IT CAN HAPPEN AGAIN.
IS THE RECTOR WATERSHED PROTECTED?
The source of water for the Veteran’s Home & Town of Yountville

A WHITE PAPER

Prepared for consideration by the California Department of Veterans Affairs, Yountville

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The Problem

The development of the proposed Mountain Peak Winery (MPW) project has the potential to cause significant negative impacts on upper Rector Creek, the water source for the Yountville Veteran’s Home and Town of Yountville.

On January 4, 2017, the Napa County Planning Commission adopted a Negative Declaration (ND) and approved the MPW use permit #P13-00320-UP, stating the project “will not have a significant effect of the environment.” The MPW Project proposes a 100,000 gallon per year (gpy) winery, includes construction of 33,424 square feet of caves, and requires an exception to the Napa County Road and Street Standards (RSS) to increase the maximum slope of a portion of the commercial and employee access road from 15% to 19%, among other objectives. Several neighbors are appealing the decision to the Napa County Board of Supervisors, who have the authority to approve, deny, or remand the proposal.

Substantial evidence presented to the Planning Commission demonstrated that the Project could have potentially significant impacts on the environment, including, but not limited to, water quality degradation. Accordingly, the Planning Commission violated the California Environmental Quality Act (CEQA), in adopting the ND and approving the project without first requiring the preparation of an environmental impact report (EIR). The fact that the MPW project is located within Rector Watershed and therefore could impact Rector Reservoir was ignored by the Planning Commission, as were potential cumulative impacts resulting from further development in an already altered system, thereby putting the quality of water for the Veteran’s Home and the Town of Yountville in jeopardy.
Location

The proposed Mountain Peak Winery is located at 3265 Soda Canyon Road, Napa. The 41.76 acre parcel (APN #032-500-033) is within Rector Watershed, the most developed of all water supply watersheds in Napa County. Rector Watershed feeds Rector Reservoir, the source of water for the Veteran’s Home and the Town of Yountville (figure 1).

Yet County Staff comments as part of the application stated that the proposed MPW project was not in a ‘municipal’ watershed.¹

<table>
<thead>
<tr>
<th>Location Criteria</th>
<th>Staff Comment</th>
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<tbody>
<tr>
<td>Located within a Municipal Reservoir Watershed</td>
<td>NO</td>
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</table>

Rector watershed above Rector Dam covers 6,972 acres. Of this, 1,492 acres (21%) are planted in vineyard, with several additional wildland to vineyard conversion projects presently being considered by Napa County. There are 1,293 acres (19%) in reserve owned by the CA Department of Veterans Affairs, the Napa Land Trust, US Bureau of Land Management, and CA Department of Fish and Wildlife. Of remaining lands, 1,794 acres (26% of watershed area) would require a variance to develop due to excessively steep slopes as per Napa County ordinance (Section 18.108.040), and most of the remaining acreage is either steep enough to require slope-related permitting to develop, exempt from development as part of the Napa County 60-40 rule, or held privately by entities not currently pursuing development (figure 3). As such, the watershed is nearing build-out in terms of wildland conversion to vineyard.

Atlas Peak frames the eastern boundary of Rector Watershed, catching storms as they move eastward. Rector watershed is ringed by steep mountains which drain through alluvial fans then across a small plateau before making an even more dramatic drop into Rector Canyon. This canyon is characterized by frequent waterfalls ranging from a few feet to 30 feet (figure 4). The overall steep topography of the watershed causes precipitation to move rapidly to Rector Reservoir, which is often the earliest reservoir to crest its spillway in Napa County. The complete lack of floodplains in this system means there is nowhere for material to settle out before reaching the reservoir. Major storms therefore have the potential to rapidly transport substantial volumes of loose material from throughout the watershed to the reservoir, as occurred after the 1981 Atlas Peak fire and following irresponsible wildland to vineyard conversion practices in the 1990s (see below). The potential for MPW to degrade water quality, thereby exacerbating existing impairments, is high.

Potential Significant Impacts

The proposed MPW site/parcel is approximately 6.2 miles from the intersection of Soda Canyon Road and Silverado Trail (figure 5) in the Atlas Peak American Viticulture Area (AVA), on land designated Agriculture, Watershed and Open Space (AWOS) and zoned Agricultural Watershed (AW). The upper part of Soda Canyon Road, where the project is proposed, is also known as Foss Valley and is approximately 1,400 feet above the Napa Valley floor.

The parcel is in a butterfly configuration with roughly half of the parcel on the western side of a community-shared dirt road, and with the other half on the eastern side of the dirt road. This site is located in the Rector Creek Watershed, and there is a blue-line stream running along the length of the western portion of the parcel, and a second blue-line stream bisecting the eastern portion of the parcel. Both streams drain into Rector Creek and Rector Canyon, which flows directly into Rector Reservoir (figure 6).

