



Mission Statement: Protect the long-term economic and environmental viability of Napa Valley by combating climate change through the preservation and the restoration of the natural environment and resources upon which the health of our vineyards, wineries and entire community relies.

Save Napa Valley Foundation advocates on behalf of Napa Valley, a national treasure, to assure its agriculturally based community endures into perpetuity.

August 8, 2022

Attn: Department of Water Resources

cc: Napa County GSA; LSCE; Interim County CEO; Planning Commission; David Morrison; David Graves; Jamison Crosby

Subject: Comments on Napa GSA Performance and Progress

To Whom it may Concern,

As Napa Valley Subbasin groundwater resources stakeholders, we wish to bring the lack of management effectiveness by the Napa County Groundwater Sustainability Agency (GSA) to your attention. Since the submission of Napa's Groundwater Sustainability Plan (GSP) in early 2022, signs of groundwater scarcity have been evident and the drought has continued. Yet the Napa Valley Subbasin GSA has shown no indication that they intend to manage groundwater in a way that addresses the unprecedented conditions facing our community. We have no confidence in our GSA due to a history of inadequate leadership in resource management by its members. We therefore encourage the California Department of Water Resources to carefully assess our GSP for deficiencies, and to ensure that our GSA acts decisively to achieve the sustainability goal by applying all available mechanisms.

Our concerns are:

1. The GSA's choices in establishing a Technical Advisory Group (TAG), as recommended by the Groundwater Sustainability Plan Advisory Committee (GSPAC), do not follow clear guidance to include only apolitical technical experts, with specialties spanning the breadth of the GSP's content. This is engendering a lack of trust from stakeholders including portions of the agricultural sector, environmental users, and residents.
2. Thresholds have recently been exceeded in the Napa Valley Subbasin for chronic groundwater decline, groundwater storage reduction, depletion of interconnected surface water, and land subsidence. Our basin has encountered an undesirable result in groundwater storage. Lack of action from our GSA has allowed well owners to continue to pump without restrictions, thus increasing our groundwater storage deficit.

3. By engaging in performative governance, the GSA complies with policy on a technical level while avoiding meaningful changes. Napa stakeholders desiring wise use of our scarce water resources via increased regulation and/or conservation express themselves publicly at meetings, both verbally and in writing, but the content of their messages is invariably dismissed or disregarded, even when backed by science or direct knowledge. Although there is the appearance of inclusion, goal-setting, and reporting, no action occurs on the ground. If this were a stand-alone issue, we would be less alarmed; however, GSA inaction is part of a pattern of ineffective governance of water resources by Napa County over many years. We are hopeful that state guidance will make it possible for our GSA to manage groundwater in the Napa Valley Subbasin with more success than we have seen for County surface water and drinking water.

We are writing to voice these concerns, and to create a record of our observations. Our livelihoods and well-being depend on well-managed water supplies. We have continued to closely follow GSA meetings and water resource management since the conclusion of the GSPAC process. Our goal is to protect our scarce groundwater resources for the benefit of all Napa Valley Subbasin groundwater users.

Background

In accordance with the Sustainable Groundwater Management Act (SGMA) of 2014, Napa County Supervisors and the California Department of Water Resources (DWR) delineated the Napa Valley Subbasin, and the Napa County Board Supervisors (BOS) established themselves as the GSA managing it. The Napa Valley Subbasin was re-prioritized from a medium to high-priority basin by DWR in 2018.

In 2019, the GSA submitted an Alternative Proposal which was subsequently rejected by DWR. Continuing their efforts to comply with SGMA, the GSA appointed 25 community members to its' GSPAC in 2020. From July of that year to November, 2021, GSPAC members collaborated on the development of a GSP with the backdrop of worsening drought conditions. The full allotment of time was spent producing the Plan, which was submitted to DWR in January 2022. The GSP is currently under review.

In the past few years, locals have seen creek reaches drying and experienced curtailments of State Water Project allocations. Water trucks crisscross Napa Valley throughout the summer and early fall, delivering water to vineyards and residents with failing wells. In 2021, the City of Napa established restrictions on water truck deliveries as their supply dwindled. Well drilling rigs are a common sight throughout Napa County.

Studies confirm that the Western US entered a megadrought in 2000. It is compounded by climate change, and is the most severe drought in 1,200 years. The climate crisis is predicted to exacerbate extreme weather events indefinitely. In late October 2021, a torrential downpour caused landslides and local flooding. Some hailed "the end of the drought." In truth, erratic weather is characteristic of transitions between California's alternating long-term wet and dry periods, and is likely compounded by climate change.

