

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

Summary of Revisions and Response to Comments

Introduction

Comments from and responses to comment letters received on the Draft Environmental Impact Report (DEIR) and Draft Vineyard Order between June 30, 2024 and August 30, 2024 are located in the sections below. Section I is a Summary of Revisions made to the Draft Vineyard Order. Section II includes comments and responses related to the Draft Vineyard Order. Section III includes comments and responses related to the associated Draft Environmental Impact Report.

On June 30, 2023, the Regional Water Board published the Draft Vineyard Order and DEIR and began a 45-day public comment period. In August 2023, Regional Water Board staff conducted a public workshop. From August 2023 to October 2024, Regional Water Board staff conducted public outreach in response to public comments received on the Draft Order. Regional Water Board staff conducted a series of vineyard tours with vineyard owners, industry advocates, and environmental stakeholders. A total of 43 separate vineyard sites were visited between August 2023 and June 2024. 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 Order. A public meeting was conducted on June 6, 2024 to review prospective revisions ahead of public release.

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 two radio stations in Sonoma and Mendocino Counties. In September 2024, staff distributed outreach materials throughout Sonoma and Mendocino Counties including at farmworker housing, community centers, libraries, post offices, and retail spaces. 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

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Department of Pesticide Regulation, and Irrigated Lands staff of other regional water boards.

The revisions to the Draft Vineyard Order reflect staff consideration of comments received as well as the extensive public outreach efforts summarized above.

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Section I: Summary of Revisions

Typographical and General Organization

- Public comment identified needed typographical revisions and clarifications to definitions used throughout the Draft Vineyard Order and MRP. Staff initiated other typographical and definition revisions through public outreach and the development of other revisions.
- Public comments received indicated that the Draft Vineyard Order was lengthy and could be better organized for readability. Table of Contents were revised for usability. Footnotes were moved to endnotes for readability.
- The term “Discharger” was revised to “Enrollee” in response to Board direction to consider a more neutral term.
- The term “Third-Party Group” was revised to “Grower Coalition (Coalition)”, a change initiated by staff due to public confusion concerning existing use of the term around voluntary sustainability programs and the Waste Discharge Requirements for Vineyard Properties in the San Francisco Bay Region, and terminology consistency in other Irrigated Lands Regulatory Programs.

Updated Findings

- Findings were updated to reflect additional public participation activities and for consistency with revisions throughout the Order.

Acreage-Based Enrollment Threshold

- Vineyards that are part of a combined holding under a single ownership of 5 planted acres or less may be exempt from enrolling under the Order. This revision was made in response to public comments asserting that the overall impact (cost, time, and effort) of compliance with the Order may be more significant to small farms because the impacts of developing an understanding of requirements, completing required training, and producing reports generally do not vary significantly relative to vineyard size. Staff analysis indicates the area of land planted to vineyards of less than 5 acres on unique assessor’s parcels constitutes around 2 percent of the total North Coast Region land area planted to vineyards and more than 30 percent of the number of unique parcels planted to vineyards.
- The Proposed Vineyard Order retains the provision that the Executive Officer may require enrollment of any commercial vineyard, regardless of size.

Sediment and Erosion Control Requirements

- This modification allows Enrollees to choose one of two Compliance Options at one of two Implementation Standards in order to meet sediment and erosion control requirements.

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- Enrollees must conduct Management Practice Effectiveness Monitoring to demonstrate that their management practices are effective at preventing, controlling, or minimizing the discharge of sediment to surface waters. A lower implementation standard requires Enrollees to conduct Agricultural Drainage Structure Sampling. A higher implementation standard requires Photo-point Monitoring.
- Compliance Option 1 is to meet the minimum Ground Cover percentage between December 15-April 1. The lower implementation standard is a Ground Cover minimum based on slope. The higher implementation standard is 90% planted Ground Cover over the Farm Area. A methodology for determining Ground Cover and slope is provided in Attachment D: Methodologies and Procedures of the Vineyard Order.
- Compliance Option 2 requires development of a Sediment Erosion and Control Plan (SECP). For a lower implementation standard, the Enrollee may develop their own or develop a SECP through a Regional Water Board-approved Voluntary Program (see Attachment D for requirements). Enrollees may get their SECP certified by a Qualified Professional to meet the higher implementation standard.
- Ground cover and slope-related compliance options were based on USLE calculations for thresholds of increased risk of soil erosion.

Winterization Requirements and Prohibitions

- In lieu of prohibitions during the Winterization Period (defined in the Draft Order as November 15-April 1), Enrollees are required to prioritize the implementation of management practices to address soil disturbance or erosion in the vineyard due to farming activities conducted during the wet season.
- Enrollees who choose minimum ground cover as a sediment and erosion control compliance option must have access to sediment and erosion control measures that are to be installed prior to a Qualifying Storm Event if they do not meet ground cover requirements not account for early season rain events.
- The prohibition on development and re-plant activities (as is consistent with the Sonoma County Vineyard Erosion and Sediment Control Ordinance) has been retained. The dates associated with winterization activities have been revised from November 15-April 1 to December 15-April 1. The start date was moved from November 15 to December 15 to better reflect climate patterns in the region.

Streamside Area Requirements and Prohibitions

- All Streamside Area requirements have been moved to a single section for readability and clarity.
- Activities and definitions related to Streamside Area and vegetative buffer were clarified.

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- Streamside Area requirements for new vs. existing vineyards were revised to clarify that existing vineyards have to meet all vegetated buffer widths upon replant, while new vineyards must meet vegetated buffer widths upon enrollment.
- The Streamside area geometry was clarified to include a Riparian Vegetation Area with a set of requirements and a Vegetated Buffer area with requirements. This was a staff initiated change due to confusion around Streamside area geometry and the allowed activities within it.
- The Streamside Area buffer table was revised to reflect the updated geometry with Riparian Vegetation Area widths set based on geospatial analysis on maximum shade benefits in Perennial and Intermittent/Ephemeral streams.
- The Vegetated Buffer requirement was clarified to apply to Unfarmed Wetlands. Revisions were made in response to public comment that the vegetative buffer width to wetlands in the Draft Vineyard Order implied an Enrollee may have to setback from continuously farmed wetlands upon replant.
- A requirement was added that farming activities in farmed wetlands shall not degrade functions (Beneficial Uses) or water quality of existing wetlands. This was a staff-initiated change in consultation with staff from the Regional Board's Water Quality Certification (401 Permitting) Unit for programmatic and regulatory consistency.
- A Riparian Restoration alternative was added to the Proposed Vineyard Order. In lieu of meeting Riparian Vegetation Area minimum widths for Perennial and Ephemeral/Intermittent streams, an Enrollee may mitigate the difference in area available for natural succession of riparian vegetation. Mitigation must be accomplished through restoration and protection of native riparian vegetation at another location within the same sub-watershed (HUC-12). This alternative is only available to vineyards existing at the date of Order adoption.

Agricultural Drainage Structure Turbidity Monitoring

- Agricultural Drainage Structure Turbidity Monitoring was revised to become an element of Management Practice Effectiveness Monitoring. Enrollees who implement their Sediment and Erosion Control compliance option at a lower implementation standard are required to conduct Agricultural Drainage Structure Turbidity Monitoring. Enrollees may conduct Photo-Point Monitoring for implementation of Sediment and Erosion Control at a higher implementation standard. See Sediment and Erosion Control Requirement revisions for more information.
- Monitoring requirements for Agricultural Drainage Structure Monitoring were revised in both scope and frequency. Instead of monitoring all sites over 5 years in 20% annual increments, the Proposed Vineyard Order requires annual monitoring of 20% of all sites. Locations must be representative of the range of conditions across the applicable enrolled parcels..

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- The Proposed Vineyard Order includes an automatic reduction to monitoring 20% of Agricultural Drainage Structures every five years in cases where there are zero benchmark exceedances. This revision was in response to public comments regarding incentives or reduced regulatory burden for low-risk sites.
- Adaptive management in response to Agricultural Drainage Structure Turbidity Monitoring exceedances was revised to be timelier and more responsive. The Draft Vineyard Order required improvements to management practice on a year-to-year basis. This revision requires installation of temporary erosion control measures before the next Qualifying Storm Event (QSE). Enrollees must also monitor the Agricultural Drainage Structure which experienced the benchmark exceedance every QSE until there are no exceedances.
- Agricultural Drainage Structure Turbidity Monitoring requirements were revised for consistency between Individual Enrollees and Enrollees in a Coalition. The requirement for Individual Enrollees to monitor all edge-of-field discharge locations has been eliminated. Staff initiated this change to be more consistent with the revisions approach that slope, ground cover, and presence of Agricultural Drainage Structures are the primary factors in a vineyard's water quality threat and complexity, regardless of whether a grower enrolls individually or through a Coalition. This revision was also made in response to observations made during winter vineyard field tours regarding logistical challenges of monitoring all discharge locations from a vineyard.
- The Proposed Vineyard Order was modified to include three separate scenarios for stormwater run-on. For run-on that may contribute to a benchmark exceedance in Agricultural Drainage Structure sampling, a methodology is provided for Enrollees to discount these sources. For offsite stormwater run-on that creates erosion in the vineyard, the revision allows timelier determination to address adaptive management. In the case of floodwater inundation, the Order now clarifies that sampling should take place to avoid periods of inundation from flood waters. The Order includes a general statement that it's not the expectation of this Order to hold Enrollees responsible for sediment erosion discharges that occur because of inundation by flood waters.
- The Proposed Vineyard Order includes a reporting requirement for off-site stormwater run-on so that Regional Board staff may follow up with land uses that may be contributing excess sediment to watersheds.

Representative Turbidity Monitoring

- The Proposed Vineyard Order was modified to eliminate representative Tributary Turbidity monitoring for Enrollees in a Coalition. The Proposed Vineyard Order's increase in frequency of monitoring and improvement of practices associated with Management Practice Effectiveness Monitoring reflects a reprioritization of resources away from trend analysis and towards on-farm improvements.

- This revision was made in response to public comments regarding difficulty in attributing changes in suspended sediment to vineyard activities, even in watersheds dominated by vineyard use.

Representative Pesticide Monitoring

- The Proposed Vineyard Order modified the list of parameters required in Representative Pesticide Monitoring following recommendations from CDPR based on pesticides with both a high use in wine grapes in Sonoma and Mendocino Counties, and a high toxicity to aquatic life.
- The Proposed Vineyard Order provides guidance on choosing representative locations for monitoring.
- The Proposed Vineyard Order was modified to include monitoring thresholds based on promulgated water quality objectives related to the protection of beneficial uses. If these thresholds are exceeded, all Enrollees who have applied the exceedance pesticide in the HUC-12 are required to develop a Water Quality Management Plan to address the discharge of the pesticide to surface waters. The Proposed Vineyard Order retained the requirement for annual monitoring in response to detections above the MDL and iterative adaptive management for statistical increases over 5 years of a detected pesticide.

Statewide Irrigated Lands Precedents

- The Statewide Irrigated Lands precedents as directed by the DWQ 2018-0002 In the Matter of Review of Waste Discharge Requirements General Order No. R5-2012-0116 for Growers Within the Eastern San Joaquin River Watershed (ESJ Order) requires that development of Groundwater Protection Formulas and certification of irrigation and nutrient management plans be prioritized in “high vulnerability” groundwater basins which are defined in the ESJ Order as areas “where known groundwater quality impacts exist for which irrigated agricultural operations are a potential contributor or where conditions make groundwater more vulnerable to impacts from irrigated agricultural activities.” The Draft Vineyard Order established Priority 1 and 2 groundwater basins from the Groundwater Basin Evaluation and Prioritization Resolution No. R1-2021-0006¹ ‘high vulnerability’ and all other groundwater basins within the North Coast Region as ‘low vulnerability.’
- The Proposed Vineyard Order was revised to delay the determination of ‘high vulnerability’ groundwater basins until after an initial period (5 years) of data collection. The data collected would include reported nitrogen applied and removed as well as groundwater trend monitoring data which would be specifically designed to evaluate the impacts to groundwater from commercial vineyards.

¹ [Ground Water Prioritization Resolution R1-2021-0006](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2021/21_0006_Groundwater_Basin_Prioritization_Resolution.pdf)

(https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2021/21_0006_Groundwater_Basin_Prioritization_Resolution.pdf)

Groundwater Trend Monitoring

- Dissolved oxygen has been removed as a required parameter under Groundwater Trend Monitoring Requirements. This revision was made in response to public comment that measuring dissolved oxygen as a field parameter during groundwater trend monitoring is a costly and potentially unnecessary parameter. The rationale for including dissolved oxygen measurements during groundwater sampling is based on its typical inclusion in the suite of field parameters (pH, temperature, electrical conductivity, and oxidation-reduction potential) designed to ensure formation water is being monitored during groundwater sampling. However, dissolved oxygen is not a critical field parameter to achieve this assurance. The Statewide Irrigated Lands precedential requirements allow Regional Boards discretion in Groundwater Trend Monitoring Parameters.

Compliance Dates

- Compliance dates related to enrollment and submission of required MRP elements have been revised to account for the extra year between the adoption date projected when the Draft Vineyard Order was released (December 2023) and the current projected adoption date (December 2024). The general schedule and enrollment dates in the Proposed Vineyard Order generally reflect staff's understanding of the importance of the Coalition(s) in enrollment and fee collection. The process for soliciting and receiving the Coalition RFP, and approving the Coalition(s) will take at least a year. Once approved, the Coalition(s) will have about 6 months to prepare to begin receiving enrollments by the July 1, 2026 deadline. Preparation may include, but is not limited to: hiring staff, and establishing various administrative and programmatic elements necessary to accept enrollments.

Section II: Response to Comments on the Draft Vineyard Order

Comments in this section are organized by comment category. Most comment categories will include a general comment and response which aims to address common issues raised in those categories. Responses may also be individual, where the general response fails to cover all concerns of the commenter. Grammar, formatting, and terminology used by the commenter, as copied by Regional Water Board staff into the ‘Comment’ columns of this Response to Comments were not altered or corrected.

Comment Categories are loosely organized in the order that they appear in the Proposed Vineyard Order. Refer to the Table of Contents for comment categories and associated page numbers. Comments are labeled by the Comment Number indicated in Table 1 below:

Table 1: List of Commenters by Comment Number

Comment Number(s)	Commenter(s)
Brutocao 1	Len Brutocao
Burns 1	Pat Burns
Burr 1-6	Kimberley Burr
CAFB 1-8	California Farm Bureau
CAFF 1-6	Christina David, Community Alliance with Family Farmers
CAT 1-11	Californians for Alternatives to Toxics
CAWG 1-50	California Wine Institute, California Association of Winegrape Growers
Chen 1-5	Christopher C. Chen, Ph.D., UCCE Viticultural Advisor
Clark 1	Sattie Clark
Davis 1	George R Davis
Dodd 1-5	Catherine Dodd Ph.D.
Doerkson 1	Jim Doerkson
Dowdakin 1	Kathleen Dowdakin
Extension request	Scott McIntosh, Pete Johnson, Tim Todd, Peter Rogers, Mark and Ginny Weston, Jacqueline Chenoweth, Russ Messana, Margie Eddy, Thomas Menzies, Nikki Mustard, Andrew McHaney, Ridgely Evers, Mark Wentworth, Diane Rucker, Nancy Donovan, Kevin Barr, Mike Milovina, Kimberly Hughes, Len Brutocao, Michael Abba, Lorne and Karen Chase, Silvia Duchene, Mike Martini, Bob Ponzo, Pete Lucchesi, Johannes Scheid, Katrina Frey, Brandon Axell, Eliza Frey, Taylor Serres, Glenn McGourty, Pam Bacigalupi, Gianna Ricci

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Comment Number(s)	Commenter(s)
Form Letter A 1-8	Daniel Mayhew, Theresa Ryan, Tanya Constantine, Ann Carranza, Micheline Worth, Thomas Gallahan, Nancy Feehan, Nils Palsson, Dee Swanhuysen, Friends of Atascadero Wetlands, Elayna Trucker, Julian Blair, Nancy Hair, Lendri Purcell, Nelida Samara Zepeda, Nic Wisser, Patricia Wilburn, Tim Smith, Megan Kaun, Deborah Preston, Mary Kadri (Petaluma Wetlands Alliance), Elizabeth Keddy, Max Bell Alper, Tom Holden, April West, Guy Erdman, Debra Sally and Ken Ling, Tony Crabb, Denise Hunt, Karin Lease, Jody Falconer, Colin A Baptie, Janis Watkins, David Chen, Elizabeth Hegardy, Sally Ohlin, Christine Cole, John Shribbs, Ross Randrup, Sybil Bugarin, Robert Brent, Jessica Pilling, Taryn Obaid, Linda Winter PhD, Mercy Sidbury, Cecilia McGee, JoAnn Consiglieri, Lendri Purcell, Karen Girard, Bru Ritter, Mary B Abbott, Taylor Lampson, Jennifer LaPorta, Amanda Elderkin, Sandra Winslow, Nancy Richardson, Brantly Richardson, Samantha Feld, Julie Sicaud, Caro Embry, Lucy Kenyon, Elizabeth Vaughn, Wowlvenn Seward-Katzmiller
Form Letter B 1	Ernie Carpenter, Shirley Johnson, Carol Sklenicka, Kate Fenton, Michelle Irwin, Norma Jellison, Laura Morgan, Jill Rayna Lippitt, Chris Poehlmann, Clarice Sargenti, Steve Ehrmann, Pat Ehrmann, Felicia Bander, Barbara Jean Avery, Jason Greenwald, Celine Makaryk, Kevin Makaryk, Angelina Laubsch, Kim Black, Pierre Crist, Nara Denning, Jan Prater, Jessica Froiland, Lu Lashua, Padi Selwyn, Sharon Sadler, BT Starcross, Linda Hale, Judy Helfand, "Wine & Water Watch Board", Janus Holt Matthes, Deb Preston, Pamela Singer, Merrilyn Joyce, Charlotte Williams, Ann E Seely, Claudia Corello, Anna Narbutovskih, Beth Buchanan, Elaine Weil, Patricia Smith, Jo Bentz, Hollie Smith, Robin Leler and Rixanne Wehren on behalf of the, Executive Committee of the Mendocino County Sierra Club, Tom Yarish, Steven Ineich, Jolie Wiggins, Ken Niehoff, Jon Anderholm, Doreen Atkinson, Yael Bernier, Brigitte Mansell, Charlotte Garner, Leslie Carrow, Carol Vena-Mondt, Mary Ann Huckabay, Angelica Jochim, Catherine Giacalone, Bob Cipolla, Halbert Stone, Jan Lochner, Liz and Bob Bortolotto, Virginia Greenwald, Dan Fowler, Janice Bradshaw, Ann Erickson, Kimberly Kunkel, Jill Valentine, Rebecca Shirley, Elizabeth Kurtz, Charlene Marie, Brigitte Mansell, Richard Strozzi-Heckler

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Comment Number(s)	Commenter(s)
Form Letter C 1-14	Mark Rawlins, Wendel Nicolaus, Don Munk, Tom Rochioli, Maria Martinson, Andrew Furlong- the Stone Ranch, Alexandra Graziano-Graziano Family of Wines, Jeanne Moulton, Nancy Charles, William Charles, Ashley Palm, Robert Gibson, Harry Black, Sharon Pastori, Paolo Pastori-Ng, Deborah Cahn, Gerald W. Ward, Pat Burns, Tia Satterwhite, Troy Satterwhite, Len Brutocao, Anderson Valley Winegrowers Association, Don Munk, Director of Operations, Hall Wines, Norman Kobler, Pam Bacigalupi, Edward Lemon, Richard LaMalfa, Nancy Donovan, Pete Johnson, Max E. Shlienger, Bill Naves President, Yorkville Highlands Vintners & Growers Association
Frey 1-6	Nick Frey, Brand Ambassador and Public Relations, Balletto Vineyards
Henriouille 1-41	Diana Henriouille
Hume 1-15	Suzanne Hume, CleanEarth4Kids.org
JFW 1-12	Jackson Family Wines
Kishimoto 1	Yoriko Kishimoto
Kondolf 1-8	G. Mathias Kondolf
Lee 1-2	Katherine Lee
Lewis 1-5	David Lewis
MCFB 1-43	Mendocino County Farm Bureau
Olson 1-11	Erik Olson
Pauli 1-7	Frost Pauli
Pearl 1	Greg Pearl
Poor 1-4	Susan Poor, John Poor
Prat 1-25	Dean Prat
Rawson 1	Heather Rawson
RCD 1-5	Mendocino, Gold Ridge, and Sonoma Resource Conservation Districts
Ricioli 1-2	Bill Ricioli
RR 1-56	Jaime Neary, Rue Furch, Gail Seymour, Green Valley Creek Restoration
SAVE and SCV 1-4	Sonoma Alliance for Vineyards and Environment and Sonoma County Vintners
SCFB 1-20	Sonoma County Farm Bureau
Smith 1-10	Andrew Smith, Sonoma County Ag Commissioner
Thompson 1-2	Bud Thompson
Ward 1	Tim Ward, Vineyard Manager, Bobdog Wines and Skyline Vineyards
Wiley 1-6	Brad Wiley

Typographical, Definitions, and General Organization

General Comment: Commenters noted typographical errors, definitions that needed clarity, and recommended revisions to the organization and structure of the Order for clarity, readability, and navigation.

General Response: Staff thank commenters for their contributions to the usability of the document and have modified the Proposed Order accordingly. Findings have been updated to include rationale needed for proposed revisions and have been revised for clarity.

