

December 19, 2016

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Chair Pedroza and the Napa County Board of Supervisors

Re: December 13, 2016 Staff Presentation of supporting documents for the Napa Valley Groundwater Sustainability - A Basin Analysis Report for the Napa Valley Sub basin to the California Dept of Water Resources (DWR), Item 9A on the Board Agenda.

Chair Pedroza:

I have been very active in Napa County concerning Water Issues over the past several years, attending many meetings and presentations on the subjects, especially WICC meetings, individual projects (Erosion Control Plans, CEQA Analysis, Wineries, Vineyards, Residential, etc.) presented before the Planning Commission and the Board of Supervisors (Groundwater Resources Advisory Committee, Water Availability Analysis, Project Appeals - Woolls Ranch Winery, etc). The Board of Supervisors has drifted to a pattern and practice of amending its agendas and submitting important information after the 72 hour deadline allowed by the Brown Act. As I detail below, a public record relating to its consideration of the Basin Analysis Report was available to the entire Board prior to the meeting, 10 copies provided to 10 members of the public in tiny unreadable font at the meeting and additional copies were refused for the rest of the public present. This document was highly critical of the staffs' Basin Analysis Report and should have been made available to the public at the time the agenda for this meeting was posted and, barring that, sufficient copies for the public, in readable format, should have been available at the meeting during which the Board adopted its proposed alternative groundwater sustainability plan.

Something has changed in the demeanor and efforts of the Napa County Staff that has darkened meeting quality along with the integrity and quality of document presentation. These changes are impairing the ability of the public and the decision makers to comment on the points made in these presentations and documents.

This disturbing saga started with the 2 WICC meetings on the Basin Plan, where the evolution of the Basin Plan was presented to the public in workshops seeking their feedback and comments as the final draft was taking shape. These meetings took place from 3 to 6 pm on Thursdays in a buildings distant from the main meeting areas in the Napa County Administration Building and at unusual times in the late afternoon. NO special meetings were called for the WICC presentations that would move the meetings to a more normal morning time frame and into the more hospitable board room, where video recording and audio visual equipment (presentation screens) were numerous and of high quality.

Instead, the acoustics and presentations screens used for projection in the Napa Valley Transportation Center on Burnell Street and the Napa County Office of Education on E Imola Avenue were of much lesser quality, and there was no video recording of the meeting, only audio recordings.

The timing and venue selection contrasts strongly with the Water Availability Analysis workshops in late 2014 that were held in the Board Rooms at more reasonable times. The WAA subject although very important, received greater respect than the Basin Plan, which is of much greater import and consequence within Napa Valley since it is part of the largest water grab in the history of California.

The interested, educated and the concerned public wished to participate, but the timing and location increased the chances of fewer residents attending. Simply looking at the WICC Board attendance during the two meetings to understand the attendance issues; where the first meeting had a large turnout of the 24 Board Members, but the 2nd meeting was barely attended by 9 Board Members.

During the meetings, following 1-1/2 hour presentations of the latest DRAFT Basin Plan, each public speaker was limited to only 1-3 minute comment period with no Question and Answer follow up. In all, each member of the public was limited to 3-3 minute comment periods throughout all of the public meetings, 2 at the WICC meeting and one at the Board of Supervisors meeting of final presentation. All one has to do is look at the Response to Comment document to see the low number of public meeting comments, after separation from the responses to letter correspondence. Participation was very limited by the number of meetings, long presentations, staff dissertations, comment time limits and lack of Question and Answer periods. It was not a very thoughtful, thorough or democratic public review of the Draft Basin Plan.

Prior to the WICC meeting I requested a venue and time change for the meetings to make it easier for the public to attend, but this suggestion was not discussed at the WICC meetings and was summarily denied by the staff. I do not know if the WICC Board was queried on this issue before the first meeting.

The integrity of Document presentation regressed dramatically at the Board of Supervisors meeting for the presentation of the Draft Basin Plan. Please see the attached EXHIBIT #1 containing the BOS agenda item and note the Supporting Documents A thru L. Documents G thru L had timely transfer problems that impaired the ability of the Public and the decision makers to comment on the points made in those documents.

Document I, the Alternative Element Guide (AEG) a late document was presented to the public and the Board on the day of the meeting. Each board member received a copy, but the public was only supplied with 10 copies. Additional copies were requested but our request was refused. In addition, the format was unreadable, since the font was 2 or 3, too small for even those with spectacular eyesight to recognize and understand or read during the meeting.

