

Regional Water Quality Control Board
North Coast Region

Staff Summary Report
December 4, 2024

ITEM: 2

SUBJECT: Public Hearing to Consider Adoption of Proposed Order No. R1-2024-0056, General Waste Discharge Requirements for Commercial Vineyards in the North Coast Region and Proposed Resolution No. R1-2024-0057, Certification of Environmental Impact Report, California Environmental Quality Act Findings of Fact, and Statement of Overriding Considerations. (*Brenna Sullivan, Chris Watt, David Kuszmar*)

BOARD ACTION: The North Coast Regional Water Quality Control Board (North Coast Water Board) will consider adopting proposed Order No. R1-2024-0056 (Proposed Vineyard Order) and proposed Resolution No. R1-2024-0057 (Certification of EIR).

BACKGROUND: The Proposed Vineyard Order would regulate discharges from approximately 65,000 acres of commercial vineyards in the North Coast Region. Most North Coast Region vineyards are planted in the Navarro and Russian River watersheds, which are impaired for sediment and temperature and provide habitat for threatened and endangered salmonid species. Vineyard operations have the potential to impact water quality through discharges of waste (e.g., sediment, nutrients, and pesticides) to surface water and groundwater and affect other controllable water quality factors such as riparian shade. In 2000, the Navarro River Total Maximum Daily Load (TMDL) listed vineyards as one source of excess sediment through soil erosion during rain events and drainage networks.

The North Coast Water Board has a statutory obligation under the Federal Clean Water Act, the State Porter-Cologne Water Quality Control Act, and the State Nonpoint Source Policy to regulate all nonpoint sources of pollution, including agriculture. The State Water Resources Control Board initiated an Irrigated Lands Regulatory Program (ILRP) in response to a 1999 Senate Bill that directed the Water Boards to develop programs for regulating agricultural discharges. Regional Water Boards have adopted region-specific waivers and waste discharge requirements (WDRs) under this regulatory framework since 2003. The North Coast Region vineyards remain one of the last major agricultural sectors in California to be regulated under an ILRP Order.

In 2017, the North Coast Water Board directed staff to prioritize and develop a regulatory order for Vineyards and Orchards. In 2019, the Board narrowed the order's scope to vineyards only. In Summer 2023, a Draft Vineyard Order and Draft Environmental Impact Report (EIR) were posted for a 60-day public review period. In August 2023, staff held a public workshop during a meeting of the North Coast Water Board to inform and invite comments from Board members and the public.

The North Coast Water Board received over 250 comment letters on the Draft Vineyard Order and Draft EIR during the public review period. Staff considered these comments and conducted an extensive public outreach effort to develop revisions to the Draft Vineyard Order. All written comments, staff's response to written comments, and a summary of revisions to the Draft Vineyard Order can be found in [FEIR Attachment B: Summary of Revisions and Response to Comments](#).

DISCUSSION: [Proposed Order No. R1-2024-0056, General Waste Discharge Requirements for Commercial Vineyards in the North Coast Region](#) would establish General Waste Discharge Requirements (GWDRs) that are consistent with the ILRP and would include: (1) enrollment and payment of fees; (2) implementation and adaptation of management practices; and (3) monitoring and reporting. The Proposed Vineyard Order covers all commercially-farmed vineyards over 5 acres¹ in the Big-Navarro-Garcia, Gualala-Salmon, and Russian River Hydrologic Unit Code (HUC) HUC-8 watersheds.

The Proposed Vineyard Order requires Enrollees to implement management practices in their vineyards, appurtenant agricultural roads, and Streamside Areas to control agricultural discharges. Enrollees must monitor management practice effectiveness and conduct adaptive management in response. The Proposed Vineyard Order also includes precedential ILRP requirements for groundwater monitoring and nutrient management.

As is consistent with the ILRP, Enrollees may enroll individually or through an approved Coalition, which manages fees and may conduct monitoring and reporting on behalf of Enrollees. Individual Enrollees conduct monitoring and reporting on their own and report directly to the North Coast Water Board. Monitoring and Reporting requirements for Individual Enrollees are located in [Attachment A: MRP For Individual Enrollees](#). Coalitions are expected to conduct representative surface and groundwater monitoring on behalf of their Enrollees. Monitoring and Reporting requirements for Enrollees in a Coalition are located in [Attachment B: MRP For Enrollees in a Coalition](#).

The Proposed Order conditionally allows Enrollees to utilize participation in Voluntary Programs (which may include programs such as Fish Friendly Farming, Certified California Sustainable Winegrowing, LODI RULES, and Sustainability in Practice) for compliance with certain requirements. Requirements for Coalitions and Voluntary Programs are located in [Attachment C: Third Party Requirements](#).