Summer of 2022 will be at least as dry as 2021 was in Napa Valley, and early climate models are predicting another *La Niña* for the 2022-23 water year. There is no end in sight for water scarcity. With each day that passes without thoughtful action to manage our shared groundwater resource, reestablishing a sustainable level of use becomes more difficult.

Technical Advisory (Work) Group Recommendation

On [November 8, 2021](#), near the end of their tenure, Napa GSPAC members voted unanimously to recommend that the GSA establish a Technical Work Group (TWG) (later renamed “Technical Advisory Group”) comprised of qualified experts to advise the GSA on implementing this complex plan. Late in the GSP development process, unanimous GSPAC votes were uncommon.

***Motion passed unanimously:** [GSPAC advises] the GSA to form a Technical Work Group (TWG) to work with staff, consultants and the GSA on implementation of the GSP, that the members of the TWG have technical expertise relevant to the GSP as well as experience working in a collaborative setting on public policy implementation, that the TWG have the responsibility and the timely opportunity to advise the GSA, and that the TWG charge be to address implementation of the entire GSP and include, among other things, a focus on data gaps and adaptive management.*

On [November 16, 2021](#), GSPAC members voted 17-4 to recommend that the GSA adopt the draft GSP and submit it to DWR. Several votes in favor of recommending the GSP hinged on the aspiration of a TWG that would be objective, apolitical, and science-based.

The spirit and intent of the TWG recommendation, expressed clearly by GSPAC members with diverse backgrounds and interests, was for the group to provide guidance that would be objective and trustworthy. Their charge would be to use the best available science to advise the GSA on the management of groundwater in the Napa Valley Subbasin, as a way to avoid partisan dynamics.

This concurrence of thought is evident at several stages of the process:

- At the [November 8, 2021](#), GSPAC meeting where the idea of a TWG was first presented:
 - Facilitator Scott McCreary summarized comments made by Lester Hardy, David Graves, Garret Buckland, and Michele Benvenuto at the October 8, 2021, meeting by saying, “There have been several comments along these lines: shift the focus, don’t be so prescriptive on interest groups, make sure that [a TWG] really emphasizes technical expertise” (2:24:42).
 - Beth Novak-Milliken clarifies her proposal (2:34:45) before it goes to vote, saying, “What I suggested...was not anything political...I want that extremely clear; I do not want any of these groups to be political. I think these need to be work groups where you roll up your sleeves, you work together, and you get the work done, and the idea is not to have it [be] political.”
- At the February 8, 2022, [GSA meeting](#) (2:55:40), the GSA considered creating a “Stakeholder Advisory Group” that would give agricultural practitioners a “co-equal” role to a TWG (2:46:20), Michele Benvenuto, Executive Director of Winegrowers of Napa County, Molly Williams, Napa Valley Grapegrowers Industry & Community Relations Director, and Dr. Amber Manfree, who represented environmental users of water in

GSPAC, each provided public comment clarifying GSPAC intent and expressing interest in a single advisory group with “apolitical” members. Later in the same meeting, regarding a different agenda item, Michele Benvenuto asserts Winegrowers’ interest in “science-based” resource management (3:48:40).

Now that the GSA has appointed members to the TAG, it is apparent that the call for neutral parties with relevant training and experience that covers the full range of topics is not being adhered to. County staff recommended three initial TAG candidates to the GSA on [May 17, 2022](#) (4:11:00):

1. Julie Chambon - Senior Engineer at Geosyntec Consultants, specialty in environmental engineering and hydrogeology
2. Monica Cooper - UC Cooperative Extension, specialty in Viticulture and Pest Management
3. Mathias Kondolf - UC Berkeley Department Landscape Architecture & Environmental Planning, specialty in Fluvial Geomorphology

These three candidates are well qualified; however their specialties do not adequately cover the array of issues addressed by our GSP. These TAG candidates represent hydrogeology, viticulture, and fluvial geomorphology. The group lacks expertise in areas related to SGMA categories of groundwater dependent ecosystems and environmental users of water, i.e., fisheries, aquatic biology, and botany.

