



Napa County

Board Agenda Letter

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Board of Supervisors

Agenda Date: 12/6/2022

File ID #: 22-2202

TO: Board of Supervisors

FROM: Brian Bordona, Interim Director Planning, Building and Environmental Services

REPORT BY: Jamison Crosby, Natural Resources Conservation Manager

SUBJECT: Resolution Affirming Napa County's Support for the Human Right to Water Policy Including Protection of Public Health, the Environment and All Beneficial Uses

RECOMMENDATION

Interim Director of Planning, Building and Environmental Services (PBES) requests adoption of a Resolution authorizing Napa County to affirm this Human Right to Water Policy, including protection of public health, the environment consistent with public trust principles, and all beneficial uses, to ensure prudent water resource management and efficient use, for the benefit of the natural environment and future generations.

EXECUTIVE SUMMARY

The Napa County General Plan, adopted in 1969, and last updated in 2008 promotes the protection of public health and the environment to ensure prudent water resource management and efficient use for the benefit of present and future generations.

On August 11, 2022, Governor Gavin Newsom, issued the Administration's strategy document, California's Water Supply Strategy, Adapting to a Hotter, Drier Future, which "outlines California's strategy and priority actions to adapt and protect water supplies in an era of rising temperatures."

Napa County, other California counties, and other states in the nation face the concerning implications of successive years of dry conditions and effects on natural resources. It is highly important to consider the potential short- and longer-term effects of current and future drought years, including ongoing hotter and drier years, on overall water resources conditions and water supply availability.

The proposed Human Right to Water resolution affirms the County's commitment to protecting water resources

in the County for all beneficial users and builds on the legacy of water law (Water Code section 106.3, enacted on September 25, 2012) and policy in California to address the most pressing water issues during uncertain climatic conditions and facing all beneficial uses and users of water resources, including underserved communities and the environment.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	No
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Affirms County's commitment to protecting water resources for all beneficial uses.
Is the general fund affected?	No
Consequences if not approved:	Potential negative effect on County's future grant opportunities
County Strategic Plan pillar addressed:	Vibrant and Sustainable Environment

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The California Government Code (§65350-65362) requires that each county and city in the state develop and adopt a General Plan. The Napa County General Plan, adopted in 1969, was last updated in 2008 and consists of eight main topics, or elements which cover Agricultural Preservation and Land Use, Community Character, Conservation, Circulation, Economic Development, Housing, Recreation and Open Space, and Safety. The Plan was prepared with a time horizon of at least 20 years, providing a blueprint for land use and future development. The policies set forth under the Conservation element of the General Plan are key focuses in implementing County policies pertaining to protecting natural resources for the environment and future generations.

Most recently updated in 2008, the Conservation Element contains goals and policies that serve to establish County objectives for the sustainable management of natural resources, including groundwater and surface water. The Conservation Element includes six goals relating to the County's water resources, including surface water and groundwater. Complementing these goals are twenty-eight policies and ten water resources action items. The County's six water resources related goals are included below.

“Goal CON-8: Reduce or eliminate groundwater and surface water contamination from known sources (e.g., underground tanks, chemical spills, landfills, livestock grazing, and other dispersed sources such as septic systems).

Goal CON-9: Control urban and rural storm water runoff and related non-point source pollutants, reducing to acceptable levels pollutant discharges from land-based activities throughout the county.

Goal CON-10: Conserve, enhance and manage water resources on a sustainable basis to attempt to ensure that sufficient amounts of water will be available for the uses allowed by this General Plan, for the natural environment, and for future generations.

Goal CON-11: Prioritize the use of available groundwater for agricultural and rural residential uses rather than for urbanized areas and ensure that land use decisions recognize the long-term availability and value of water resources in Napa County.

Goal CON-12: Proactively collect information about the status of the County's surface and groundwater resources to provide for improved forecasting of future supplies and effective management of the resources in each of the County's watersheds.

Goal CON-13: Promote the development of additional water resources to improve water supply reliability and sustainability in Napa County, including imported water supplies and recycled water projects."

On August 11, 2022, Governor Gavin Newsom, issued the Administration's strategy document, California's Water Supply Strategy, Adapting to a Hotter, Drier Future, which "outlines California's strategy and priority actions to adapt and protect water supplies in an era of rising temperatures." Napa County may see an increase of 3 to 4 degrees in the average maximum temperature by mid-century and an increase of 4 to 5 degrees by the end of the century (Napa County Staff Report for August 23, 2022, BOS meeting). Rising temperatures will affect biological communities, water resources, agriculture, and residents. Napa County, other California counties, and other states in the nation face the concerning implications of successive years of dry conditions and effects on natural resources. It is highly important to consider the potential short- and longer-term effects of current and future drought years, including ongoing hotter and drier years, on overall water resources conditions and water supply availability.

The vision established in the County's 2008 General Plan continues to serve as a strong guidepost for the future, but it needs to be refined and strengthened in light of the significant social and environmental changes that have occurred since 2005. Updating the General Plan is an ambitious undertaking to accomplish a comprehensive update and secure the policies needed for the next generation to protect and preserve our community into the future (Napa County Staff Report for September 7, 2022). In addition to the eight elements in the 2008 General Plan, jurisdictions that include disadvantaged communities are required to include a ninth element: Environmental Justice.

In accordance with California Water Code §106.3, the Napa County seeks incorporation of the human right to water into County policy to affirm the County's commitment to sustainable water resource management and promote resilience for the benefit of all the County's beneficial users, including underrepresented persons and the environment. This addition to County policy recognizes general State policy, enacted on September 25, 2012, which declares that it "be the established policy of the State that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes." The County will consider this policy when implementing policies and regulations affecting water supply reliability, water resources sustainability, protection of domestic wells and water systems, and protection of the environment consistent with public trust principles, as well as potential future threats due to drought, while not impacting water rights or expanding or creating new County obligations.