

**Napa County Groundwater Sustainability Plan Advisory Committee Meeting
Via Zoom Teleconference: August 13, 2020**

**MEETING “MINUTES”
KEY OUTCOMES MEMORANDUM**

OVERVIEW

The Napa County Groundwater Sustainability Agency (NCGSA or GSA) held the second meeting of the Groundwater Sustainability Plan Advisory Committee (GSPAC or Committee) meeting via teleconference on August 13, 2020. The goals of the meeting were to:

- Present and discuss the Report on Stakeholder Interviews and high level findings of the Groundwater Stakeholder Survey
- Present and discuss a draft outline of the Stakeholder Communication and Engagement Plan
- Present and discuss an overview of the Department of Water Resources (DWR) Review of the Alternative Plan
- Present an overview of Draft Sections 1 and 2 of the Groundwater Sustainability Plan (GSP; also referred to herein as Plan)
- Present and review the updated GSP schedule and proposed review process
- Identify future agenda items

PARTICIPANTS

The following Committee members participated in the meeting: Connor Bennett, Michelle Benvenuto, Garrett Buckland, Michael Dooley, Joy Eldredge, Geoff Ellsworth, John Ferons, Dave Ficeli, Eric Fitz, Alan Galbraith, David Graves, Mike Hackett, Lester Hardy, Jim Lincoln, Amber Manfree, Beth Novak Milliken, Peter Nissen, Derek Rayner, Chris Sauer, Patrick Tokar, Suzanne Von Rosenberg, Paul Warnock, and Robert Zlomke. The following Committee members were excused: Harvest Duhig, Johnnie White¹.

David Morrison, Jeff Sharp, Chris Apallas and Lashun Fuller with Napa County participated in the meeting. Scott McCreary, Robert Twiss and Debbie Schechter with CONCUR served as neutral facilitators. Vicki Kretsinger with Luhdorff & Scalmanini Consulting Engineers (LSCE) participated as technical consultant.

MEETING MATERIALS

Materials provided to the Committee for the meeting included:

¹ Johnnie White joined post-roll call.

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- Agenda and associated staff reports
- 2A Near Final Meeting Summary “Minutes” from July 9, 2020 GSPAC Meeting
- 7A High Level Summary of Findings from Stakeholder Interviews
- 7B Draft Outline of Stakeholder Engagement and Communication Plan
- 7C PowerPoint presentation on DWR Review of Alternative Plan
- 7D PowerPoint presentation on Draft Sections 1 & 2 of the GSP, Drafts of Sections 1 and 2 of the GSP, Draft list of GSP acronyms and abbreviations, DWR GSP Elements table
- 7E Updated GSP Schedule and Proposed Review Process flow diagrams

The documents listed above and mentioned in this meeting summary can be viewed by agenda item at this link:

<http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=6244>

KEY OUTCOMES

Below is a summary of the main topics and issues discussed. This summary is not intended to be a meeting transcript. Rather, it provides an overview of the main topics covered, the primary points and options raised in the discussions, and next steps.

1A. Call to Order, Roll Call

The meeting was called to order by Chair David Graves. Roll Call was conducted by Lashun Fuller.

2A. Approval of Minutes

The minutes of the July 9, 2020 GSPAC meeting were approved unanimously with no changes.²

3. Comments and Recommendations

A member of the public raised questions on the availability of draft GSP text, consideration of undesirable conditions, and the inclusion of representatives of disadvantaged communities.

4. Review of Public Correspondence

No public correspondence was received.

² Discussion with County Counsel has confirmed that for non-substantive actions (approval of minutes and adjournment), if there is no dissenting voice, can be taken via voice vote, calling for ‘all of those in favor and any opposed.’

5. Disclosure of Public Communications

A Committee member reported that two members described the GSPAC's progress at a meeting of the Resource Conservation District Board.

Committee members discussed the type of public communications that should be shared with the Committee. A member noted that information received from the public is valuable and all Committee members need to have the same information with which to make decisions. The suggestion was made to ensure information received from the public is provided to the Committee before the meeting. D. Morrison stated that Committee members should provide public communications to the County at least 24 hours in advance of a Committee meeting; this in turn will allow sufficient time to distribute the information to members.