The [bylaws](#) of the TAG (page three) explicitly note the following as *Member Qualifications*:

III. A. The TAG shall be composed of at least three and no more than seven members selected by the NCGSA with technical expertise in one or more of the following disciplines:

- a. Ecohydrology
- b. Hydrogeology, including surface water and groundwater interaction and numerical flow models
- c. Geomorphology
- d. Fisheries; aquatic ecology
- e. Botany, with expertise related to riparian and groundwater dependent ecosystems
- f. Engineering, with expertise related to one or more of the proposed GSP project types
- g. Viticulture, and vineyard management including sustainable growing practices and irrigation
- h. Potable water system operations
- i. Natural resources monitoring, including technological advances relevant to water resource management
- j. Hydrology, particularly river system hydraulics and restoration approaches

At the [May 17, 2022](#), GSA meeting former GSPAC members Peter Nissen (Napa County Farm Bureau) (4:19:45) and Michelle Benvenuto (4:21:33) suggested expanding the committee specifically to add members of the agricultural community. In a departure from earlier discussions, Nissen called for members “not involved in modeling” and Benvenuto said, “A scientific committee was not at all what the GSPAC recommended.” Other former GSPAC members, Mike Hackett (4:24:05), Beth Milliken (4:29:30), and David Graves (4:31:30), followed with comments requesting that the TAG retain a scientific focus and that additional TAG members should be subject experts with scientific backgrounds that expand the group’s capacity.

On Tuesday, May 17, the Napa County GSA directed staff to re-release [the RFQ](#) for the TAG to solicit additional applicants, specifically seeking expertise in “Viticulture and vineyard management including sustainable growing practices and irrigation.”

On June 21, 2022, the GSA appointed five people to the TAG, including the original three candidates plus two agricultural community members:

1. Miguel Garcia - Napa County Resource Conservation District Sustainable Agriculture Program Manager
2. Albert Filipelli - grapegrower with Vino Farms; previous operator of mutual water company

With three of five members representing agricultural practices and concerns, the TAG is now stacked in favor of Napa County’s agricultural industry, rather than being comprised of an objective, balanced, unimpeachable group of experts who can advise on and guide our plan in a way that all stakeholders can trust. The weighting of the appointments is counter to the spirit and intent of GSPAC’s recommendation. Ideally, the TAG will advise the GSA on appropriate monitoring and measuring and to apply the best science to protect groundwater resources for all in Napa County. This outcome is highly improbable with a majority of TAG members working and specializing in local agriculture, and without any representatives with expertise in groundwater dependent ecosystems or environmental users of water.

Threshold Exceedance without Action

On [March 22, 2022](#), Napa’s GSA was informed that they had exceeded four minimum thresholds, three triggers, and had met criteria for one undesirable result under SGMA guidelines (3:52:25). No action was discussed by the GSA. Instead, the GSA will wait for recommendations from the TAG.

	Minimum Threshold Exceedances	Trigger Exceedances	Undesirable Result
Chronic Groundwater Level Decline	Yes	Yes	No
Groundwater Storage Reduction	Yes	No	Yes
Depletions of Interconnected Surface Water	Yes	Yes	No
Land Subsidence	Yes (GW Level only)	Yes	No
Seawater Intrusion and Degraded Water Quality sustainable indicators to be evaluated in future reports following monitoring network expansion.			

1/22/2022

On [June 7, 2022](#), (3:18:30) the BOS heard an update on the Governor’s Executive Order N-7-22. Staff noted that Napa County issues four to five well permits each week and that some counties are responding by limiting well diameter or new well drilling. As legally required, Planning staff will take the Executive Order into consideration when considering permit applications, and will bring qualifying permit requests to the GSA. No new policy relating to local conditions was considered. Acting as the BOS, GSA members then expressed anticipation for guidance from the GSA’s TAG, “so we can make science informed and science-directed decisions.” (3:44:30).

[June 21, 2022](#), GSA members again indicated that they intend to wait until the TAG makes recommendations before acting on groundwater management (2:41:10).

While the GSA may not be out of compliance with SGMA yet, their delay in acting puts future compliance at risk. For individual well owners and groundwater dependent species and ecosystems, this delay may bring devastating outcomes that could be avoided relatively easily with an early response.

Performative Governance

We are aware that DWR does not oversee or have a role in most governance concerns listed below. Having said this, as residents and business owners who have spent decades in the Napa community, we see the actions of the GSA in a larger context, and wish to share our perspective.

Taken by itself, the performance of the GSA may not appear problematic. However, in the past few years, we have observed repeated failures of governance related to natural resources management in Napa County. Our worst fear is that the GSA will follow the same arc as other recent projects, and the community’s need for water protection will not be met.

Examples of Napa County inaction on water management:

- As drought worsened from 2012 to 2021, Napa County made no water conservation policy changes, and increased demands on the water supply system by approving new projects:
 - In the Napa Valley Subbasin, 26 new winery projects were permitted between 2012 and 2021. They are allowed to produce 1.6M gallons (4.9AF) of wine annually, requiring about 30AF/year potable water.
 - County-wide, 55 new wineries were permitted between 2012 and 2021. They are allowed to produce nearly 4M gallons (11.7 AF) of wine annually, requiring about 70AF/year potable water.
 - Restrictions were loosened on wine production increases for existing wineries resulting in substantial, but difficult-to-track, increases in production volume.
 - County-wide, over 6,000 acres of new vineyard were planted between 2010 and 2021, the nearest dates of reference to the onset of the drought. An additional 5,500+ acres of vineyard conversion projects have been permitted, but are not yet built.
 - Above drinking water supply reservoirs, 420 acres of new vineyard were planted between 2010 and 2021. An additional 1,600 acres of controversial wildland to vineyard conversion projects have been permitted above these reservoirs, but are not yet built.
 - A manager at Rector Reservoir has reported declining water quality and requested that their interests be considered when new projects are proposed.