Comments:

Comment Number	Comment	Response
JFW 9	In addition to these fees, in Region 3, dozens of JFW hours are spent annually on compliance activities related to the Agricultural Order. Like the Region 1 Draft Vineyard Order, Ag Order 4.0 is hundreds of pages long. The permit jargon is a foreign language to most farmers, drenched in terms of art. It’s unfair to expect a family farmer to parse out which requirements apply to their property. For companies – like JFW – with the internal resources, many person hours are spent coordinating with site managers, Regional Board staff, Preservation Inc., laboratory techs, GeoTracker support, etc. Individual landowners will either have to rely on outside consultants, and/or pay the third party a rate commensurate with the hours spent. Finally, it’s important to highlight the many hours a year a farmer will spend re-familiarizing themselves with the permit (requirements, reports, logins, platforms, monitoring, etc.) each time a deadline occurs or an issue arises. It is important to account for the time spent whether incurred by the landowner, the operator, the third party, the lab tech, etc.	The Proposed Vineyard Permit was modified to reduce complexity, provide additional compliance pathways for sediment and erosion control, and delay the determination of high vulnerability groundwater basins to the first 5-year groundwater trending monitoring report.
RR 11	We also ask that a revised draft outline and complete Table of Contents be made available as it is currently difficult to tell where certain applicable sections end, and thus, what requirements are applied to who.	Thank you for this comment. Changes were made to the Proposed Vineyard Order to add detail to the Table of Contents for navigation purposes.

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Comment Number	Comment	Response
Dowdakin 1	<p>I was reading through this Draft, as an interested landowner being impacted by uphill/upstream vineyard operations. My comments are on content, not context, a cursory proof-reading, as it were:</p> <p>An error on Page 77, under the heading of Ground Covers -- the definitions of Annual vs. Perennial are reversed.</p> <p>In Attachment A, page 5 - B Turbidity Monitoring (1) "...within the first two hours (missing an 'of?') discharge which occurs during daylight hours."</p>	<p>Staff thank the commenter and will make typographic corrections as suggested. Minor typographical changes were made to the Proposed Vineyard Order in response to this comment.</p>
MCFB 8	<p>P 49 "(2) Annual cover crops are permanent vegetation that do not need to be re-seeded every year (3) Perennial cover crops are crops are planted in late summer to early Fall of each year. " The definitions of annual and perennial are switched, perennial meaning reoccurring and annual needed to be re-seeded every year.</p>	<p>The Proposed Vineyard Order was modified to correct this typographical error</p>
RR 41	<p>In addition to these substantive points, we also wanted to note that footnote 34 currently refers to footnote 25, but believe it should actually be referencing footnote 24.</p>	<p>The Proposed Vineyard Order was modified to correct this typographical error.</p>
RR 9	<p>Staff have noted that they intend to rework the structure and organization of the order before the next revision which we are very appreciate of. We have noted a few areas throughout our comments that need particular attention, but we would also like to request that particular attention be given to the overall order of sections and references to those sections throughout the order as it is not always clear what applies where. A more robust and detailed Table of Contents would also be helpful due to the sheer size of the order.</p>	<p>See Response to RR 11.</p>

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Comment Number	Comment	Response
CAWG 46	<p>In addition to the meaningful changes we propose in this letter, we also recommend organizing the final Vineyard Order in a way that simplifies compliance. The current document is 228 pages when all of the attachments are included. Requirements for vineyards are spread throughout the document making it difficult for winegrape growers to easily understand what is required of them. We recommend that the document either be reorganized to put all of the requirements in one area of the Vineyard Order or to create a separate document that outlines all of the requirements in one place. This prevents the need to regularly dig through all 228 pages to figure out exactly what is needed. While this may not seem significant, it will cut down on the time it takes for growers who are likely only looking at the Vineyard Order once or twice each year when deadlines are approaching. Having a short document or one section that can easily be referenced will simplify implementation and reduce inadvertent violations of the Vineyard Order.</p>	<p>The Proposed Vineyard Order was modified to reduce complexity and improve organization. Additionally, staff plan to release Information Sheets that summarize all requirements (including monitoring and reporting requirements) for Enrollees and Coalitions.</p>
CAWG 47	<p>Definitions of annual and perennial cover crops are transposed in footnote on page 49.</p> <p>Attachment B (page 24) requires third party groups to report pest management practices in their annual submittal of management practice data, however the Vineyard Order doesn't appear to require growers to report pest management practices to the third party. Include a definition of "critical area planting" in the definitions section of the Order, not just in a footnote.</p> <p>Include a definition of "linear sediment controls" in the definition section of the Order, not just in a footnote.</p> <p>Clarify in Attachment E, Third-Party Enrollee, Farm Evaluation that it's the third-party who will notify a grower as to their status as an outlier, rather than the regional board.</p>	<p>The Proposed Vineyard Order was modified to correct the typographical errors noted in the Comment.</p>

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Henrioulle 3	Page 3-4 presents background information, mentioning the 2000 Navarro River TMDL for sediment and the 1998 303(d) listing of the Russian River for sediment/siltation impairment. Background findings also indicate consistency with the Board's 2004 Sediment TMDL Implementation Policy. Chronological background ends with the 2000 TMDL. The background section does not mention or cite from the Board's 2008 Sediment Workplan, nor does it include any information regarding R1 involvement in and interaction with the grape growing community over the period from 2000 forward, including enforcement, training, technical assistance, grant funding, etc. Where the 2008 Sediment Workplan describes and suggests building upon or incorporating projects and programs underway at that time, including efforts funded by and engaged in by the Water Boards (i.e., Fish Friendly Farming), the draft WDRs do neither. I refer you back to my opening comment.	Thank you for this comment. The Proposed Order was revised to include the 2008 Sediment Workplan and involvement with the winegrape community since 2000 including the development of VESCO and grower participation in voluntary programs. Placeholder
Henrioulle 4	Page 5, para 5 mentions R1 waters impaired by pesticides, but does not identify those waters. In looking at the TMDL project page and the 2020-2022 integrated report, I could not find information about pesticide impairments in the Navarro or Russian River watersheds. I recommend you specify the watersheds/segments and, if possible, the pesticides associated with the impairments in those waters	The Smith River is listed as impaired for diuron and copper, however there is no documentation of vineyards in that watershed. The Proposed Vineyard Order was revised to remove the reference to Region 1 waters impaired by pesticides as none are in the HUC-8 watersheds covered by this Order.
Henrioulle 22	Page 42: "it is Herby ordered..." (typo).	Thank you. Revised.

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Prat 1	<p>The document format includes a three-line header with the page numbers and footnotes at the page bottom. A one-line header with the Order name or number seems sufficient. The three-line header on each page of the Appendices and Attachments is also unnecessary. "Appendix" should be moved to the first line (top) of the header as shown on the Attachments.</p> <p>The format of the Table of Contents (TOC) appears unrefined, is difficult to use, and seems detailed with the wrong content. Aligning the first word of each line of text would improve the appearance and readability. It is sufficient and an improvement to list the Appendices and Attachments by name only and include TOCs at the beginning of the Appendices and Attachments. It would be more useful for the TOC to include page numbers for subheadings (e.g., A. Public Participation and B. Scope of Order) of the Order instead.</p> <p>The chosen outline format uses "I. 1)" and "A. 1)" and "B. 15 a)" is difficult to follow. The TOC shows an outline and naming that includes Appendix "I" followed by a section "I" followed by Attachment "A" followed by section "I." Aligning the indented heading names and similar organizational and visual improvements are warranted. There are many outline format templates available in Word that would improve the overall appearance and most importantly improve the ability to follow and comprehend the complex draft Order. Changing the outline format and text alignment would improve the overall appearance and readability of both the TOC and draft Order.</p>	Staff thank the commenter for these suggestions. Table of Contents has been revised in the Proposed Vineyard Order for readability.
Henrioulle 35	Page 84 definitions (and elsewhere) mention tailwater. Are staff aware of any vineyard in the Region (or elsewhere) that irrigates in a fashion resulting in tailwater?	The Proposed Vineyard Order was modified to remove references to tailwater.
Henrioulle 36	Maps: are they ADA compliant? I recommend that you check to insure that font size, color, and contrast are ADA-compliant, and that you add alt text.	Comment is noted. All maps are ADA compliant.
Henrioulle 40	Attachment D – Table of CEQA mitigation measures and responsibilities Here the enrollee is presented with a 16-page table with narrow columns through which they must sort to identify mitigation measures which they need to comply with and report on. I recommend staff restructure the list of CEQA mitigation measures in some format that makes it easier to identify mitigation measures applicable to enrollees.	Comment is noted. The Proposed Vineyard Order was revised accordingly

Acreage-Based Enrollment Threshold

General Comment: Commenters requested that small vineyards (of less than 5 acres) not be required to enroll in the Vineyard Order.

General Response: The Proposed Vineyard Order was modified to include a conditional exemption from enrollment for vineyard owners/operators with less than 5 acres of vineyard holdings in the North Coast Region. The Proposed Vineyard Order requires that vineyard owner/operators using the 5-acre exemption comply with Vineyard Order requirements but are not obligated to enroll, pay fees, or implement the monitoring and reporting program. The Proposed Vineyard Order retains the provision that the Regional Water Board Executive Officer may require any commercial vineyard in the North Coast to enroll in the Vineyard Order if the Executive Officer makes a determination that the operation poses a threat to water quality.

Comments:

Comment Number	Comment	Response
Form Letter C 8	This draft is over-inclusive. Instead of using the “commercial vineyard” threshold for inclusion under the order, it makes more sense to create a threshold based on the size of the vineyard such as the “more than 5 acres” threshold used in the Region 2 Vineyard Permit. This is a great example where logic would state that size matters more than use.	See Acreage-Based Enrollment Threshold General Response
Pearl 1	Does your proposed Vineyard Waste Discharge draft have a minimum acreage exemption? If not I strongly suggest you include one, perhaps vineyards under five acres would be exempted. The proposed rules would be an extreme hardship for small “hobby” growers like myself.	See Acreage-Based Enrollment Threshold General Response
SCFB 3	Instead of using the "commercial vineyard" threshold for inclusion under the order, we encourage the use of a threshold for inclusion based on the size of the vineyard such as the "5 acre or larger" threshold used in the Region 2 Vineyard Permit.	See Acreage-Based Enrollment Threshold General Response

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Comment Number	Comment	Response
MCFB 5	<p>The following are various comments on language in the Order that did not fall under a specific category but should be considered:</p> <p>P.7 "This Order regulates discharges of waste from commercial vineyards producing a marketable crop; and (2) discharges of waste from appurtenant agricultural roads."</p> <p>As proposed, the Order disregards Technical Advisory Group (TAG) discussions around application based on vineyard size. Instead of using the "commercial vineyard" threshold for inclusion under the order, we urge consideration of a threshold based on the size of the vineyard such as the 'more than 5 acres" threshold used in the Region 2 Vineyard Permit. The 2022 draft EIR previously released for this Order was based on this exemption assumption, and MCFB is concerned by this abrupt change in direction. Implementation of this order will discriminatorily impact small producers more than larger producers and we urge reconsideration of the definition and application.</p>	<p>See Acreage-Based Enrollment Threshold General Response.</p>

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Comment Number	Comment	Response
RR 11	<p>As currently proposed, the draft order does not adequately consider climate change impacts and the potential for future vineyard migration. While we appreciate the Regional Board’s decision to require order compliance outside of the three main regions, the decision to also not require any enrollment or conduct any monitoring or reporting is not enough to address future expansion. We recognize that this decision likely stems from staffing and third-party availability concerns, however, we are already seeing how climate change is causing vineyards to move beyond their traditional locations in the North Coast Region. The Regional Board must be able to respond to these changes in an effective manner and must have notice to facilitate that response. For example, in recent years there has been an increase in vineyards looking to move to the coastline where climate is becoming more temperate and ideal for growing grapes. Our coastlines have particularly sensitive ecosystems and the Regional Board must be able to know when and where such expansions are occurring so that order compliance can be verified. At a minimum, we recommend that those outside the identified HUC-8 watersheds be required to provide notice of order applicability so that Regional staff are aware of who they may need to check for compliance with Prohibitions and Management Practices. This will also help facilitate staff enforcement and compliance review with those commercial vineyards outside the identified HUC-8 watersheds. This information can also be used to help inform future expansion and coverage of the Vineyard Order.</p>	<p>The Proposed Vineyard Order retains the provision for the Regional Water Board Executive Officer to require enrollment for commercial vineyards located in areas conditionally exempted from enrollment. Staff have determined the small percentage of North Coast vineyards located outside the HUC-8 watersheds as a lower priority than those vineyards within the identified HUC-8 watersheds and will focus Regional Water Board personnel resources accordingly</p>

Vineyard Order
 Summary of Revisions and Response to Comments

Comment Number	Comment	Response
Brutocao 1	<p>Added regulations and the costs associated with those regulations are forcing out the small family farms like ours. Corporate farms, that can absorb these extra costs, are taking over the vineyard industry. Our family has been farming this land for four generations and, if we keep getting hit with more costs, it's likely to be the last. Please keep in mind the families these regulations affect. Not just the vineyard owners, but the families of our employees also. Most of our employees have been with us for well over ten years because we pay them a fair wage and treat them like a part of our family. If the corporate farms take over then our employees will become a number instead of a name. Just as we are constantly striving to achieve greater sustainability and cleaner water, I ask that you practice another form of sustainability. Make your regulations more reasonable and less costly to sustain the family farm. The North Coast Regional Water Quality Control Board is encouraged to consider the comments and concerns listed above and revise the Order to make it more workable for both the vineyard industry and for achieving water quality goals.</p>	<p>See Acreage-Based Enrollment Threshold General Response. See Cost of Compliance General Responses A and B, and Response to Comment CAWG 23.</p>
CAFF 4	<p>I also hope that the Water Board gives special focus to the specific concerns of small, independent growers received during this comment period in drafting the Final Order. Small vineyards are integral to the agricultural character of Sonoma County, and CAFF especially commends those deeply committed to ecological practices. Smaller growers most often do not have the same financial resources or personnel to implement new regulations, making them disproportionately impacted</p>	<p>See Acreage-Based Enrollment Threshold General Response.</p>
Poor 3	<p>These requirements as written are going to be a huge financial burden on a ranch that is already paying a third party to monitor our vineyard practices. We have read your responses that it really is not that much money charged to the farmers. Looking at fees etc. in your proposal you are talking way more than this ranch makes. There is no way we can hire a third party to do that for us.</p>	<p>Commenter had identified that their farming operation is small. The Proposed Vineyard Order was revised to include a Sediment and Erosion Control compliance option for Enrollees using Voluntary Programs. See Sediment and Erosion Control General Response. See also Acreage-Based Enrollment Threshold General Response.</p>

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Comment Number	Comment	Response
Thompson 2	The commenter expresses concern about the financial impact the Vineyard Order may have on their already struggling business in the context of other regulatory burdens.	The Proposed Vineyard Order was revised to include a Sediment and Erosion Control compliance option for Enrollees using Voluntary Programs. See Sediment and Erosion Control General Response. See also Acreage-Based Enrollment Threshold General Response.

Sediment and Erosion Control Requirements

General Comment: Commenters request that sediment and erosion control requirements in the Proposed Vineyard Order account for threat to water quality and the complexity of operations.

General Response: The Proposed Vineyard Order was modified to include two basic Compliance Options for sediment and erosion control at two different standards of implementation that determine Management Practice Effectiveness Monitoring. This revision also provides a pathway for voluntary erosion and sediment control programs to satisfy certain requirements. See Sediment and Erosion Control Requirements in Section I: Summary of Revisions for details.

These revisions consider and incorporate the following: (1) public comment and Board's concerns over minimum management practices and winterization schedule (e.g., they were overly prescriptive, inflexible, incompatible with necessary farming practices over winter); (2) Board direction to consider threat and complexity in establishment of requirements; (3) acknowledgement of efforts through existing sustainability programs and professional oversight in some certifications. This revision assumes the following: (1) vineyard water quality threat and complexity is primarily a function of slope, ground cover, and presence of agricultural drainage structures, and (2) oversight through voluntary programs that require on-farm audits or certification by a Qualified Professional may reach a level of protection commensurate with ground cover requirements in the Order.

Comments:

Vineyard Order
 Summary of Revisions and Response to Comments

Comment Number	Comment	Response
CAWG 4	<p>The Vineyard Order would be most effective if it focused its efforts on vineyards that pose the greatest risk to water quality and create a simplified compliance program for those that are already implementing practices documented to reduce discharges of pollutants. To accomplish this, we propose creating a three-tiered system. The first tier would be for vineyards in approved third-party certified sustainable programs and compliance would be determined by the program auditors. The second tier would include vineyards with low risk to water quality determined by the slope of the vineyards, hydrologic connectivity of roads, and implementation of management practices to reduce sediment and erosion. The third tier would include vineyards with greater water quality risks and would require more oversight from the Regional Board or third-party group through implementation of water quality management plans to outline the necessary efforts to reduce sources of sediment and erosion. Request: Adopt a tiered Vineyard Order based on risk. Tier 1 includes certified sustainable vineyards, Tier 2 includes vineyards not certified but with low risks to water quality, Tier 3 includes all other vineyards (those that are not certified and with higher risks to water quality). Monitoring requirements would increase based on a vineyard's tier.</p>	<p>See Sediment and Erosion Control General Response.</p>

Vineyard Order
 Summary of Revisions and Response to Comments

Comment Number	Comment	Response
CAWG 5	<p>The Vineyard Order defines agricultural drainage structures as: “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.” While the monitoring requirements are tied to outlets, the definition of agricultural drainage structures includes both inlets and outlets leading to confusion. We ask that the definition of agricultural drainage structure be clarified to ensure vineyard owners understand exactly what structures need to be monitored.</p> <p>Staff have said that ag drainage structure monitoring is supposed to be tied to risk because vineyards on flat ground don’t have drainage structures. However, vineyards on flat ground do discharge into ditches, which may be hydrologically connected meaning that ag drainage structure monitoring would apply to all vineyards regardless of risk factors. We recommend that this be rectified so that vineyards that present a low risk of sediment discharge do not need to conduct edge of field monitoring.</p>	<p>See Sediment and Erosion Control General Response. The Proposed Vineyard Order was modified to clarify the definition of agricultural drainage structures and that the monitoring location is at the outlet of these features, not the inlet. The Proposed Vineyard Order was modified to allow Enrollees to implement management practices at different performance standards that are tied to threat and complexity to water quality. A higher performance standard would exempt an Enrollee from Agricultural Drainage Structure Monitoring.</p>
Form Letter C 2	<p>In general, this Order takes a “one size fits all” approach to monitoring and reporting, no matter where the vineyard is located (slope or flat land), the size of the vineyard or the proximity to a creek or river. This type of imbalance has seldom proven itself to be viable and typically results in serial updates and changes further impacting the vineyard and land owner.</p> <p>There are different sediment erosion risks associated with different pieces of land. It makes more sense to create a vineyard order based on these risk factors, rather than requiring the same management plans and monitoring for all vineyards.</p> <p>Many commenters who used the Form Letter offered examples from their personal vineyards. These examples noted differences in conditions or management of their specific vineyard that was not applicable to a ‘one-size fits all’ approach.</p>	<p>See Sediment and Erosion Control General Response.</p>

Vineyard Order
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Comment Number	Comment	Response
JFW 3	<p>The Draft Order requires specific Management Practices (MPs). Although these MPs may seem routine, they are contradictory to the farming needs of a specific location. Employing inappropriate, yet required MPs, will have a detrimental effect on farming costs and on the environment. And, eliminating certain cultural practices in place of a short list of approved management does not consider the following issues:</p> <ul style="list-style-type: none"> • Mulch is a fire risk. • Many properties are harvesting through November. • Cover crop won't grow in cultivated areas until after the first rain since rain germinates the crop. • During drought years, cover crop is removed between vines rows to reduce water consumption (w/additional erosion control measures implemented). Changing cultivation practices (i.e., from till to no-till) happens at replant. Modifying cultivation practices mid-life will injure vine health and the quality of grapes produced. • Changing cultivation practices in an existing vineyard may be impossible depending on vine spacing and farming equipment available. <p>REQUEST 3: Create vineyard order based on risks, rather than requiring the same management practices and monitoring for all vineyards. Create a tier-based system that would recognize existing sustainability certifications and reduce requirements for vineyards that are already certified and implementing management practices that reduce sediment and erosion.</p>	<p>See Sediment and Erosion Control General Response. The Proposed Vineyard Order was modified to increase flexibility for Enrollees to select management practices that consider site-specific conditions and cultural practices.</p>
Olson 10	<p>We agree that a tiered approach that aligns with the risk profile of the vineyard for water pollution is the most equitable approach: the requirements and monitoring increases as the risk increases. This approach both recognizes growers' existing commitments by reducing requirements for vineyards that are already certified and implementing management practices which already work to achieve the goals set out in the draft general order.</p>	<p>See Sediment and Erosion Control General Response.</p>

Vineyard Order
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Comment Number	Comment	Response
Pauli 3	<p>This Draft Order as I see it, is an over reach of your staff. It goes far beyond the mandate set by the State Water Board to adopt an Irrigated Lands Program in Region 1. It treats farmers like me as if I am a criminal, and a polluter. Its offensive, disparaging, and frustratingly complex, when it doesn't need to be. Also, and probably most frustrating for me, is this order will not do anything to protect the environment or prevent pollution of water ways in region 1. I understand that you have a mandate, and that there are precedents that you must follow. All I ask is that the order you ultimately adopt be simple, not complex. Not cost a lot for growers to comply with. Be based on risk factors and data, not assumptions and accusations. And be equal in impact to what farmers in other regions have to comply with. Comply with your mandate, but not burden farmers or jeopardize their businesses.</p>	<p>See Sediment and Erosion Control General Response. See also Cost of Compliance General Response. The Proposed Order was revised to provide a potentially simpler compliance pathway for Enrollees who choose to develop a Certified Sediment and Erosion Control Plan. The Proposed Order was also revised to change the term 'Discharger' to 'Enrollee' to address the perception many commenters had that vineyard owners were being viewed as polluters.</p>

