



**FINAL ENVIRONMENTAL IMPACT REPORT  
FOR GENERAL WASTE DISCHARGE REQUIREMENTS  
FOR COMMERCIAL VINEYARDS IN THE NORTH COAST REGION**



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Final Environmental Impact Report for  
General Waste Discharge Requirements for  
Commercial Vineyards in the North Coast Region

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**Table of Contents for the**

**FINAL ENVIRONMENTAL IMPACT REPORT FOR GENERAL WASTE DISCHARGE  
REQUIREMENTS FOR COMMERCIAL VINEYARDS IN THE NORTH COAST  
REGION (VINEYARD ORDER)**

<b>I. EXECUTIVE SUMMARY .....</b>	<b>4</b>
<b>A. PROJECT OBJECTIVES .....</b>	<b>5</b>
<b>B. SUMMARY OF IMPACTS AND MITIGATION MEASURES .....</b>	<b>5</b>
<b>I.MAIN BODY .....</b>	<b>7</b>
<b>A. GENERAL OVERVIEW .....</b>	<b>7</b>
<b>B. OVERVIEW OF ACTIVITIES.....</b>	<b>8</b>
<b>C. OVERVIEW OF CEQA REQUIREMENTS .....</b>	<b>9</b>
<b>D. SCOPE AND INTENT OF THIS DOCUMENT.....</b>	<b>9</b>
<b>E. PUBLIC INVOLVEMENT PROCESS .....</b>	<b>10</b>
1. Notice of Preparation, Initial Study, and Initial Scoping Notice & Meetings .....	10
3. DEIR Public Review and Comment Period .....	11
4. Outreach Post-DEIR Public Review and Comment Period .....	11
5. Preparation of the Final Environmental Impact Report.....	12

**Attachments to the Final Environmental Impact Report for the Vineyard Order**

**Attachment A:** Proposed General Waste Discharge Requirements for Commercial Vineyards in the North Coast Region

**Attachment B:** Summary of Revisions and Response to Comments

**Attachment C:** Draft General Waste Discharge Requirements for Commercial Vineyards in the North Coast Region

**Attachment D:** Draft Environmental Impact Report for Commercial Vineyards in the North Coast Region

**Attachment E:** Comment Letters (Available upon request by visiting the program webpage at

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/agricultural\\_lands/vineyards/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/agricultural_lands/vineyards/) )

## I. Executive Summary

The California Regional Water Quality Control Board, North Coast Region (Regional Water Board) is responsible for the protection of water quality in the North Coast Hydrologic Region, which includes approximately 65,000 acres of agricultural land planted to commercial wine-grape vineyards (hereafter “vineyards”). The Regional Water Board does not currently regulate all commodities under a singular Irrigated Lands Regulatory Program (ILRP) and intends to regulate non-point source discharges from agriculture through commodity-specific general waste discharge requirements (WDRs) hereafter referred to as the proposed Vineyard Order (or the Proposed Project) and included as Attachment A.

The Regional Water Board prepared this Final Environmental Impact Report (DEIR) to provide a transparent and comprehensive evaluation of the environmental effects that could occur from implementing the Proposed Project. The DEIR has been prepared in compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended) and the CEQA Guidelines (Title 14, California Code of Regulations Section 15000 et seq.).

For the purpose of this FEIR and the proposed Vineyard Order:

- The term ‘vineyard’ is limited to commercial winegrape vineyards.
- 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.
- “Landowner/Operator” is defined as a landowner and/or operator of a Vineyard.

The proposed Vineyard Order would regulate (1) discharges of waste from commercial vineyards producing a marketable crop; and (2) discharges of waste from appurtenant agricultural roads<sup>1</sup>. The proposed Vineyard Order would establish a regulatory mechanism, in the form of General WDRs with requirements, prohibitions, and

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<sup>1</sup> 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.

Final Environmental Impact Report for  
General Waste Discharge Requirements for  
Commercial Vineyards in the North Coast Region

provisions that would require: (1) enrollment and payment of fees; (2) implementation and adaption of Management Practices; and (3) monitoring and reporting.