The MPW Project proposes a 100,000 gpy wine production facility and 33,424 square feet of caves, - the twelfth largest of 174 caves approved in Napa County. To put the project’s overall size of 103,016 sf into perspective, the average size of the original bid-box Walmart store is 105,000sf. To put the size of the proposed caves in perspective, an average Best Buy store [in 1990] measures approximately 28,000 sf, meaning that the MPW project’s proposed caves would be approximately 5,000 sf larger than one of the Best Buy’s average retail stores. Importantly, as it pertains to environmental concerns relating to the project, cave excavation will yield 796,446 cubic feet of unweathered spoils [more than the volume of the County Administrative Building]. If these spoils were piled onto a football field, including the end-zones, the spoils would measure approximately 14 feet high, which is the approximate height of a 1-story house.

However, cave spoil volume comprises less than half of proposed earth-moving activities. In all, cutting of the road, lowering the surface elevation to enable entrance to the caves, filling, topsoil removal, plus cave excavation will require moving a total of approximately 1,935,900 cubic feet of earth and soil around the project site [figure 7&8]. If this amount were piled onto a football field (57,600 sf), again including the end-zones, it would measure approximately 33 feet high, which is the approximate height of a 3-story building, such as the County Administration Building at 1195 Third Street in the City of Napa [figure 9&10].

Critically, MPW will keep all unweathered cave spoils, top-soil, and earth on-site. After using some material as fill for construction of an access road and other site features, MPW plans to dump roughly half of the remaining spoils and loose earth (estimated to be in the range of 700,000 to 1,000,000 cubic feet) 260 feet from the western blue-line stream, and the other half 100 feet from the eastern blue-line stream, covering approximately 4 acres (10%) of the parcel. Sediment transport from the site to Rector Reservoir is highly likely, even if erosion control measures are employed, due to the massive volume of material being moved. Cave spoils in particular could be problematic for the Veteran’s Home and Yountville water supply as leachate from unweathered
material often produces elevated levels of contaminants, such as mineral salts and heavy metals.

**Will taxpayers again have to foot the bill for a new water filtration system?**

In the late 1990s, large parcels of land in the Rector Watershed were converted from wildland to vineyards. “Year by year, he removed the brush and boulders and planted grapevines. ‘I think we removed about a billion tons of boulders,’ [Jan Krupp] speculated.”

February 1998, saw powerful storms hit Northern California and the Napa Valley. “State Water Resources Director David Kennedy said the most damage suffered…was along smaller streams.”

“Napa, with 33.6 inches so far this season, has received more than twice the normal rainfall of 15 inches for this time of year.”

March 17, 1998, Napa Valley Register headline reads *Veterans’ water system a threat to public health*, “The Veterans Home’s aging treatment plant…cannot reliably filter the water at Rector Reservoir to meet current drinking water standards,…”. The article continues, “During the heavy rains of early February, the plant produced water that exceeded turbidity limits. The facility was shut down immediately when inspectors discovered the water quality violation. The plant remains shut down while state officials plan corrective actions……Yountville has offered to contribute $50,000 to help the Veterans Home pay for additional water filtration, but the state hasn’t accepted the offer.”

The article continues, State Senator “Thompson…persuaded his budget subcommittee to set aside $4.4 million in state’s 1998-99 budget to pay for treatment plant improvements…”

June 11, 1998, Napa Valley Register, *Daily Briefing, Water supply still a problem*, “during the heavy rains of early February, the plant produced water that was too muddy to meet standards and had to be shut down temporarily. …Sen. Mike Thompson, D- “Napa Valley, has been pushing reservoir funding legislation through budget committee hearings, but nothing will be set in stone until the budget is signed by Gov. Pete Wilson.”


Later in April 1999, it was reported by the Department of Water Resources of Rector Reservoir water supply expected to take approximately four months to complete. A new filtration system was installed.

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3 Napa Valley Register, *Hang on tight It May Get Rough*, February 5, 1998, page 1
4 *ibid*, page 4A
5 Napa Valley Register, *Monster Storm takes a detour*, February 6, 1998, page 4A
Fast forward to the present. The proposed MPW Project is likely to result in transport of silt to the Rector Reservoir as a result of moving 1,935,900 cubic feet of earth and soil of unknown composition. Yet the Planning Commission expects this activity will have no ‘significant impact’ on Rector Watershed or Rector Reservoir.

Attached please find photos of sediment-laden eastern blue stream runoff as it moved across on the MPW parcel during the recent storms of January 2017 [figure 11-14].

CONCLUSION

A winery proposing enormous caves and extensive earth-moving activities has no place in the remote mountain reaches of the Rector Watershed, which serves as a source of high-quality municipal water. The Project should be rejected upon appeal and de novo review by the Napa County Board of Supervisors in its quasi-judicial role.