J. Sharp proposed that communication between the public and Committee members be shared with the Committee if the originator of the communication requests it. In addition, if the Committee member believes the information has value to the process, it should be shared with the Committee without attribution. There was discussion about the requirement to disclose conversations to comply with the Brown Act. County staff will request clarification from the County Counsel on this issue.

6. Secretary-Director's Report

J. Sharp reported that County staff are assembling a website for the GSA that will include information on the GSPAC, its work, and opportunities for public engagement. The website is forecast to be ready before the October GSPAC meeting.

7A. Report of Stakeholder Interviews, Stakeholder Survey

S. McCreary reported on key themes from interviews he conducted with Committee members between July 17 and August 3, 2020 (see Item 7A Findings in meeting documents). The primary intent of the interviews was to gain an understanding of members' background and interests in the GSP development process. S. McCreary mentioned the following themes:

- Committee members have extensive experience with Napa County water management issues
- Need for a sustainable GSP that is approved by DWR, is based on rigorous and empirical information, and includes explicit data sources and analysis
- Ensure equity in access to water
- Treat the planning effort as an opportunity for public education
- Acknowledge structure of county-wide resource planning vs. local water resource management
- Information Committee members would like to see: transparency in data sources; data from more monitoring wells; appreciate engagement of

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- university experts; request that presenters are well-vetted, knowledgeable about Napa water issues and recruitment of expertise is well balanced
- Other information was requested on groundwater-dependent ecosystems; relationship of this effort and parallel ones like the Drought Contingency Plan and the LAFCO study.
 - Suggestions to advance the Committee's charge: Recognizing the large size of the group, consider cross-interest subgroups to discuss options and review draft plans; ensure sufficient time to review the draft plan; engage representatives of disadvantaged communities, address the impact of climate change, consider growth in water demand, think long-term about institutional structure needed to implement groundwater management policy.

A Committee member noted that the summary was useful in that it gave a sense of concerns of Committee members. Another member stated that surface water should be part of the discussion as it relates to groundwater.

S. McCreary provided a high-level summary of the online Groundwater Stakeholder Survey conducted by the County between June 2019 and July 2020. The survey was conducted to understand community interests in groundwater issues and to inform outreach efforts. It was distributed to 1700 recipients via the watershed information site and by industry groups. The County received 79 responses. 60% of respondents were users of domestic wells and there was representation of all types of water users and organizations. Major issues identified by respondents included: extent of groundwater supply, effects of localized pumping on wells, rights to groundwater pumping, ensure decision making is well-informed and that there is enforcement. Suggestions included having consistent efforts for outreach with multiple methods and platforms, and providing regular updates and periodic educational events.

Committee members offered several comments and questions and posed questions on the survey related to outreach and survey results. One member noted polarization in the responses reported in the spreadsheet between residents and wineries/agricultural users and requested additional analysis in the future. Another member noted the importance of outreach and effective survey design in order to get input from as many people as possible. A member reminded the group that at least three recent polls have indicated that water is the most important item to people in Napa County.

A member inquired about the County's plans to follow up with respondents who indicated interest in making their wells available for monitoring. J. Sharp responded that the County is mapping the location of these wells and comparing them to spatial gaps in the monitoring network. The County wants to broaden the monitoring network and these wells will be considered as the County moves forward. There was also discussion of the Public Works 'Do It Yourself (DIY) Groundwater

Monitoring Program' to help people monitor static well levels. J. Sharp noted that there is a lot of interest in this program.

