REQUEST FOR SERVICE

County of Sonoma
Permit And Resource Management Department
Well & Septic Section
2550 Ventura Avenue, Santa Rosa, CA 95403 (707) 565-1900

Location Address	City, Zip
420 WAPPO ROAD	SANTA ROSA 95404
Owner/Facility Name	**Assessor's Parcel #**
HENRY CORNELL / CORNELL WINERY	028-260-047
Address of Owner	**City, State, Zip**
2555 LAGUNA RD (GUY DAVIS, G.M.)	SANTA ROSA 95401
Person Requesting Service	**Phone**
TOM CONNELL (ATTERBURY + ASSOC.)	433-0134
Address of Person Requesting Service	**City, State, Zip**
16109 HEALDSBURG AVE, #D	HEALDSBURG 95448
Description	
SOIL PROFILE PIT INSPECTION FOR SEPTIC SYSTEM (PRE-PERC)	
	By

Date 11/1/02
Permit # SEWD2-1397
EHS _____ Dist # _____
Category _____ Priority _____

Classification:
A. Complaint
B. Site Review
C. Plan Check
D. Recheck/Reinspection
E. Vesting
F. _____

Disposition:
1. Service Completed
2. Follow Up
3. Referral
4. Referral Completed
5. Enforcement
6. No Violation
7. No Action

Report of Investigation

Pre perc conducted on 11/21/02 with Tom Connell of Tom Atterbury Assoc. Site was on a hillside where trees had been cleared. Area of profile hole 1 is too wet. Can use the area of hole 2 & 3 and split the distance between holes 1 & 2 and use the ½ close to hole 2.

Looking for possible [redacted] this area has limited potential due to small size. Possible for standard system may be able to use an enviro system if you can meet slope requirements.

For office use

RS Dem 11/6/02

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
777 Sonoma Ave., Room 325
Santa Rosa, CA 95404-6528

June 7, 2005

Sonoma County Board of Supervisors
575 Administration Drive, Room 100-A
Santa Rosa, California 95403

Dear Supervisors of Sonoma County:

NOAA's National Marine Fisheries Service (NMFS) is writing in relation to a request by W. Guy Davis for a new winery at 420 Wappo Road, Santa Rosa, California, APN 028-260-047, Supervisorial District 1.

NMFS is responsible for the protection, maintenance, and recovery of anadromous salmonids. The Mark West Creek watershed supports steelhead trout (*Oncorhynchus mykiss*) and may still support coho salmon (*Oncorhynchus kisutch*), both listed as threatened species under the Federal Endangered Species Act. We are deeply concerned about degrading habitat quality in Mark West Creek from cumulative development activities such as water supply development and fine sediment generation from grading activities.

Mark West Springs Creek is excellent juvenile steelhead rearing habitat, but tends to have low stream flow during the summer and fall. There are two dewatering reports in Mark West Creek in the California Department of Fish and Game files. One was directly upstream of 775 Mark West Springs Road and the other was along St. Helena Road at Rancho Mark West. Any vineyard development should verify where they will get their water. We would prefer that the water source not be tied to surface flow without first evaluating potential impacts on salmonid habitat.

Fine sediment in streams adversely affects spawning habitat, rearing habitat, and aquatic invertebrate production that is food for fish. Minimizing non-point source pollution is also a concern of the Regional Water Quality Control Board. It is identified in their Basin Plan. Please ensure that land development is not occurring in inappropriate places such as areas of high landslide potential.

who wrote letter?

TROUT UNLIMITED

June 21, 2005

Sonoma County Board of Supervisors
575 Administration Dr.,
Santa Rosa, CA 95403

RE: Proposed Winery, 420 Wappo Road, Sonoma County, CA

Dear Board of Supervisors,

I am writing to request that you require a full EIR for this proposed project. We are extremely concerned that the impact of this project will have an extremely negative impact on the fishery resources of both Mark West Creek and the Russian River.

We are very concerned about the potential depletion of ground water resources by this project. Mark West Creek is a very important fisheries resource and is already suffering from severe habitat degradation due to diversion of water, both surface and groundwater, that once found its way to the creek. Mark West Creek is recognized as an important spawning and rearing resource for the Russian River for wild steelhead. The fish depend of having adequate water in the creek for their survival. This proposed project will rely on massive amounts of ground water pumping from an aquifer that clearly is contiguous to the creek and that directly affects water levels in the creek. This water withdrawal will come at a time, the summer and fall months, when water quality thresholds will be critical for the survival of young fish.

The various documentation, reports and actions that have been presented or occurred relative to this project raise grave concerns that indicate problems are present. A faulty THP used to clear land, an inadequate Negative Declartion, and the lack of a geologist's report, given the proposed site is identified as geologically unstable on the county' maps, are all indications of serious problems. NOAA and the Regional Water Quality Control Board have indicated that cumulative impact of projects such as this one is a serious unaddressed issue. We strongly agree that the county must also consider cumulative impact prior to considering approval of projects such as this one

Please do not hesitate to contact me if you need further information.