At the very least, the Board of Supervisors should remand the matter back to the Planning Commission for further consideration in light of the violations of the Napa County Code, the General Plan, and CEQA. The Planning Commission, or remand, should thoroughly review the record, conduct hearings anew, redress numerous CEQA violations and require a full EIR be performed before approval (if any) is given. Opponents produced substantial evidence of potential adverse environmental impacts the project will create including: (1) downstream pollution of the Rector Reservoir; (2) species of special concern at or around the project site and their habitat in the Rector Creek Watershed; (3) cumulative impacts on the area from several other pending projects and the Project itself; among others. Under the fair argument standard, each of those alone - and certainly in combination - require the preparation of an EIR and the County should order such, upon remand to the Planning Commission.

In conclusion, the Napa County Planning Commission’s adoption of the negative declaration for the Project should be overturned. The Board of Supervisors should grant a de novo review of the Project and either deny the Project outright, or remand the Project to the Planning Commission with direction to staff to retain the appropriate qualified experts to conduct an impartial EIR consistent with CEQA requirements.

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LIST OF ATTACHMENTS

Figure 1  Map: Rector Watershed with location of Mountain Peak Winery shown

Figure 2  "S" updated winery comparison analysis by Planning Dept. staff

Figure 3  Map: Rector Watershed Vineyard Extent 2015

figure 4 a,b  Photos: waterfalls in Rector Canyon

figure 5  Map: Mountain Peak Winery Site Location

figure 6  Map: topography of Rector Canyon WITH Mountain Peak Winery parcel location shown

figure 7  Plan: Mountain Peak Winery proposed features with aerial photo

figure 8  Plan: Mountain Peak Winery proposed features

figure 9  Illustration: regulation football field with dimensions

figure 10  Photo: Napa County Administration Building, Napa

figures 11-14  Photos: blue line stream that passes through Mountain Peak Winery property at northern (downstream) end of parcel under a variety of flow conditions, January 2017
Figure 1  Location MPW in Rector Watershed
# Updated Winery Comparison Analysis

**Mountain Peak Winery**  
Use Permit #P13-00320-UP  
Locational and Operational Criteria

<table>
<thead>
<tr>
<th>LOCATIONAL CRITERIA</th>
<th>STAFF COMMENTS</th>
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<tbody>
<tr>
<td>Size of Parcel</td>
<td>41.76</td>
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<tr>
<td>Proximity of Nearest Residence</td>
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<tr>
<td>Number of Wineries Located Within One Mile</td>
<td>Three</td>
</tr>
<tr>
<td>Located Within the Napa Valley Business Park (AKA Airport Industrial Area)</td>
<td>No</td>
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<tr>
<td>Primary Road Currently or Projected to be Level of Service D or Below</td>
<td>Soda Canyon Road Functions at a Level of Service (LCG) A</td>
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<tr>
<td>Primary Road a Dead End</td>
<td>Yes</td>
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<tr>
<td>Located Within a Flood Zone</td>
<td>No</td>
</tr>
<tr>
<td>Located Within a Municipal Reservoir Watershed</td>
<td>No</td>
</tr>
<tr>
<td>Located Within a State Responsibility Area or Fire Hazard Severity Zone</td>
<td>Yes</td>
</tr>
<tr>
<td>Located Within an Area of Expansive Soils</td>
<td>No</td>
</tr>
<tr>
<td>Located Within a Protected County Viewshed</td>
<td>No</td>
</tr>
<tr>
<td>Result in the Loss of Sensitive Habitat</td>
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Mountain Peak Winery P13-00320  
Planning Commission Hearing January 4, 2017

*figure 2 “S” updated winery comparison analysis by Planning Dept. staff*
Figure 4a  Rector Canyon waterfall

Figure 4b  Rector Canyon waterfall and pool
Mountain Peak Winery Site Location
3265 Soda Canyon Road

*figure 5* Mountain Peak Winery Site Location, 3265 Soda Canyon Road, Napa CA
*figure 6* Topographic map Rector Canyon with Mountain Peak Winery parcel shown
figure 7 Mountain Peak Winery proposed features with aerial photo
**figure 9** Regulation professional football field 360’x160’x30’ (top goal posts)

**figure 10** Napa County Administrative Building, 1195 Third Street, Napa, CA
figure 11  Blue Line Stream that runs through the middle of eastern portion of MPW parcel. Note rock and dirt (center right) removed from creek bed and piled by the edge of the blue line stream.

figure 12  January 4, 2017  water is clear

figure 13  January 5, 2017  water brown with sediment, stream cresting road
**Figure 14** January 5, 2017. Blue line stream that passes through Mountain Peak Winery property at downstream property boundary brown with sediment and over-running the culvert and gravel road