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Comment Number	Comment	Response
SCFB 2	<p>As stated on page 5 of the Proposed Order, "Vineyards occupy approximately five percent of the watershed, although vineyard density exceeds 75 percent in smaller sub watersheds." It logically follows that vineyards will be a relatively small participant in sediment runoff that flows into the Russian River and its tributaries in almost the entirety of the watersheds. For those smaller sub-watersheds where vineyards constitute more of the land makeup, they will logically have greater impact with regard to erosion and sediment issues. However, the requirements as written in the Proposed Order do not reflect the differences in risk of sediment and erosion inherent in location. The "one size fits all" approach to monitoring and reporting in this Proposed Order creates an overly burdensome regulation. No matter where your vineyard is located (slope or flat land), the size of your vineyard, or the proximity to a creek or river, the vineyard owner is subject to the same requirements without consideration of the risks potentially posed to water quality. Level of risk should be factored in rather than requiring the same management plans and monitoring conditions for all vineyards. The Proposed Order includes significant requirements that unreasonably impact growers and the viticulture industry in Region 1. Page 16 of the Proposed Order includes relevant language from Water Code section 13267 that describes the Regional Water Board's power to require monitoring reports. It states, "The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports." We detail provisions in the Proposed Order where this mandate is not achieved in the comments below. As written this order is over-inclusive and not focused on those vineyards that pose the most risk for sediment runoff. One way this Order could be amended is to adopt a 5+ acre threshold for inclusion. This would recognize that some of the vineyards in the watershed are small vineyards that are likely to have a de minimus impact on sediment loads and are located in an area with de minimus vineyard density, so that these smaller operations are not overly burdened by extensive monitoring and reporting. The benefit of gathering data on these small plots will also be de minimus, and as noted above, it is required that the R WB consider this benefit/burden analysis when creating Waste Discharge Requirements (WDR's).</p>	<p>See Cost of Compliance. General Responses A and B, and Response to Comment CAFB 23.</p>

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Comment Number	Comment	Response
SCFB 3	Create a tiered approach that is based on risk of erosion and that focuses monitoring efforts on those vineyards that are not certified sustainable by an approved program, or are located on a slope or very near or adjacent to a creek, stream or river. Those vineyards that pose the most risk would be required to perform more extensive monitoring and implement additional BMP's. A detailed proposed tiered system has been presented by the Wine Institute in their comment letter.	See Sediment and Erosion Control General Response.
Ward 1	The commenter describes the watershed setting around their vineyard and relates the potential water quality impacts of their vineyard in the context of other sources in the watershed. The commenter asks for regulations which consider impact, threat, and complexity of all non-point sources.	See Sediment and Erosion Control General Response.
JFW 10	<p>REQUEST 5 - PROPOSED MODIFICATIONS</p> <p>We are asking that at a facilitated Technical Advisory Group (TAG) meeting, the members:</p> <ol style="list-style-type: none"> 1. Discuss appropriate tiering based on risk. Risk factors could include percent slope, proximity to a year-round water body, percent of roads hydrologically connected, participation in a third party audited sustainability program, etc. 2. Evaluate the existing third-party certification programs – SIP, CCSW, FFF, Lodi Rules – against the Vineyard Order objectives and identify gaps. 3. Determine what practices or programs will fill the gaps and that can be verified by a third-party auditor 	See Sediment and Erosion Control General Response. Staff held a facilitated meeting of the TAG in May 2024 to discuss revisions to the Proposed Order.
RR 24	Recommendation: The Regional Board must look at ways to incentivize use of permanent cover crops in vineyard avenues and ultimately, the long-term conversion to no-till practices on vineyard properties. These mitigation measures are known to work effectively and the benefits can be clearly demonstrated by those already utilizing them throughout the North Coast Region. These practices are multi-beneficial too, as they are known to help with soil compaction, improve soil organic matter, limit runoff, and increase soil moisture capacity.	See Sediment and Erosion Control General Response.

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Comment Number	Comment	Response
RR 34	<p>In regards to ground cover requirements, we have a few clarifying questions. To start, the current draft requires 75% ground cover for hydrologically connected areas within a Farm Area, but also requires 85% ground cover for all seasonal roads and vineyard avenues at existing vineyards. There does not appear to be any guidance on which governs when both situations are applicable. As such, we ask for additional clarity on this point and urge for the more protective requirement to govern.</p>	<p>The Proposed Vineyard Order was revised to remove mandatory ground cover requirements. See Sediment and Erosion Control General Response.</p>
RR 35	<p>Second, there does not appear to be any similar ground cover requirements for new and replanted vineyards. Rather, it appears these vineyard types are only expected to follow the vegetated buffers in Table 5. We are concerned that this difference will not prove effective on its own as seasonal roads and vineyard avenues may still be barren. If a QSE is large enough, and until vegetated buffers are sufficiently established, sediment capture functions are unlikely to be effective against channelized flows directed by seasonal roads and vineyard avenues. We request that new and replanted vineyards also be subject to ground cover requirements during the winterization period</p>	<p>The Sediment and Erosion Control requirements apply to all vineyards enrolled in the Order, including new and replanted vineyards.</p>
RR 36	<p>Third, most rain events are forecasted at least 10 days in advance with today's technology. As such, we request that ground cover be staged and laid out at least 10 days before a QSE. It is completely unrealistic to think that a vineyard will be able to lay and establish sufficient ground cover in only 48 hours leading up to a QSE, especially for the larger properties. As we continue to experience more climate extremes and significant rain events outside of the historical precipitation period, it is important that the Regional Board is incorporating requirements that will adequately address those changing realities. We request that ground cover be staged and laid out at least 10 days before a QSE</p>	<p>For vineyards following the minimum ground cover sediment and erosion control pathway, the Proposed Vineyard Order retains the requirement for Enrollees to have access to sufficient materials for ground cover installation. These materials shall be staged within the Farm Area by October 15 and installed at least 48 hours prior to a Qualifying Storm Event.</p>

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Comment Number	Comment	Response
RR 37	<p>We further request that all ground cover requirements be tiered such that percentage requirements be strengthened to at least 95% within two years of order adoption and that the Regional Board provide additional requirements to prioritize high impact areas. This increase will help close the loophole of putting ground cover in the easiest spots and leaving other areas bare—especially considering how ground cover has been defined to include pretty much anything you can put on the ground. This increase will also help ensure that ground cover as a mitigation measure is actually being effective and will help vineyard properties comply with their regulatory obligations. By requiring less in this draft order, the Regional Board is only setting the vineyards up for failure and continued water quality impairments. “Maintenance of adequate live plant cover to protect and hold the soil is the most important concept for maintaining good water quality.”¹⁰All ground cover requirements be tiered such that percentage requirements be strengthened to at least 95% within two years of order adoption and that the Regional Board provide additional requirements to prioritize high impact areas.</p>	<p>See Sediment and Erosion Control General Response. The Proposed Order has been revised with a Sediment and Erosion Control compliance option for 90% planted ground cover as a higher standard of implementation which allows an Enrollee to conduct photo-point monitoring. When touring vineyards, staff noted that in some years, a high ground cover percentage is not attainable without irrigation which some vineyards are not designed for.</p>
MCFB 2	<p>This Order also does not take into consideration the variation of vineyard property, and instead uses a 'one-size-fits-all" approach. Monitoring and reporting should take into consideration associated risk and property traits such as slope, size, and proximity to creeks or rivers. Most alarmingly, with the lack of baseline data, the Order has failed to demonstrate that actions taken by vineyard owners/operators will have an overall impact on water quality in our watersheds. The Order should recognize the diversity of vineyard operations and allow for flexibility in implementation and compliance.</p>	<p>See Sediment and Erosion Control General Response.</p>
MCFB 23	<p>Footnote 27 as defined comes from Sonoma County's Vineyard and Orchard Site Development and Agricultural Grading and Drainage Ordinance (VESCO), which was intended to be applied to vineyard development, not existing vineyards as this Order would primarily apply to. MCFB would like to encourage a slope threshold to be considered regarding the 75% ground requirement</p>	<p>The Proposed Vineyard Order was revised to remove mandatory ground cover requirements. See Sediment and Erosion Control General Response.</p>

Vineyard Order
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Comment Number	Comment	Response
MCFB 3	<p>The Regional Board should create an Order based on risks, rather than requiring the same management plans and monitoring for all vineyards. Vineyards should not be responsible for monitoring watersheds to gather data on sediment discharges from numerous land uses. Vineyards represent less than 3 % of the land area in the Navarro River watershed and less than 6% of the land area of the Russian River watershed.</p>	<p>See Sediment and Erosion Control General Response and Response to Comment MCFB 10..</p>
Henrioulle 17	<p>One of the strengths of most of the Water Board's NPS regulatory programs is the requirement that the enrollee prepare and implement a farm/ranch/property/pollution control plan relatively early in the initial enrollment period. Such a plan typically includes, among other things, a map and evaluation of the property, identification of receptors, identification of locations and activities that pose a threat to the receptors, and a workplan and schedule to address/mitigate those potential sources. Monitoring can then be focused on effectiveness and general assessment of areas missed or areas or features which may need adaptive management. Water Board partner groups, particularly existing "third party" technical assistance groups and Resource Conservation Districts can then fit in easily to assist with developing and implementing farm plans and identifying areas where monitoring makes the most sense. This is a proactive approach, and helps to give enrollees a sense of confidence in and control over their efforts to comply with the permit, rather than a sense of uncertainty caused by a program that requires that growers annually assert that they think they have done enough, but have to continue to monitor to make sure and/or to prove it.</p>	<p>See Sediment and Erosion Control General Response. Staff agree and have created incentive through a reduced monitoring effort for Enrollees who implement a Sediment and Erosion Control Plan that is certified by a Qualified Professional.</p>

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Comment Number	Comment	Response
Henrioulle 21	<p>Page 31, para 3 – mentions various management practice programs that some growers may be implementing. See my earlier comment regarding background findings and consideration for a tiered enrollment structure. Over the past two decades, the Water Boards, and staff of this Region, have invested significant effort and resources towards addressing waste discharges from vineyards, including funding and reviewing many vineyard plans developed through the Fish Friendly Farming program, as well as pollution control efforts implemented by the Mendocino County RCD. I encourage staff to consult with Non Point Source and Grant program staff within the office, as well as with Fish Friendly Farming, to identify those vineyards in the Region that have a FFF plan prepared and/or implemented, and those that do not. This information may be helpful for developing enrollment tiers, and charting compliance pathways such that individual growers can determine their progress in, and any additional steps needed to fully comply with and demonstrate compliance with the Order.</p>	<p>See Sediment and Erosion Control General Response. Fish Friendly Farming and the Mendocino County RCD were on the Technical Advisory Group and were consulted in the development of revisions to the Draft Vineyard Order.</p>
RCD 5	<p>We anticipate farmers are going to need more assistance with Farm Evaluations than acknowledged by Regional Board staff at this point and adequate support for vineyard operators without farm plans isn't addressed. RCDs expect there may be a significant need for technical assistance in identifying and implementing Best Management Practices. RCD staff have made comments several times in the Technical Advisory Group that this permit lacks benefits for growers who have already been implementing sediment BMPs. The Proposed Order is "all stick and no carrot" and does not support or encourage going above minimum practices. Reduced monitoring requirements and associated reduced costs for growers who are exemplary stewards would be a good carrot, for example. Something similar was adopted in Region 2 with photo monitoring for farmers with appropriate riparian setbacks, adequate soil cover, storm proofed roads, appropriately-sized culverted stream crossings with low plug and diversion potential, etc.</p>	<p>See Sediment and Erosion Control General Response and Voluntary Program General response.</p>

Existing Voluntary Programs

General Comment: Commenters urged staff to consider practices implemented through existing voluntary or sustainability programs such as Fish Friendly Farming (FFF), California Code of Sustainable Winegrowing (CCSW), Sustainability-in-Practice (SIP), and LODI Rules. Commenters requested that the Vineyard Order provide a compliance option for implementation being done through voluntary program and noted that it may increase efficiency and reduce overall cost of compliance for Enrollees.

General Response: The Proposed Vineyard Order was modified to include two basic Compliance Options for sediment and erosion control at two different standards of implementation that determine Management Practice Effectiveness Monitoring. This revision also provides a pathway for voluntary erosion and sediment control programs to satisfy certain requirements See Sediment and Erosion Control Requirements in Section I: Summary of Revisions for details. This modification considers and acknowledges efforts through existing sustainability programs and professional oversight in some certifications. This revision assumes that the oversight through voluntary programs that require on-farm audits or certification by a Qualified Professional may reach a level of protection commensurate with Ground Cover requirements in the Order.

Comments:

Comment Number	Comment	Response
CAWG 10	Request: Accept vineyards certified under approved sustainability certification programs as meeting management practice requirements of the Vineyard Order with photo monitoring to document compliance. Additionally, accept documentation created for sustainability certification programs as meeting Vineyard Order requirements (i.e., Farm Evaluation).	See Existing Voluntary Program General Response

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Comment Number	Comment	Response
CAWG 6	<p>California’s wine industry contributes \$73 billion to the state’s economy, employs 422,000 Californians, and pays \$7.9 billion in federal, state, and local taxes. In addition to the economic value that California winegrape growers and wineries create, our members are committed to sustainability. In 2003, Wine Institute and CAWG formed the California Sustainable Winegrowing Alliance (CSWA) to promote the benefits of sustainable winegrowing practices, enlist industry commitment and assist in implementation of the Sustainable Winegrowing Program. Today CSWA manages the largest third-party sustainable wine program in the U.S., Certified California Sustainable Winegrowing (CCSW). CCSW currently certifies 38 percent of California winegrape acreage and 80 percent of wine produced in California comes from a CCSW certified winery. Additionally, when other sustainability certification programs are included, approximately 60 percent of all California vineyard acres are certified sustainable</p>	See Existing Voluntary Program General Response
CAWG 18	<p>California’s winegrape growers have made significant investments in sustainability efforts. These include the voluntary implementation of numerous practices to create meaningful improvements in the local and regional environment. These practices include committing to pumping water into creeks and rivers to ensure flow is available for salmonid species, upgrading road crossings to reduce sediment discharges and remove fish passage barriers, restoring riparian vegetation to increase shade and expand wildlife habitat, among many other practices². Funds used for these voluntary efforts that provide measurable environmental benefits are generally the same funds that would be earmarked for regulatory compliance costs. This means that expensive monitoring requirements or costs necessary to change management practices to meet winterization requirements would take away from resources available for beneficial, voluntary efforts.</p>	See Existing Voluntary Program General Response. See Cost of Compliance General Responses A and B, and Response to Comment CAFB 23.
CAWG 7	<p>One way of reducing compliance costs for a significant portion of North Coast winegrape growers would be to utilize the existing sustainability certification programs to meet the requirements of the Vineyard Order</p>	See Existing Voluntary Program General Response

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CAWG 8	<p>CCSW currently certifies 174 vineyards and a total of 50,051 acres in Mendocino and Sonoma Counties. These vineyards are regularly audited by an accredited auditor to ensure that they meet the certification requirements. Auditors conduct onsite audits every three years and conduct desk audits during the interim years. CCSW has 60 mandatory prerequisite practices for vineyards. Specific to the Vineyard Order, these practices include soil management, vineyard water management, and ecosystems management. The mandatory prerequisite practices include, six prerequisites to address efficient nutrient and nitrogen management, fertigation and erosion prevention in addition to eight other practices that help ensure soil health; nine prerequisites address water use efficiency, water quality, offsite movement, irrigation maintenance and use of decision tools, water budgeting and measurement, and two additional practices help ensure vineyard water use efficiency and water quality; and five prerequisites address ecosystem processes, watershed management, aquatic habitats, sensitive species and collaboration plus four other practices help protect and enhance ecosystems and wildlife habitat. Detailed information about CCSW's certification and the practices required for certification are included in Appendix A.</p>	See Existing Voluntary Program General Response
CAWG 9	<p>The North Coast Regional Board should accept sustainability certification programs under the Vineyard Order and certified vineyards should be deemed compliant with the Order. We recommend creating a system whereby sustainability certifiers will document implementation of required management practices, including photo monitoring and share that with the third-parties, or directly with the Regional Board if a vineyard owner chooses to participate individually. This system will significantly reduce compliance costs by having a vineyard's existing sustainability program certify the vineyard's compliance, eliminating the need for separate documentation and monitoring beyond what's required for participants in the third-party groups. The information provided in Appendix A outlines practices required for vineyards certified by CCSW, but we are open to discussing further how to utilize CCSW's program and ensure the certification requirements for practices included in the California Code of Sustainably Winegrowing meet the Vineyard Order standards.</p>	See Existing Voluntary Program General Response

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Chen 1	The actions required in the proposed draft are not only burdensome for commercial vineyards with small acreage in farming, but also redundant with respect to BMPs required for programs like Sonoma County Ordinance 6338 (i.e., VESCO) and third-party certifications such as Sustainability in Practice (SIP) or Certified California Sustainable Winegrowing (CCSW).	See Existing Voluntary Program General Response.
Form Letter C 3	Existing Best Management Practices and Local Certification Programs I believe our management practices bring us into compliance with this Order. The Order should review these best-practice programs and find alignment to these programs rather than making growers start all over.	See Existing Voluntary Program General Response
JFW 5	<p>Below is an overview of the SIP program, including erosion control plans, auditor accreditation, and the certification process. The foundation of the certification programs are annual assessments by which a grower determines if they are meeting site-specific objectives. The assessment is verified by an accredited auditor.</p> <p>Our suggestion is that this process of self-evaluation, documentation, and verification meets the goal and intent of the Nonpoint Source Policy’s feedback mechanism. The accredited auditor can certify if the winegrape grower has fulfilled the obligations of both the sustainability program and of the Vineyard Order.</p> <p>By leveraging the third-party program – that growers are already paying to participate in – the \$12.69 per acre fee identified above could be reduced to \$2 or \$3 per acres, saving a 50-acre vineyard over \$500 per year.</p>	See Existing Voluntary Program General Response
JFW 6	The commenter presented an example of a conservation plan from SIP	See Existing Voluntary Program General Response

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Comment Number	Comment	Response
Kishimoto 1	<p>I believe your proposed order is unnecessarily burdensome on vineyard growers as it is written and could be improved. I would like to see it re-designed so that the requirements are focused on what cumulatively makes a difference for the watershed and allowing the land owners to do the right thing through third parties such as FFF program. If necessary, there should be occasional audits or program changes to satisfy the important water quality goals of the Regional Water Board for Navarro River watershed.</p> <p>Our vineyard, Wightman House Vineyard, is enrolled in and certified by Fish Friendly Farming program since about 2011. I believe the management practices required by these certification programs bring us into compliance with this vineyard order. The vineyard order should review these programs and if needed request changes to these programs rather than making growers start all over. In our case, our vineyard is two acres and with a small slope. We were cover cropping already.</p>	<p>See Existing Voluntary Program General Response. The Proposed Vineyard Order has been revised to include an enrollment threshold of 5 acres. See Acreage-Based Enrollment Threshold General Response.</p>
Lee 2	<p>It is very important that Water Board's program reduce impacts on small growers as much as possible. There should be a lower limit below which a farmer would either be exempted from the order or at least have very streamlined requirements to comply with. I believe any grower with a certification from Fish Friendly Farming, Certified California Sustainable Winegrowing, or Sustainability in Practice, should not have to do extra testing or monitoring. We should be allowed to rely on the on those certifications and everything we have to do to maintain them. The farm planning documents and management practices required by these programs should serve as compliance with an Order, allowing the Regional Board and approved third parties to focus their efforts on vineyards that have not already implemented sediment control practices. The Region 2 vineyard order followed this approach and has been very successful. In closing, I support protections for the Russian River and Navarro River, but I strongly object to the costly and disproportionate burden the proposed Order would place on small business farmers in Mendocino County. I urge the Water Board to revise the draft Order and reduce the burden on small farmers.</p>	<p>See Existing Voluntary Program General Response and Acreage-Based Enrollment Threshold General Response</p>

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Comment Number	Comment	Response
MCFB 1	<p>This Order does not give enough consideration to the North Coast Region's vineyard industry's existing commitment to environmental stewardship. Mendocino County winegrape growers are committed to farming sustainably with many Vineyard properties enrolled in multiple third-party sustainability certification programs that certify and audit vineyards who are growing winegrapes in a sustainable fashion. These Programs include the Fish Friendly Farming Certification, Certified California Sustainable Winegrowing (CCSW), Sustainability in Practice (SIP), and Lodi Rules. The Regional Board is encouraged to rely on the efforts of third-party certifiers and the work that certified vineyards have already invested into with certifications that help meet Order requirements. The farm planning documents and management practices required by these programs could serve to meet compliance with an Order, allowing the Regional Board and approved third parties to focus their efforts on vineyards that have not already implemented sediment control practices. The Region 2 Vineyard order followed this approach and has been very successful.</p>	<p>See Existing Voluntary Program General Response</p>

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MCFB 4	<p>By creating a tier-based system, existing sustainability certifications could be recognized which would streamline requirements for vineyards that are already certified and implementing management practices to identify and mitigate potential sediment and erosion issues. MCFB believes that the Order as currently proposed would result in disparate and highly prejudicial treatment of Mendocino County wine grape farmers, especially when compared to other regions. North Coast winegrape growers are dominated by small farms; a majority of vineyards in the Region are less than 15 acres. Small farms have limited resources. The draft Order, as proposed, would generate significant increased costs, even for farmers with low risk, that will have a significant negative impact on the viability of continuing vineyard operations. We urge you to reconsider the Order's approach and create an outcome that small farmers can comply with instead of being overburdened by the current proposed requirements.</p>	<p>See Existing Voluntary Program General Response and Acreage-Based Enrollment Threshold General Response</p>
Olson 2	<p>We are particularly concerned that the order fails to acknowledge the role that existing certification programs and their rigorous audit processes have in protecting our water sources from sediment and erosion, and that the order lacks a thorough understanding of our existing practices which further the goals the order sets out to achieve. In short, the order as drafted would hinder the ability of established, certified organic, sustainable, and certified Regenerative Organic vineyards to continue their exemplary practices without undue administrative burden.</p>	<p>See Existing Voluntary Program General Response</p>

