

SUMMARY OF NAPA COUNTY GSA SEPTEMBER 22, 2021 PUBLIC MEETING

Note: The PowerPoint slides presented are available at the following weblink: <https://www.countyofnapa.org/3251/Past-Events>. The Agenda for the meeting is included within the slide presentation. The text here summarizes questions posed by the public and responses of County staff and consultants.

Drought

Question: Will the plan evaluate recharge basins in the aquifer?

Response: Aquifer recharge is included as an action in the plan. As an example, in Yolo County a number of basins were used to take the peak flow off Cache creek and storing it into adjoining water basins and letting it recharge the groundwater. The challenge in Napa County is finding land as it is very expensive on the valley floor. Recharge is certainly something we're looking at as it can be a very effective tool.

Groundwater Dependent Ecosystems

Question: How does the application of California Public Trust fit into the "users" of groundwater for whom the Plan needs to balance?

Response: Public trust applies to surface water (navigable streams). To the extent that groundwater feeds into surface water, it is a part of this plan and would have to be addressed through the groundwater dependent ecosystem indicator.

Question: Does the Plan include any triggers that would prevent the drying of the Napa River like what we've seen this year?

Response: SGMA requires that Plans state thresholds and triggers. Those are included in the Plan, and we can follow up separately with you on that. The plan is to manage groundwater, not to ensure the flow of the Napa River. We do have to look at contributions of groundwater to the Napa River, but obviously the Napa River isn't solely dependent on groundwater. The Napa River receives water from a lot of different sources.

Considering how SGMA guides groundwater, it is not the managers of the groundwater aquifer's sole responsibility to ensure that the river has water. Under SGMA, we can't reduce the amount of water going into the river from groundwater, but that does not mean that the river will be free-flowing because that would require changing half a dozen reservoirs, dozens of surface impoundments and a number of other things in order to achieve that goal. This is not a river plan, this is a groundwater plan.

Question: Are fisheries to be addressed in the GSP

Response: In response to concern about fisheries; it is something that is a part of the plan, but not the focus of it. Fish health is a part of the discussion regarding groundwater dependent ecosystems and are something that we do care about, but ensuring fish survival probably

requires a different effort that may involve this (the groundwater plan) in part, but not as the sole solution.

Observation: *Water should be withdrawn during wet season, laws on the books regarding stream flows should be enforced, concern that water released by municipalities is immediately withdrawn by downstream users.*

Groundwater Permits

Question: *Do groundwater permit applications stipulate that specifies that groundwater may not be removed from site?*

Response: Good question, don't know the answer... would be happy to take a look at that and find out.

Follow up: Overlying basin rights do not allow groundwater to be exported out of the subbasin, but does allow transfer from one property to another in the subbasin. Other types of groundwater rights do allow export. Currently, there are numerous properties where neighbors share wells with adjoining properties, or where wells serve multiple properties under common ownership. No action requiring groundwater to remain on-site is currently included in the GSP.

Observation: *Groundwater may be moved between parcels of same ownership.*

Question: *How many groundwater pumping permits has the County issued? How many in the past year?*

Response: The County does not have a specific count of the total number of wells within the subbasin. The County doesn't know all the groundwater wells in the valley; some have been drilled in the 1800's long before permits were required. As first step, the County is working to figure out where all the wells are to begin with. We don't have the numbers for the past year handy, we'll look them up and get back to everyone.

Follow up: The County issued 48 permits for new wells within the past year. An additional 17 permits were issued for replacement wells, where the existing well was destroyed. The County also issued 66 permits for well destruction, separate from the replacement well permits. Note that these numbers are countywide, including areas located outside of the subbasin.

Question: *As part of well permitting, does the County make a distinction between new wells and damaged wells that need to be rehabilitated (fire damage)?*

Response: We try to take note of that when the situation arises. The amount of fire damage on the valley floor was minimal compared to damage in the watersheds. Obviously, we did have fire damage in some areas, but it was a very narrow band of damage within the aquifer. We do track fire re-builds for construction which would include well permits. On the dry wells, we are trying to track them down and are asking people to report them as they find themselves in that situation.

Question: *Does this approach to well permitting apply to residents and businesses in the hills?*

Response: Well permitting is required countywide and requirements may vary depending on the site. Any new requirements related to the GSP will apply only within the subbasin.