7B. Outline of Stakeholder Communication and Engagement Plan

S. McCreary presented the Draft Stakeholder Communication and Engagement Plan Outline (see Item 7B in meeting documents) and invited clarifying questions and suggestions from the Committee. The Communication and Engagement Plan itself will be prepared as part of the GSP. The outline was informed by the stakeholder interviews and CONCUR would like to receive and incorporate additional suggestions from Committee members as the Communication and Engagement Plan is developed. Highlights of the outline include:

- Recognize and take advantage of the partnerships with the RCD, the Watershed Information and Conservation Council and other organizations with an interest in water resource planning
- Set out context of the GSP: explain that it is a state mandate, in addition to contributing to the well-being of groundwater resource management
- Communicate the overall structure of the GSP and the role of the GSPAC
- Recognizing that feedback is key to the development of the document, build in timely opportunities for public feedback.
 - Get feedback on content and clarity of draft sections
 - Ensure accessible communication on this complicated subject including development of a FAQ document
 - Use multiple communication methods and a range of formats for public education events, especially given current constraints
 - Provide a concise summary document that characterizes the revisions in response to public comments
- Reference parallel planning efforts including the Drought Contingency Plan and LAFCO discussions

Committee members had questions and comments regarding engagement with diverse stakeholders and organizations, with a particular interest in reaching out to disadvantaged communities and BIPOC (Black, Indigenous and people of color). Key points included:

- Reach out to environmental justice organizations and groups that advocate for BIPOC
- Information provided to the public should be presented in multiple languages
- Ensure that interested citizens see that their participation is meaningful and why groundwater sustainability impacts them even if they are not knowledgeable about the topic
- Interest in contributing to the list of organizations and individuals to whom outreach will be conducted

S. McCreary and J. Sharp expressed a commitment to advance the ideas mentioned above and welcome the advice of Committee members to round out and implement these concepts. CONCUR plans to reach out to the Committee to get input on the list of organizations and individuals to be included and to investigate resources for language accessibility and translation. They plan to engage with community service organizations that work directly with disadvantaged communities. D. Morrison noted that DWR has a specific legal definition of Disadvantaged Community (DAC) that relates to designated census tracts.³ He said that this definition will be a focus but will not preclude other efforts to reach underrepresented communities.

7C. Overview Presentation of DWR Review of Alternative Plan

At the first GSPAC meeting, the Committee requested a presentation on why DWR did not approve the County's Alternative Plan. V. Kretsinger provided a PowerPoint presentation in response (see Item 7C in meeting documents). The presentation reviewed SGMA and GSP regulations related to an alternative, the reasons the County elected to prepare an Alternative Plan, a timeline of County and DWR actions related to the alternative, DWR's findings and the County's responses, and how the current GSP development provides an opportunity to build on the County's previous and ongoing groundwater management efforts.

Of note, the County had been conducting comprehensive groundwater studies for many years prior to SGMA, including decades of monitoring and a number of more recent groundwater studies beginning in 2009. Given this engagement with groundwater issues, the County decided to prepare an Alternative Plan under option 3, which required "an analysis of basin conditions that demonstrates that the basin has operated within its sustainable yield over a period of at least 10 years". V. Kretsinger highlighted key formal communications between DWR and Napa County, including DWR's letter recommending disapproval, the County's response (670 pages) and DWR's final disapproval in November, 2019.

She explained DWR's finding that the Alternative Plan was not able to show that standards had been developed prior to SGMA to avoid undesirable results nor demonstrate that undesirable results were not present. DWR's finding was that the alternative did not show the County had used historically defined SGMA-related criteria to demonstrate that the subbasin had operated in avoidance of the six undesirable results for at least 10 years, which was within the period used for analysis of basin conditions prior to SGMA. She underscored that DWR disapproval is not an explicit critique of the County's groundwater management efforts but rather is a finding that the Alternative Plan didn't meet DWR's interpretation of the requirements. DWR stated that "Napa County is proactively managing groundwater and that the information developed . . . leaves the county well positioned for

³ DWR's definition of Disadvantaged Community can be found at the following website, along with a mapping tool to identify DACs: <https://water.ca.gov/Work-With-Us/Grants-And-Loans/Mapping-Tools>

successful implementation of SGMA through the development of a groundwater sustainability plan.”

Committee members posed several questions and offered observations regarding DWR’s decision making process.

One member noted that DWR stated that the agency could not consider the additional information that the County submitted. V. Kretsinger confirmed this but stated that even if DWR had used the information, it would not have changed the interpretation of what had to have occurred prior to SGMA.