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Comment Number	Comment	Response
Olson 3	<p>1. Existing certification programs already meet the intent of the law Our efforts to prevent adverse impacts to our water sources from vineyard farming include the following voluntary third party certifications, all of which are sustainable winegrowing programs that include aspects related to erosion and protection of water resources. These programs include: Regenerative Organic Certified (ROC), Certified California Sustainable Winegrowing (CCSW), and Fish Friendly Farming (FFF). Each of the foregoing certification programs require us to implement written Farm Plans and to use best management practices (BMPs). A key element of these programs is the annual collection and reporting of data, with rigorous audits by accredited auditors to confirm compliance. The draft general order does not leverage these existing certification programs which already work toward achieving many of the order's set goals.</p> <p>All of these certification programs require some version of the following:</p> <ul style="list-style-type: none"> • Practices and standards that the vineyard must meet to receive certification, including detailed Farm Plans which specifically address erosion and protection of water resources • Accredited auditors conduct both written and onsite audits to confirm compliance 	See Existing Voluntary Program General Response

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Olson 4	<p>In the North Coast, there is a growing commitment to Regenerative Organic farming and Regenerative Organic Certified (ROC) vineyards. That certification program focuses on soil health and non-till farming systems. This certification demands rigorous annual assessments of soil chemistry, soil composition, soil structure, and detailed SOPs enacted to improve said metrics.</p> <p>The California Sustainable Winegrowing (CCSW) certification program requires a Conservation Plan, which includes erosion potential and management of runoff, including winterization with cover crops. The Conservation Plan requires use of beneficial management practices to minimize offsite movement of sediment and non-point source pollution of surface water (e.g. waddles, mulching, hay).</p> <p>The Fish Friendly Farming (FFF) certification program requires a rigorous Conservation Farm Plan (FCP) which specifies vineyards be fully winterized with cover crops of dense grass on the entire vineyard floor, and along field roads and tractor turn-a rounds. Further, FCP inventories and documents the condition of each creek on the site and identifies the need for erosion repairs or native plant revegetation, with required improvement plans. Needless to say: we have Farm Plans and are already doing this work. We urge the Regional Board to rely on the efforts of third-party certifiers and the work that certified vineyards have already invested into that certification to help meet vineyard order requirements. The farm planning documents and management practices required by these programs could serve as compliance with a vineyard order, allowing the Regional Board and approved third-parties to focus their efforts on vineyards that have not already implemented sediment control practices. importantly, the Board must bear in mind that all of these certifications have rigorous requirements we must follow to maintain accreditation. We are concerned the requirements in the order could conflict with and jeopardize our certifications.</p>	See Existing Voluntary Program General Response

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Comment Number	Comment	Response
Poor 1	<p>We are responding to the proposed vineyard order because we believe this order is unnecessarily burdensome on vineyard growers as it is written. We would like to see it pared down so that the requirements are reasonable. We already certified by CCOF a third-party organic certification organization. Our vineyard management practices are certified (and audited) to ensure the winegrapes we farm are grown in an environmentally friendly fashion. We believe the management practices required by these certification programs bring us into compliance with this vineyard order. The vineyard order should review these programs and if needed request changes to these programs rather than making growers start all over. We have read about the way Napa farmers are held accountable. By your monitoring the waters and if there is a problem then following it upstream to find the problem. We think that is way more reasonable and understandable. It makes more sense to do it that way and there is not the paper work, unreasonable time burden, and terrible financial expenditures on each individual grape farmer that you toss out so nonchalantly in your impact report.</p>	<p>See Existing Voluntary Program General Response</p>
RR 5	<p>As many vineyard owners and 3rd party groups have noted, there are a lot of similarities between their programs and this proposed order. However, that does not mean they are the equivalent despite vineyard pressures to loosen this order in any form under that basis. In fact, to get certified some programs like SIP only require 50% of recommendations be implemented with no direction on forward moving improvements after that. Namely, we see three key differences between these voluntary programs and they are the reason why a strong, enforceable vineyard order is necessary in the North Coast Region. These key issues are: 1. Actual, consistent, reportable, and publicly available Monitoring and Reporting data is necessary; 2. Voluntary programs are not enforceable; and 3. Water Quality mandates are necessary to guide interim measures.</p>	<p>The Proposed Vineyard Order proposes to allow Enrollees to use Voluntary Programs to help with the development of Sediment and Erosion Control Plans. If those plans are not certified by a Qualified Professional, the Enrollee must conduct Agricultural Drainage Structure Sampling to ensure management practice effectiveness. The Proposed Vineyard Order also includes a process for approving Voluntary Programs. See also Sediment and Erosion Control General Response.</p>

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RR 14	Throughout this process we have repeatedly heard that vineyards enrolled in voluntary programs are already partaking in many of the requirements under this order and are not contributing to water quality impairments. If that can be clearly demonstrated through a robust monitoring program, then they can be rewarded with reduced program costs and fewer monitoring requirements over time. This method would provide dischargers more carrot to address their ongoing pollutant discharges and hopefully, achieve faster compliance.	See Existing Voluntary Program General Response
RR 8	Third Party groups and voluntary programs have historically focused on attacking the management practices that we would consider low-hanging fruit and have not included monitoring designed to inform stronger practices meant to achieve a certain water quality standard. While these programs can act as a starting point for good management practices, they are not even remotely sufficient to meet the needs of a WDR and order targeting nonpoint sources. A strong water quality monitoring and reporting program is absolutely necessary to inform adaptive management, ensure interim measures are hit, and that beneficial uses are protected. Any Regional Board program would be arbitrary and capricious to think otherwise.	The Proposed Order retains the requirement to monitor the effectiveness of implemented management practices through Agricultural Drainage Structure Turbidity monitoring for Enrollees who choose to comply with Sediment and Erosion Control requirements through a Sediment and Erosion Control plan developed through a Voluntary Program unless certified by a Qualified Professional. Results of Agricultural Drainage Structure Monitoring trigger adaptive management if turbidity benchmarks are exceeded.

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SAVE and SCV 1	<p>The North Coast has long recognized the importance of sustainability. As pointed out in the workshop, a large percentage of vineyard properties are already enrolled and third party certified as sustainable by Certified California Sustainable Winegrowing (CCSW), Sustainability in Practice (SIP), Lodi Rules, and Fish Friendly Farming. The Sonoma County Winegrape Commission reports that in 2019, 99% of the vineyards in Sonoma County had achieved sustainability certification. Enrollment and certification are valuable to growers responding to market demands but also provide a checklist of best management practices that strengthen the business and provide protections to the environment. These programs are broad in their focus addressing water management along with energy efficiency, safe pest management, habitat, social justice, and ethical business practices. Certification comes with cost, audit, and adaptive criteria. Sonoma County has adopted a strong Vineyard Erosion Control process (VESCO) that recognizes the variety of slope, proximity to waterways, soil type, design for rainwater runoff, existence of springs & wetlands, areas of instability, and existing roads and access. Any Order must respect the work of the County and not interfere with a program that works for growers and works for the environment. The VESCO ordinance goes further in consideration of riparian protections and setbacks from both top of bank, as well as maintenance of riparian vegetation. The county's riparian corridor setbacks are already sufficient for protecting surface and ground water resources in the Russian river watershed.</p>	<p>At face value and in some cases VESCO may have a more restrictive setback than the Proposed Vineyard Order, and vice-versa. The Proposed Order allows setbacks to be delayed until replant. Notably, Streamside Management Area requirements implement the Temperature Implementation Policy of the North Coast Basin Plan which previously considered environmental impacts to agricultural resources from its implementation. The Proposed Vineyard Order was modified to provide an option for compliance with Streamside Management Area setbacks that allows for reduced setbacks. Regarding sustainability programs, see the Existing Voluntary Program General Response.</p>

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SCFB 4	<p>Ninety-nine percent of Sonoma County Vineyards are enrolled or certified in a third-party sustainability program. Whether it be Fish Friendly Farming, Certified California Sustainable Winegrowing (CCSW), Lodi Rules, Sustainability In Practice (SIP), or another program, certification entails implementing proven best management practices to prevent erosion and pollution of the soil and waterways by taking into consideration the unique nature of the vineyard at hand. Instead of creating additional farm evaluations for each vineyard, farmers should be allowed to use the sustainability certifications they already have in place to comply with the Proposed Order. Additionally, Sonoma County vineyards that are planted or replanted must comply with Best Management Practices and Technical Report Guidelines under the New Vineyard and Orchard Development, Vineyard and Orchard Replanting, and Agricultural Grading and Drainage Ordinance (VESCO). There are very specific requirements including best management practices that are already being implemented by the approximately 60% of vineyards in Sonoma County that are subject to the erosion and sediment mitigation and control requirements included in VESCO. There are some requirements in the Proposed Order that go beyond the VESCO ordinance, such as additional riparian setbacks or vegetated buffers, and using a different measurement standard to determine the setback distance from "streamside areas" or "streamside management areas". The Proposed Order defines streamside area on page 4 7 and uses a very difficult to understand method that is different than the one used in VESCO to determine the borders of the streamside area. A seemingly simple diversion from VESCO such as this may not seem problematic, but with so many vineyards that are subject to the VESCO requirements, and that have planted their vineyard to meet these requirements, this change could have enormous practical and financial impacts on vineyard operations. Additional or different requirements that do not align with VESCO offer little additional benefit and will likely be a substantial burden on these vineyard owners.</p>	<p>The comment makes the claim that different requirements for Streamside Management Area setbacks between the Draft Vineyard Order and the Sonoma County VESCO Program will be challenging and costly for vineyard owners/operators. See response to Comment SAVE and SCV 1.</p>

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Frey 5	<p>In addition, the current Sonoma County VESCO ordinance has mandated setbacks from streams and wetlands. Riparian vegetation within the setbacks is protected. Those setbacks should be precedents for Region 2 requirements. VESCO was developed by representatives from the environmental and grape growing communities and was adopted in 2001. Since that time erosion control measures in vineyards have become routine in both new and existing vineyards. Recognize what has been done to protect our soils and streams. Penalize those who fail to comply with existing water quality requirements, but do not impose new regulations to the many growers who are already reducing soil movement from their vineyards. I encourage you to rely on what has been done by Sonoma County and the grower community. In Sonoma County, 99% of vineyards have participated in third-party certified sustainable wine growing programs. Rely on those programs. Utilize the data that is already being collected to improve sustainable practices in our vineyards.</p> <p>Finally, utilize all the discretion you have been given to create a program that is cost effective for growers, is manageable for RWQCB staff, and is appropriate for growers who manage 6% of Sonoma County land area today.</p>	See response to Comment SAVE and SCV 1.

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SCFB 5	<ul style="list-style-type: none"> • Vineyards that are certified sustainable under an approved program be found to meet the management practice requirements of the Vineyard Order with proof of implementation. Proof of implementation of the practices can be provided either by regular third-party audits or through another accepted method such as photo monitoring. • Utilize the same method and definitions that VESCO uses to determine streamside areas and streamside setback parameters to ensure regulatory alignment. 	<p>See Existing Voluntary Program General Response. The Ordinary High-Water Mark was used in defining the Streamside Area because of the requirement for shade and implementation of the Temperature Policy. Using 'top of higher bank' as is consistent with Sonoma County's VESCO program and Riparian Corridor Ordinance does not account for critical riparian functions between the Ordinary High-Water Mark and top of bank.</p>
Smith 1	<p>Use your discretion to work with exemptions from enrollment in the order for those operations that participate in third party certification for sustainable, regenerative, and other best management practices implementation for water quality. These entities can be vetted by the water board for their merit in improving water quality and their track record of ongoing auditing of their certified clientele.</p>	<p>See Existing Voluntary Program General Response</p>

Winterization Requirements and Prohibitions

General Comment: Commenters expressed that winterization requirements and prohibitions did not allow flexibility for the range in farming practices. Commenters were concerned with rigidity of winterization dates, which in some years may conflict with harvest. Commenters provided examples of cultural practices that may conflict with winterization requirements, prohibitions, and dates. These examples included, but were not limited to spreading compost, harvest activities, existing no-till practices, and critical needs such as repair. In some cases, winterization requirements and prohibitions may inadvertently preclude practices which may be used to improve soil health in the vineyard. Commenters requested flexibility within the winterization dates and requirements.

General Response: In addition to noting these comments, during winter farm tours staff made observations confirming that the Draft Vineyard Order's winterization requirements were inflexible and incompatible with many farming practices. The Proposed Vineyard Order was modified in the following ways:

- In lieu of prohibitions during the Winterization Period (defined in the Draft Order as November 15-April 1), Enrollees are required to prioritize the implementation of management practices to address soil disturbance or erosion in the vineyard due to farming activities conducted under saturated soil conditions.
- Enrollees may choose one of two basic Sediment and Erosion Control Compliance Pathways for sediment and erosion control. The performance standards met at each of the two compliance pathways indicate the Management Practice Effectiveness Monitoring an Enrollee must comply with.
- Enrollees who choose Ground Cover as a sediment and erosion control compliance option must have access to sediment and erosion control measures that are to be installed prior to a Qualifying Storm Event if they do not meet ground cover requirements.
- The prohibition on development and re-plant activities (as is consistent with the Sonoma County Vineyard Erosion and Sediment Control Ordinance) has been retained. The dates associated with winterization activities have been revised from November 15-April 1 to December 15-April 1. The start date was moved from November 15 to December 15 to better reflect climate patterns in the region. Enrollees who choose Ground Cover as a Sediment and Erosion Control compliance option must have access to sediment and erosion control measures that are to be installed prior to a Qualifying Storm Event if they do not meet ground cover requirements to account for early season storm events.

Comments:

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CAWG 15	No two vineyards are operated in the same manner. Each site dictates different practices due to differences in soil type, differences in weather patterns, different pest pressures, different preferences for cultural practices, etc. These differences show up in many ways, but specific to the Vineyard Order vineyards may be managed in numerous different fashions including those that use tillage or choose to avoid tilling or those that irrigate vs. those that dry farm. The Vineyard Order needs to recognize this diversity and allow for flexibility in implementation. These differences will make adherence to the winterization timeline required in the Vineyard Order difficult for many vineyards. Rather than requiring a set schedule for winterization from November 15 to April 1 that is unlikely to work for vineyards that may harvest into November, those that use equipment to prune during the dormant season, or those that till in spring to conserve water for their vines, instead we recommend allowing for the implementation of alternative sediment and erosion control practices to protect water quality.	See Winterization General Response.
CAWG 16	Allow management practices that reduce sediment and erosion in place of winterization requirements if winterization requirements will conflict with normal farming practices.	See Winterization General Response
Munk 4	The commenter expresses concern for the ground cover and winterization period minimum management practices in the Draft Order and describes conflicts with viticultural practices.	See Winterization General Response

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CAWG 17	<p>In addition to monitoring and reporting costs there are also significant compliance costs that will be incurred by vineyards subject to the Vineyard Order. According to comments made by Dave Koball during the Vineyard Order workshop on August 4, vineyards will incur numerous costs to ensure compliance with the 75 percent cover requirement during the winterization period. These include costs for straw mulching due to the likelihood that vineyards would not be able to achieve 75 percent cover by the November 15 deadline due to timing of harvest. Mr. Koball estimates straw mulching would cost at least \$720/acre. For vineyards that are able to get cover crops growing by the November 15 deadline, many won't meet the 75 percent requirement due to the size of the herbicide strip. Adjusting the size of the herbicide strip would require the purchase of a new mower, which adds initial purchase costs and operational costs for each pass made. Mr. Koball estimates a new mower to cost between \$9,000-10,000 and additional mowing costs of \$175 per acre. Request: Rather than requiring 75 percent cover in all situations, look at sediment and erosion risk factors associated with a vineyard and allow for alternative control measures that will reduce sediment discharges in a more cost-effective manner.</p>	<p>See Winterization General Response. The Proposed Vineyard Order has been revised to allow greater flexibility in compliance with sediment and erosion control requirements. See Sediment and Erosion Control Requirements General Response.</p>

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Form Letter C 5	<p>Specific Required Management Practices Conflict with Cultural Viticultural Practices. Rigid timelines and farming do not align and are not realistic, including the prescriptive winterization period of November 15th to April 1st listed in the Order. Every year poses different conditions for growers. For example, this year the weather didn't start warming until very late translating into a late harvest and other practices that may not fit into the timeline presented by the proposed permit.</p> <p>Examples of "One size DOES NOT fit all"</p> <ul style="list-style-type: none"> • The winter cover requirement of 75% ground cover could prove challenging for our vineyards that use under vine weed management and others that till their soil. Vineyards can't switch to no-till practices abruptly as changing those practices will damage the vines and impair crops. Switching from till to no-till practices would need to occur when a vineyard is replanted. Also, a slope threshold should be considered with regard to the 75% ground cover requirement. • The time period for winterization will be challenging for vineyard operations. <ol style="list-style-type: none"> 1) In some years, some vineyards are unlikely to be finished harvesting by November 15th. Our Zinfandel is always late. Cover crops will be difficult to seed concurrently at the same time as harvest activities are occurring. 2) The winterization time frame may make it difficult to spread compost. We've used this practice to increase soil health. 	See Winterization General Response

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MCFB 18	<p>If the period for winterization, November 15 to April 1st, does not allow for conditional access and ground disturbance activities, it will be unnecessarily prohibitive and creates an economic hardship for many vineyards. Some vineyards are unlikely to be finished harvesting by November 15 in certain years. For example, some Mendocino County vineyards may not start harvesting until November 1 this year due to the late spring. Conversely, many vineyards start tilling prior to April 15. This is an example of where risk-based tiers would be appropriate to allow more flexibility.</p> <p>Farming practices are already cognizant of winter conditions and stewardship of the land during wet months. However, normal maintenance and other cultural practices MUST still take place between harvest in the fall and bud break in the spring. With the reliability of modern weather forecasting the amount of precipitation and likelihood of storms to occur can be evaluated to inform the need to take winterization.</p>	See Winterization General Response.
MCFB 19	<p>P 46 "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. "</p> <p>Ground disturbing activities should be better defined. There are certain cultural practices which can only be performed while vines are dormant: root pruning, anti-compaction ripping (performed once every ten years on no till vineyards), dormant fungicide sprays, mechanical pruning, mechanical wire setting, trellis maintenance, herbicide applications, cover crop planting/replanting, etc. Any of these normal and customary cultural practices could be considered to be - 'ground-disturbing activities.'" The health and economic viability of vineyards would be directly and negatively affected by not being allowed to conduct industry-recognized normal and customary cultural practices. Again, many of these practices can ONLY be performed during the dormant season.</p>	See Winterization General Response.

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MCFB 20	<p>In the North Coast, harvest extends into November, which is much later than other areas of the state. Vineyard removal for replanting is conducted immediately following harvest for several reasons: the crop can be harvested one final time before removal, doing this work while harvesting at the same time is not feasible, vine removal prior to the first rain is difficult because dry soils are more robust, for air quality requirements vines must be removed under two conditions: to minimize dust and to allow for adequate drying time before burning.</p>	<p>See Winterization General Response.</p>
MCFB 21	<p>"b) Vehicle or equipment use of seasonal agricultural roads under saturated soil conditions" If seasonal agricultural roads with shared use roads are also used to access other commercial or residential uses, will this use also be restricted?</p>	<p>See Winterization General Response.</p>
MCFB 22	<p>P 49 'Maintain ground cover at a minimum 75 percent coverage during the winterization period between November 15 and April 1. " The winter cover requirement of 75% ground cover would prove challenging for our vineyards that use under vine weed management and others that till their soil. Vineyards can't switch to no-till practices abruptly as changing those practices will damage the vines and impair crops. Switching from till to no-till practices would need to concur when a vineyard is replanted In terms of under vine weed management, which is prevalent in Region 1, there would be other ramifications from not allowing to implement this practice such as more pest/disease pressures as well as an increase in costs due to the need to invest in equipment such as under vine mowers.</p>	<p>See Winterization General Response. See also Sediment and Erosion Control General Response.</p>

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RR 28	<p>As applied to the “winterization period” and in coordination with the proposed definition above, we recommend the following: • Soil disturbing activities must also be prohibited when QSEs are forecasted to occur within 10 days after a soil disturbing event. Requiring prioritization of management practices to control sediment dischargers for QSEs is a good step and helps address some of our noted concerns for events out of the winterization period. As climate change and extreme weather events increase in frequency, it is important that the order is able to sufficiently capture activities outside of the typical wet period when there is a likelihood of discharge. • It is important that staff recognize that while many agricultural roads may be “seasonal” by definition, they are actually used the majority of the year and due to their long-term nature are extremely compacted. As these areas have a high frequency of use, are often used for worker parking in winter especially for pruning, and have not typically been treated with ground cover, these roads act more like a water conveyor in storms and take longer to saturate. For this reason, we do not believe the current limitation on road use to only when saturated soil conditions exist is sufficient on its own. • Due to the high potential and risk of sediment discharge from areas already deemed unstable, winterization period or not, we make the following suggestion. Soil disturbing activities must also be prohibited when QSEs are forecasted to occur within 10 days after a soil disturbing event. Current 'saturated soil conditions' prohibition is not protective enough.</p>	<p>The Proposed Vineyard Order was revised to remove reference to a “winterization period” and to take a different approach. Revisions to the Proposed Vineyard Order accommodate winter operations while requiring implementation and/or repair of sediment and erosion control management practices prior to the next qualifying storm event (QSE). The Proposed Vineyard Order was also revised to include a general requirement to implement and/or repair sediment and erosion control management practices prior to a forecasted QSE. Regarding the comment about seasonal roads, the Proposed Vineyard Order is clear with the requirements for appurtenant agricultural roads. Use of a seasonal road during the winter is not explicitly prohibited but is also subject to requirements to implement sediment and erosion control management practices prior to a forecasted QSE.</p>