Groundwater Rights

Question: *How are entitlements to groundwater established?*

Response: They are regulated by the State of California. I am not familiar with them. If there are entitlements that are superior to the plan, then they would be able to keep those entitlements. Use is not established as an entitlement. I'm talking about more of a legal entitlement rather than just historical use. Historical use wouldn't be sufficient to establish that. We will respond in further detail to these questions.

Follow up: For the first 50 years or so, the English system of unregulated ground water pumping was used in California. Consequently, in most areas of California, overlying land owners may extract percolating ground water and put it to beneficial use without further approval. In 1903, the Supreme Court established the concept of overlying rights, in which the rights of others with land overlying the aquifer must be taken into account. Later court decisions established that ground water may be appropriated for use outside the basin, although appropriator's rights are subordinate to those with overlying rights. More recently, in several basins, groundwater use is subject to regulation in accordance with court decrees adjudicating the ground water rights within the basins.

There are three primary types of groundwater rights: overlying, appropriative, and prescriptive. (A fourth category, pueblo rights, is rare and does not apply within Napa County.)

Overlying groundwater rights are analogous to riparian rights; they attach to land overlying a groundwater basin. Property owners above a common aquifer possess a mutual right to the reasonable and beneficial use of a groundwater resource on land overlying the aquifer from which the water is taken. Similar to riparian rights, the water can only be used on the overlying land and can't be exported outside the groundwater basin. Overlying rights are correlative (related to one another), and overlying users of a common water source must share the resource on a pro rata basis in times of shortage. A proper overlying use takes precedence over all non-overlying uses.

An appropriative right is the term for the "first in time, first in right" principle of water rights and are secured through a permit issued by the State Water Resources Control Board whereby a user may take water from a particular source without regard to the contiguity of the land to the source. Appropriative groundwater rights are analogous to appropriative rights for surface water. They are acquired through the actual pumping and use of water and are not limited to use on the overlying land. Groundwater can be exported out of a watershed under an appropriative water right or exported away from the groundwater basin. They are not limited to non-native water; an appropriator can divert imported water as long as it's abandoned, but if the importer imports the water and recharges the groundwater basin with the intent to recoup that water, then that's not considered abandoned and it's not available for appropriation. This permit contains terms and conditions for use of the water. Appropriative rights to groundwater are subject to forfeiture for non-use.

A prescriptive right is acquired by taking water to which another water right holder has a senior claim to you; this is analogous to adverse possession in property law. The elements for a prescriptive right are that you have to actually use the water, the use has to be open and notorious for a period of five years or more and the use has to be adverse and hostile to the

other water right holder or water right holders. Prescriptive rights are difficult to obtain and can only be granted by a court. Most people in California do not have and cannot acquire a prescriptive right. The courts have clarified that since 1914, the only way to acquire a new water right is to apply for and receive a water right permit from the State Water Board.

A pueblo right is a water right possessed by a municipality that, as a successor of a Spanish or Mexican pueblo, is entitled to the beneficial use of all needed naturally occurring surface water and groundwater of the original pueblo watershed. Pueblo rights are the oldest rights, and are paramount to all other claims.

The above information was summarized from the following website: [FEATURE: Water rights 101 – MAVEN'S NOTEBOOK | Water news \(mavensnotebook.com\)](#)

Groundwater Use

Question: Will attention be directed to historic groundwater use? Will existing use be grandfathered in?

Response: That would depend on whether you have legal entitlements for that withdrawal. If you have legal entitlements to the groundwater, the plan cannot affect those entitlements. Some GSAs in the State have considered metering, but they can't restrict groundwater pumping on everyone because some individuals have underlying historical groundwater entitlements established before California was established or early in the state's history.

The plan can only affect where the plan has legal authority. Groundwater and water rights in general are exceedingly complex. If you have legal entitlement to the groundwater, you would be able to continue pumping. If not, then we would have to look at how the water is supposed to be used for the benefit of all users, not individual users. We would have to look at how your needs fit into the balanced needs of all subbasin users.

Question: Which citizens will the GSP impact?

Response: Under the terms of SGMA, for a typical single family home (using less than 2 acre-feet/year); the plan will not affect you. If you use more than that amount, the plan may impact how you use groundwater.

Monitoring Wells

Question: How many monitoring wells are there in the County?