A member asked whether there was a specific category of information that DWR was looking for in order to reach a different finding. V. Kretsinger responded that DWR was looking at what kinds of SGMA-related criteria had been created and used by the County 10 years prior to SGMA—in 2005—to determine whether or not undesirable results had occurred during the period used to analyze basin conditions.

Another member commented on the importance of the relationship between surface water and groundwater as well as concepts of “wet water” viz. paper water. In this construct, wet water is physical water and “paper water” refers to agreements and contracts that guide water distribution. The commenter noted that the Committee needs to consider how paper water impacts how we manage the groundwater.

Another member inquired how the County reached the decision to develop an Alternative Plan. V. Kretsinger explained that during its deliberations, the County considered reports, studies and information that had been developed that responded to the SGMA requirements. D. Morrison noted that DWR offered the alternative as an option, so the Napa County Board of Supervisors considered that option and chose to pursue that path.

During discussion with the Committee members, a member mentioned models available to measure flow in the river and well sites to monitor depletion.

7D. Overview Presentation of Draft Sections 1 and 2 of the GSP

V. Kretsinger presented an overview of Draft Sections 1 and 2 of the GSP (see item 7D in meeting documents). Committee members were also provided with full Draft Sections for their review. She explained that the goal is to provide a concise, easy-to-read GSP that can be used and absorbed by the public and is supported by technical memoranda. She reviewed the table of contents and corresponding GSP regulations. Committee members have also received the annotated table of contents, which is a dynamic and evolving document providing a roadmap about the content of each section.

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Section 1 addresses the purpose of the GSP, explains key terms, describes the sustainability goal, sustainable yield, and undesirable results, public engagement and communications, and information on the GSA and its authorities.

Section 2 provides a high level explanation of the Plan area (Napa Valley Subbasin) including jurisdictions and existing wells, water use sectors (agriculture, public water systems, native vegetation, self-supplied water users), land use, and water sources. More detail on these items will be covered in Section 7 and in the technical memorandum for the groundwater model.

A Committee member asked for clarification about the definition of public water systems as compared to municipal water systems. V. Kretsinger explained that the term “public water system” applies more broadly than the term municipal water system (other drinking water system categories include “state small water systems” that serve between 5 and 14 service connections). A “public water system” provides water for human consumption to 15 or more connections or regularly serves 25 or more people daily for at least 60 days. The example discussed was a winery with a public water system for visitors.

Members commented on the need to arrive at a useful definition of native vegetation. One member asked whether native vegetation, which includes naturalized vegetation, would include invasive species and species that are not native to Napa County. Another member noted that in some instances nonnative plants can be beneficial and that nonnative plants are generally mixed with native. S. McCreary and J. Sharp noted that this term highlights a definition that merits clarification in the GSP.

A GSPAC member inquired whether LSCE was aware of GSPs that were bilingual and accessible to all stakeholders. In response, V. Kretsinger noted that steps to increase accessibility had been taken for other GSP efforts (specifically at public workshops) and that the County and its consulting team could consider bilingual materials and interpretation services.

As new Plan sections are drafted, they will be distributed sequentially with time for Committee and public review and discussion. Then, a full Draft Plan will be compiled. At this point, there will be an additional public review interval on the full Draft Plan prior to the GSA’s consideration of the Plan for adoption.

V. Kretsinger directed GSPAC members’ attention to key guiding questions for the for review of draft Sections 1 and 2:

- Do you have specific suggestions for how the Napa County GSA can achieve strong and effective engagement of groundwater stakeholders, both during GSP development and during GSP implementation?

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- Are there additional key stakeholder organizations or individuals not currently represented in Appendix 1b NCGSA's GSP Development Initial Notification? If so, could you please so indicate?
- What suggestions might you have for how the draft GSP can more clearly present the background and purpose of the Napa Valley Subbasin GSP?
- Are there key terms that merit additional clarification or explanation?
- Do you have suggestions for how the draft GSP sections could more clearly describe the sectors of land use and water users in the Napa Valley Subbasin?