Document H also has the problem of late entry, again arriving in paper form, 10 copies, at the meeting. It shows the late changes to the Basin Plan based on the AEG. It only states what was done to change

the Basin Plan, but not the Why for the changes. The whole AEG and the response from staff is a huge data gap that left the public without critical information for public participation.

Documents K & L, the electronic presentations made at the meeting, are important for the public to review the documents in the days following the meeting. Normally, these documents are posted as supporting documents as a matter of course, but I had to ask for inclusion of items K & L into the supporting documents so the public had a common location to seek the documents and presentations from the meeting. Staff initially pointed me to the WICC website where all documents were placed, but the WICC website is a standalone site that does not have a search function to help navigate the pages and find the documents. Napa County website does have a low level search function, that although helpful, it is easier to do a web search using Google Search to easily find the documents. Some search samples (WICC & Groundwater) are included in Exhibit #2.

The most egregious of these failures was Document J, a November 21, 2016 letter from Yemia Hashimoto, Engineering Geologist for the Groundwater Protection Division of the SF Bay Regional Water Quality Control Board, presenting 6 comments to the staff on the Basin Plan. This letter was emailed to the staff on 11/21/2016 without a following hard copy. This was 24 days before the BOS meeting and 18 days before the BOS Agenda was posted and announced on 12/8/2016, on the County Agenda Web Site; these dates left plenty of time to have this document included as a Supporting Document on the electronic agenda. But the document was instead, submitted to the County Executive Staff on 12/9/2016, relegating the document to a paper distribution on the day of the Board Meeting, when only 10 copies of the document were provided to the more than 10 members of the public in attendance. Every supervisor got a copy, but not all the audience were provided with a similar and equal opportunity to peruse the document and engage the questions from Ms. Hashimoto and the replies of the staff. We requested more copies but the request was refused.

In document G, response to comment, questions 2.60, 2.61, 2.62, 2.63 and 2.64 contained Ms. Hashimoto questions from her letter along with staff replies to these comments. But without a copy of the letter, it was difficult to quickly read and comprehend the importance of the questions and replies. Also, to add confusion, Ms. Hashimoto questions were buried in the Response to comment document, ordered in a listing that was not chronological, placing her comments after 55 comments and followed by 25 comments. Chronologically, Ms. Hashimoto questions should have been the last and not placed inside the body of the document.

See the following list of entrees from the Response to Comment Document:

DATE (# of comments)

11/3/16 (16),
11/4/16 (1),
11/6/16 (3),
11/7/16 (3),
11/9/16 (29),
11/10/16 (3) ,
11/11/16 (1),

11/21/16 (6), ***

9/22/16 (19),

10/28/16 (3),

10/31/16 (3)

The handling of these two documents appears to have been a deliberate attempt to deprive the Public of participation and comment on the Basin Plan.

In all of these documents, the handling appears to be a deliberate attempt to impair the ability of the Public, and Decision Makers, to comment by withholding or delaying critical information on the points in these documents. The actions of the staff to adopt this method of obfuscation for this most important policy document, the Basin Plan has deprived we the people from the full participation we are guaranteed. I demand an explanation for these violations of the spirit and letter of the Brown Act. These staff actions should render the Board vote moot and you should send the report back to allow FULL public participation in a revised report. This has not been democracy in action.

Let me remind you of the powerful words of the Ralph M. Brown Act:

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

Mr. Pedroza, you are the Chair of the Napa County Board of Supervisors and the Board is responsible for Staff, so the Buck Stops on your desk. I want to know why deception took place and who is responsible for these actions.

Deeply Concerned

Gary Margadant

EXHIBIT #1:

Napa County Board of Supervisors Agenda Item 9A for Board meeting 12 13 2016

<http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=4883>

Retrieved 12 18 2016

9A

Director of Public Works requests approval of and authorization to submit the Napa Valley Groundwater Sustainability - A Basin Analysis Report for the Napa Valley Subbasin, to the California Department of Water Resources (DWR) to meet the legislative deadline of January 1, 2017 for Sustainable Groundwater Management Act (SGMA) compliance.

