



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 7/22/2014

Agenda Placement: 11A

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Lawrance Florin - Director  
Housing and Intergovernmental Affairs

**REPORT BY:** Michael Karath, STAFF ASSISTANT - BOS - 299-1477

**SUBJECT:** Amendment to 2014 Legislative/Regulatory Platform - Groundwater Management/ Recycled Water

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### **RECOMMENDATION**

Director of Housing and Intergovernmental Affairs requests discussion and approval of a change to the 2014 Napa County Legislative/Regulatory Platform that would amend the County's groundwater and recycled water policy.

### **EXECUTIVE SUMMARY**

In January 2014, Governor Edmund G. Brown Jr. proclaimed a drought State of Emergency in California, after water shortfalls led to the driest year in recorded State history. The Legislature is currently writing groundwater management/sustainability legislation that will likely result in a raft of State guidelines that may affect all water well owners. These guidelines include: creation of a local groundwater management/sustainability agency, mandatory measuring devices for all water wells, mandatory reporting of water well data to the State, rationing of groundwater, and enforcement of State guidelines through fines, court action, and cessation of water extraction.

Further, all major State groundwater proposals at this time explicitly deny any State funding to implement these policies, stating that the local jurisdictions have the power to fund these State mandates through instituting fees.

The State groundwater proposals put forth were designed for State-designated "high priority" areas that have experienced severe groundwater depletion and land subsidence. Napa County is classified by the State as a "medium priority" area. Napa County has proactively instituted a number of groundwater sustainability measures over the past 10 years that include many of the provisions mentioned in State groundwater proposals. Napa County believes that State measures should concentrate first on high priority areas. Medium and low priority areas should be required to have a State-mandated groundwater management plan in place that includes a local groundwater agency, measuring, reporting, rationing and enforcement. But the plan would only go into effect if the medium or low priority area's groundwater management policies fail to protect groundwater supplies and causes

the area to become a high priority area.

### **PROCEDURAL REQUIREMENTS**

1. Staff reports.
2. Public comments.
3. Motion, second, discussion and vote on the item. (Unanimous vote is required)

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

In January 2014, Governor Edmund G. Brown Jr. proclaimed a drought State of Emergency in California, after water shortfalls had led to the driest year in recorded State history. The governor directed administration officials to take all necessary actions to prepare for these drought conditions. The Legislature took action as well, drafting several major proposals designed to globally manage the State's groundwater supply and permanently secure groundwater sustainability for citizens, communities, the agriculture industry, and other stakeholders.

The resulting State proposals to groundwater management have been one-size-fits-all models that treat groundwater like air is treated in AB 32—that it is all commingled and should be collected in one “bucket” to be more easily managed. This means that every landowner or industry member with a water well and pump must install measuring devices and report quarterly to the State, as well as submit a yearly report of total groundwater extraction. In this manner, the State will know the exact groundwater inventory and can prescribe enforcement measures, including rationing, court orders, fines, and cessation of water extraction to enforce sustainability guidelines.

But groundwater management is much different than air management. A depleted water basin in one area rarely affects other nearby healthy basins. Mandating measurement devices and groundwater reports for all citizens and businesses, regardless of the status of their water basins, is an unnecessary cost burden - as is the mandate for all local jurisdictions to create and maintain a groundwater management/sustainability agency that has inspection, research and administrative capabilities. The State groundwater proposals put forth were designed for State-designated “high priority” areas that have experienced severe groundwater depletion and land subsidence. Further, all major State groundwater proposals at this time explicitly deny any State funding to implement these guidelines, stating that the local jurisdictions have the power to fund these State mandates through instituting fees.

Napa County is classified by the State as a “medium priority” area. Napa County has proactively instituted a number of groundwater sustainability measures over the past 10 years. Napa County believes that State

measures should concentrate first on high priority areas. Medium priority areas should be required to have a State-mandated groundwater management plan in place that includes measuring, rationing and enforcement. But the plan would only go into effect if the medium priority area's groundwater management policies fail to protect groundwater supplies and causes the area to become a high priority area.

The attachments to this Board Letter include the tracked changes and clean final version of the proposed changes to the County's groundwater/recycled water policy.

**SUPPORTING DOCUMENTS**

- A . Platform Amendment - Groundwater - final clean version
- B . Platform Amendment - Groundwater - tracked changes

CEO Recommendation: Approve

Reviewed By: Leanne Link