The proposed Vineyard Order is consistent with the State Water Resources Control Board (State Water Board) 2004 Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy), which requires that all sources of nonpoint source (NPS) pollution that could affect water quality be regulated through waste discharge requirements (WDRs), waivers of WDRs, and/or prohibitions. The Vineyard Order will regulate discharges from vineyards in order to implement the plans, policies, and requirements set forth in the Water Quality Control Plan for the North Coast Basin (Basin Plan) including the sediment and temperature Total Maximum Daily Loads (TMDLs), and the State Water Board Irrigated Lands Regulatory Program objectives and precedents. Compliance with the Vineyard Order would ultimately meet the implementation plan goals identified in the Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters in the North Coast Region and the Policy for the Implementation of the Water Quality Objectives for Temperature in the North Coast Region adopted by the Regional Water Board on November 29, 2004 and November 20, 2012, respectively.

### **A. Project Objectives**

Objective #1 - Protect and restore beneficial uses and achieve water quality objectives specified in the Basin Plan for areas in the North Coast Hydrologic Region planted to vineyards by:

1. Minimizing or preventing nitrate and pesticide discharges to groundwater.
2. Minimizing or preventing nutrient and pesticide discharges surface water.
3. Minimizing or preventing sediment discharges to surface water.
4. Minimizing or preventing temperature impacts to surface water from loss of riparian shade.

Objective #2 - Effectively track and quantify achievement of the stated objectives over a specific, defined time schedule.

Objective #3 - Comply with the NPS Policy, the State Antidegradation Policy, the precedential language in the State Water Resources Control Board's Eastern San Joaquin Agricultural Order, the North Coast Basin Plan, and other relevant statutes and water quality plans and policies, including the Temperature Implementation Policy, the Sediment TMDL Implementation Policy, and TMDLs in the North Coast Hydrologic Region.

### **B. Summary of Impacts and Mitigation Measures**

Final Environmental Impact Report for  
General Waste Discharge Requirements for  
Commercial Vineyards in the North Coast Region

The analysis provided within the DEIR considers reasonably foreseeable Management Practices as examples of how the proposed Vineyard Order could be implemented and the associated potential impacts to the environment. However, the analysis does not constitute an absolute outcome or certainty in the determinations made. Some impacts may not be identified or mitigated through the proposed Vineyard Order, because it is not possible to exactly predict who will take action in response to the proposed Vineyard Order, or what action(s) they will take. Therefore, this analysis is set at a programmatic level and is more general in nature to consider impacts from implementing reasonably foreseeable Management Practices. The types of actions that would be undertaken on vineyards subject to the proposed Vineyard Order would be consistent with Management Practices commonly employed on vineyards in the North Coast Region. In some cases, implementation of Management Practices might be subject to another regulatory process which would entail identification and mitigation of any significant environmental effects. Therefore, other regulatory mechanisms can be expected to provide additional opportunities for minimizing and avoiding significant environmental effects. In some cases, it may not be possible to mitigate impacts of the proposed Vineyard Order to a less-than-significant level.

The adoption of the proposed Vineyard Order may result in adverse effects on the environment from the potential conversion of Important Farmland to a non-agricultural use and may result in conflicts with existing zoning for agriculture use or a Williamson Act contract. These two impacts may occur as a result of Streamside Management Area setbacks (riparian buffers) which implement the Policy for Implementation of the Water Quality Objectives for Temperature. Through adoption of Resolution R1-2014-0006, the Regional Water Board found the potential conversion of Important Farmland to a non-agricultural use and the potential conflict with existing zoning for agriculture use or a Williamson Act contract from implementing riparian buffers as significant and unavoidable. The Proposed Project has the potential to significantly impact Agricultural Resources with no feasible mitigation. Impacts of the Proposed Project on Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Tribal Cultural Resources are less than significant with mitigations. No Impact or Less than Significant Impacts from the Proposed Project to Aesthetics, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation/Traffic, and Utilities/Service Systems were determined. This DEIR describes changes in the design of the Proposed Project and additional analysis which reduced some impacts to Less than Significant with Mitigation or to No Impact.

Final Environmental Impact Report for  
General Waste Discharge Requirements for  
Commercial Vineyards in the North Coast Region

## **II. Main Body**

The California Regional Water Quality Control Board, North Coast Region (Regional Water Board) has prepared this Final Environmental Impact Report (FEIR) to provide the public, responsible agencies, and trustee agencies with information about the potential environmental effects of the proposed General Waste Discharge Requirements for Discharges from Commercial Vineyards in the North Coast Region (Proposed Project or proposed Vineyard Order).

