



A Tradition of Stewardship
A Commitment to Service

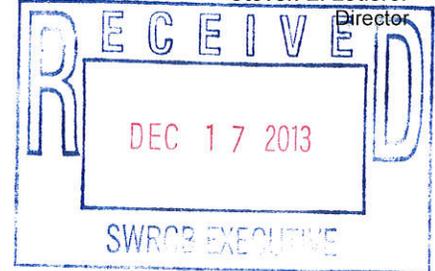
Department of Public Works

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Steven E. Lederer
Director



December 13, 2013

Ms. Felicia Marcus
Chair, State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Ms. Marcus,

Thank you for the opportunity to comment on the recently issued drafts of the State Water Action Plan and the Groundwater Workplan Concept Paper. We appreciate that you are reaching out to local entities and other stakeholders prior to attempting to implement top-down solutions to both real and perceived problems.

While we may provide additional comments later, this letter will focus on our single primary concern: **The State, despite verbal assurances otherwise, appears to be heading down the path of a top-down, one size fits all, regulatory approach.**

One needs to look no farther than page 2 of the concept paper, which states in part, "...groundwater management has largely evolved on an as needed basis in a *decentralized manner* across the state. *In spite of this...*" (italics added). This clear bias against local programs is pervasive throughout the document and is consistent with previous Water Boards efforts (see implementation of the on site wastewater regulations, AB 885, as an example of the failure of previous top down regulatory efforts). The following paragraph of the document, which does state that a "one size fits all" approach to groundwater management is inappropriate, then fails to recognize both the authority (and responsibility) vested in local governments for land use control, without which intelligent groundwater planning is impossible.

One typical "top down", and potentially burdensome and unnecessary requirement, appears on page 4 of the concept paper. The document suggests that "The legislature should require local groundwater management entities to **establish thresholds** for sustainable groundwater management in their local groundwater management plans and **report their progress**". While this sounds simple on its face, actual implementation in many places will be costly and serve no particular purpose.

Napa County (and we suspect is the case in many other counties) can serve as an example. Groundwater and soil conditions vary greatly throughout the county. One basin, the Milliken-Sarco-Tulocay (MST) area, has been identified as a ground water deficient area. As such, groundwater regulations (including thresholds), integrated with land use regulations, and various corrective actions, have been put in place to address this area. Other areas of the County are regularly monitored, and while groundwater is regularly used, no large scale issues have been identified. Many property owners voluntarily cooperate with the County monitoring program to ensure adequate data is available. However, the Water Board's proposal to "establish thresholds" is problematical. Establishment of formal, regulatory thresholds in these areas is at this time wholly unnecessary and would require

hundreds of thousands of dollars of hydrogeological studies in the various sub-basins across the county, supported by appropriate CEQA documentation and the requisite public process. In the meantime, such a process will undermine the cooperative relationship we have established with our property owners. While we often publicly brief our Board of Supervisors, City Councils, and residents on water issues, it is unclear what the State means by "report their progress" in the above proposed action. Report to whom? In what format? We fear that such a requirement will quickly lead to the need to prepare a regular, voluminous, and expensive report to the State that will provide no particular benefit to actually improving groundwater.

Without further belaboring the point of local control, we strongly support the statement made on Page 2 of your document, which says that "The Water Boards will **focus attention and assistance on high-use basins where thresholds are being exceeded**". Simply put, there are some areas where real, large, regional problems exist, and the Water Board should focus their efforts on those. Generally the smaller, more rural areas, are more capable of managing their groundwater resources at the local level, and unless they are demonstrating otherwise, should be allowed to continue to do so without "help" from the State level.

There are two areas where the State may be able to help improve conditions:

- Funding: Groundwater management at the local level is difficult to fund via fees, and as such often is reliant on General Fund support, which as we all know can be problematical at times. If the State could create a stable source of funding for such programs, or provide Prop 218 relief for local entities to raise revenue, every jurisdiction would be in a better position to manage their groundwater properly.
- State Organization: Without meaning to be unkind, regulation of water issues at the State level is frankly a mess. The number of agencies involved, many often working at cross purposes, does nothing to improve water quality or quantity, and so frustrates and scares the average resident that getting voluntary cooperation in monitoring and management of groundwater is extremely difficult. While we recognize how difficult this would be to change, it is nonetheless time to try and do so.

In summary, we acknowledge the challenge facing all of California, and the Water Boards, in addressing water issues with the limited resources available. As such, we highly recommend the State improve its organization, and use its resources to focus on the most urgent issues and areas, while leaving local responsibility and authority in place elsewhere.

Regards,



Steven E. Lederer
Director of Public Works

cc: Napa County Board of Supervisors
State Senator Lois Wolk
State Assemblymember Mariko Yamada
Kathy Mannion, RCRC Legislative Advocate