

DISCLOSURE - EX PARTE COMMUNICATIONS REGARDING A PENDING GENERAL ORDER

1. Pending General Order that the communication concerned: Draft General Waste Discharge Requirements for Commercial Vineyards
2. Name and title of person completing this form: Alex Hart, Board Member
3. Date of meeting: July 25th, 2023
Time: 9:00 am – 2:00 pm
Location: Ukiah / Ukiah Valley
4. Type of communication: oral
5. Names of all participants in the communication:
Devon Boer
Laurel Marcus
Dave Koball
Al White
Frost Pauli
Norman Kobler
Madeline Cline
Adam Gaska
Lorne Chase
6. Name of person who initiated the communication: Kyle Farmer (Mendocino County Farm Bureau Board Member) & Devon Boer
7. Description of the communication:
 - The communication consisted of a tour of the several Ukiah valley vineyards, including operations along the mainstem Russian and tributaries.
 - Discussed vineyard configuration and operations, including emphasis on current farm runoff management / infrastructure / water use
 - Vineyard third-party sustainability programs and growers interest in the proposed order to follow / allow for incorporation of these programs
 - Other, upstream land uses / water impoundments (I.e., Mendocino Lake, ATV parks, rural residences, etc.)
 - Opportunities to provide written comments to staff.

Handouts from the visit are attached.

North Coast Regional Water Quality Control Board

Draft Vineyard WDR

Tour with Board Member Alexandra (Alex) Hart: Ukiah Valley Vineyards

July 25, 2023

Itinerary

- 1. 9 AM: Meet at Mendocino County Farm Bureau, 303-C Talmage Rd, Ukiah**
 - Brief introductions and create carpools.
- 2. 9:15 AM: Travel to K2 Ranch, 3493 Taylor Drive, Ukiah**
 - Meet with property owner and TAC Member, Dave Koball.
 - Will have maps of site, farm plan, map of Robinson creek watershed and land uses.
 - Review of Fish Friendly Farming (FFF) farm plan and soil conserving BMPs and the concept of sediment source control as the most effective way to reduce fine sediment from reaching waterways.
 - Review condition of highly incised Robinson creek on this site in relation to the required instream turbidity and streambed monitoring.
 - Review of required vegetated buffer setbacks/streamside area from permit.
- 3. 10:00 AM: Travel to Talmage Ranch, 3700 Old River Road, Ukiah**
 - Meet with property manager, Frost Pauli.
 - Will have maps of site, farm plan maps and template, map of Howell creek watershed.
 - Review current BMPs being used and FFF farm plan in process.
 - Discuss various land uses above vineyards that contribute to sediment.
 - Discuss challenges of turbidity monitoring on ephemeral creeks.
 - Discuss concerns with winterization period and pond setbacks.
- 4. 10:45 AM: Travel to La Ribera Vineyard, 6500 Old River Road, Ukiah**
 - Meet with vineyard manager, Al White
 - will have maps of the site and FFF farm plan.
 - Discussion of BMPs, improvements for environmental reasons.
 - Show Main Stem Russian River entrenchment, bank erosion and turbidity.
- 5. 11:30 AM: Travel to Fairbairn Ranch 14251 Old River Road, Ukiah**
 - Meet with farm manager, Adam Gaska.
 - Will have maps of the site and FFF farm plan.
 - Review of current BMPs on hillside vineyard.
 - Discussion of concerns with well testing.
- 6. 12:30 PM: Travel to lunch at the Golden Pig, 13380 Highway 101, Hopland**
- 7. Return to Farm Bureau**

P.7 Scope of Order 1) This Order regulates (1) discharges of waste from commercial vineyards producing a marketable crop; and (2) discharges of waste from appurtenant agricultural roads

P 7. Commercial Vineyards:

For the purposes of this Order, a commercial vineyard is land planted in winegrapes including vineyard avenues and appurtenant agricultural roads/structures with one or more of the following characteristics:

- (1) The landowner or operator holds a current Operator Identification Number/Permit Number for pesticide use reporting;
- (2) The crop and/or its product is sold, including but not limited to: (a) an industry cooperative, (b) harvest crew/company, or (c) a direct marketing location, such as Certified Farmers Markets; or
- (3) the federal Department of Treasury Internal Revenue Service form 1040 Schedule F Profit or Loss from Farming is used to file federal taxes.