The proposed Vineyard Order would regulate non-point source discharges from vineyards planted to produce wine-grapes for commercial purposes including vineyards that are planted but not yet marketable. The proposed Vineyard Order would establish a regulatory mechanism, in the form of General WDRs with requirements, prohibitions, and provisions that would require: (1) enrollment and payment of fees; (2) implementation and adaption of Management Practices; and (3) monitoring and reporting.

The Proposed Project involves adoption of an order governing the discharge of waste (to surface waters and groundwaters) from vineyards in the North Coast Region. In accordance with Regional Water Board authority and mandates under the California Water Code, the purpose of the Proposed Project is to improve water quality conditions and protect and restore beneficial uses in the region by preventing or minimizing discharges of waste from vineyards.

The Proposed Project does not address site development activities associated with the establishment of a new vineyard. Impacts associated with the development of new vineyard operations would be subject to project-specific CEQA analysis, conclusions, and development of mitigation measures by local land use authorities and other public agencies. New vineyard operations are expected to comply with conditions of the Vineyard Order upon enrollment and the FEIR examines impacts that may occur related to vineyard operations in compliance with the Order.

This FEIR has been prepared in compliance with the California Environmental Quality Act of 1970 (CEQA (as amended; California Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs. tit. 14, section 15000 et seq.). The primary purpose of this FEIR is to provide comprehensive and transparent discussion and analysis of the Proposed Project's environmental impacts.

### **A. General Overview**

California Water Code Section 13260 requires a person discharging waste or proposing to discharge waste that could affect the quality of waters of the state to file a report of waste discharge with the Regional Water Board. Based on review of the report of waste discharge, the Regional Water Board prescribes waste discharge requirements (WDRs) for the protection of water quality (California Water Code Section 13263) that implement

Final Environmental Impact Report for  
General Waste Discharge Requirements for  
Commercial Vineyards in the North Coast Region

applicable water quality control plans (e.g., Basin Plans) and take into consideration the beneficial uses to be protected and the water quality objectives reasonably required for that purpose, and the need to prevent nuisance. In certain circumstances, a Regional Water Board may waive the requirement to file a report of waste discharge or waive the prescription of WDRs. The State or Regional Water Boards may issue WDRs or a waiver of WDRs to individual dischargers in an individual order.

The State or Regional Water Boards may also adopt general orders to authorize certain types of similar discharges from many dischargers, based on the proposed discharge meeting certain criteria and conditions. The issuance of WDRs or a waiver of WDRs through either an individual or general order is considered a permit action.

The Proposed Project is necessary to protect high-quality waters and restore impaired and degraded waters in the North Coast Region from non-point source discharges of waste from vineyards. Impairments to surface waters include excess sedimentation/siltation and elevated temperature along with the threat of nutrient and pesticide discharge to groundwater and surface waters. These threats and impairments not only threaten human health, but also adversely affect aquatic life and achievement of beneficial uses.

## **B. Overview of Activities**

The Proposed Project is adoption of the proposed Vineyard Order, which would initiate the regulatory program and establish general WDRs for commercial vineyards in the North Coast Hydrologic Region. Refer to Attachment A for the proposed Vineyard Order. Key elements of the proposed Vineyard Order include the following:

1. Sediment and Erosion Management for Surface Water Protection
2. Streamside Management Areas for Surface Water Protection
3. Storm-proofing Appurtenant Agricultural Roads for Surface Water Protection
4. Irrigation and Nutrient Management for Groundwater Protection
5. Monitoring and Reporting Requirements

The Proposed Project would not require specific Management Practices to protect and restore surface water and groundwater quality, but rather would allow Dischargers flexibility to implement practices that are appropriate for their specific situation to comply with requirements in accordance with the time schedules therein. For the purposes of this document, "Management Practices" refers to any number of actions, facilities, or practices that vineyards may undertake, construct/install, or implement to reduce their discharges. Examples include cover crop, vegetative filter strips, sediment basins, and road drainage disconnection. Refer to the Project Description Chapter for discussion of



Final Environmental Impact Report for  
General Waste Discharge Requirements for  
Commercial Vineyards in the North Coast Region

the reasonably foreseeable Management Practices that may be implemented in compliance with the Vineyard Order. A list of reasonably foreseeable Management Practices is part of the Draft Environmental Impact Report (Attachment B).