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RR 30	<p>We request the following prohibition not be limited to the winterization period: “New agricultural drainage structures which discharge onto unstable slopes, earthen fills, or directly to a waterbody are prohibited.” All drainage structures must be constructed from the beginning such that they will not discharge “onto unstable slopes, earthen fills, or directly to a waterbody.” Allowing them to be constructed to discharge into these areas outside of the winterization period makes this prohibition essentially moot and is not protective of water quality. Make ag drainage structure prohibitions year-round.</p>	<p>The Proposed Vineyard Order retains a prohibition on New Agricultural Drainage Structures discharging onto unstable slopes, earthen fills, or directly to a waterbody.</p>
Pauli 6	<p>The next issue is the winterization period. For wine grapes this makes absolutely no sense. Grapes are a perennial crop with a life span of decades. There are cultural practices that are performed on vineyards every winter while the vines are dormant. These cultural practices may not be allowed under the rules proposed in the draft order, from November to April. Nearly half the year. I made a list of things that we do only during dormant season that would be prohibited: mechanical vine pruning, mechanical wire resetting, trellis maintenance, root pruning, dormant fungicide sprays, dormant herbicide sprays and more. Also, there is very little new planting of vineyards going on in Region 1. Primarily, we are talking about re-planting of vineyards, not expansion. Prohibiting replanting of vineyards during that winterization period puts Region 1 farmers at a disadvantage. It could prevent farmers from replanting in a timely fashion, leading to additional lost revenue since it will take longer to go from old or sick vineyard, to new revenue producing vineyard. We try to remove and replant blocks of vineyard in a single season, removing the old vines right away after harvest, and having new baby vines in the ground by June, before the weather turns hot and dry. Our harvest in the North Coast goes much later than other areas of the state. On a normal year, we do not finish harvest before the first week of November, and this year because of weather we will likely be picking right up to or even past November 15th. That leaves us no time following harvest to remove old vineyard and prepare it for planting in the spring. I ask that the winterization period of the draft be applied to ONLY vineyards that are on steep slopes. Flat and low slope vineyards do not present any need for this prohibition of normal and customary cultural practices.</p>	<p>See Winterization General Response. The Proposed Vineyard Order was revised to remove the prohibition against operation in saturated soil conditions on both steep slopes and flat and low slope vineyards. The Proposed Vineyard Order retains the replant prohibition between November 15-April 1 which is consistent with VESCO in Sonoma County.</p>

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Comment Number	Comment	Response
Poor 2	The timelines you talk about do not take in the challenges of farming at all. November 15th and April 1st are numbers just thrown out there because somebody on your board thought they were good dates. We have started disking as early as end of January in 1977 and as late as April 26th in 2017. It all depends on the weather and not the calendar.	See Winterization General Response
SCFB 6	Rigid timelines and farming do not align and are not realistic, including the prescriptive winterization period of November 15th to April 1st listed in the Proposed Order. Every year poses different conditions and challenges for growers and different timelines for completing tasks. For example, this year the weather didn't start warming until very late in the season, translating into a late harvest and other practices that may not fit into the timeline presented by the proposed permit. This rigid timeline will be challenging for farmers as they conduct their operations. In some years, some vineyards are unlikely to be finished harvesting by November 15th• Cover crops will be difficult to seed concurrently at the same time as harvest activities are occurring.	See Winterization General Response
SCFB 7	Additionally, the winterization time frame may make it difficult to spread compost, a practice proven to increase soil health and the ability of soil to retain water decreasing the risk of erosion. Winter cover requirement of 75% ground cover could prove challenging for vineyards that use under-vine weed management and till their soil. (It is important to note that vineyards can't switch to no-till practices abruptly as changing those practices will damage the vines and impair crops. Switching from till to no-till practices would need to occur when a vineyard is replanted.) Most vineyards approach a 75% ground cover percentage but may not reach it exactly. Here again, this one-size-fits-all approach creates consequences and needless work for the vineyard manager on the valley floor where risk of erosion is much smaller in comparison to the diminutive benefit gained from the requirement. We encourage you to use a slope threshold with regard to the 75% ground cover requirement in order to focus the requirement on those vineyards with more risk of erosion if there is ground that is not covered. Instead of a rigid winterization timeline and rigid ground cover requirements, include other options for farmers to provide erosion control and protection but allow them to farm as the weather and cultural viticultural practices dictate.	See Winterization General Response

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Comment Number	Comment	Response
Olson 9	<p>Winterization requirements are inapplicable to "no-till" vineyard practices. We recognize the good intent to the winterization requirements, which aim to require erosion control on disturbed lands. However, the order's stringent requirements impede best practices for vineyard farming, existing "no-till" practices, and the winterization requirements of the certification programs. There are certain cultural practices which best practices dictate should be performed while vines are dormant during the winterization period, such as pruning, dormant fungicide sprays, mechanical pruning, wire setting, trellis maintenance, herbicide applications, cover crop planting/replanting, etc. Any of these normal and customary cultural practices could be considered to be "ground-disturbing activities." The health and economic viability of North Coast vineyards would be negatively impacted if we are unable to conduct these industry-recognized normal and customary cultural practices, many of which can ONLY be performed during the dormant season. This would further result in disparate treatment of Region 1 wine grape farmers compared to other Regions.</p> <p>Winterization with cover crops should not be required for vineyards which have implemented "no-till" practices. Such requirements are unreasonable for those farming without tilling and those without new development. Further, for those that do till their vineyards, the winter cover crop requirements could prove challenging as vineyards cannot simply switch to "no-till" practices -changing those practices will damage the vines and impair crops. Instead, switching from till to "no-till" practices would have to occur when a vineyard is replanted, which does not meet the order's intent to quickly implement these requirements in existing vineyards. The management practice implementation requirements need to be tied to risks and should recognize the operational challenges some of the winterization requirements pose to vineyards. The certification programs each have their own winterization requirements. For example, CCSW requires growers to implement comprehensive erosion control plan which are customized to the roads, ditches, and culverts present at each vineyard site. FFF then verifies these plans have been implemented through onsite audits. ROC requires cover crops across all producing acreage year-round, with mandatory crop rotation cycles; "no-till" practices are required by ROC as well.</p>	<p>See Winterization General Response. The increased flexibility for winter operations in the Proposed Vineyard Order applies to tilled and no-till vineyards.</p>

Streamside Area Requirements and Prohibitions

General Comment: Commenters assert that there is a fundamental limitation on the Water Board’s authority to implement riparian setbacks relating to the definitions of “discharges of waste.” Commenters assert that riparian habitat and setbacks are not discharges of waste or water quality objectives, and the Regional Water Board does not have the authority to regulate land use. Other commenters asserted that the riparian area requirements and prohibitions in the draft permit were unclear and/or not protective enough.

General Response: The North Coast Basin Plan was amended in 2004 with the Policy for Implementation of the Water Quality Objective for Temperature (Temperature Implementation Policy). The Temperature Implementation Policy states (in part) that the Regional Water Board shall take the following actions to achieve temperature objectives and implement temperature TMDLs, including EPA-established TMDLs: Restore and maintain riparian shade, as appropriate, through nonpoint source control programs; permits and waivers, grants and loans, and enforcement actions; support of restoration projects; and coordination with other agencies with jurisdiction over controllable factors that influence water temperature, as appropriate. Controllable water quality factors affecting water quality temperature include, but are not limited to, any anthropogenic activity with results in the removal of riparian vegetation that provides shade to a waterbody. The Regional Water Board, when issuing Waste Discharge Requirements must consider the water quality conditions that could reasonably be achieved through the coordinated control of all factors, that may affect water quality in an area. (Wat. Code § 13241; 13263) As discussed in the Temperature Implementation Policy, the removal of vegetation that provides shade to a waterbody is a controllable water quality factor. The Temperature Implementation Policy requires the Regional Water Board to consider incorporating riparian shade protections in permits to achieve temperature objectives. Water Board staff made edits to the permit to clarify riparian area requirements and prohibitions where needed. Finally, the Proposed Vineyard Order was modified to include an Offsite Restoration Alternative for existing vineyards in lieu of meeting Streamside Area buffers.

Comments:

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Comment Number	Comment	Response
Burr 6	<p>Please consider adding language that protects riparian zone for aquatic species and those species dependent upon the riparian zone. For example, in no case shall water courses of any magnitude, type, or size be fenced off from to the extent they exclude wildlife or cause the watercourse to have reduced downstream volumes or otherwise put any watercourses in pipes or be filled in. In addition, please consider adding language found in other water quality permits that better protect important functions of riparian vegetation. For example, commercial vineyards must "maintain existing, naturally occurring, riparian vegetative cover (e.g., trees, shrubs, and grasses) in aquatic habitat areas to the maximum extent possible to maintain riparian areas for streambank stabilization, erosion control, stream shading and temperature control, sediment and chemical filtration, aquatic life support, wildlife support, and to minimize waste discharge," from Attachment A Cannabis Cultivation Policy.</p>	<p>The Proposed Vineyard Order imposes riparian protection zones (e.g., Streamside Areas), but pursuant to Water Code section 13360 does not specify the exact manner of compliance with the riparian restriction zone and will approve riparian exclusion measures that do not harm beneficial uses. The Proposed Vineyard Order includes the provision that "Existing riparian vegetation may not be removed for activities appurtenant to the vineyard operation..." and lists exceptions that can be found in Section II of the Proposed Vineyard Order. Staff believe that this language is consistent with riparian requirements in other Region 1 Orders.</p>
CAFB 2	<p>The Proposed Vineyard Order Improperly Mandates the Use of Riparian Buffers. The proposed Vineyard Order contains prescriptive requirements that mandate vegetated setbacks of various sizes and prohibit or restrict normal and routine agricultural activities during certain times of the year and/or in certain areas of the vineyard various activities. Such requirements exceed the North Coast Regional Board's legal authority when issuing waste discharge requirements under Porter-Cologne. A fundamental limitation to the Water Board's authority is that an activity must result in a "discharge of waste" that impacts water quality in order for that activity to be subject to regulation. Vegetated buffers or setbacks are not discharges of waste. Further, riparian habitat and setbacks are not water quality objectives. Accordingly, the North Coast Regional Board cannot regulate riparian habitat under the guise of water quality protection. Moreover, regulating land use is not within the purview of the Regional Board.</p>	<p>See Streamside Area General Response. Riparian setbacks are not water quality objectives, however, the protection of riparian zones supports attainment of water quality objectives. The Temperature Implementation Policy provides that the Regional Board must take actions to achieve temperature water quality objectives, including incorporating the restoration and maintenance of riparian shade in permitting actions and non-point source control programs. The Proposed Vineyard Order was modified to include an Offsite Restoration Alternative for existing vineyards in lieu of meeting Streamside Area buffers.</p>

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Comment Number	Comment	Response
CAWG 39	<p>VESCO requires that setbacks either match the requirements in the Riparian Corridor Ordinance or 25 feet from the top of the higher bank, unless assessments recommend a greater setback¹⁶. These definitions differ from the streamside area definition in the Vineyard Order. These differences will lead to confusion for vineyard managers. We recommend that the definition of streamside area in the Vineyard Order be adjusted to match the definitions provided in existing Sonoma County ordinances to eliminate confusion. This is particularly important for the approximately 60 percent of Sonoma County vineyard acreage that were planted or re-planted in compliance with VESCO requirements and are already meeting the riparian setback requirements for Sonoma County. In addition to adjusting the definition of streamside area to match what's included in Sonoma County's riparian ordinance and VESCO, the CEQA document should include a recognition of the work that's been done by vineyards in compliance with VESCO.</p> <p>Request Adjust the streamside management area definition to match the definitions included in Sonoma County's Riparian Corridor Ordinance and VESCO.</p>	<p>See Streamside Area General Response. The Ordinary High-Water Mark was used in defining the Streamside Area because of the requirement for shade and implementation of the Temperature Policy. Using 'top of higher bank' as is consistent with Sonoma County's VESCO program and Riparian Corridor Ordinance does not account for critical riparian functions between the Ordinary High-Water Mark and top of bank. For example, as stated in the Policy Statement for Implementation of the Water Quality Objectives for Temperature, "Maintenance of a vegetated buffer along streams also can ensure a supply of large woody debris to the stream channel, which is critical for metering of sediment, channel forming processes, and fish habitat.</p>

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Comment Number	Comment	Response
CAWG 40	<p>The streamside area rules are likely to cause challenges for vineyard owners. The existing language included in the Vineyard Order is unclear as to exactly what is allowed and what isn't. For example, it's clear that the Vineyard Order prohibits building a new road in a streamside management area, but it's unclear whether existing roads are allowed to remain in use. Additionally, the prohibition of the use of pesticides or fertilizers unless authorized by the Department of Pesticide Regulation creates questions. Does that mean that pesticides can be applied as long as label requirements are followed? The Vineyard Order also doesn't define heavy machinery. Are tractors or harvesters considered heavy machinery, or just construction equipment?</p> <p>Additionally, streamside area management requirements to allow for the natural establishment of riparian vegetation will be difficult to determine compliance. Some riparian areas may not support extensive re-vegetation and it is unclear how the regional board would determine if a landowner has allowed the natural establishment of riparian vegetation. We read this as an attempt by the regional board to provide flexibility for landowners by not requiring them to take on the burden of establishing riparian vegetation, but it seems like the requirement to allow natural establishment of riparian vegetation could lead to unintentional violations. We recommend eliminating this requirement as it is likely to lead to confusion.</p> <p>Request Clarify definition of streamside management area and what activities are allowed within them</p>	<p>The Proposed Vineyard Order was modified to clarify Streamside Management Area prohibitions and requirements. Streamside Management Area requirements in the Draft Vineyard Order allow an exception to application of chemicals, including fertilizers and pesticides as allowed by the California Department of Pesticides Regulation and the use of existing vineyard roads within vegetated buffers on the field side of Streamside Management Areas if they are revegetated as described in the Draft Vineyard Order.</p>

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Comment Number	Comment	Response
Pauli 7	<p>On the issue of set backs, there is simply no need for harsh set backs. This part of the order is trying to solve a problem which does not exist. On my farm, in order to comply with the draft, I will need to remove a lot of vines. We figure, in total between all of our ranches, as much 20 acres of vineyard could fall into those set back areas. And remember, this is not newly planted areas. This is the same ground that has been farmed for 100 years. Or more. The value of that land is \$800,000 and the lost annual revenue would be around \$160,000 for my business.</p>	<p>The commenter claims Streamside Management Area requirements will result in the loss of 20 acres of vines and provides an estimate of the economic impact. The Draft EIR determined that Streamside Management Area buffers could result in the conversion of up to 300 acres of land planted to vines to a non-agricultural use. In response to certain comments, the Proposed Vineyard Order was modified to provide an Offsite Riparian Restoration Alternative in addition to the adjusting the vineyard footprint upon replant.</p>
Smith 6	<p>Streamside Management area P. 53 Table 5 1. Sonoma County has the vast majority of the vineyard acres included in the Order and these are subject to the standards set forth by the VESCO program. In the VESCO program vineyards along perennial streams can be grandfathered in to 25 ft minimum setbacks from the top of higher banks. So where a new vineyard would be subject to setbacks of 50ft along a perennial creek, if the vineyard predates VESCO (developed pre 2000), they can be grandfathered into a minimum 25ft setback. The Order calls for 50ft minimum setback from the high-water mark which will likely result in the pulling of many acres of vineyard from the increased riparian setback across Sonoma County creating a hardship for growers. The Vineyard Order should be consistent with existing Sonoma County regulations to prevent confusion and financial hardship. •</p>	<p>See Streamside Area General Response. The Proposed Vineyard Order allows Enrollees with existing vineyards to delay compliance with Streamside Area buffers until the vineyard is replanted.</p>

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Comment Number	Comment	Response
MCFB 16	<p>Streamside Management Areas :</p> <p>The current streamside area management requirements will be difficult to implement and confirm compliance. The prohibited actions and requirements should be updated for clarity.</p> <p>P 47 "The following are prohibited within Streamside Management Areas: a) Removal of riparian vegetation. Refer to Section 11. C I for exceptions, b) New commercial vineyard development or vineyard replanting, g) Grading or other ground disturbing activities, including operation of heavy machinery, except as authorized by a local, state, and/or federal permit "</p> <p>It is stated that the Vineyard Order prohibits the building of new roads in a streamside management area, but it is unclear if existing roads will be allowed to remain in use. If existing roads are allowed to have continued use, then will there be an inability to use farming equipment such as tractors or harvesters that may be qualified as heavy machine"?</p>	<p>The Proposed Order was modified to clarify that existing roads may stay in their footprint if a set of requirements are met. This provision applies only to vineyards existing at the date of Order adoption. Winterization and Sediment and Erosion Control requirements have been revised to account for and allow the use of farming equipment during the wet season provided that Controllable Sediment Discharge Sources (e.g., damage caused by operating equipment during saturated soil conditions) are prioritized for management practice implementation and repair.</p>
MCFB 17	<p>P 52 "Dischargers shall implement the following minimum management practices in all Streamside Areas: Allow the natural establishment and abundance of native riparian vegetation. "</p> <p>How will it be determined that a vineyard has allowed for the natural establishment of riparian vegetation?</p>	<p>The Proposed Vineyard Order was modified to clarify Streamside Management Area prohibitions and requirements. Enrollees may not remove native riparian vegetation except for a list of activities that the Proposed Order now clarifies (see Streamside Area Requirements in Section II of the Proposed Vineyard Order).</p>

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Comment Number	Comment	Response
RR 31	<p>Additional clarity is needed on the issue of streamside management areas and how vegetated buffers and the winterization period all intersect. In the definition of “Streamside Area” it notes it as the area between the high-water mark and the field edge side of a vegetated buffer. In footnote 22 on page 47 of the draft order, it also defines “vegetated buffer” as a “...permanent strip of dense perennial vegetation...” However, there are conflicting uses of “vegetated buffer” language throughout the order that suggest these are not actually permanent and only meant to be in place during the winterization periods. We hope this is not the case and that “vegetated buffers” are in fact “permanent” meaning they are not to be disturbed by vineyard operations at any time of the year and are in fact allowed to become established as dense perennial vegetated areas. “Vegetated buffers” are a key mitigation tool that can help capture sediment in runoff before entering our waterways and should not be limited to winterization periods if going to prove effective over time. Need clarity regarding intersection of vegetated buffers and Streamside Area.</p>	<p>The Proposed Vineyard Order was modified to clarify Streamside Management Area prohibitions and requirements. The Proposed Order now distinguishes two zones of the Streamside Area which serve different functions: the Riparian Vegetation Area which implements the Temperature Policy and a Vegetated Buffer which filters sediment. The Streamside Area geometry and minimum widths are not season dependent. However, the Proposed Vineyard Order requires 90% ground cover on seasonal roads within the vegetated buffer between December 15-April 1 of each year.</p>
RR 32	<p>In addition to these substantive points, we also wanted to note that it is currently unclear what the exceptions to “Streamside Management Area” prohibitions are. There is a reference to Section II.C.1 for exceptions, but this section currently points to “General Requirements: Required Management Practices.” We believe staff might be referring to II.C.1.a., but as this section is still under “General Requirements: Required Management Practices” it is hard to read this section as exceptions, rather than general requirements. Clarity on this point, especially what the exceptions actually are, would be very helpful.</p>	<p>The Proposed Vineyard Order was modified to clarify Streamside Management Area prohibitions and requirements. See Section II of the Proposed Order for Streamside Area requirements.</p>

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RR 33	<p>Fire Management: We recognize the importance of fire fuel management practices and support this work within the Streamside Management Area so long as clear boundaries are in place to prevent abuses. There must be necessary noticing, permitting, and oversight requirements that ensure that native riparian vegetation and important canopy is not removed for any reason other than permitted fuel management. We have frequently observed huge clear-cutting incidents within the North Coast Region under the guise of fire protection, but is really done to make way for new stream crossings, expand new plantings, construct new roads, and other reasons. Recommendation: Add language to II.C.1.a.1.b noting that all necessary regulatory permits are required.</p>	<p>The Proposed Vineyard Order was modified to clarify Streamside Management Area prohibitions and requirements. The provision to allow restoration and/or maintenance projects within the Streamside Area which have received all required permits and approvals has been added to the Proposed Vineyard Order.</p>

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Comment Number	Comment	Response
RR 38	<p>Vegetated Buffers It is important that the vegetated buffer widths in Table 5 be re-evaluated before the next draft such that they are based in science and what is actually necessary to protect sensitive waterways from the negative impacts of nitrogen, pesticide, and sediment run-off. For several years now, the EPA, other regulatory agencies, and scientists have known and been able to demonstrate that buffers over 150 feet in width are necessary to consistently prevent pollutants from entering waterways.¹¹ It is also important to point out that ephemeral and intermittent streams provide both critical habitat to some of our most sensitive beneficial uses and act as conduits for pollutants to other waterways. Thus, it is important that these streams are given more protections than currently proposed. The buffer zone should not include any areas within the active channel of a stream and should be measured from the top of bank for streams. As such, we request that all vegetated buffer widths in Table 5 be expanded in accordance with the best available science. We request that all vegetated buffer widths in Table 5 be expanded in accordance with the best available science.</p>	<p>The comment claims that riparian buffers of 150 feet or more are needed to prevent pollutants from entering waterways. A reference is provided which is a literature review of studies on pollutant reducing capacities of buffers. Neither the commenter's claim or the reference make the link between buffer width and vineyards, nor include a description of the agricultural practices implemented in the cases studied. The Proposed Vineyard Order retains requirements for implementing sediment and erosion control management practices in farmed areas and includes streamside management areas requirements for establishment of riparian shade and ground covers. Refer to both the USDA Technical Note – Plant Materials No. 5 Riparian Buffer Design and Species Considerations for more information. https://www.nrcs.usda.gov/plantmaterials/idpmstn7248.pdf and Modeling Stream Shade: Riparian Buffer Height and Density as Important as Buffer Width March 2010 JAWRA Journal of the American Water Resources Association 46(2):323 - 333 DOI:10.1111/j.1752-1688.2010.00423.x</p>

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RR 39	It is also not clear what the required response will be for developed vineyards that have no vegetated buffers and bare dirt roads going straight to the top of bank. It could be several years before these vineyards are replanted and subject to new rules, yet there seems to be no recourse in the meantime despite an extremely high risk of water quality impairment. The Regional Board must give this set of circumstances additional consideration so that pollutant filled discharges are effectively addressed	The Proposed Vineyard Order retains the requirements to revegetate existing seasonal roads and vineyard avenues within Streamside Areas before November 15th of each year and was modified to create "no-touch" buffer directly adjacent to surface water bodies. See Section II of the Proposed Order for more information.
RR 40	Further, it is not currently clear how vegetated buffers will work in relation to hydrologically connected undesignated channels. If staff could provide additional clarity on how this will be implemented that would be helpful. Based on the limited information provided in the draft, it appears that all agricultural drainage structures will require implementation of a 10-foot buffer to help capture pollutants before entering the structures. We would support this understanding, but as there are still areas of uncertainty on application and extent of implementation, clarity would be appreciated.	The Proposed Vineyard Order retains requirements for a 10-foot vegetated buffer adjacent to undesignated channels which are defined in the Draft Vineyard Order as both channels not part of the National Hydrography Dataset and above-ground agricultural drainage structures.(See Section II of the Proposed Order.)

