



Date: July 2026

To: Napa County Board of Supervisors

From: Save Napa Valley Foundation, Napa Vision 2050, Sierra Club Napa Group

Re: Joint Policy and Practice Recommendations from Public Interest Organizations

Protecting The Public Trust for Future Generations – Napa County Faces Water Security Preservation and Climate Resilience Challenges

We all know and accept that Napa County is facing rising temperatures, more intense storms, loss of wetlands and floodplain function, sea level rise pushing in-land, and increasing frequency and severity of droughts and wildfires. At the same time, we see the Sierra snowpack reduced, decreasing aqueduct water availability, and our groundwater basin has been in documented overuse for the past seven years as analyzed by Luhdorff and Scalmanini, hired by Napa County.

According to the Napa Groundwater Management report agriculture uses 72-74% of our groundwater. Decisions about land use become ever more important as we face declining water resources and increasing needs such as irrigation during extreme heat events. We need to consider that tourism and the ever increasing number of hotels may need to turn to groundwater use should imported surface water become less reliable.

Knowing that water is our scarcest shared resource, it is our stated goal to protect this precious resource for current and future generations. Yet too often, we observe methods used to make permitting decisions for new or expanded water-demanding projects that are inconsistent, rely on outdated data, or fail to fully consider the broader context. These decisions significantly undermine the Public Trust by not adequately addressing the changing realities of water resources, knowing that conditions will only worsen as we face a climate present and future unlike any we have known. The Napa County Grand Jury (2024-2025) has highlighted these issues.

In addition to the inconsistent methods used in analyzing projects and making permitting decisions, we point out that community input in the permitting process in Napa County does not officially occur until the application reaches the Planning Commission. For large and complex projects, this is often very late in the project planning process, making it difficult for applicants to adequately address concerns or modify their plans in response. This late engagement by the public limits the applicant's ability to be responsive to community feedback, particularly for larger or controversial projects that might generate significant public interest or opposition.

These irregularities in the permitting process combined with late notice to the public frustrate both project applicants and the broader community, leading to numerous appeals and lawsuits dealing with inconsistent patterns and practices. We submit the following proposals with true stewardship goals dedicated entirely to the public trust, intentionally not tied to any industry. *By adopting these measures, Napa County can modernize its permitting process, build public confidence, and ensure land-use decisions account for the realities of a changing climate. A clear, consistent, and science-based approach will protect shared resources, reduce conflicts, reduce legal and appeals costs, and support responsible development that upholds the Public Trust for future generations.*

In the spirit of working together to protect our natural resources, thank you for the opportunity to share our thoughts with you.

Recommendations

We propose the following points be included in an ordinance aimed at 1) reducing confusion during the application process, 2) promoting a collaborative approach, 3) creating clarity for all project participants, and 4) enforcing the Public Trust Doctrine. The goal is to decrease conflicts and the high costs of appeals and lawsuits for everyone.

- **Prioritize Protecting the Public Trust** The County will not approve any new or modified use permit that allows existing harm to Public Trust resources to continue. For example, wells near creeks or other surface waters must comply with current regulatory standards and may not impair Public Trust resources, regardless of their previous legal status.
- **Refine and Clarify Decision Criteria** Set clear, enforceable criteria to distinguish ministerial from discretionary actions, ensuring that only actions requiring review and approval by the Planning Commission are subject to that process.
- **Standardize the Application Process** Adopt and implement a mandatory application checklist. Applications will not be considered complete or eligible for processing unless the checklist is fully completed.
- **Adopt Quality Assurance Review** Create a dedicated quality-assurance role or function to ensure the accuracy, completeness, and adequacy of all application materials before they are sent to the Planning Commission.
- **Institute a Comprehensive Pre-Application Conference** Require for all discretionary development applications. Include stakeholders and responsible agencies. Address key issues such as water, setbacks, viewshed, and road standards to ensure the project is properly scaled within the constraints, informing applicants about California Environmental Quality Act (CEQA) compliance. *The environmental baseline should be based on existing conditions rather than historical or prior uses.*

- **Widen Notification Procedures for Proposed Projects** Post a sign and mail notice to all property owners and residents within at least a 1,500-foot radius of the project site. If the project is on a dead-end road, notice will be sent to all property owners and residents along that road. Notices must be consistent and timely, providing enough opportunity for public review, comment, and engagement with the applicant.
- **Align Water Availability Analysis and Resource Protection** Use a revised Water Availability Analysis (WAA) with definitions and applications of “significant waterway” fully aligned with relevant State law and policies, ensuring consistency and fairness in County staff actions.
- **Adopt the Newest Groundwater Well Testing Standards** Adhere to accepted hydro-geological standards and include at least a 24-hour pumping tests conducted during the dry season within 36 months of the application. The test covers drawdown and recovery times.
- **Engage an Independent Hydrologist to Review of Applicant Water Data**
We encourage the county to budget for and hire an independent qualified hydrologist, with costs recovered through application fees where appropriate, to assess and verify the applicant's water use data. This includes evaluating impacts on nearby wells, groundwater extraction, and potential interference with surface waters such as creeks, rivers, streams, and lakes.

Signed,



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