Response: There are about 100 monitoring wells in the subbasin and they are geographically distributed to obtain a spread of dispersal of information gathering rather than focusing on just one area. Some are near the Napa River (there are currently five dedicated sites near the Napa River system and four more that are planned). There are two monitoring wells at each site to monitor both surface level and groundwater interconnectivity.

At some sites, wells were installed in 2014; we now have 7 years of data on those sites which is enough to have a better idea of what's responding to stressors in the system. (Wells are completed to a 50 feet depth in shallow areas and 100 feet in deeper area.)

Question: What data is being gathered on wells? Will the plan show how many wells have had to have been redrilled in the past few years due to the lack of water?

Response: The County has a link to report dry wells to the State dry well database. The State monitoring program ([Household Water Supply Shortage Reporting System \(ca.gov\)](https://www.water.ca.gov/shortage-reporting)) reports 13 wells in Napa that have gone dry since 2013. Eight of those 13 have been reported since January 1, 2020. In addition to looking at State data, we are looking at all new well permits as they come in and continue to gather data. Wells can have reduced production or go dry due to a number of causes, although groundwater lowering is one possibility.

Question: Have we seen lowering of groundwater levels through well monitoring conducted so far?

Response: We are seeing declines right now, but of course we are in the second year of one of the more severe droughts in the last half century. We are seeing areas of lowering around Rutherford and other places in the valley. We are also seeing locations where groundwater levels has actually come up a foot or so (not huge, but a little bit).

Napa County's geology is extremely complicated. Underneath the surface of the earth it is not uniformly homogenous. There are multiple layers of soils of different density, textures, roughness, and storage capacities. Some layers allow water to move through quickly, some allow water to move through slowly, and some layers don't allow water to move through at all. The layers do not occur in any kind of definable pattern. We have mapped out the geology and have a good understanding in terms of the modeling, but the aquifer reacts differently in different parts of the valley. That is why we have monitoring networks to verify and improve the model.

Question: Have you noticed a significant difference in groundwater levels in Coombsville or Carneros since County has started monitoring?

Response: Coombsville has stabilized especially since the county started managing the groundwater in that area. The groundwater table was dropping in the MST area but it has since stabilized which is a good thing. Carneros is not currently a focus in terms of groundwater deficient areas or part of a groundwater sustainability plan. There are some CASGEM (state monitored) wells in Carneros, but we don't know how their condition relates historically. The County is not aware of any problems that have been reported to us.

New Development

Question: How will this impact housing?

Response: This plan does not impact housing. Right now, the County is going through our Housing Element update. All cities and counties in the area are required to complete this task by December of 2022. The Association of Bay Area Governments is the regional agency that assign housing production numbers based on numbers they receive from the Department of Finance and Department of Housing and Community Development. For the next housing cycle (2023-2031), unincorporated Napa County has been assigned 1,010 housing units. The other cities will also receive their allocation and these numbers will not change as a result of the plan.

Observation: *The housing market/winery market will be impacted by groundwater status.*

Question: *Wouldn't restrictions or requirements reduce property value?*

Response: Many factors can reduce property value or make the property more valuable. Reduction in value is not typically something that State regulation considers. For example, when you build a new house, you have to build to Title 24 standards, put in solar panels, and solar batteries in 2023. The State didn't say "how will that affect the cost of the house" they just mandated that this is the new standard.

Plan Process

Question: *What sections are the GSPAC working on now?*

Response: Materials are posted on the County's groundwater website. The GSPAC Planning team and members are currently working on sections 7, 8, 9 and 11. A draft of section 10 has been posted online, and is still to be considered by the committee. The full draft GSP will first be introduced in October 2021. As required by SGMA, the plan must be submitted to the Dept. of Water Resources by January 31st of 2022. We are on a strict timetable.

Question: *What is the structure and staffing of the GSA? Will there be another layer of bureaucracy?*

Response: The structure is headed by a Groundwater Sustainability Agency consisting of the Board of Supervisors. The GSA is currently being staffed by Ms. Crosby and Director Morrison who have other professional responsibilities as well. Currently, the County is picking up the cost of staffing. As time goes forward, we will have to see what kind of effort is needed and how that will be funded. That will depend on what the plan recommends and what the agency determines needs to be done.

Question: *What is the cost of the GSP and what is the funding source?*

Response: The cost is roughly \$2.5 million, of which \$2 million is funded through grants through DWR. The balance funding is from the County general fund.