P. 7 Appurtenant Agricultural Road-an agricultural road used for vineyard operations which connects or is used to access vineyard blocks under the ownership or control of the vineyard landowner or operator.

P. 25 Streamside Area. The area between the waterside edge of riparian vegetation canopy (or the nearest edge of the high-water mark if riparian vegetation canopy is not present) and the field side edge of a vegetated buffer.

P 47 footnote 22: A Streamside Area is the area between the waterside edge of riparian vegetation canopy (or the nearest edge of the high-water mark if riparian vegetation canopy is not present) and the field side edge of a vegetated buffer. A **vegetated buffer** is a narrow, permanent strip of dense perennial vegetation (including riparian vegetation) where no crops are grown and which is established parallel to the contours of and perpendicular to the dominant slope of the land applications area for the purposes of slowing water runoff, enhancing water infiltration, trapping pollutants bound to sediment and minimizing the risk of any potential nutrients or pollutants from reaching surface waters. **Riparian vegetation** is the vegetation (including dead, dying, or decaying vegetation) along a watercourse that is distinguished from other vegetation by its dependence on the combination of soil moisture and other environmental factors provided by a permanent or intermittent stream. **High-water mark** is that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. **Riparian vegetation canopy** is the more or less continuous cover of branches and foliage formed collectively by the crowns of adjacent trees and other woody species.

P. 53: Vegetated Buffer/Setbacks

Table 5: Vegetated Buffer Minimum Horizontal Width (feet)

Perennial ⁴⁴ Stream	Ephemeral ⁴⁵ / Intermittent ⁴⁶ Stream	Hydrologically Connected Undesignated ⁴⁷ Channel ⁴⁸	Wetland ⁴⁹	Lake, Pond, or On-Stream Reservoir
50	25	10	50	50

P. 46: Winterization Period

The following activities are prohibited during the winterization period between November 15 and April 1:

- a) New planting, re-planting, or ground-disturbing activities on commercial vineyards.
- b) Vehicle or equipment use of seasonal agricultural roads under saturated soil conditions¹⁸
- c) New planting of commercial vineyards on Unstable Areas¹⁹ is prohibited unless repaired under the direction of a Qualified Professional²⁰
- d) New agricultural drainage structures which discharge onto unstable slopes, earthen fills, or directly to a waterbody are prohibited.

P. 49 Ground Cover %

Maintain ground cover at a minimum 75 percent coverage during the winterization period between November 15 and April 1.

Footnote 27: Ground cover can be considered all materials in contact with the soil surface. This mainly consists of rock fragments, portions of live vegetation including basal area and plant leaves that touch the soil, plants and plantlike organisms, such as mosses, algae, ferns, fungi, duff, plant litter, crop residue, applied materials, including manure, mulch, and manufactured erosion control products. To assess percent cover, a sampling procedure placed in a uniform grid shall be used to determine the ground cover of the area prior to operations. Plots shall be placed on a 50-foot x 50-foot grid or a minimum of 10 plots per contiguous area. Ground cover shall be measured from the percent bare soil covering the circle relative to the area absent of bare soil within a 1/300th acre circle (6’8”). Ground cover shall be determined from the average amount of cover within each plot, within the project area. Refer to the VESCO guidelines for more information: VESCO Guidelines