### **C. Overview of CEQA Requirements**

The basic purposes of CEQA is to:

1. Inform governmental decision-makers and the public about the potential significant environmental effects of proposed activities.
2. Identify the ways that environmental damage can be avoided or substantially reduced.
3. Prevent significant, avoidable damage to the environment by requiring the implementation of feasible mitigation measures or alternatives that would substantially lessen any significant effects that a project would have on the environment.
4. Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

As described in the CEQA Guidelines (Cal. Code Regs., tit. 14, section 15121 (a)), an environmental impact report (EIR) is an informational document that assesses potential environmental effects of a proposed project and identifies mitigation measures and alternatives to the project that could reduce or avoid potentially significant environmental impacts. Other key CEQA requirements include developing a plan for implementing and monitoring the success of the identified mitigation measures and carrying out specific public notice and distribution steps to facilitate public involvement in the environmental review process. As an informational document, an EIR is not intended to recommend either approval or denial of a project. An EIR does not expand or otherwise provide independent authority for the lead agency to impose mitigation measures or avoid project-related significant environmental impacts beyond the authority already within the lead agency's jurisdiction. The Regional Water Board is the lead agency under CEQA for preparation of the FEIR for adopting the Vineyard Order that regulates discharges of waste from commercial vineyard operations.

### **D. Scope and Intent of this Document**

Adoption of an order constitutes a "project" subject to CEQA (see Cal. Code Regs., tit. 14, section 15378 (a)(3)). The Regional Water Board will use the analysis presented in this FEIR, public and regulatory agency comments received on the DEIR, and the entire administrative record to evaluate the Proposed Project's environmental impacts, as well

Final Environmental Impact Report for  
General Waste Discharge Requirements for  
Commercial Vineyards in the North Coast Region

as to inform and support Regional Water Board modifications, approval, or denial of the Proposed Project.

## **E. Public Involvement Process**

CEQA mandates two periods during the EIR process when public and agency comments on the environmental analysis of a proposed project are to be solicited: during the scoping comment period and during the review period for the DEIR. CEQA and the CEQA Guidelines also allow for lead agencies to hold public outreach meetings or hearings to obtain scoping comments and review both the draft and final versions of an EIR. Brief descriptions of these milestones, and other opportunities for public involvement/input afforded by the Regional Water Board, are provided below, as they apply to this document.

### 1. Notice of Preparation, Initial Study, and Initial Scoping Notice & Meetings

On August 8, 2022, the Regional Water Board sent a Notice of Preparation (NOP), which included an attached Initial Study, to public agencies and persons with potential interest in the project. Copies of the NOP and Initial Study were available for review at the Regional Water Board Santa Rosa office. Additionally, the NOP and attached Initial Study were posted at the [Regional Water Board's webpage](http://www.waterboards.ca.gov/northcoast/public_notices) at ([http://www.waterboards.ca.gov/northcoast/public\\_notices](http://www.waterboards.ca.gov/northcoast/public_notices)) and an announcement of its availability was sent to individuals that subscribed to electronic mailing lists relevant to the proposed Vineyard Order. The NOP and the attached Initial Study are available on the CEQA website (<https://ceqanet.opr.ca.gov/2022080129>).

On September 1, 2022, the Regional Water Board held an in-person scoping meeting and on September 8, 2022, a virtual scoping meeting to solicit input from agencies and interested parties on issues to be addressed in the EIR. The scoping meeting included a description of the meeting purpose, proposed requirements, presented an overview of the environmental review process and preparation of the EIR, and included a public comment period.

### 2. Technical Advisory Group Input on Preliminary Draft Regulatory Requirements

From July 20, 2022, to March 15, 2023, the Regional Water Board convened a Technical Advisory Group (TAG) to advise on conceptual options and preliminary draft regulatory language. The TAG was comprised of 34 stakeholders representing industry, environmental interests, technical service providers, partnering agencies and community organizations. The TAG provided feedback on regulatory concepts through distributed surveys and in monthly Focus Group meetings. Survey and Focus Group meeting topics included farm plans, sediment and erosion control requirements, streamside area requirements, requirements for Third-Party Groups and the Monitoring and Reporting Program.

