so I’m very comfortable with that. We always like seeing no net increase in water, or in this case, even a slight decrease. And of course, the use of recycled water for irrigation. And I appreciate like the staking of the stream setback to ensure protection from parking or activity in that stream setback. So overall, this checks all the boxes as far as I’m concerned, and I’m in support of this project.”
- **Chair Whitmer:** “And I, too, believe that this project has been planned in a very sustainable manner.”



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