



WATER AUDIT CALIFORNIA

A PUBLIC BENEFIT CORPORATION

952 SCHOOL STREET #316 NAPA CA 94559

VOICE: (707) 681-5111

EMAIL: GENERAL@WATERAUDITCA.ORG

August 6, 2024

7A. KEVIN & ANN MORRISON TR / HILLWALKER VINEYARDS WINERY /
EXCEPTION TO THE CONSERVATION REGULATIONS NO. P23-00239-UP, USE
PERMIT NO. P23-00101-UP & EXCEPTION TO THE NAPA COUNTY ROAD &
STREET

To Napa County Planning Commission:

Water Audit California raises the following objections to the above application. The watercourse adjacent to the access road is as habitat to federally identified endangered fish. (*CEMAR, 2003.*) Existing work is unpermitted, and proposed work is not adequately mitigated. The applicant does not adequately address environmental injury that will occur as the result of the proposed project.

1. Procedurally, the Agenda Packet files are not equal to CEQA State Clearing House, County Current Projects Folder, County Parcel Report, or County Electronic Document Retrieval. In short, the Commission is not reviewing the same project as was reviewed by the interested state agencies. Incomplete Applications include the absence of CalFire or Caltrans Memoranda
- .2. For example, CEQA does not include Water Availability Analysis, Wastewater Feasibility, CalTrans Review, CalFire Review, Archaeological/Cultural, Application Revised Project Statement
3. Current Project identifies Project as "Micro-Winery" but Application in agenda packet identifies Winery Permit is Major Modification with winery production 7,000 gallons.
4. Current Projects Attachment B. COA includes CalFire Memo with conditions regarding access road "design and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities. Provide engineered analysis of the proposed roadway noting its ability in support apparatus

weighing 75,000 lbs." That Memo is removed from the Agenda Packet and the CDFW comment letter is inserted.

5. No Access Road Design Plan or Driveway Profiles.
6. No Road & Street Standards pre-application or meeting. The driveway study is inadequate.
7. The CDFW comment letter states that the Applicant's Biological Habitat Assessment omitted Riparian Areas, i.e. a mile of access driveway.. At agenda packet page 60 it is "not clear the Project considered impacts to stream & riparian habitat." The Mitigation Measures required "Impacts to Riparian areas" to be addressed. Staff removed the word "Impacts" from the proposed conditions of approval and did not provide CDFW with Riparian Area consideration from Biological Consultant. In the absence of cross sections and adequately detailed drawings it is impossible to fully assess unlawful intrusions into the riparian way. The proposed increase in traffic will make the environmental injury appreciably worse.
8. Attachment B. Conditions of Approval includes 6.12b. Mitigation Measure BIO-1 & c. BIO-2 incorrectly names "Responsible Agency(ies) PBES" and omits it from BIO 3, 4, 5, 6. All BIO Mitigation Measures omits "Prior to ground disturbances and continuing over the course of the project."
9. Attachment J. Biological Habitat Assessment FIGURE 3 Photo 4 Detention Basin (Lower) appears to have a pump in Pickle Creek tributary. The stream appears to be blocked and not a natural basin. The obstruction has not been permitted by a CDFW LSA. There are no pictures of the two bridges crossing the stream, and no CDFW LSA permits for that work. There is also indication of unlawful diversion of flow, diminishing a blue water creek to an ephemeral watercourse.

For the foregoing reasons we ask that the exception be denied.

Respectfully,

William McKinnon

William McKinnon
General Counsel
Water Audit California
Legal@WaterAuditCA.org
Direct voice: 530 575 5335