Committee members will receive a survey asking additional questions about Draft Sections 1 and 2 (see item 7E below). Looking ahead, GSP Draft Section 3-Water Resource and Land Use Monitoring and Management Programs- will be presented at the next meeting on September 10. In support of the work to draft that section, Committee members will receive an email with the detailed table of contents for Draft Section 3 asking them to name existing water resource-related monitoring and management programs that may not have been identified by LSCE.

7E. Presentation on Updated GSP Schedule and Proposed Review Process

J. Sharp presented the updated GSP schedule and the proposed process for GSP review (see item 7E in meeting documents). In response to previous member comments, the schedule was modified to allow ample time for the GSPAC and the public to review the Final Draft GSP.

J. Sharp presented diagrams to illustrate the intended process review of Draft GSP sections. Depending on the complexity of the topics under consideration, a 2-step or 3-step review process will be used.

In the 2-step process, materials are introduced for review and comment at a first meeting and are discussed and approved at the subsequent meeting. In the 3-step process, the second meeting is for discussion and recommendations on the topic and the topic changes are approved at the third meeting. Committee members will receive materials a week in advance and will provide comments within two weeks.

Some members expressed interest in organizing discussions in working groups to review GSP sections. S. McCreary confirmed that this was an interest expressed in several interviews. S. McCreary and D. Morrison noted that in order to form subgroups, several conditions must be met: they must be voluntary membership, needs to be less than a quorum (to remain consistent with the Brown Act), they must be cross-interest, and formed by the Committee based on a recommendation. One option could be to form ad hoc work teams that work on a specific subject for a bounded time until the task is completed.

J. Sharp introduced a survey that will be distributed to Committee members and members of the public to elicit feedback on Draft Sections 1 and 2 of the GSP. S.

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McCreary noted that the survey will seek concrete feedback from respondents as to whether the Plan is on track in terms of issues addressed, clarity and completeness. This will give guidance to LSCE to strengthen the Plan and help the GSPAC and County track the level of the level of support for the evolving Plan. Responses to the survey are requested by COB August 27, 2020.

S. McCreary noted three requests of the Committee following the meeting. In addition to the survey, the Committee will receive a draft Meeting Summary for review, an inquiry about Section 3 content (as described above) , and questions about stakeholder engagement.

Chair Graves noted that as the work of the GSPAC gains traction, design of the process is evolving. S. McCreary noted items that merit further refinement: better linking public comment and agenda items and materials translation require more discussion. Chair Graves invited input from members about the process and conduct of meetings.

The Committee discussed the idea of members sharing their own respective contact information in support of conducting Committee business, keeping Brown Act requirements in mind. Members were receptive to this idea. D. Morrison said that the County is looking at setting up County emails for Committee members, which would facilitate responses to public records act requests. He will report back on this by the next meeting.

8. Future Agenda Items

Topics to be covered on the next meeting's agenda will included:

- Committee member feedback on Draft Sections 1 and 2
- Presentation and discussion of the first draft of the Stakeholder Communication and Engagement Plan
- Presentation from the California Department of Fish & Wildlife on guidance regarding groundwater-dependent ecosystems (pending and requested; not confirmed)
- Presentation on Draft Section 3 of the GSP
- Roll call vote on July minutes

9. Review of Meeting – Next Steps

Based on the Team deliberations, the following next steps were identified:

Committee Members:

- Complete the following homework:
 - Complete the survey on Draft Sections 1 and 2 by August 27

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- Review draft meeting summary and provide your suggested edits by 2pm on Friday, August 28
- Respond to inquiry regarding Draft Section 3 table of contents by August 25
- Offer suggestions related to stakeholder engagement by August 25
- Chair to explain clearly to the public at the beginning of the meeting that they may provide general comments unrelated to specific agenda items during the initial public comment period and may also offer comments relevant to specific agenda items as they come up.

Facilitation Team/Conveners:

- County staff to confer with County Counsel regarding disclosure of public communications and report back to the Committee
- County staff to report back on the idea of setting up County emails for Committee members

Questions regarding this meeting summary should be directed to S. McCreary (scott@concurinc.net) or Jeff Sharp (jeff.sharp@countyofnapa.org).