- In 2019 through 2021, the City of Napa led the development of the [Napa Valley Drought Contingency Plan](#). The plan focuses on water supply security for urban users. Napa County participated in the development of this plan, but did not take the initiative to leverage funding opportunities and political capital in the wake of the 2012-16 drought to address water management in its jurisdiction.
- In November of 2020, the Local Agency Formation Commission of Napa County released the [Napa Countywide Water and Wastewater Municipal Service Review](#), which recommended forming a county-wide water agency. Some benefits include coordinated system-wide water management, more efficient logistics, and more regional leverage. County Supervisors have been unsupportive of the recommendation and have taken no action toward this goal.
- On December 13, 2021, the County Board of Supervisors established a [Drought and Water Shortage Task Force](#) as required by SB 552 to assist residents whose domestic wells have run dry. On March 4, 2022, three members of the public were appointed: Tanner Heirs (Howell Mt. Mutual Water General Manager; unanimous), Mark Perkins (Coombsville resident; 4-1), Delia Viader (agriculture; unanimous). The group has met twice since April, but has not taken any action on water management. No future meeting is listed at the Task Force web page. In March, supervisors expressed interest in having Watershed Information and Conservation Council (WICC) members serve on the Task Force, but in April the item was pulled from WICC's April 28 agenda and not discussed ([Item 4C](#)). The future of the Task Force membership is unclear. June 30, 2022, was the initial target date for the Task Force to propose interim drinking water solutions, and a draft plan was proposed for May of 2023. The schedule for both has been pushed back with no new deadlines in place.
- Napa County's Climate Action Plan, initiated in 2007, languished in the development stage, and is now so out-of-date that it would require substantial revisions - or perhaps a complete rewrite - before approval. The failure to make progress on this critical planning document was the subject of a [2018 Grand Jury investigation](#).

Water resource management projects handled by the Napa County BOS/GSA show a pattern of inaction. The lackluster response amidst a worsening drought is not an exception; rather, it is standard procedure. Given the inclement conditions and the track record of GSA/BOS members, the lack of urgency demonstrated is deeply problematic. In one capacity or the other, the individuals present clearly have the authority and the duty to adjust well permitting, request expedited additional monitoring, and/or take other actions to safeguard the public trust.

In Closing

As stakeholders in Napa's vibrant agricultural community, we are concerned about the direction Napa Valley Subbasin GSA is presently taking. The GSA is seemingly ignoring best available science and the severity of the situation, in spite of actionable information from its own GSP and regional water managers, their staff, and members of the public. They appear to have given in to pressure from portions of the agricultural sector. The only practical water management changes in recent years are in

response to mandates by higher authorities, proactive groundwater management is not underway, and three ag-oriented appointees will sit on the five-person TAG.

The formation of a politicized Technical Advisory Group and delay in taking any action on groundwater management amidst a rapidly worsening drought are fostering distrust and pushing our groundwater basin toward additional undesirable results. While the establishment of a TAG is at the discretion of our GSA, and not required or overseen by DWR, we convey our concern due to what might be perceived as a dereliction of duty demonstrated by members of the GSA in their various capacities. Given our years of participation in local planning processes, it is our view that the current Napa Valley Subbasin GSA cannot be trusted to voluntarily manage groundwater in a way that sets our basin up for success in the SGMA framework.

We understand that SGMA allows 20 years for GSAs to avoid undesirable results and mitigate overdraft, and that Napa Valley has only recently exceeded thresholds. We do not see that as an excuse for hesitation, however. There is no lasting benefit, and there may be significant lasting harm to agricultural interests, residents, municipal wells, and groundwater dependent ecosystems if conditions worsen.

We hope that this information informs your understanding of our region, and we stand by you in your work holding the Napa Valley Subbasin GSA accountable to SGMA objectives. Again, our goal is to protect our scarce groundwater resources so that our natural systems may flourish while users experience predictable and reliable water availability.

With meaningful oversight from DWR, it may be possible to stay on-track.

We thank you in advance for your consideration and insights!

Laurie Claudon

Laurie Claudon, on behalf of,
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