Question: *Are you consulting multiple agencies, watershed organizations, and indigenous perspectives?*

Response: The County is working with other agencies and very closely with DWR. We are also working with the cities; many sit on the advisory committee. Recognized Tribes have been notified and asked to comment. Staff works very closely with the Flood Control District. Watersheds are included in the modeling to support plan development, but they are not subject to regulation. We look at areas outside of the valley floor in terms of their input, but our authority for this planning effort does not extend into the watershed.

Question: *Will there be a new fee for well owners?*

Response: Currently there is no fee, but it is a possibility. A fee could be established in the future.

Observation: *Comment that we should not move slowly to protect water. We should take steps now.*

Observation: The Groundwater Management Plan should be taken in baby steps and adjusted as part of the 5-year update process with additional data and input.

Sources of Groundwater

Question: *Where does the groundwater come from?*

Response: Sources of groundwater include recharge through precipitation, including storm water runoff, and through stream infiltration where rivers permeates into the aquifer. Recharge also occurs from the application of agricultural and landscaping irrigation, recycled water use, and pond storage.

Question: *Do we have information about groundwater coming from outside the aquifer? Specifically, isotope tracing can determine water coming from the Rocky Mountains that then percolates up to 2000 feet.*

Response: No, we are not aware of that phenomena and is something we will need to look into further.

Subbasin Boundaries

Question: *Does the Carneros Basin Need a GSP?*

Response: DWR designated the boundaries and priority status of all groundwater subbasins in California. Carneros is designated as a separate subbasin from the Napa Valley subbasin; the two basins are not hydrologically linked. Under state law, only medium and high priority subbasins are required to have GSPs. Carneros is considered a low priority groundwater basin. The Napa Valley subbasin has been designated as high priority and the County has been in the process of developing a GSP since January 2020. The priority status of a basin can change and Carneros could be designated as medium or high priority in the future at which point County would develop a GSP for Carneros.

Question: *How is Basin Priority Established? Does low priority mean it's not an issue?*

Response: Priority is determined by DWR using several factors including: Population and projected population growth, amount of irrigated agriculture, number of wells, relative reliance on groundwater, and significant groundwater overdraft. One of the main factors in the Napa Valley subbasin is the economic value it provides to California –a \$10 billion dollar wine industry. The State has said they want to make sure that isn't threatened in the future by groundwater instability.

Question: *What authority and during what years of study were used to establish the boundaries of the aquifer?*

Response: DWR established the initial boundaries in 1975 based on the alluvial outflow area. DWR has allowed entities to come in with data and a supporting rationale to revise those

boundaries. The State set legally defined boundaries and it would be up to the State Legislature to revise those boundaries.

Threshold Indicators

Question: *What is meant by sustainability? How does this differ from stable?*

Response: Sustainability is defined through the 6 indicators and 6 adverse conditions that we are working to avoid. By meeting those conditions, we are “sustainable” and the only way to do that is through active management.

A “free-for-all” situation is not sustainable because any individual/owner can use more than their share of water or many landowners can do so. In such a context, the groundwater aquifer can be adversely affected. It doesn’t have to mean that individuals are currently creating problems, just that there is the potential. What we don’t want to see are significant adverse impacts that result by waiting too long before taking action. Sustainability is achieved by taking action to make sure those adverse conditions are avoided before they become critical.

Question: *How will the data be collected for the six different indicators?*

Response: The County maintains a network of approximately 100 monitoring wells which are measured on a regular basis. DWR also has a number of wells, which provide data that the County uses in our analysis of the health of the subbasin.

Private landowners also play a role. The County has reached out to private landowners and asked for voluntary well measurements and we invite any landowners who would like to participate in our well monitoring program to contact us if they’re interested.

Question: *Do we have data on subsidence?*

Response: We use several data sets to inform us about subsidence. Remote sensing satellite data is used to measure subsidence. DWR provides this data annually. Subsidence by satellite data is verified by ground truthing, so we obtain land survey data. Some areas have extensometers, which provide direct measurement of elevation changes.

Question: *Does the County website have data on subsidence on the website?*

Response: Yes, that data is posted in Section 6 of the draft GSP that is posted online.