Final Environmental Impact Report for  
General Waste Discharge Requirements for  
Commercial Vineyards in the North Coast Region

## 2. DEIR Public Review and Comment Period

The Regional Water Board circulated the DEIR for public review and comment. The Regional Water Board issued a notice of availability of an EIR to provide agencies and the public with formal notification that the DEIR was available for review. The notice of availability was sent to all trustee agencies, any person or organization requesting a copy, and to county clerk offices for all ten counties within the Regional Water Board jurisdictional area (i.e., Del Norte, Modoc, Trinity, Glenn, Siskiyou, Humboldt, Lake, Mendocino, Sonoma, and Marin) for posting. A legal notice was also published in a number of general-circulation newspapers. The Regional Water Board also submitted the notice of availability and a notice of completion (NOC) to the State Clearinghouse.

Publication of the notice of availability initiated a 45-day (later extended to 60-day) public review and comment period for the DEIR (SCH No. 2022080129) from June 30 through August 30, 2023. During the public comment period, the Regional Water Board received and collated public and agency comments on the Proposed Project and the DEIR. On August 4, 2023, during the public review period, Regional Water Board held a hybrid (in-person and virtual) informational public workshop on the DEIR and Draft Vineyard Order at 5550 Skylane Blvd, Suite A, Santa Rosa, CA. The purpose of the DEIR circulation and the public outreach meetings was to provide public agencies, other stakeholders, and interested individuals with opportunities to comment on the content of the DEIR.

## 3. Outreach Post-DEIR Public Review and Comment Period

From August 2023 to October 2024, Regional Water Board staff conducted public outreach in response to public comments received on the Draft Vineyard Order and DEIR. A total of 43 separate vineyard sites were visited between August 2023 and June 2024 to contextualize comments received from industry and environmental interests. In addition to vineyard tours, staff conducted over 30 outreach meetings with interested persons representing environmental, industry, and racial equity interests. On May 28, 2024, Regional Water Board staff reconvened the Technical Advisory Group (TAG) to discuss prospective revisions to the Draft Vineyard Order. A public meeting was conducted on June 6, 2024, to review prospective revisions ahead of public release of a Proposed Vineyard Order and FEIR.

In July 2024, the Regional Water Board received 8 comment letters from interested persons concerned that meaningful outreach to Black, Indigenous, and People of Color (BIPOC) communities had not occurred during development of the Draft Vineyard Order. Regional Water Board staff examined outreach to date, including TAG member representation of environmental justice and community-focused perspectives, and concluded that additional outreach was warranted. In August 2024, staff produced outreach materials in Spanish and released information on the Draft Vineyard Order to media outlets including four Spanish-language newspapers and three radio stations in

Final Environmental Impact Report for  
General Waste Discharge Requirements for  
Commercial Vineyards in the North Coast Region

Sonoma and Mendocino Counties. Staff also met with leaders in BIPOC communities and attended three outreach events targeted at Spanish speakers.

Staff also worked with local and state agencies in reviewing and developing revisions to the Draft Vineyard Order including the Sonoma and Mendocino County Agricultural Commissioner, the Sonoma County Department of Agriculture, the California Department of Pesticide Regulation, and Irrigated Lands staff of other regional water boards.

#### 4. Preparation of the Final Environmental Impact Report

CEQA requires the lead agency to prepare a final environmental impact report (FEIR), which addresses all substantive comments received on the DEIR, before approving a project. This FEIR includes a list of all individuals, organizations, and agencies that provided comments on the DEIR and contain copies of all comments received during the public review period along with the lead agency's responses.

This FEIR includes a responses-to-comments document for all comments received in response to the DEIR (FEIR Attachment B: Summary of Revisions and Response to Comments). This FEIR also includes a summary of staff-initiated changes to the Proposed Project as well as changes to the Proposed Project made in response to comments received (FEIR Attachment B: Summary of Revisions and Response to Comments). These changes do not result in any new significant impacts to the environment. The changes result in a substantial decrease in the severity of impacts to Agricultural Resources.

If the Regional Water Board chooses to approve the Proposed Project with the significant impacts identified in the FEIR that cannot be mitigated, a statement of overriding considerations will be included in the record of project approval and mentioned in the notice of determination (NOD). The statement of overriding considerations describes the Regional Water Board's reasons for approving the Proposed Project despite its significant impacts. If the Proposed Project is approved, the NOD will be filed with the California Governor's Office of Planning and Research and at the offices of the relevant county clerks (Cal. Code Regs., tit. 14, section 15093 (c)).