Supporting Documents

- A [Basin Analysis Report Executive Summary](#) (Adobe PDF - 1510 kb)
- B [SGMA-Napa County GW Program Timeline](#) (Adobe PDF - 384 kb)
- C [Basin Analysis Report](#) (Adobe PDF - 34938 kb)
- D [Basin Analysis Report Apendices Part 1 of 2](#) (Adobe PDF - 46404 kb)
- E [Basin Analysis Report Apendices Part 2 of 2](#) (Adobe PDF - 20856 kb)
- F [Frequently Asked Questions \(FAQs\)](#) (Adobe PDF - 135 kb)
- G [Response to Comments Table](#) (Adobe PDF - 460 kb)
- H [Luhdorff and Scalmanini 12-9-16 Memo \(Added after meeting\)](#) (Adobe PDF - 98 kb)
- I [Alternative Elements Guide-Napa Valley Subbasin \(Added after meeting\)](#) (Adobe PDF - 208 kb)
- J [SF Bay RWQCB 11-21-16 Letter \(Added after meeting\)](#) (Adobe PDF - 132 kb)
- K [Sustainable Groundwater Management Act Presentation \(Added after meeting\)](#) (Adobe PDF - 2538 kb)
- L [Basin Analysis Report Presentation \(Added after meeting\)](#) (Adobe PDF - 6676 kb)

EXHIBIT #2:

Displaying results 1 - 15 of 93

[07-26-12 Presentation: WICC](#)

Presentation provided to the GRAC and WICC on 7/26/12 regarding the WICC's role and responsibility, membership and meetings, key ... Watershed Information Center & Conservancy (WICC) Board of Napa County GRAC Meeting p y Joint GRAC-WICC July 26, 2012 ... months www.napawatersheds.orgKey WICC Programs □ Provide Education & Outreach - WICC WebCenter - Public Involvement/Events □ Monitor ...

8/14/2012 5:07:36 PM

[07-25-13 GRAC-WICC Agenda Packet](#)

and the Watershed Information Center and Conservancy (WICC) Board of Napa County to share updates ... Bldg., Environ. Services 4:15 Updates from the WICC: • Overview of current WICC Efforts ♣ Watershed Symposium, Earthday, Website, TMDL ... Benvenuto, Vice-Chair, GRAC Mitchell Klug, Chair, WICC (Note: times provided for Agenda items above ...

7/19/2013 5:00:06 PM

[07-26-12 Action Minutes Joint GRAC-WICC Meeting](#)

Action minutes of the July 26, 2012 Joint GRAC/WICC meeting

3/15/2013 10:50:38 AM

[GRAC-WICC July 26, 2012 Agenda Packet](#)

Catlin, Vice-Chair, GRAC Mitchell Klug, Chair, WICC 4:10 pm Update on WICC Activities • Overview of WICC Program ... h ed information center & conservancy of napa county wicc wicc The WICC Board of Directors serves as an advisory committee to ... www.napawatersheds.org to learn more about what the WICC and sign-up on the WICC website ... information about our watershed.” Mark Luce, WICC Board ...

7/19/2012 4:59:48 PM

[GRAC-WICC July 26, 2012 Agenda Packet\(2\)](#)

Catlin, Vice-Chair, GRAC Mitchell Klug, Chair, WICC 4:10 pm Update on WICC Activities • Overview of WICC Program ... h ed information center & conservancy of napa county wicc wicc The WICC Board of Directors serves as an advisory committee to ... www.napawatersheds.org to learn more about what the WICC and sign-up on the WICC website ... information about our watershed.” Mark Luce, WICC Board ...

8/14/2012 5:07:35 PM

[Applicants sought for Watershed Information Center and Conservancy](#)

Media Release - Watershed Information Center and Conservancy Board of Napa County ... as an advisory committee to Napa County Board of Supervisors. The **WICC's** role is to assist the Board of Supervisors ... of watershed resources. In that capacity, the **WICC** has a responsibility to publicly evaluate and ... providing watershed information and education. The **WICC** Board meets the fourth Thursday every other ...

7/23/2014 2:59:43 PM

[Media Release - Watershed Information and Conservation Council of Napa County](#)

for Watershed Information and Conservation Council (**WICC**) of Napa County (Napa, CA--) The County ... upon appointment and expires August 2020. The **WICC** meets the fourth Thursday every other month at ... an advisory committee to Napa County Board of Supervisors. The **WICC's** role is to assist the Board of Supervisors ... to the management of watershed resources. More about the **WICC** can be found on their website at ...

6/24/2016 9:30:28 AM

[Creeks and Watersheds](#)

Caring for Creeks - This publication was developed by the Napa County Resource Conservation District (RCD) with funds through a grant awarded by the California Department of Conservation. ... Watershed Information Center and Conservancy (**WICC**) - The **WICC** website is a comprehensive source of ... Napa County Resource Conservation District (RCD) - The RCD is a local, non-regulatory agency whose mission is to ...

3/21/2016 4:38:47 PM

[Sustainable Groundwater Management Act \(SGMA\) Update Flier](#)

A flier that provides current information on the County's efforts to comply with the Sustainable Groundwater ... through the Watershed Information & Conservation Council (**WICC/2002**). As a result, Napa County began ... at meetings/workshops of the Napa County **WICC** for public comment. The first **WICC** meeting ... Thursday, November 3, 2016. It will also be available on the **WICC** website prior to the meeting at ...