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CAFF 6	<ul style="list-style-type: none"> • Clarifications are needed in the Streamside Management Area section (p. 52-53), particularly regarding vegetated buffer requirements for existing vineyards. Minimum vegetated buffer width (Table 5) is currently only referenced for new and replanted vineyards. Items 2a and 2b (p. 52) are vague and open to interpretation (growers and Third Parties will have to interpret what “sufficient riparian vegetation” means) and should be more directly linked to the concepts of riparian vegetation canopy and vegetated buffers. Adding a diagram could also be helpful 	<p>The comment expresses concern that vegetated buffer widths are only provided for new and replanted vineyards. This provision in the Draft Vineyard Order was intentional; existing vineyards are not required to comply with Table 6 until the vineyard is replanted. The intent of this provision is to minimize or mitigate the impact to Agricultural Resources from the potential loss of farmland due to riparian buffers. The comment expresses concern that the Streamside Areas requirement to allow sufficient native riparian vegetation to minimize or prevent discharge of sediment, nutrients, and pesticides to surface waters; and to allow essential functions supporting beneficial uses (e.g., sediment filtering, woody debris recruitment, streambank stabilization, nutrient cycling, pollutant filtering, and shading) are unclear. This is intentional because these aspects of Streamside Areas are site-specific.</p>

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Comment Number	Comment	Response
Smith 7	<p>The Order is inconsistent with VESCO by measuring stream setbacks from the high- water mark rather than from the top of higher bank. High water mark is a more difficult feature to pinpoint and may change from year to year as banks erode and vegetation changes. Top of higher bank is an easier geomorphological marker to measure from and less likely to change from year to year. Using top of higher bank as a marker would be consistent with Sonoma County Riparian Corridor Ordinance¹ VESCO, Cannabis, and Permit Sonoma land-use permitting programs.</p>	<p>See Streamside Area General Response. The Ordinary High-Water Mark was used in defining the Streamside Area because of the requirement for shade and implementation of the Temperature Policy. Using 'top of higher bank' as is consistent with Sonoma County's VESCO program and Riparian Corridor Ordinance does not account for critical riparian functions between the Ordinary High-Water Mark and top of bank. For example, as stated in the Policy Statement for Implementation of the Water Quality Objectives for Temperature, "Maintenance of a vegetated buffer along streams also can ensure a supply of large woody debris to the stream channel, which is critical for metering of sediment, channel forming processes, and fish habitat.</p>

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Comment Number	Comment	Response
RR 48	<p>The currently proposed draft is missing several parameters that must be given further consideration and subsequently included within any future draft iterations: Temperature – Waters in the proposed application area are listed as impaired on the Clean Water Act 303(d) list for temperature. Listed salmonids as well as other aquatic species that inhabit these rivers and their tributaries are dependent on protective water quality objectives for temperature for survival. The North Coast Region’s Temperature Policy, the Basin Plan, and the Non-Point Source Policy all require that temperature objectives be addressed in WDRs. Optimal and lethal limits for temperature for salmonids and other aquatic species are well documented yet, this draft WDR does not require monitoring to determine effectiveness and inform responses to proposed mitigation measures. Order needs monitoring for Temperature Impacts.</p>	<p>The Temperature Implementation Policy identified riparian shade as a controllable water quality factor for achieving the temperature water quality objective. The Proposed Vineyard Order retains requirements which implement the Temperature Implementation Policy. Vineyards are not being regulated as point source dischargers of wastewater effluent which affects stream temperature; therefore, achieving site-specific potential effective shade through Streamside Management Area requirements is consistent with the Temperature Implementation Policy. Monitoring of receiving water temperature as part of the Vineyard Order is unnecessary as long as the Enrollee is in compliance with Streamside Area requirements. The Proposed Vineyard Order includes Management Practice Effectiveness monitoring. See Section II of the Proposed Vineyard Order.</p>

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RR 49	<p>The draft Vineyard WDR lacks sufficient requirements and enforcement measures to ensure necessary restoration and protection of the Riparian Zone. Restoration of the riparian zone is important for several reasons: a healthy canopy cover helps keep solar radiation from heating surface waters (i.e., necessary to protect COLD, SPWN, RARE beneficial uses); wide vegetated buffers filter fine sediment, pesticides, herbicides and other toxins from surface waters; essential habitat and food sources for terrestrial species (WLD beneficial use) are provided; and they help maintain essential fluvial geomorphic functions. Although succession planting is often recommended, planting native trees is essential as our climate is rapidly heating. Riparian buffer zones have been identified as climate adaptation tools. Solar radiation is the primary factor affecting summer stream temperatures and riparian buffers with adequate shade canopy is the most effective means of preventing lethal water temperatures for salmonids, especially fingerlings and smolts. Adequate stream flow and deep pool habitat are also essential to preventing high water temperatures. This must be regulated, combined with incentives and assistance for obtaining grant funding to offset the high costs. A complete and comprehensive riparian restoration plan must be included in the Farm Plan with a timeline and milestones and there must be consequences if that timeline is not met. Order needs more requirements and enforcement measures to ensure restoration and protection of riparian zone.</p>	<p>The purpose of the Proposed Order is to minimize discharges of waste and to prevent adverse impacts to water resources. In Streamside Areas, the Proposed Order does this by establishing requirements for two zones of the Streamside Area which serve different functions. The Riparian Vegetation Area implements the Temperature Policy and a Vegetated Buffer filters sediment. The Temperature Implementation Policy identifies the removal of riparian shade to a waterbody as a controllable water quality factor. Implementation of Proposed Vineyard Order requirements will prevent removal of riparian shade and result in the natural succession of riparian vegetation which is expected to provide riparian shade and bank stabilization within a reasonable period of time.</p>
Henrioulle 8	<p>Page 6, para 9 – please clarify as to whether the Temperature Implementation Policy suggests or requires that it is necessary to promote shade-producing canopy in seasonal/ephemeral drainages, or whether erosion/siltation-controlling vegetation is sufficient.</p>	<p>The Temperature Implementation Policy makes no distinction with respect to riparian shade in seasonal/ephemeral drainages. It refers to waterbodies in general and site specific effective shade.</p>
Prat 5	<p>Please provide examples of any previous uses of “Streamside Area” within other Water Board adopted permits</p>	<p>Streamside area is defined in the Draft Order. Notably several TMDL Technical Support Documents for Temperature impaired waterbodies refer to "Streamside Area".</p>

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Comment Number	Comment	Response
Prat 6	<p>Proposing a unique definition of “streamside area” in any General Order is inappropriate considering the state’s history and public participation associated with the State Wetland Definition. Effective May 2020, the State Water Board adopted a State Wetland Definition but failed to adopt a “streamside area” or “riparian area” definition or a more specific definition of waters of the State: any surface waters or groundwater within the boundaries of the state (California Water Code). The State and Regional Water Board has never established a definition of “Streamside Area” in a broader context. A new vineyard permit is not the place to properly notice adoption of a new definition associated with the state’s jurisdiction over waters of the State. Do not create a new name and definition for what is commonly referred to as a riparian area through a back door process of adopting a General Order for vineyards. This issue requires a broader scope and proper public participation by stakeholders that are not solely interested in vineyard regulation. Adoption of a “Streamside Area” definition is warranted statewide. Adoption of a definition of a regulated area along a stream within a general waste discharge permit that applies only to vineyards is inappropriate and does not allow adequate public input on an issue of statewide importance. The State and Regional Water Boards should prioritize adoption of statewide or regionwide definitions of “streamside area” or “riparian area” that can be used and applied equally to all Regional Water Board regulatory programs instead of and prior to hiding this “Streamside Area” definition within this general Order for vineyards.</p>	<p>Streamside Areas and riparian areas are not synonymous with "waters of the state" as the commenter suggests. They are distinct areas that may impact waters of the state, but the Proposed Vineyard Order does not widen or modify the State Wetland Definition. In the absence of the statewide definition for a streamside or riparian area, it is appropriate for the Regional Water Board to establish a definition within an Order or the Basin Plan.</p>

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Comment Number	Comment	Response
Prat 7	<p>The associated setback requirements to implement the temperature policy are inappropriate. Please refer to footnote 3 which states: Riparian shade-related temperature TMDL load allocations are based on the concept of “site-specific potential effective shade,” which means the shade equivalent to that provided by topography and potential vegetation conditions at a site. Removal of vegetation from streambanks of all locations of all streams does not contribute to any temperature impairments. Removal of vegetation from the north side of a west-east trending stream segment may not contribute to removal of effective shade. Minimum setbacks of the Farm Area to the streamside area should only be required for natural streams that have connected flow during the warm season or typically contain aquatic life. As quoted above, shade impacts and “effective shade” are a “site-specific” determination.</p>	<p>The reference to “site-specific potential effective shade” in Footnote 3 of the Temperature Implementation Policy is used in the context of TMDL load allocations and does not limit the Regional Water Board to “Consider and implement, where applicable, all available measures to prevent and control the elevation of water temperatures in permit or program development. Such measures shall include, but are not limited to, sediment Best Management Practices and cleanups, memoranda of understanding or agreement with other agencies, prohibitions against waste discharges, management of riparian areas to retain shade, and control and mitigation of tailwater and impoundments,” as required by the Temperature Implementation Policy.</p>

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 Summary of Revisions and Response to Comments

Comment Number	Comment	Response
Prat 7 (Cont'd)	The draft Order is inappropriately attempting to implement a site-specific shade requirement too broadly and without the above-mentioned site-specific considerations.	The purpose of the Temperature Implementation Policy is to attain and maintain the water quality objectives for temperature. It directs staff to implement programs and collaborate with others in such a manner as to prevent, minimize, and mitigate temperature alterations associated with the following factors: 1. Activities with the potential to reduce riparian shading of waterbodies; 2. Activities with the potential to increase sediment delivery; 3. The quality, quantity, location and timing of effluent, storm water, and agricultural return flow discharges; 4. The location, size, and operation of in-channel impoundments with the ability to alter the natural temperature regime; 5. Actions with the potential to change stream channel geometry; 6. Activities with the potential to reduce instream flows or reduce sources of cold water, including cold water refugia. The policy in no way limits the State Water Board or Regional Water Board's authority and discretion to develop riparian management measures and other measures as appropriate and necessary for a specific land use, activity, or geographic area, and in consideration of existing regulatory and non-regulatory programs in place that provide temperature protections.

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Comment Number	Comment	Response
Prat 8	<p>Many streams around vineyards have been hydrologically modified over time and may no longer be “natural.” Appendix I contains a definition of “Ephemeral Stream,” although the term is not used within the regulatory requirements in the draft Order. “Natural stream” is used within footnotes of the regulatory requirements of the draft Order and within the definition of “Hydrologically Connected” however, a clear definition of “natural stream” is not provided. The draft Order should provide a clear definition of what is a “natural stream” that requires a streamside setback and should omit definitions for terms like “ephemeral stream” that do not appear to have any bearing on permit compliance.</p>	<p>The reference to "natural stream" is used in the context of sediment and erosion control requirements. The reference to "ephemeral stream" is used in the context of Streamside Area requirements. The Proposed Vineyard Order was revised to clarify that a natural stream is a Water of the State and to reference the State Policy for Water Quality Control: State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State</p>

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Comment Number	Comment	Response
Prat 9	<p>Timber harvesting plans and associated activities approved by the Executive Officer routinely allow clearcutting over natural streams that do not contain aquatic life. The draft Order does not appear to contain a consistent stream classification method such as “ephemeral, intermittent, perennial” or Class 1, Class 2, Class 3.” Considering the regulatory approach and justification findings contained in the draft Order, it is not clear how the Regional Water Board is able to allow clearcutting of vegetation along any streamside area under the temperature policy? The requirements of the draft Order appear substantially more aggressive towards vineyards compared to timber harvest and associated ground disturbance which is known by the Regional Water Board and staff to be a significant contribution to sediment impairments. The draft Order should not be inconsistent with respect to its regulation of vegetation management activities that may disturb shade and streamside areas compared to other permitted activities.</p>	<p>Streamside Area requirements apply to several waterbody types which are defined on page 53 of the Draft Vineyard Permit. Refer to Response to Comment Prat 7 regarding the Temperature Implementation Policy. The commenter compares temporary impacts (e.g. non land use conversion) of timber harvesting activities around streams that do not contain aquatic life, e.g. Class III streams (which are somewhat analogous to streams which only have flowing water for a short duration following precipitation events, e.g. ephemeral streams) to the permanent impacts of riparian vegetation removal to plant a vineyard. Furthermore, viticulture is an ongoing operation typically involving regular use of pesticides, fertilizers, and soil disturbance which results in an ongoing potential for discharge of the associated stormwater pollutants. Riparian vegetation provides for reducing sediment discharge, streambank stabilization, and recruitment of woody debris all of which are essential to controlling excess sediment. Finally, we note that the Forest Practice Rules in general do not allow harvesting of trees rooted in Class III stream channels.</p>

Road Storm-Proofing and Stream Crossings

Comments:

Comment Number	Comment	Response
CAWG 12	<p>The Vineyard Order contains different requirements for existing stream crossings and new and replaced stream crossings¹⁸. However, it is unclear whether adding a deflection structure to a culvert inlet where it is required would be considered a “replaced stream crossing”? We would urge that requirements for existing roads not trigger additional requirements when vineyard owners are following the standards set forth in the Vineyard Order.</p>	<p>Replacement of a stream crossing consists of demolishing an existing crossing and installing a new structure. Unless adding a component, such as a deflector, to a stream crossing involves demolishing the existing crossing and installing a new structure in its place, adding that component would not result in the stream crossing being considered a “replacement.”</p>
Burr 2	<p>Ranch roads are a major source of sedimentation. I urge the Board to require that ranch roads be addressed in a phased in manner. High-risk roads near creeks and drainages and on steep slopes, must be rapidly addressed. The ten-year timeline in the Draft Vineyard Order is unacceptable. Although costs are always raised as a factor, the cost must be weighed against the harm.</p>	<p>The Regional Water Board acknowledges that poorly sited and drained ranch roads are a significant source of erosion and sediment discharges to surface waters. The focus of the Draft Vineyard Order is agricultural activity which includes appurtenant roads. The Proposed Vineyard Order was modified to require implementation storm-proofing requirements for appurtenant vineyard roads to prioritize road segments that deliver sediment to surface waters. The Proposed Vineyard Order retains the requirement to report sections of road updated in the Farm Evaluation each year. In 2024, the Regional Water Board adopted R1-2024-0002 General Waste Discharge Requirements and General Water Quality Certification for Rural Road and Watercourse Construction and Reconstruction in the North Coast Region, which provides regulatory coverage for rural ranch roads in the region.</p>

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Comment Number	Comment	Response
Frey 2	Can 6% of the land area remedy stream sedimentation when 94% of the land is not regulated? This includes county roads, urban areas and unmanaged landscapes throughout the county. Roads have been documented to be a significant source of sediment entering streams. Lands impacted by several recent wildfires continue to contribute significant sedimentation to our streams and rivers. More focus is needed on the major contributors of sediment to our streams rather than focusing only on vineyards.	See Response to Burr 2.
CAWG 11	The Vineyard Order appears to require that storm-proofing management practices on agricultural roads be “designed and installed in compliance with plans and specifications prepared by a civil engineer.17” This requirement is unclear. Does it mean that each vineyard will need to obtain plans and specifications developed for their properties by a civil engineer? Or can standard management practices, such as those developed by USDA’s Natural Resources Conservation Service (NRCS) serve that purpose. We would request clarification on this point.	The footnote in questions reads as follow, "Engineered management practices shall be designed and installed in compliance with plans and specifications prepared by a civil engineer." This statement expressly applies to "Engineered management practices," meaning management practices requiring engineering design. See Professional Engineers Act Business and Professions Code §§ 6700 – 6799.
CAWG 16	Request Allow management practices that reduce sediment and erosion in place of winterization requirements if winterization requirements will conflict with normal farming practices. Clarify that a civil engineer would not be required for each vineyard road project. Clarify that adding a deflection structure to a culvert inlet would not be considered a “replaced stream crossing.”	See Responses to Comments CAWG 11 and CAWG 12. See also Winterization Requirements General Response and Sediment and Erosion Control Requirements General Response.

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Comment Number	Comment	Response
CAWG 48	<p>The Vineyard Order requires road upgrades, which in some instances will require additional permits from other regulatory agencies as well as from the Regional Board itself. For those permits that would be required by the Regional Board, such as 401 Certifications, it would be best to include the standards for that certification in the Vineyard Order to eliminate the need for vineyard managers to negotiate and obtain separate permits for actions required by the Vineyard Order. This will save time and money for individual vineyards, as they will likely need to hire consultants to help them navigate the permitting system.</p>	<p>The Regional Water Board does not have the authority to waive local permitting requirements; however, implementation of appurtenant vineyard road storm-proofing requirements focuses on correcting poor road surface drainage and are not expected to require additional Water Board permitting unless associated with work in State or Federal waters (e.g. repair of a failed stream crossing). No changes were made to the Proposed Vineyard Order in response to this comment.</p>
CAWG 49	<p>It is also important for the Vineyard Permit to recognize the permitting costs in addition to the construction costs that will be incurred for vineyard owners subject to the road upgrade requirements. The additional permitting costs are estimated to be as follows:</p> <ul style="list-style-type: none"> • 401 Permit: \$2,724 for Low Impact discharge • Department of Fish and Wildlife Lake and Streambed Alteration Agreement: \$1,752-\$2,63019 • Potential additional permits: • U.S. Army Corps of Engineers 404 permit: no fee • Sonoma County Grading Permit: minimum \$1,366 • Sonoma County Zoning Permit: approximately \$650 • Sonoma County Roiling Permit: \$200-300 <p>Vineyard owners who are complying with the Vineyard Order requirements need a very simple path to complying with additional permitting requirements. We urge the Regional Board to incorporate permit standards that will eliminate or simplify additional permitting requirements for vineyard owners into the Vineyard Order.</p>	<p>See Response to Comment CAWG 48. The commenter lists a multitude of permits and associated fees which are claimed to be required to implement road upgrade requirements in the Proposed Vineyard Permit. Some or all of the permits listed in the comment are expected to be required when stream crossings are replaced or upgraded. However, the Proposed Vineyard Permit does not require stream crossings on appurtenant vineyard roads to be replaced de facto. It requires existing stream crossings with culvert inlets with high plug potential to have trash barriers or deflection structures installed.</p>
CAWG 50	<p>Request Include standards for other Regional Board permits within the Vineyard Order to reduce the need to negotiate additional permits for road upgrade activities required by the Vineyard Order.</p>	<p>See Response to Comment CAWG 48</p>

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Comment Number	Comment	Response
Form Letter C 14	Additional Permitting. This Order will require road upgrades to meet set standards, and this could trigger separate regional board and/or county permitting requirements. This will be costly and time consuming for growers. Any action required by the Order should include standards that eliminate the need for additional permitting by the regional board.	See Response to Comment CAWG 48
MCFB 36	MCFB would like to point out that the cost estimates provided do not include various costs that would be necessary for compliance with the Order. This includes obtaining additional permits such as 1600 permit or 404/401 permit for addressing riparian area issues and utilizing "qualified professionals" such as civil engineers for preparing plans and meeting various specifications. Cost estimates also do not account for the staff time that will be required from vineyard producers to ensure compliance with the complexities of the order, even when utilizing a Third-Party.	See Response to Comment CAWG 48. Regional Water Board staff revised the monitoring and reporting cost estimate to reflect changes in MRP. The cost per acre to implement the MRP is estimated at \$5/acre per year. In comparison, the Ventura County Agricultural Irrigated Lands Group (an irrigated lands regulatory program coalition) represents 1,421 Ventura County agricultural landowners and 81,783 irrigated acres which is similar in size to the anticipated enrollment in the Proposed Order. According to the Ventura County Farm Bureau, the cost per acre in 2020-2021 to participate in the coalition ranges from \$8.77 to \$27.47 which includes administration, monitoring, and reporting.