Question: *Given that the aquifer has changed significantly since the 70s, 80s, 90s, are we using relevant current data to inform the plan?*

Response: We have gathered all of the available data for groundwater level measurements, surface water, and other readily accessible data. We are also trying to obtain data through entities who don’t post their data publicly. If members of the public are aware of any data that we’re haven’t yet captured, please notify the planning team.

Question: *What is the completeness of our knowledge base?*

Response: We don't know everything about the aquifer; there is a concern that groundwater data is not complete enough to inform future decisions. Several portions of the plan recommend more monitoring wells and more studies in general so we can understand as much as we can.

Trucked Water

Question: *Does the County track the number of users of who are trucking water to inform the plan?*

Response: No, the number of owners who use trucked water is not tracked. Trucked water is often (but not always) sold by the City of Napa, or sometimes it is purchased from neighboring counties, so the activity is not completely under County control. In either case, the water being hauled is not from the subbasin. Some cities have placed restrictions on the haulers of trucked water, which may provide some level of data in the future. As there is no prohibition on receiving trucked water, we do not have data on its delivery destination.

Jurisdictions may be prevented from stopping trucked water deliveries to residences, as it becomes a matter of public health and safety. When a home is built outside of a municipal service area, it is required to have a well that provides adequate drinking water. If that well production is significantly reduced, or it goes dry or is contaminated, the house can no longer be inhabited unless an alternative source of drinking water is provided. That is one of the reasons why owners are reluctant to provide information on dry wells.

Question: The lack of information on trucked water implies a data gap?

Response: True. Unfortunately, people who have dry wells aren't eager to report that because houses can be red tagged or deemed uninhabitable. It's kind of an underground activity about which we don't know the full extent.

Well Metering

Question: *Does the GSA have authority to put meters on well or to limit pumping?*

Response: Under the terms of SGMA, the GSA does have that authority. The more important question is whether it will be used and under what circumstances. It's a big step and one that if taken, will not be taken lightly.

Question: *In the event wells are to be metered, will there be any grants or government programs to assist with metering wells?*

Response: The County hasn't yet decided whether to meter wells. Some GSAs don't even require meters, they estimate water use based on how many houses or how many acres of corn field are in the area. They use modeling to determine estimations. There are State grants to fund SGMA implementation, as well as other drought related grant programs. If meters are required in the future, staff will work with State agencies to determine if meter installation would qualify for funding.

Question: *How will the County know how much groundwater individuals/homes are using without monitoring the wells?*

Response: Existing GSAs have answered that question differently. Napa County is relatively new to the process. There are 250 GSAs throughout the state of California so this is something that has been done repeatedly. In some GSAs, they will look at satellite imagery to estimate water usage. In other GSAs, they require every well to be metered. Every agency has their own approach to dealing with regulation. Metering is one tool that can be used and it may be used in the future.

Question: *Will the GSA begin to meter wells that haven't yet been metered or monitored? ?*

Response: No specific decisions have yet been made on metering and monitoring, though they are both included on the list of planning and management actions.

Question: *Will there be funding sources to support potential well metering.*

Response: There may be several funding sources, including grants. The County is investigating those now

Question: *Are groundwater meters currently optional? Who reads the meters and how are they recorded?*

Response: Currently, meters are optional. In Napa County, sometimes meters are required and sometimes they are not. They are required, for example, in new projects in the MST area. If there are wineries where groundwater supply may potentially be an issue, they are required. But Napa County doesn't require houses and wineries built 30 years ago to have meters. Wells that have meters are monitored by County staff or sometimes self-reported. If they are not self-reported, we go out and request the meter log.

Further Information

Question: *Where can we learn more about the plan?*

Response: Here is a link to the website. [Groundwater Sustainability Plan | Napa County, CA \(countyofnapa.org\)](https://www.countyofnapa.org/groundwater-sustainability-plan)

Question: *The County wanted to create an in-person opportunity for those who may not have access to a computer access or smartphone. Some people prefer in-person interactions. Why wasn't this meeting televised or provided via Zoom?*

Response: We have a meeting on October 6th set up for Zoom. We are trying to be available to the widest possible audience. We will have a Zoom meeting. This meeting is being taped to have a record of comments and questions asked tonight.

Question: *How will attendees receive responses to questions posed?*

Response: The County and our consultants will compile questions posed and responses and post this document to the website so attendees and other interested parties have access to the summary of the discussion.