8/25/2016 3:21:06 PM

[WCC Related Links](#)

- California Department of Fish and Game ... - California Native Plant Society - Napa Valley Chapter ... - Environmental Education Coalition of Napa County ... - ICARE (Institute for Conservation Advocacy Research & Education) ... - Napa County Flood Control & Water Conservation Dist. ... - Napa County RCD (Resource Conservation District) ... - **WICC** (Watershed Information Center & Conservancy) ...

6/16/2016 2:05:56 PM

[Conservation Division](#)

The Conservation Division is available for consultation and application processing services weekdays (excluding holidays) from: ... Only: Monday through Friday 12:00pm-1:00pm ... If you have questions about erosion control plans, agricultural preserve (Williamson Act) contracts, mining inspections ... The Watershed Information Center & Conservancy (WICC) Board of Napa County - Look for us in our new ...
5/13/2016 9:16:28 AM

[Flood Control and Water Resources](#)

Flood Control and Water Resources ... NEW - Pay water/sewer bills online! ... Customers of the Lake Berryessa Resort Improvement District (LBRID), at Berryessa Estates, and the Napa Berryessa Resort Improvement District (NBRID), at Berryessa Highlands, can now pay their ... visit the Watershed Information Center and Conservancy (WICC) Web site. The WICC is a watershed resource management program that ...
8/25/2016 3:10:39 PM

[Groundwater Program](#)

Napa County Public Works Groundwater Program landing page. ... NEW: Final Draft of the Napa Valley Groundwater Sustainability - Basin Analysis Report for the Napa Valley Subbasin is now available. For more information on local groundwater sustainability planning ... WICC 11-3-16 Workshop ... WICC 9-22-16 Workshop ... in your local area by visiting the Watershed Information and Conservation Council (WICC) website. ...
12/12/2016 12:19:43 PM

[Presentation: Monitoring for Sustainability](#)

Presentation from a March 10, 2014 workshop regarding groundwater resources and monitoring for ... Public Outreach & Education through RCD and WICC • Expanded Groundwater Monitoring Program to insure ... Ag Industry, Environmental, others □ GRAC-WICC Board Joint Meetings □ Hosting Public Meetings/Forums ... Speaking □ Organizations, Groups, others... □ WICC Watershed Symposium Groundwater Sustainability ...
3/21/2014 3:18:06 PM

[11-05-14 Workshop Presentation 1](#)

11-05-14 Workshop Presentation 1 provided by Patrick Lowe ... County.GW/GRAC Website: www.countyofnapa.org/bos/grac WICC Website: Patrick Lowe Natural Resources ...
11/7/2014 4:22:17 PM

groundwater	<input type="button" value="Search"/>
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*More than 300 results were found. Only the first 300 will be shown.
Displaying results 1 - 15 of over 300*

[Groundwater Program](#)

a stake in protecting the County's **groundwater** resources. Without sustainable **groundwater** resources, the character of the ... County has embarked on a countywide **Groundwater Monitoring** ... to develop a sound understanding of **groundwater** conditions through **groundwater** monitoring and data management. The ... to provide data on the interactions between **groundwater** and surface water. Added **groundwater** quality ...

12/12/2016 12:19:43 PM

[Groundwater Management](#)

so as to share the limited **groundwater** resource equitably. The management of **groundwater** can range from programs to promote ... monitoring or well meters. For more information on **groundwater** conservation and best management practices visit www.groundwater.org. ... regulating the extraction and use of **groundwater** in the county and requiring the issuance of a **groundwater** permit ...

4/24/2015 12:58:04 PM

[Groundwater Program Brochure](#)

in compliance with the Sustainable **Groundwater** Management Act (SGMA). **Groundwater** Resources in Napa County Monitoring for ... annual report on the status of overall **groundwater** conditions. The Importance of **Groundwater** in Napa County Why should I measure ... voluntary program that measures the depth to **groundwater** (level only). **Groundwater** use is not being measured or monitored ...

8/25/2016 3:27:25 PM

[Groundwater Workshop Presentations](#)

County Board of Supervisors **Groundwater** Workshop February 14, 2011 February 14, 2011 **Groundwater** Workshop 1**Groundwater** Workshop ... to the same level of understanding about **groundwater** and County functions related to water resources ... recycled water to reduce demands on **groundwater** and ... and technical expertise needed to address **groundwater** and suggested Public Works would be the most ...