PUBLIC ENGAGEMENT: Since 2022, North Coast Water Board staff have actively engaged with interested parties representing industry, environmental, community, and regulatory perspectives to inform the Proposed Vineyard Order. This includes, but is not limited to, the following actions:

¹ Enrollees may be exempted from enrolling if their combined owned holdings in the applicable HUC-8 watersheds do not exceed 5 acres of commercial vineyards.

During development of Draft Vineyard Order:

- Six meetings with a 34-member Technical Advisory Group between July 2022 - July 2023 to provide input on draft language;
- Consultation invitations sent to 52 Native American Tribes across the North Coast Region;
- Two public California Environmental Quality Act (CEQA) Scoping meetings during a 30-day scoping period to inform the Draft EIR; and
- A 45-day public comment period on the Draft Vineyard Order and Draft EIR which included one public workshop during a meeting of the North Coast Water Board.

Prior to release of Proposed Vineyard Order:

- Over 30 outreach meetings with interested persons representing environmental, industry, and racial equity perspectives in order to contextualize written comments received and develop revisions to the Draft Vineyard Order;
- 42 vineyard tours with farmers, Voluntary Program representatives, and industry advocates;
- A field tour with interested persons representing environmental perspectives;
- Discussions with government and agency partners including the Sonoma and Mendocino County Agricultural Commissioners, County Supervisors, and the California Department of Pesticide Regulation;
- Three outreach events designed for Spanish language speakers and farmworker communities;
- Press releases and radio interviews in English and Spanish across Mendocino and Sonoma Counties;
- Reconvening of the Technical Advisory Group in May 2024 to receive input on intended revisions to the Draft Vineyard Order; and
- A public meeting in June 2024 to update the public on intended revisions to the Draft Vineyard Order.

FINAL ENVIRONMENTAL IMPACT REPORT: The [Final Environmental Impact Report](#) (Final EIR or FEIR) found that implementation of the Proposed Vineyard Order has the potential for significant and unavoidable impacts to Agriculture and Forestry Resources due to Streamside Area setbacks. An estimated 300 acres of agricultural land (0.5% of total North Coast Region planted vineyard acreage) may be converted to a non-agricultural use, which may result in the loss of Important Farmland and conflict with zoning for Williamson Act contracts. No alternative was identified which would both avoid the significant impact and would fully achieve the stated objectives of the Project (Proposed Vineyard Order). However, the Project (Proposed Vineyard Order) was modified to mitigate the significant impact by providing Enrollees with vineyards existing at the time of enrollment the following options:

- Farm Area (planted vines) within Streamside Area setbacks may remain in place until replant; or
- Enrollees may restore riparian vegetation elsewhere in the same HUC-12 watershed in lieu of meeting Streamside Area setbacks.

[Proposed Resolution No. R1-2024-0057](#) certifying the EIR includes CEQA Findings of Fact and a Statement of Overriding Considerations, which finds that the Project's overall benefit to the public and environment outweighs the significant and unavoidable impacts to Agriculture and Forestry Resources.

RECOMMENDATION: Adopt Order No. R1-2024-0056 and Resolution No. R1-2024-0057, as proposed.

SUPPORTING DOCUMENTS:

1. [Proposed Order No. R1-2024-0056, General Waste Discharge Requirements for Commercial Vineyards in the North Coast Region](#)
 - a. [Attachment A: MRP For Individual Enrollees](#)
 - b. [Attachment B: MRP For Enrollees in a Coalition](#)
 - c. [Attachment C: Third Party Requirements](#)
 - d. [Attachment D: Methodologies and Procedures](#)
 - e. [Attachment E: CEQA Mitigation Measures](#)
 - f. [Attachment F: Templates](#)

2. [Proposed Resolution No. R1-2024-0057, Certification of Environmental Impact Report, California Environmental Quality Act Findings of Fact, and Statement of Overriding Considerations](#)

3. [Final Environmental Impact Report](#)
 - a. [FEIR Attachment A: Proposed GWDRs for Commercial Vineyards in the North Coast Region](#)
 - b. [FEIR Attachment B: Summary of Revisions and Response to Comments](#)
 - c. [FEIR Attachment C: Draft GWDRs for Commercial Vineyards in the North Coast Region](#)
 - d. [FEIR Attachment D: Draft Environmental Impact Report](#)
 - e. FEIR Attachment E: Comment Letters (available upon request)²

4. Notice of Public Hearing

² Please contact northcoast@waterboards.ca.gov to receive copies of written comment letters on the Draft Vineyard Order and Draft Environmental Impact Report submitted to the North Coast Water Board during the public review period.