Sincerely,

David Katz
California Director

State of California

31501

Memorandum

To: Ms. Victoria Whitney, Chief
State Water Resources Control Board
Division of Water Rights
Post Office Box 2000
Sacramento, CA 95812
Fax (916) 341-5400

Date: July 11, 2006

Attention Ms. Patricia Meroney

From: Robert W. Floerke, Regional Manager
Department of Fish and Game - Central Coast Region, Post Office Box 47, Yountville, California 94599

Subject: Protest of Water Application (WA) 31501 Filed by James R. and Carolyn L. Pride on: 1) An Unnamed Stream Tributary to Mark West Creek, Tributary the Russian River, Thence the Pacific Ocean; and 2) an Offset Well Adjacent to the Unnamed Stream Tributary to Mark West Creek, Tributary the Russian River, Thence the Pacific Ocean in Sonoma County

The Department of Fish and Game's (DFG) interest in this petition is based on its status as trustee agency for California's fish and wildlife resources. DFG's right to protest the petition is based on State Water Code § 1303, and other associated provisions of law.

Basis of Protest

DFG is concerned that the proposed project may result in direct and cumulative adverse impacts to the resources of the unnamed stream tributary to Mark West Creek, and the Mark West Creek and Russian River watersheds by reducing instream flow and water availability that is required to maintain riparian and fish rearing habitat within the drainages. Mark West Creek supports populations of steelhead trout (*Oncorhynchus mykiss*) and other fish and wildlife resources. Due to dramatic declines of populations in their southern range, steelhead of the Russian River basin are listed by the National Marine Fisheries Service (NOAA Fisheries) as threatened under the Federal Endangered Species Act (FESA). This project is located within the area discussed in the NOAA Fisheries /DFG *Guidelines for Maintaining Instream Flows to Protect Fisheries Resources Downstream of Water Diversions in Mid-California Coastal Streams* (NOAA Fisheries/DFG *Guidelines*) and would affect anadromous steelhead (*Oncorhynchus mykiss*).

Therefore, the direct and cumulative effects of diversions from WA 31501 on downstream resources must be assessed and mitigated either as outlined in the NOAA Fisheries/DFG *Guidelines* or through appropriate site-specific studies during the environmental review. In addition, proposed construction work of a new 24-foot high onstream storage reservoir for this application has the potential to significantly impact terrestrial species.

Faxed copy rec'd 7-7-06

Project Descriptions

WA 31501

WA 31501 proposes to construct a 24-foot high dam forming a 10 acre-foot onstream reservoir with a surface area of approximately 1.5 acres. Water will be diverted to the onstream reservoir from point of diversion (POD) #1 located on an unnamed stream tributary to Mark West Creek. In addition, water will be diverted to storage using POD #2 located downstream from the proposed dam (POD #1) on the unnamed stream to supplement water diverted to storage in Reservoir 1. POD #2 will be an offset well adjacent to the unnamed stream. The maximum rate of diversion to storage will be one cubic-foot per second (cfs), conveyed via a six-inch pipeline; the pipeline will transport supplemental water from POD #2 to Reservoir 1 will be constructed along an existing roadway.

The applicant requests a diversion season from December 15 through March 15 for irrigation, heat control, incidental fire protection and recreational purposes. Place of use is 11 acres of existing vineyards.

Protest Dismissal Terms

Protest dismissal terms, if adopted as enforceable conditions of the water right permit, are intended to mitigate adverse impacts to fisheries and wildlife resources. Based on the information provided by the applicant, site-specific studies for the purpose of determining appropriate flow–related terms and conditions are needed. The study plan should include, at a minimum, the following:

1. A habitat-based stream assessment done at a seasonally appropriate time period that incorporates habitat, species, and life history criteria which may be impacted by the PODs requested in this project including the unnamed stream tributary to Mark West Creek.

2. A hydrologic study to determine if the production of each watershed at each new POD is sufficient to provide the water requested without having significant adverse impacts to aquatic and riparian resources of the subject streams or downstream reaches. The study should identify all other basis of water rights in watersheds potentially affected by the proposed diversions.

3. An evaluation of the site-specific and cumulative impacts of the proposed quantity and rate of diversion on the creeks and the resources they support for all PODs listed in the application. The evaluation of cumulative impacts must include consideration of all other diversions within the watershed, including any diversions under riparian water rights.

4. An assessment of the impacts of the proposed and existing diversions on channel forming flows with a specific proposal to provide periodic channel maintenance and flushing flows that are representative of the natural hydrograph.

5. A specific proposal to provide minimum bypass flows for maintenance of aquatic habitat, fish, and wildlife. The starting point for determining the minimum bypass flow shall be the estimated long-term unimpaired February median flow at each POD. This proposal should also specifically address bypass flows released while the reservoir is filling during the onset of rains each season, as well as reservoir levels remaining at the end of the irrigation season.

6. A plan to monitor compliance, the effectiveness of the stipulated flows, and procedures for making subsequent modifications, if necessary.