8/23/2011 11:30:18 AM

[Groundwater Resources Advisory Committee](#)

Information on Napa County's **Groundwater** Resources Advisory Committee ... **Groundwater**, held in aquifers beneath Napa Valley, is a vital water supply source for residential ... commercial and agricultural users in Napa County. Watch this page for "all things **groundwater**." ... Board of Supervisors appointed a 15-member **Groundwater** Resources Advisory Committee (GRAC). ...

1/16/2013 3:21:40 PM

[Groundwater Workshop Handouts](#)

questions to be addressed • Questions/Discussion **Groundwater** Workshop -Agenda 2

3:00 Sonoma County's Recent **Groundwater** Experience ... technical experts on revisions to the **groundwater** ordinance • Aggressively defend **groundwater** as a County resource and actively ... Board of Supervisors 1 **Groundwater** Workshop February 14, 2011 February 14, 2011 **Groundwater** Workshop Departments of Public ...
8/23/2011 11:30:22 AM

[2015 Groundwater Subareas](#)

GW Subareas.mxd FIGURE 2-2 Napa County **Groundwater** Subareas Napa County Comprehensive **Groundwater** Monitoring ... Report and CASGEM Update Explanation Napa County **Groundwater** Subareas ´ 0 1 2 Miles Data sources ...
8/16/2016 11:03:30 AM

[Groundwater Permit Handout](#)

GENERAL INFORMATION REGARDING **GROUNDWATER** PERMITS FOR PROJECTS WITHIN THE MST **GROUNDWATER** DEFICIENT ... following information applies to projects using **groundwater** located in the MST: 1. NO **GROUNDWATER** PERMIT ... an acre will not trigger a **groundwater** review. 2. MINISTERIAL **GROUNDWATER** PERMIT REQUIRED (project considered ministerial) 1 ...
10/28/2013 11:13:43 AM

[01.31.13 Presentation: Item 5a - Groundwater & Groundwater-Surface Water Interaction](#)

of California Overview vWhat is **groundwater**? vHow much **groundwater** is there? vHow fast does **groundwater** move ... and where does it go? vHow do Californians use it? v**Groundwater** management and **groundwater** quality ... 7-day well pumping tests vEstimate from **groundwater** models ... Irrigation EfficiencyIrrigation Efficiency**Groundwater** Management and **Groundwater** QualityIntegrated Regional Water Management ...
3/6/2013 11:12:01 AM

[2015 Annual Groundwater Monitoring Report \(30Mb\)](#)

4/4/2016 4:13:59 PM

[Homepage for the Groundwater Resources Advisory Committee](#)

The Napa County **Groundwater** Resources Advisory Committee (GRAC) held its sixteenth and final meeting ... Napa County Board of Supervisors held a **Groundwater** Workshop on Monday, Feb. 14, 2011. The workshop ... the county: what we know, what we don't know, and how **groundwater** and County functions related to water resources are ... To bring everyone to the same level of understanding about **groundwater** ...
11/7/2014 4:41:21 PM

[2015 DWR Groundwater Basins Map](#)

GW Basins in Napa County.mxd FIGURE 2-1 **Groundwater** Basins ... Subbasins in Napa County, CA Napa County Comprehensive **Groundwater** Monitoring ... 2015 Annual Report and CASGEM Update Explanation DWR **Groundwater** Basins and Subbasins Napa

Valley Subbasin ...

8/16/2016 11:05:51 AM

[Groundwater Resources Advisory Committee Contact](#)

Contact information for the Napa County **Groundwater** Resources Advisory Committee ... **Groundwater** Resources Advisory Committee Patrick Lowe Natural Resources Program Manager Flood ...

8/16/2012 4:28:36 PM

[Sustainable Groundwater Management Act \(SGMA\) Update Flier](#)

which includes: an ongoing and evolving **groundwater** monitoring network and program, annual **groundwater** conditions ... March 3, 2015 meeting. The County and its **groundwater** consultant are currently completing work to ... of the basin. Napa County **Groundwater**: www.countyofnapa.org/groundwater/Watershed Information and Conservation Council **Groundwater**: www.napawatersheds.org/groundwater ...

8/25/2016 3:21:06 PM

[DIY Groundwater Monitoring Flier 2016](#)

of the year to better understand how the **groundwater** reservoir beneath their land responds to winter ... report on the status of overall **groundwater** conditions.

Additional **groundwater** information ... be found at:

NapaWatersheds.org/Groundwater Join the County's **Groundwater** List Serve at:

CountyofNapa.org/Groundwater/. Reserve ...

8/16/2016 11:43:34 AM