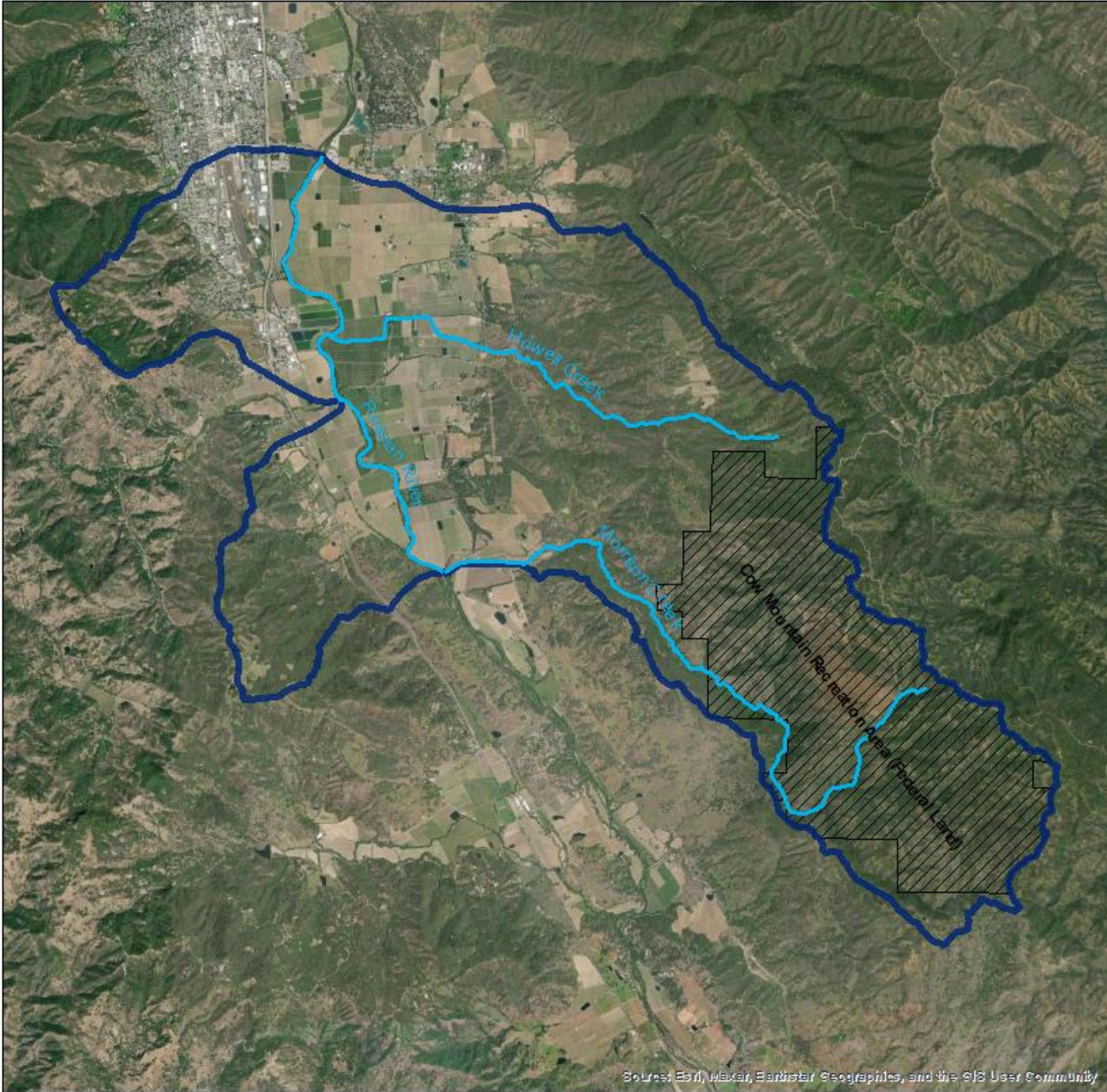
P. 74 Agricultural Drainage Structure. Features that collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat, or filter stormwater runoff, including detention and retention basins, overland flow paths, pipes, channels, and the inlets and outlets to these features. These can include vineyard tile drains and similar subsurface drainage structures. They do not include drainage alteration for private roads and driveways, dams, reservoirs, lakes, ponds, and structures. These features may also be classified as Class IV watercourses that do not support native aquatic species and are man- made, provide established domestic, agricultural, hydroelectric supply, or other beneficial use.

P. 5 Draft: Pesticides (not all pesticides) to be monitored.

Table A.3: Pesticides to be Monitored if applied within two years of Sampling Event.

azoxystrobin	fluxapyroxad	methoxyfenozide	simazine
boscalid	glyphosate	myclobutanil	tebuconazole
diazinon	imidacloprid	oryzalin	thiobencarb
diuron	iprodione	pendimethalin	triclopyr
fluopyram	kresoxim-methyl	propiconazole	trifloxystrobin