In addition to the flow-related assessment discussed above, surveys for the presence of listed plant and animal species must be conducted at any newly requested place of diversion (including downstream reaches affected by the diversions), place of storage, and place of use. When the results of the above-indicated studies are provided to DFG, appropriate mitigation measures and protest dismissal terms shall be determined. Depending on the outcome of these studies, dismissal terms for these diversions may include, but are not limited to:

1. Under the exercise of all bases of rights, the season of diversion shall be limited to December 15 to March 31 of each year.

2. Under the exercise of all bases of rights, from April 1 to December 14 of each year, all natural flow shall be bypassed.

3. Any water intended for recreation or fire protection must be designated as a non-consumptive use.

4. No water shall be diverted, even within the allowable diversion season, until the measure of flow being bypassed around the POD is of sufficient quantity and quality to allow upstream and downstream fish passage and maintain in good condition any aquatic resources that would exist in downstream reaches under unimpaired flows. Determination of the bypass flow can be based on site-specific biological investigations conducted in consultation with DFG and NOAA Fisheries personnel. In the absence of site-specific data, the bypass shall not be less than the estimated long-term unimpaired February median flow at the POD.

5. The bypass shall be a passive system that is designed to only divert flow when the terms of the SWRCB permit will be met. Outside the diversion season and at low flows, water will automatically bypass the PODs.

6. DFG is opposed to any project that impedes either upstream or downstream passage of aquatic resources. Any device or contrivance which prevents, impedes, or tends to prevent or impede the passage of aquatic resources upstream or downstream shall not be accepted as a means to divert or store water.

7. To avoid impacts to resources, onstream storage facilities must meet the exemption criteria for the location of onstream reservoirs found in the NOAA Fisheries/DFG Guidelines. Those that do not must be capable of bypassing all flows as described above and allow fish passage as required by law.

8. The cumulative maximum instantaneous rate of withdrawal shall not exceed a flow rate equivalent to 15 percent of the estimated "winter 20 percent exceedence flow." The winter 20 percent exceedence flow is the 20 percent exceedence value of the stream's daily average flow duration curve for the period of December 15 to March 31. Cumulative withdrawal rate refers to the effects of this and all other registered, permitted, or licensed projects as well as diversion under riparian or pre-1914 rights.

9. All pumping and diversion facilities shall be fitted with a fish screen that meets the NOAA Fisheries fish screening criteria. Screens shall be in place prior to any diversion of water and shall be maintained in good condition at all times when water is being diverted.

10. To protect instream resources from cumulative impacts of instantaneous diversion, there shall be no direct diversion for irrigation or for frost or heat control under the exercise of any basis of right.

11. The applicant shall develop and submit for DFG approval a mitigation plan aimed at replacing lost plant, fish, and/or wildlife resources including, but not limited to, species or habitats listed in the California Natural Diversity Database. This plan shall include a survey which quantifies losses of resources that have or will occur as a result of this project. Plans shall specify measures taken to offset impacts to resources and outline specific mitigation and monitoring programs.

12. If warranted, an erosion control plan shall be developed. This plan shall outline measures aimed at alleviating sediment delivery into the unnamed stream and Mark West creek systems. This plan shall include:

    a. Time restriction for grading operations or other project-related activities to reduce the potential for erosion and sediment delivery to the affected streams.

    b. Buffer zones shall be established along any riparian corridor of the affected project site. Discing or removal of existing riparian vegetation or other disruptive work shall not occur within said buffer zone.

    c. Erosion control for all exposed areas susceptible to erosion including seeding, mulching, tree planting, slope contouring, and other erosion protection measures shall be included in this plan.

13. If unforeseen problems arise which are causing significant adverse impacts to fish and/or wildlife resources or as further data is accumulated for analysis, the applicant may be required to remediate the situation to the satisfaction of DFG.

14. Permittee must agree to allow access for DFG personnel to monitor compliance.

All or some of these terms may be subject to modification or cancellation should facts warranting such action come to light at a later date.

NOTICE TO APPLICANT: The applicant should be advised that a Streambed Alteration Agreement (SAA) pursuant to Fish and Game Code Section 1602 shall be required prior to any work, including water diversion, within the stream or lake/reservoir zone. This agreement process will be administered through the Central Coast Region Office in Yountville and can be initiated by contacting the Streambed Alteration Section at (707) 944-5520. Work cannot be initiated until an SAA is executed.

If you have questions regarding this protest, please contact Mr. Jeremy Sarrow, Environmental Scientist, at (707) 944-5573; or Mr. Carl Wilcox, Habitat Conservation Manager, at (707) 944-5525; or by writing to DFG at the above memorandum address.

cc: James R. and Carolyn L. Pride
c/o Wagner and Bonsignore
444 North Third Street, Suite 325
Sacramento, CA 95814

Dr. William Hearn
Dr. Stacy Li
NOAA Fisheries
777 Sonoma Avenue
Santa Rosa, CA 95404

Mr. Steven Herrera
Division of Water Rights
State Water Resources Control Board
Post Office Box 2000
Sacramento, CA 95812-2000