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Comment Number	Comment	Response
RR 21	<p>We have known for many years now that a large source of fine sediment discharges from vineyard properties stem from the extensive use of unpaved, seasonal roadways. These roadways are also known to help convey harmful pollutant discharges containing elevated pesticide, oil, and nutrient levels to our waters. Vineyard roads also frequently act to channel water flows further increasing rates of road erosion themselves through rutting and sheer volume. As many vineyard roads are hydrologically connected to our water bodies, these pollutants are being directed straight to our waters without mitigation measures sufficient to address the harms caused. The biggest issue with roads is when vehicles are used when soils are saturated or loose from recent rains, if roads must be used in winter they should be rocked or vegetated to protect against erosion. Recommendation: Enrollment of newly developed commercial vineyards should not be allowed to wait 10 years for road requirement compliance. Newly developed commercial vineyards would have had notice of all order requirements prior to time of enrollment, as well as any decisions to purchase property and/or plant a vineyard. The order in of itself would provide sufficient detail of all requirements, is publicly available, and would allow potential enrollees for newly developed commercial vineyards to make informed decisions on their business plans. Those choosing to purchase, develop, or plant a vineyard can reasonably rely on this notice to inform their decisions to purchase certain properties, develop certain areas, or plant a vineyard. Thus, it is reasonable to require that any new commercial vineyards be required to be compliant with all road requirements under this order at time of enrollment</p>	<p>The Proposed Vineyard Order retains the distinction between management practices required for all-season roads and seasonal roads/vineyard avenues. The Proposed Vineyard Order retains the requirement for new vineyards developed after the date the Vineyard Order becomes effective to meet road storm-proofing requirements on the date the vineyard enrolls in the Order.</p>

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Comment Number	Comment	Response
RR 22	<p>Vineyard avenues, as defined in this draft order, have similar issues as well and for the same reasons. However, it is important to note that pollutant filled discharges coming off vineyard avenues also involve disturbed or tilled soil which further increases the amount of sediment and other pollutants being dislodged and carried to our waters. Further, this particular issue involving vineyard avenues has a readily available and fairly effective mitigation measure that is simply not implemented for business reasons—the use of cover crops on all vineyard avenues so that there is no bare dirt exposed. In isolation of each other, and particularly when combined, seasonal roads and vineyard avenues are key pollutant sources that must be addressed and mitigated for now. As we continue to have more extreme weather there will undoubtedly be larger and more significant single discharge events which can do even more long-term harm to our already impaired waters and beneficial uses.</p>	<p>Comment noted. Vineyard avenues are included in Sediment and Erosion Control requirements and management practice implementation on seasonal roads must be addressed through one of the compliance options.</p>

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Comment Number	Comment	Response
RR 23	<p>Existing commercial vineyards should not be allowed to wait 10 years to show any level of road compliance under this Order. Rather, the Regional Board must include specific interim measures and progress reports that demonstrate clear effort by the discharger to improve roadways and implement best practices on their properties over the entire compliance period such that dischargers can readily show they are on track to meet all requirements within 10 years while also making targeted progress along the way. Without such a requirement, few if any protective measures will be put in place until year 10, and then either extensions will be asked for or dischargers will simply not be in compliance with little concern for actual recourse and penalty. The Regional Board cannot allow a known cause of significant pollutants to persist and continue to impair water quality for an entire decade. Further, by failing to include interim measures and progress, it will be even more difficult to identify specific pollutant sources via sampling and does not address Key Element #4's "feedback mechanism" requirements. Dischargers should also be required to include in their Annual Compliance Reports all measures taken to improve roadways and photo-point sampling during QSE to demonstrate progress and effectiveness</p>	<p>See Response to Comment Burr 2. The Regional Water Board has available enforcement tools to address pollutant discharges that cause water quality impacts. The Regional Water Board may issue a separate investigative or cleanup and abatement order to sites that pollute or threaten to pollute waters of the state. The Proposed Vineyard Order has been modified to include a requirement to repair damage from winter activities in the vineyard (e.g., rutting of roads).</p>

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Comment Number	Comment	Response
RR 23 (Cont'd)	<p>The current annual report requirement for a percent complete with estimated date of compliance is not sufficient to measure future compliance or ensure much needed progress measures are being taken. One example of interim measures that we would be accepting of is the use of a phased approach with the higher risk roads near creeks and drainages, as well as those on steep slopes, be prioritized first within a property. For example, the 20% of roadways deemed highest risk must be addressed within the first two years. The next 20% within the next two years and so on until all roadways are addressed within the 10-year period. Although costs are always raised as a factor by vineyards, that does not mean they are more beneficial than our environmental resources and should not be required to invest in their operations such that they are good stewards of our finite resources—it is not their right to continue impairing our waters. The cost to our environment is continually compounding and the negative impacts will continue to get worse. Another interim measure that should be used is a clearer prohibition on vehicle use on seasonal roads that are not dry and firm. This protects against road damage such as rutting which provides a benefit to both the grower and water quality 1. Existing commercial vineyards should not be allowed to wait 10 years to show any level of road compliance under this Order. Rather, the Regional Board must include specific interim measures and progress reports that demonstrate clear effort by the discharger. 2. Annual Report should include update and photo point monitoring during QSEs. 3. Interim measures include: prioritize upgrading based on threat/complexity, prohibition on vehicle use on seasonal roads that are not dry/firm.</p>	See response to RR 23 above.
SCFB 17	<p>Additional Permitting. This order will require road upgrades to meet set standards, and this could trigger separate regional board and/or county permitting requirements. This will be costly and time-consuming for growers. Any action required by the Order should include permitting by the Order.</p>	See Response to Comment CAWG 48

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Comment Number	Comment	Response
Smith 2	<p>General Requirements p. 51 Section 4) c) The term "gully" is not defined and could be synonymous with any entrenched channel feature. The Order should make clear that ditches and road surfaces are OK to drain into "gullies" if they are inactive and stable.</p>	<p>This section of the Order refers to new hydrologically connected appurtenant agricultural road segments and it requires that ditches and road surfaces drainage do not discharge (through culverts and/or rolling dips) onto active or potential landslides and/or into gullies.. Gully is commonly understood term which is an actively eroding channel. If a new road segment is drained into a stable channel then it would not be considered a gully.</p>

Agricultural Drainage Structure Monitoring

General Comment A: Commenters expressed concern that the scope and scale of turbidity monitoring requirements for agricultural drainage structures and the associated level of effort do not consider challenges in accessing sampling locations or variable storm patterns. Commenters request that agricultural drainage structure turbidity monitoring requirements be based on slope and compliance with local ordinances.

General Response A: The Proposed Vineyard Order was modified to provide sediment and erosion control compliance pathways which are conditionally exempt from agricultural drainage turbidity monitoring requirements. Based on anecdotal information provided by the winegrape community, Regional Water Board staff expect a significant count of vineyards to seek an erosion control compliance pathway which is conditionally exempt from agricultural drainage structure turbidity monitoring thus significantly reducing the overall level of effort for the winegrape growing community to comply with monitoring requirements. Furthermore, the Draft Vineyard Order does not prohibit vineyard owners/operators from performing agricultural drainage structure turbidity monitoring with their own qualified staff. The Proposed Vineyard Order was modified to including Sampling Collection and Handling Procedures.

Agricultural Drainage Structure Turbidity Monitoring in the Proposed Order was modified in the following ways:

- Frequency in monitoring was augmented to annual monitoring of 20% of all Agricultural Drainage Structures that are representative of site conditions rather than monitoring all Agricultural Drainage Structures on a five-year cycle and sampling 20% of those per year. This revision was made in conjunction with the Sediment and Erosion Control compliance options such that Enrollees may choose to switch their compliance option based on site conditions or other factors without the complication of tracking a five-year monitoring cycle. The revision was made to account for more frequent monitoring at a location due to a benchmark exceedance (e.g., the next Qualifying Storm Event). The revision also simplifies Adaptive Management requirements for Agricultural Drainage Structure Monitoring.
- Automatic reduction to monitoring 20% of representative Agricultural Drainage Structures every five years in cases where there are zero benchmark exceedances. This revision was in response to public comments regarding incentives or reduced regulatory burden for low-risk sites.

General Comment B: Commenters requested photo-point monitoring be used in lieu of agricultural drainage structure turbidity monitoring.

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General Response B: Photo-point monitoring is effective at documenting long term changes in features to determine compliance with requirements; however, it is not effective at documenting discharges of fine sediment from drainage outlets during storm events. Staff agree with rationale that if sediment and erosion control practices are implemented at a higher performance standard or level of oversight, photo-point monitoring can be effective at verifying that those practices are in place. The Proposed Vineyard Order was modified to include Photo-point monitoring as an option for Management Practice Effectiveness Monitoring should Enrollees fulfill their Sediment and Erosion Control requirements at a higher performance standard (e.g., 90% rooted ground cover between December 15-April 1 or a Certified Sediment and Erosion Control Plan).

General Comment C: Commenters noted challenges in considering stormwater run-on from other sources

General Response C: The Proposed Vineyard Order was modified to clarify requirements related to stormwater run-on. For stormwater run-on that may contribute to a benchmark exceedance in Agricultural Drainage Structure Monitoring, a methodology is provided for Enrollees to discount these sources. For offsite stormwater run-on that creates erosion in the vineyard, the revision allows timelier determination of run-on sources to address adaptive management. In the case of floodwater inundation, the Proposed Order clarifies that ag drainage sampling should take place to avoid periods of inundation from flood waters. The Proposed Order includes a general statement that it's not the expectation of this Order to hold Enrollees responsible for sediment erosion discharges that occur because of inundation by flood waters. The Proposed Order was also revised to include a reporting requirement for off-site run-on so that Regional Board staff may follow up with land uses that may be contributing excess sediment to watersheds.

Comments:

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Comment Number(s)	Comment	Response
CAFB 1	<p>The Proposed Vineyard Order’s Edge of Field Surface Water Quality Monitoring Is Improper. Farm Bureau is concerned that the proposed Vineyard Order will be applying water quality objectives at the edge of field like an effluent limitation, resulting in the proposed Vineyard Order imposing (improperly) a traditional, point source regulatory program onto nonpoint source discharges. Water quality concerns need to be addressed holistically on a watershed level. The State Water Board also recognized this limitation in its East San Joaquin Order.</p> <p>([“..., in a landscape-based, nonpoint source program such as the irrigated lands regulatory program, monitoring the numerous and sometimes indeterminate set of all farm discharge points to surface water and groundwater is an impractical, prohibitively costly, and often ineffective method for compliance determination and the Nonpoint Source Policy accordingly does not mandate such monitoring.”].)The State Water Board also agreed with the Agricultural Expert Panel that due to the complicated and costly nature of monitoring individual fields, receiving water monitoring is preferred.</p> <p>(insert quote from Ag Expert Panel) Farm Bureau is concerned that the use of edge of field monitoring and monitoring of all agricultural drainage structures will turn this program into a point source program with numeric limits. Such an approach must be rejected as it is not scientifically or technically supportable. Rather, water quality concerns in the North Coast are better addressed holistically on a watershed level.</p>	<p>See Agricultural Drainage Structure Monitoring General Response A. The Ag Expert Panel concluded that receiving water monitoring is more cost effective, not that it is more reliable. Multiple public comments from diverse perspectives pointed out difficulties in representative receiving water monitoring for turbidity. . The Agricultural Drainage Structure Monitoring in the Proposed Vineyard Order sets adaptive management benchmarks that are intended as a tool Enrollees use to confirm that their management practices are effective at the stated objective(s) of the Order (e.g., to prevent, minimize, or control the discharge of sediment to surface waters). Adaptive management benchmarks are not effluent limitations or numeric limits.</p>

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Comment Number(s)	Comment	Response
CAWG 2	<p>We are concerned with the ag drainage structure monitoring included in the proposed Vineyard Order. Staff estimate that North Coast vineyards are estimated to have 3,000 drainage sites that would need monitoring. If there are only 3,000 drainage sites, that would lead to a minimum of 600 drainage sites needing monitoring each year by a third-party group. There would likely be additional sites that need monitoring due to previous years' results above the 250 NTU threshold. In drought years there may be only a few storms that would meet the monitoring threshold, meaning that third-party groups would need to have the capacity to monitor 600 sites in a very limited period of time because they wouldn't know if the early storm may be the only large storm of the season. Add in the fact that drainage sites may be blocked by deer fencing, access roads may not be accessible due to winterization requirements requiring individuals to hike to the drainage sites during a heavy storm, and cell service may be limited necessitating the use of the buddy system for safety, all of these factors make monitoring more difficult and increase the cost of monitoring.</p>	<p>See Agricultural Drainage Structure Monitoring General Response A</p>
CAWG 3	<p>Limit agricultural drainage structure monitoring to structures found on sloped vineyards that are not in compliance with a Vineyard and Orchard Site Development and Agricultural Grading and Drainage Ordinance permit, which is discussed further below, and allow photo monitoring to replace drainage structure monitoring. Eliminate the requirement to implement a WQMP due to turbidity exceedances caused by run-on from other properties.</p>	<p>The Regional Water Board does not enforce local land use permitting requirements therefore tying compliance with the Vineyard Order to Sonoma County VESCO requirements is not appropriate. The Proposed Vineyard Order was modified to clarify requirements related to stormwater run-on. See Agricultural Drainage Structure Monitoring General Response A for more detail regarding monitoring requirements.</p>

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Comment Number(s)	Comment	Response
CAWG 44	<p>Given the known water quality benefits of management practices to limit erosion and sediment discharges, it would be most effective if the Regional Board allowed simplified monitoring to document management practice implementation. One simple monitoring system, recognized by the NPS Policy is photo point monitoring, which was discussed previously. The 5C Roads Manual, which is an approved part of the Regional Board’s Waiver of Waste discharge Requirements and General Water Quality Certification for Road Management and Activities Conducted Under the Five Counties Salmonid Conservation Program in the North Coast Region (5C Waiver), outlines standard requirements for photo monitoring. These guidelines could be included in the Vineyard Order to ensure a standard protocol is utilized for documentation. Photo monitoring is much lower cost for vineyard owners to implement than water quality monitoring. A document¹² cited in the 5C Roads Manual recognizes the lower cost of photo monitoring for sediment and erosion as compared to collecting water samples, “[F]ield sampling and water sample analysis for this kind of monitoring require financial outlays perhaps better utilized for installing and maintaining control measures.” Additionally, Key Element 4 in the NPS Policy specifically identifies photo monitoring as an appropriate monitoring approach for nonpoint source control programs. Photo monitoring also addresses concerns regarding potential monitoring of sediment from sources other than vineyards or duplicative monitoring in areas where vineyards are concentrated. Monitoring at ag drainage structures could be capturing sediment from other sources. In some locations it could be coming from other neighboring land uses, such as rural residential roads. In other locations it could be measuring sediment already monitored by a neighboring vineyard owner.</p>	<p>See Agricultural Drainage Structure Monitoring General Response B.</p>

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Form Letter C 9	The ag drainage monitoring requirements will be laborious, difficult and provide little meaningful data on many vineyards. Access to some drainage structures could be very difficult and dangerous during storm events, while using seasonal roads and having spotty or no cellular service. This vineyard order estimates that there are 3,000 ag drainage structures that will need to be sampled; this is likely a very low estimate. If a third party conducts the monitoring, it is likely to be very time intensive for them to identify and map the ag drainage structures, then develop and implement a 20% per year monitoring plan.	See Agricultural Drainage Structure Monitoring General Response A. The Proposed Vineyard Order was modified to require annual monitoring of representative Agricultural Drainage Structure locations (e.g., no less than 20% of all locations). This revision allows Enrollees to avoid monitoring locations which may be hazardous to access.
Form Letter A 8	Require all vineyards sample and monitor for all turbidity coming off their properties.	See Ag Drainage Structure Monitoring General Response B.
JFW 1	CONCERN 2. On-Farm Agricultural Drainage Structure Monitoring: The monitoring program also includes turbidity monitoring at on-farm drainage structures. Although JFW has the resources to develop an internal program, it is not clear that the same can be said of our neighbors. For example, most farms on the Alexander Valley floor have a drainage swale leaving each property and the hillslope properties have a mix of subsurface drainage to off-stream ponds, storm drains off property, swales, outfall, etc. For those not associated with JFW, it will take significant time for third parties to identify all the variations of agricultural drainage structures and to develop a monitoring plan. And this represents one small viticulture area. In addition, JFW continues to have safety concerns. We do not want employees driving out Skaggs Road to Annapolis during a storm with limited cell phone coverage. We do not want employees parking their cars at front gates to avoid driving on seasonal roads and hiking to an outfall on the back of the ranch.	Following farm tours during the winter of 2023-2024, Staff concluded that it's reasonable to expect property owners to understand the location of their own infrastructure and be able to access that infrastructure for monitoring and maintenance. However, Staff also noted locations that may pose hazards for access. The Proposed Vineyard Order was modified to require annual monitoring of representative Agricultural Drainage Structure locations (e.g., no less than 20% of all locations). This revision allows Enrollees to avoid monitoring locations which may be hazardous to access. See Agricultural Drainage Structure Monitoring General Response A

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JFW 2	<p>REQUEST 2: Key Element 4 of the Policy for Implementation and Enforcement of The Nonpoint Source Pollution Control Program recognizes an array of monitoring approaches can provide sufficient feedback to determine if the Order is achieving its stated purpose.1</p> <p>“Depending on the water quality problem, the cause, the beneficial uses at risk, and the purpose for which the monitoring will be used (e.g. adaptive management or regulatory purposes) the appropriate type(s) of monitoring should be used. Some monitoring approaches include photo monitoring; assessing residual dry matter on rangelands; various indicators of healthy instream habitat; riparian and wetland habitat structure, density and cover; and bioassessment. Some programs may involve collecting and reporting ambient water quality monitoring data. Those programs should be consistent with the SWRCB Surface Water Ambient Monitoring Program (SWAMP) Data Quality Management Plan (DQM), which provides for more than one level of data quality.”</p> <p>Rather than having several hundred farmers attempting to comply with SWAMP DQM, we respectfully ask that staff consider relying on photo point monitoring as described below in “REQUEST 5 PROPOSED MODIFICATIONS.”</p>	<p>See Agricultural Drainage Structure Monitoring General Response A and General Response B. The Proposed Vineyard Order was modified to including Sampling Collection and Handling Procedures.</p>
Munk 1	<p>The commenter expresses concern with the challenges and level of effort in performing agricultural drainage structure monitoring, including locating and mapping the outlets.</p>	<p>See response to JFW-1 and Agricultural Drainage Structure Monitoring General Response A.</p>

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SCFB 10	<p>The ag drainage monitoring requirements will be laborious on many vineyards and provide little meaningful data when measuring drainage ditches adjacent to flat acreage. In remote locations access to some drainage structures could be very difficult and dangerous during storm events, while using seasonal roads and having spotty or no cellular service. This vineyard order estimates that there are 3,000 ag drainage structures that will need to be sampled; this is likely a very low estimate. But using that estimate, if a third party conducts the monitoring, it is likely to be very time-intensive for them to identify and map the ag drainage structures, then develop and implement a plan to monitor 600 of them each year during a qualifying storm event.</p> <p>It is important to note that the State Water Resources Control Board recommended against edge of field monitoring in the East San Joaquin Order, stating, "We continue to believe that receiving water monitoring is generally preferable to field-specific surface water discharge monitoring in irrigated lands regulatory programs for the reasons articulated by us in Order WQ-013-0101 and by the Agricultural Expert Panel. Receiving water monitoring is a reliable and effective methodology for identifying water quality issues without resorting to more costly end-of-field measurements." (page 55, State Water Resources Control Board Order WQ 2018-0002).</p>	<p>See Agricultural Drainage Structure Monitoring General Response A and General Response B. The Proposed Vineyard Order was modified to include an alternate option to Agricultural Drainage Structure Monitoring if the Enrollee implements sediment and erosion control requirements at a higher standard. In this case, the Enrollee may conduct photo-point monitoring to satisfy their Management Practice Effectiveness Monitoring requirements. The Ag Expert Panel concluded that receiving water monitoring is more cost effective, not that it is more reliable. Multiple public comments from diverse perspectives pointed out difficulties in representative receiving water monitoring for turbidity. The Agricultural Drainage Structure Monitoring in the Proposed Vineyard Order sets adaptive management benchmarks that are intended as a tool Enrollees use to confirm that their management practices are effective at the stated objective(s) of the Order (e.g., to prevent, minimize, or control the discharge of sediment to surface waters). Adaptive management benchmarks are not effluent limitations or numeric limits.</p>

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CAWG 32	<p>In addition to general concerns with ag drainage structure monitoring, we are also concerned with the impacts the 250 NTU threshold will create for vineyard owners with neighboring land uses that discharge sediment onto the vineyard. Many vineyards are interspersed with other land uses that discharge onto their properties such as rural residential roads, Cal-Trans managed road systems, burn scars, or other natural erosion sources. The Vineyard Order currently requires vineyard owners to implement a Water Quality Management Plan (WQMP) if the runoff from the ag drainage structures is above 250 NTU for four consecutive exceedances of the 250 NTU turbidity benchmark. If the exceedances are caused by run-on from another source, we do not understand the public policy behind the vineyard owner being forced to incur the costs of developing and implementing a WQMP for pollution they did not cause. Instead, it would be best if vineyard owners were able to document run-on immediately and report that to the Regional Board to eliminate the requirement to develop a WQMP.</p>	<p>See Agricultural Drainage Structure Monitoring General Response A and C</p>
Form Letter C 10	<p>If there is run-on of sediment onto my vineyard, the permit requires me to wait four years to make that determination. That time requirement makes no sense. I am required to develop a Water Quality Management Plan (and hire a costly professional to create it) after 3 years of greater than 250 NTU findings in samples from my vineyard but can't have a run-on determination until four years of sampling have been done. A shorter time frame and easier determination is needed.</p>	<p>See Agricultural Drainage Structure Monitoring General Response A and C</p>