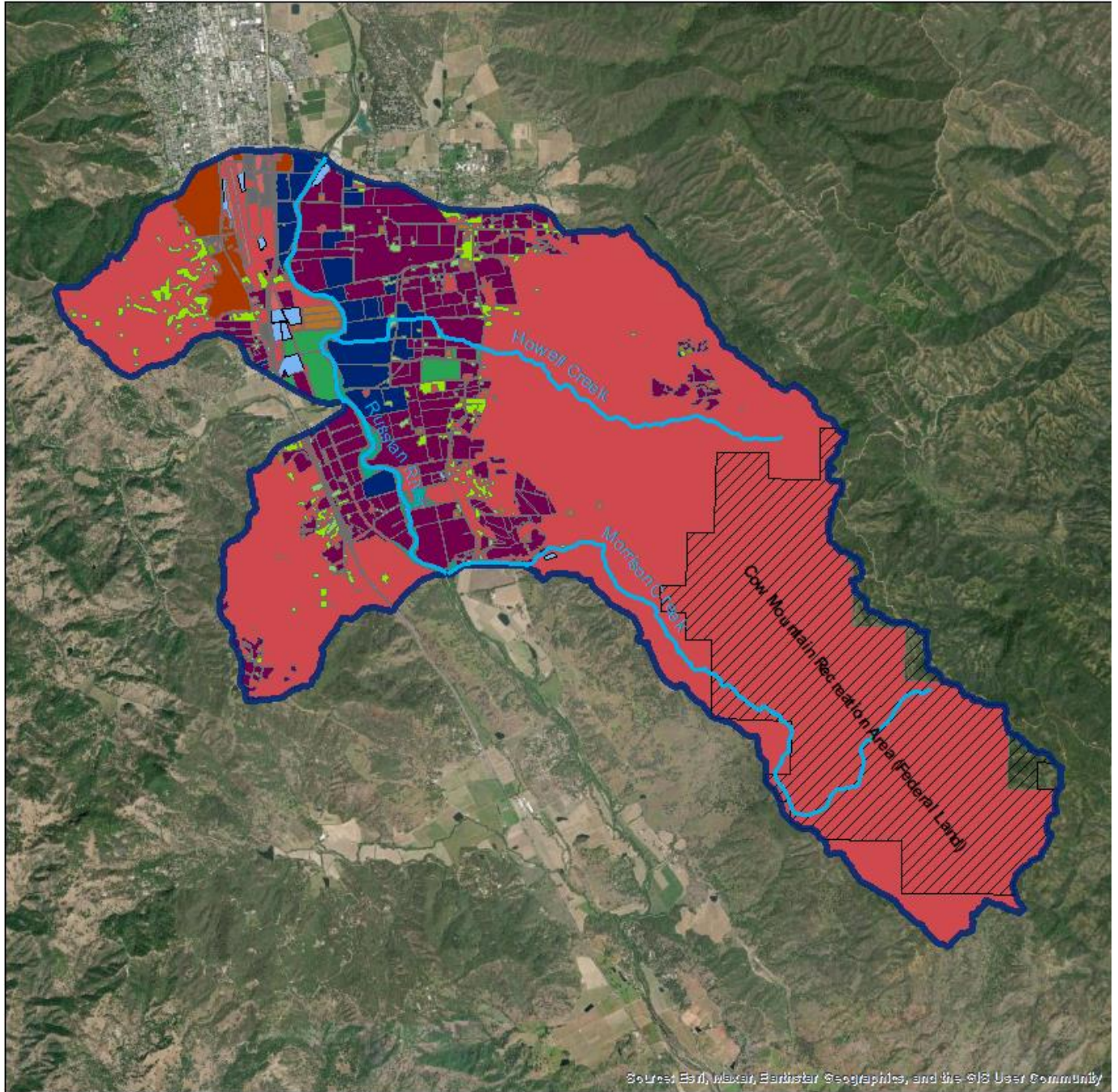
Watershed Maps For Tour




















Howell and Morrison Watershed

- Howell Creek, Morrison Creek, and Major Tributaries
- Howell Creek Watershed
- ▨ Cow Mountain Recreation Area (Federal Land)





Howell and Morrison Watershed Land Use (Acres)



 Citrus, 1.49	 Native Vegetation, 223,967.21	 Urban Landscape, 10.11
 Deciduous, 672.33	 Native Water Surface, 180.49	 Urban Residential, 333.52
 Idle, 175.59	 Pasture, 1.89	 Urban Unspecified, 1377.24
 Native Barren, 12.18	 Semi-Ag, 233.82	 Urban Vacant, 663.65
 Native Riparian, 279.73	 Urban Commercial, 65.91	 Vineyards, 2752.16
 Native Unspecified, 1377.24	 Urban Industrial, 120.21	

11,000 5,500 0 11,000 Feet

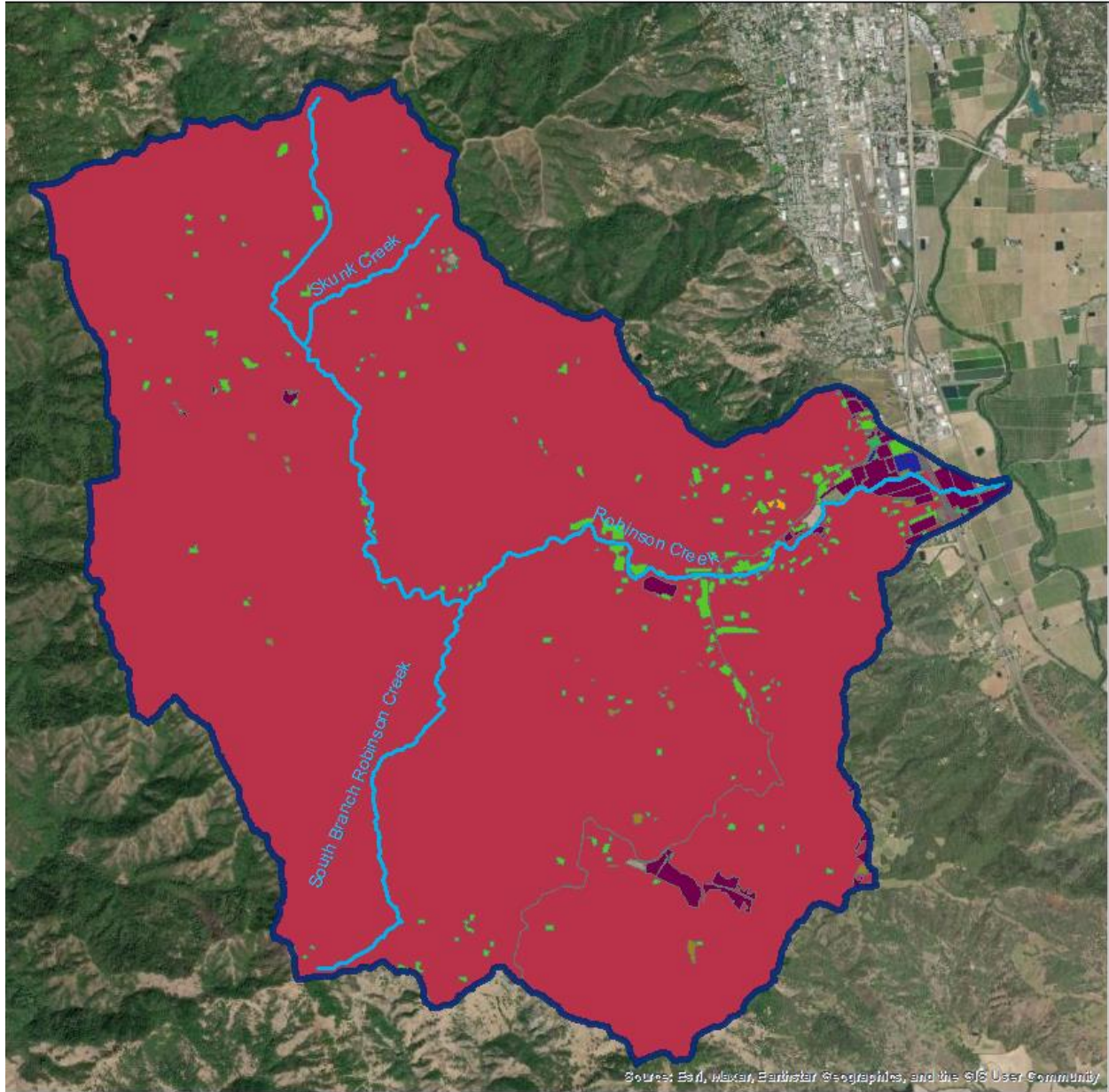




Robinson Creek Watershed















-  Robinson Creek Watershed
-  Robinson Creek and Major Tributaries





Source: Esri, DeLorme, Garmin, Geographic, and the GIS User Community

Robinson Creek Watershed Land Use

 Citrus, 4.57	 Native Vegetation, 171,109.32	 Urban Landscape, 2.34
 Deciduous 20.04	 Native Water Surface, 111.18	 Urban Residential, 292.59
 Field Crops, 0.68	 Semi-Ag, 24.63	 Urban Vacant, 454.2
 Native Barren, 0.46	 Urban Commercial, 2.69	 Vineyards, 377.08
 Native Riparian 105.25	 Urban Industrial, 1.14	