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CAWG 43	<p>Additionally, the State Water Resources Control Board recommended against edge of field monitoring in the Order for growers in the Eastern San Joaquin River Watershed (ESJ Order). The ESJ Order states in part: “We continue to believe that receiving water monitoring is generally preferable to field-specific surface water discharge monitoring in irrigated lands regulatory programs for the reasons articulated by us in Order WQ-2013-0101 and by the Agricultural Expert Panel. Receiving water monitoring is a reliable and effective methodology for identifying water quality issues without resorting to more costly end-of-field measurements.” This fact, combined with the legitimate challenges with monitoring ag drainage structures supports the need to allow for alternative monitoring systems.</p>	<p>The Ag Expert Panel concluded that receiving water monitoring is more cost effective not that it is more reliable. Multiple public comments from diverse perspectives pointed out difficulties in representative receiving water monitoring for turbidity. The Proposed Vineyard Order includes Agricultural Drainage Structure monitoring as a Management Practice Effectiveness Monitoring option for Enrollees who implement Sediment and Erosion Control compliance measures at a lower performance standard.</p>
MCFB 13	<p>In the Order for farmers in the Eastern San Joaquin River Watershed (ESJ Order), the State Water Resources Control Board recommended against edge of field monitoring. The ESJ Order supports receiving water monitoring as a more reliable and effective methodology for identifying water quality issues without the same level of cost. This fact, combined with the legitimate challenges with monitoring ag drainage structures supports the need for changes to this requirement</p>	<p>See Response to Comment CAWG 43.</p>
Munk 7	<p>If there is run-on of sediment onto my vineyard, the permit requires me to wait four years to make that determination. That time requirement makes no sense. I am required to develop a Water Quality Management Plan (and hire a costly professional to create it) after 3 years of greater than 250 NTU findings in samples from my vineyard but can't have a run-on determination until four years of sampling have been done. A shorter time frame and easier determination is needed.</p>	<p>See Agricultural Drainage Structure Monitoring General Response A and C. The Proposed Vineyard Order has been modified to remove the requirement that an Enrollee must wait to conduct an offsite source determination until after a WQMP has been developed.</p>

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Lewis 3	<p>Electing to use Turbidity as a proxy for TSS also deserves additional discussion. It is recognized that Turbidity values are influenced by particle size, sediment composition (organic versus inorganic particles). More information and rationale for the use of Turbidity and specifically the selection of 250 NTU as the threshold is needed. The 2018 North Coast Basin Plan has a narrative water quality objective for suspended sediment but not for Turbidity. How was the 250 NTU value arrived at and how does it relate to the narrative objective for suspended sediment and respective beneficial uses? These and other questions about the applicability of Turbidity for monitoring need to be answered before moving forward.</p>	<p>Agricultural drainage structure turbidity monitoring is not effluent monitoring for compliance with surface water limitations. Its purpose is to assess the effectiveness of management practices and, depending on results, direct vineyards to perform adaptive management of erosion and sediment controls. The benchmark of 250 NTUs is consistent with the adaptive management benchmark, t used in the Statewide Construction General Permit and exceedance of the benchmark do not constitute a violation of the Proposed Vineyard Permit Regional Water Board staff are relying on State Water Board staff best professional judgement expressed in the Construction General Permit that an adaptive management benchmark for turbidity of 250 NTUs provides meaningful information on the effectiveness of erosion and sediment control management practices Please note, the North Coast Basin Plan includes a water quality objective for turbidity, " Turbidity shall not be increased more than 20 percent above naturally occurring background levels. Allowable zones of dilution within which higher percentages can be tolerated may be defined for specific discharges upon the issuance of discharge permits or waiver thereof."</p>

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SCFB 11	<p>Many vineyard owners experience run on from other land uses that may impact the monitoring results on their vineyards. The requirement that vineyard owners wait a number of years before determining the source of run on and then possibly being required to incur the costs of a WQMP in the meantime is confusing and ineffective. • Instead of using costly and continuous in-stream monitoring that does not identify the sources of sediment, ensure the minimum required practices are implemented until a TMDL can be created and it can be determined whether or not sediment from vineyards should be reduced and additional monitoring is needed. Create a slope threshold for monitoring ag drainage structures. Do representative sampling (not continuous) for those relatively flat vineyards that feed into the watershed.</p>	<p>See Agricultural Drainage Structure Monitoring General Response A and C. The Proposed Vineyard Order has been modified to remove the requirement that an Enrollee must wait to conduct an offsite source determination until after a WQMP has been developed.</p>
MCFB 12	<p>MCFB is also concerned by the agricultural drainage structure monitoring included in the proposed Order, as this monitoring will be difficult and needs a feasible alternative. The North Coast's rural and remote landscape will make accessing drainages for monitoring, particularly during heavy storms, dangerous and difficult.</p>	<p>See Agricultural Drainage Structure Monitoring General Response A</p>

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MCFB 14	<p>P 66 "In the case that the Discharger has implemented adaptive management, has developed and implemented a WQMP, and continues to experience exceedances of the 250 NTU turbidity benchmark, the Discharger may submit an offsite turbidity source determination to the Executive Officer. "</p> <p>MCFB is concerned by the order of steps that would be required to be taken in the case of an exceedance. Starting with adaptive management and then proceeding to a WQMP treats vineyard producers as if they are guilty until proven innocent. Dischargers should be allowed to conduct an Offsite Turbidity Source Determination PRIOR to having to a WQMP when they suspect that the source of turbidity is upstream from the property enrolled in the Order. Run-On turbidity should be catalogued, and producers allowed to file a determination without having to perform a WQMP Again, MCFB emphasizes that these monitoring practices do not consider other land uses and sources of sediment. When vineyards receive run-on from roads, neighboring wildfire burns, and other erosion, vineyards are being held liable for this sediment they did not cause. The requirement to implement a WQMP due to turbidity exceedances caused by run-on from other properties should be eliminated.</p>	<p>See Agricultural Drainage Structure Monitoring General Response C. The Proposed Vineyard Order was modified to remove the requirement that Enrollee must wait for an off-site run on determination until after a Water Quality Management Plan has been developed.</p>
Henrioulle 27	<p>Page 56, first paragraph, discusses monitoring requirements for all agricultural drainage structures. See my comment regarding "edge of field" monitoring, above. Look also to the Region's dairy permit and permits for other types of Non Point Source activities, and the type(s) of monitoring these programs require.</p>	<p>See Agricultural Drainage Structure Monitoring General Response A. Agricultural Drainage Structure monitoring is used to drive adaptive management on farm and is not effluent monitoring.</p>

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Henrioulle 28	While some vineyards may have defined and identifiable “drainage structures,” others may not have drainage structures, or features serving or acting as such may be harder to identify on the ground. I recommend staff spend some time visiting vineyards throughout the region to identify and assess those features they envision as being the “drainage structures” for which they require monitoring, and develop guidance and technical tools (such as the LIDAR mentioned in a previous comment) to allow growers, technical service providers, and Regional Water Board staff to identify appropriate representative monitoring locations suitable to individual sites.	The requirement for Individual Enrollees to monitor all drainage points has been modified. The definition of Agricultural Drainage Structure has been clarified.
Henrioulle 12	Page 10, paras D1 and D2, both mention required “edge-of-field” monitoring. It is my understanding that vineyards are included among the categories of land use activities categorized as “Non Point Source.” Typically, by its very nature, nonpoint source discharge cannot be simply bracketed and measured with a simple “edge of field” grab sample or samples. While some vineyards may be configured/ maintained in a fashion that promotes and/or concentrates runoff to an extent In developing and implementing this program, I recommend staff develop resources (e.g., LIDAR imagery/maps) and/or provide technical assistance field visits to help growers and technical support providers to identify appropriate, representative monitoring and/or sampling locations on individual vineyard properties.	See Agricultural Drainage Structure Monitoring General Response A. Agricultural Drainage Structure definition has been modified in the Proposed Vineyard Order for clarity. Staff anticipate that field visits and outreach will be a significant element in early implementation of this Order.

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Henriouille 31	Page 59 farm evaluation requirements. See my earlier comments regarding farm plans. I recommend requiring a farm plan up front, rather than a farm evaluation. Here and at several further places, the WDRs identify and place importance on a 250 NTU turbidity “benchmark,” intended to identify problems requiring development and implementation of additional pollution control measures. It appears that staff derived this benchmark value from the General Construction Stormwater Permit’s Numeric Action Limit (NAL) for turbidity. I’m curious about this.	Refer to Sediment and Erosion Control General Response and Agricultural Drainage Structure Monitoring General responses. The benchmark of 250 NTUs is consistent with the adaptive management benchmark used in the Statewide Construction General Permit.

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Henriouille 32	<p>Are other regions applying either the value or this general approach to agricultural or other nonpoint source dischargers? Do staff expect that a 250 NTU turbidity reading measured at a potential drainage structure or field edge on a vineyard does or will equate to a water quality violation in surface receiving waters? Development, site configuration, soil disturbance intentions, and long term site activities and interim and final site drainage characteristics on construction sites are different from those typically expected on a vineyard site. Maybe this approach will still work, but I hope that staff are planning to test the soundness of this requirement and the benchmark value, and are prepared to adapt as needed if observations and/or data suggest a different approach</p>	<p>The 250 NTU benchmark is used to drive adaptive management on farm. It is relevant to determining compliance with water quality objectives, but is not designed as an effluent limitation or numeric limit. Water Board staff used their best professional judgement to develop a numeric turbidity benchmark that can be used as a learning tool to help Enrollees improve their farm practices, and to provide meaningful information on the effectiveness management practices. The monitoring requirements in this Proposed Order will help determine whether Management Practices installed and maintained are preventing pollutants in discharges from vineyards that may cause or contribute to an exceedance of water quality objectives or standards.</p> <p>There is a risk that stormwater runoff from vineyards containing pollutants could enter surface waters and cause or contribute to an exceedance of water quality standards. For that reason, Enrollees should be aware of the applicable water quality standards in their receiving waters. The best method to ensure compliance with receiving water limitations is to implement Management Practices that prevent pollutants from contacting stormwater or leaving the vineyard site in runoff.</p>

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Henrioulle 33	<p>I expect that over this coming winter I will be spending time in vineyards to seek and observe drainage patterns and potential drainage structures, edge of field phenomena, and likely water quality monitoring stations, as well as collecting and testing grab samples for turbidity. I hope that staff will be doing the same, or working with or through water quality protection partners and/or grape growers or other stakeholders or partners in the Region to test the applicability and suitability of required monitoring and proposed “benchmarks.” In addition, I hope that watershed stakeholders are observant as well, and report any observed water quality issues to the Board via its complaint portal, and that staff pursue such complaints. If staff have appropriate monitoring equipment available, you might also consider establishing monitoring stations in some of the subwatersheds with higher densities of vineyard area; this would be a good time to start collecting pre-project/pre-permit instream water quality data.</p>	<p>Thank you for your comment. During winter 2024, staff toured over 40 vineyards and observed discharges during the storm season. This effort contextualized written comments and informed revisions to the Proposed Order.</p>

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Henrioulle 38	Regarding turbidity as surrogate for suspended sediment, do staff intend for individual growers and/or third parties to develop watershed/stream-specific turbidity/suspended sediment correlation curves? Where a watercourse passes through a vineyard, might it be more informative to collect and compare turbidity samples from upstream and downstream points? With respect to charting watershed trends in turbidity, how do staff expect either individual growers or third parties to sort through the various sources of pollutants in a given monitored watershed to identify those values specifically associated with vineyard runoff and/or to attribute changes in these values over time to implementation of the Order. In watersheds or subdrainages where vineyards are already well into implementing FFF practices or other intentionally water quality-protective measures, there may be little or no improvement remaining to document in the watershed as a result of these efforts, though there may still be pollutant inputs from other sources.	Refer to general response on topic of tributary turbidity monitoring

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Prat 23	<p>If a vineyard along a stream or river is flooded during a large storm and fine sediment is deposited on the vineyard does the vineyard become responsible for subsequently preventing that fine sediment from running back off to the stream in a subsequent storm? How does the draft Order propose to address stream flooding and temporary sediment deposition as a source of sediment discharge in runoff?</p>	<p>See Agricultural Drainage Monitoring General Response C. The Draft Vineyard Order was revised to indicate that representative discharge for the purposes of Agricultural Drainage Structure Sampling should not include periods of inundation from flood waters. The Draft Vineyard Order requires vineyard to address Controllable Sediment Discharge Sources which are defined as: Areas discharging or having the potential to discharge sediment to waters of the state in violation of water quality standards or other requirements of this Order <u>caused or affected by human activity</u> (emphasis added) and may feasibly and reasonably respond to management practices. Examples of CSDS include, but are not limited to ruts, ground disturbance, or damage caused by accessing Farm Areas during saturated soil conditions; landslides, areas of slope instability, areas of headward erosion, rills and gullies, soil stockpiles, seasonal vineyard roads/avenues, equipment staging areas, mixing and loading sites, or any other site discharging or threatening to discharge sediment to surface water.</p>

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<p>Prat 20</p>	<p>The draft Order includes a 250 NTU Turbidity benchmark. The Basin Plan does not include a numeric water quality objective for turbidity. Please provide the rationale and scientific basis for use of 250 NTU as a benchmark and how any turbidity benchmark can be used to determine a discharger’s compliance with the TMDL and the narrative water quality objectives in the Basin Plan. As written, the draft Order requires storm water runoff monitoring that will be extremely challenging to implement, there is no scientific basis provided for how this monitoring can be made useful, and these challenges cause the associated costs of this monitoring to exceed the reasonableness of costs, or “economic considerations” required by the Water Code.</p>	<p>The 250 NTU benchmark is used to drive adaptive management on farm. It is relevant to determining compliance with water quality objectives, but is not designed as an effluent limitation or numeric limit. Water Board staff used their best professional judgement to develop a numeric turbidity benchmark that can be used as a learning tool to help Enrollees improve their farm practices, and to provide meaningful information on the effectiveness management practices. The monitoring requirements in this Proposed Order will help determine whether Management Practices installed and maintained are preventing pollutants in discharges from vineyards that may cause or contribute to an exceedance of water quality objectives or standards. There is a risk that stormwater runoff from vineyards containing pollutants could enter surface waters and cause or contribute to an exceedance of water quality standards. For that reason, Enrollees should be aware of the applicable water quality standards in their receiving waters. The best method to ensure compliance with receiving water limitations is to implement Management Practices that prevent pollutants from contacting stormwater or leaving the vineyard site in runoff. The monitoring and reporting requirements of the Proposed Vineyard Order allow the Regional Water Board to identify agricultural waste discharges with a higher risk of degrading water quality so that those discharges may be promptly minimized or prevented. The Proposed Vineyard Order includes a cost of compliance analysis and a finding that the burden the monitoring and reporting plan bears a reasonable relationship to the benefits.</p>
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<p>RR 10</p>	<p>We support and appreciate the change from 500 to 250 NTU by the Regional Board in this WDR to be used as an initial benchmark for adaptive management measures. However, we do believe that stronger protections are ultimately necessary to protect our most sensitive salmonid species that have historically called our region home. As demonstrated by studies demonstrating how turbidity in excess of even 50 NTU can cause significant impacts to salmonid health and survivability, it is important that the Regional Board have a program in place to eliminate sediment impairments and achieve water quality that is protective of all beneficial uses—not just what is seen as a possible compromise. As such, we request that the Regional Board utilize 50 NTU to determine whether a water quality exceedance has occurred and that adaptive measures be taken in response to any one exceedance at that time and before the next rain event occurs. It is also important that the Regional Board consider the importance of critical habitat needs and its related beneficial uses when considering the state Antidegradation Policy, as it is not just the vineyard industry that benefits from regional waterways. Rather, the continued degradation and sediment listing of our waters is also negatively impacting the state commercial fishing industry and is impactful to our robust recreational economy, neither of which is consistent with maximum benefit to the people of the State. Due to known and ongoing sediment impairments, risk to our sensitive ecosystems, conformity with other discharge programs, and available management practices, we will not support any vineyard program that allows for a higher benchmark. Recommendation: We request that the Regional Board include a timeline for requiring future measurable turbidity reductions that aim to meet a water quality level that is protective of all beneficial uses. We request that the Regional Board utilize 50 NTU to determine whether a water quality exceedance has occurred</p>	<p>The benchmark of 250 NTUs is consistent with the adaptive management benchmark used in the Construction General Permit. Agricultural drainage structure monitoring will not be used to determine water quality exceedances. See Adaptive Management General Response and response to Prat 20</p>
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RR 19	<p>For these same reasons, it is not conducive to only monitor 20% of discharge points annually. It also gets fairly confusing in how exceedances would operate under the current 20% proposal. For example, if a vineyard property does not monitor Site A until year five that would in effect mean that the currently proposed five-year timeline for adaptive measures would not even be started until year six, and no actual response to address until year eight. That is ridiculous on its own and not acceptable. However, it is also unclear how the 20% monitoring requirement is affected going forward. For instance, if all monitoring spots the first year are in exceedance does that mean only those 20% are monitored until there are no more exceedances? Which case, what about the other 80% of monitoring locations? Or do those monitoring locations in the first year simply get added to the next 20%, so really it may be closer to 30 or 40% of monitoring locations being monitored in year two? It would seemingly be significantly easier to work the other way around. Start with 100% monitoring for all agricultural drainage structures and discharge points, and then work to reduce requirements following clear and repeatable demonstration of no impact at agricultural drainage structures and discharge points. This helps facilitate cost reductions over time for industry, provides incentive to implement the most efficient mitigation measures instead of the most cost-effective ones, and helps ensure that those discharge points that are contributing pollutants are being addressed in a timely manner. 100% of ag drainage structures monitored on Year 1, get dropped to reduced monitoring with demonstrated results.</p>	<p>See Agricultural Drainage Structure Monitoring General Response.</p>

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RR 43	<p>Reviewing the draft order, it appears that those dischargers enrolled in a Third Party Program do not have to do both agricultural drainage structure and discharge point monitoring. Rather, monitoring of both locations appears limited to individual enrollees only. As these two areas are defined differently to capture separate areas of a vineyard property, we hope this is a mere oversight. The permit provided no justification for having more robust requirements for individual enrollees and there is no data showing that there is a significant difference between vineyards in 3rd parties and those who are not. They should be given the same monitoring requirements. It is important that there are no loopholes when it comes to ensuring effective and informative monitoring is occurring. Third Party's enrollment is going to be most prevalent under this order and it is important that all potential discharge areas are being monitored and reported on. Dischargers in Third Parties should have same monitoring requirements.</p>	<p>The Proposed Vineyard Order was modified to remove "discharge point" monitoring and report requirements for Individual Enrollees.</p>
RR 44	<p>There also needs to be more specificity on where sampling is to occur. For example, individual enrollees are required to monitor for pesticides at "one representative site" every 5 years if not regularly applying. However, choice in sampling location can have a significant impact as to how "representative" a sample really is. Results can easily be manipulated by taking samples above the majority of a property's discharge locations or by taking samples at a discharge location that is above a pesticide application area. The same is especially true when 3rd parties are only required to do representative sampling for reaches and 20% of locations each year.12Site sampling requirements need more specificity.</p>	<p>By their nature, agricultural drainage structures collect water from vineyards and discharge off property to surface waters. The comment mistakenly assumes that representative monitoring locations are above a vineyard. The Proposed Vineyard Order requires that Agricultural Drainage Structures are sampled at the outlet that discharges from the Farm Area to surface waters. The Proposed Vineyard Order was also modified to clarify that monitoring locations must be representative of the range in tributary area, slope, soil type, and farming practices across the applicable enrolled parcels.</p>

Adaptive Management

General Comment: Commenters requested more interim benchmarks and timelier adaptive management in response to exceedances of Agricultural Drainage Structure Monitoring. Commenters noted that Enrollees could and should feasibly repair management practices on a quicker timeline.

General Response: The Proposed Order was modified to have timelier and more responsive adaptive management requirements in response to Agricultural Drainage Structure Turbidity Monitoring exceedances. The Draft Vineyard Order required improvements to management practices on a year-to-year basis. This revision requires installation of temporary erosion control measures before the next Qualifying Storm Event (QSE). Enrollees must also monitor the ag drainage structure which experienced the benchmark exceedance in the next QSE. This revision incorporates a philosophical shift to redirect monitoring resources away from regional-scale and towards timelier response to ag drainage structure monitoring exceedances.

Comments:

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Burr 5	<p>The commenter notes the Draft Vineyard Order allows a Third-Party Program to aggregate monitoring data and submit reports annually at the most frequent. This reporting scheme inherently provides information to the public and Regional Water Board that precludes immediate and transparent disclosure of excessive sediment and nutrient discharges to surface waters. The commenter notes the time-period between observation and disclosure can create an unnecessary delay in corrective actions and seems to provide little ability for the Regional Water Board effectively protect water quality. To cure some of the fundamental issues the commenter identified in the Draft Vineyard Order, the Proposed Vineyard Order should require: 1. Exceedances be promptly reported to Regional Board staff; 2. Site specific information must be in the public files in order for staff to stay informed and respond appropriately, oversee corrective actions, and fulfill its duty to effectively protect beneficial uses; 3. Monitoring and reporting must employ modern techniques that collect data in real time and upload it efficiently to the state’s reporting sites; and 4. While third parties should advise property owners and operators of their findings, they must at the same time inform Regional Board staff on matters related to water quality in a time frame and specificity meaningful to protection of water quality.</p> <p>With respect to any issues regarding the cost of monitoring or reporting associated with an improved permit, please weigh this against the price the environment has already paid and the choices people have whether or not to engage in certain activities given the cost of doing it right</p>	<p>Staff agree with the commenter that the Draft Vineyard Order included unnecessary delays between the discovery of turbidity exceedances and corrective action. The Proposed Vineyard Order was modified to require installation of management practices before the next QSE. The Proposed Vineyard Order retains the provision that allows Enrollees to report their Agricultural Drainage Structure Monitoring data by HUC-12 if they are in a Coalition as this monitoring is intended for adaptive management rather than to apply an effluent limit.</p>
Form Letter A 4	<p>Use the reporting data to require actual, effective adaptive management measures be implemented by vineyards to ensure progress towards water quality goals is achieved.</p>	<p>See Adaptive Management General Response</p>
Form Letter A 6	<p>Incorporate more interim benchmarks throughout the order to help measure progress towards water quality goals and ensure timely implementation of necessary mitigation measures.</p>	<p>See Adaptive Management General Response.</p>

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RR 15	<p>In fact, the Regional Board has already appeared to include such rewards into some of its monitoring requirements. However, it is important to note that such an incentive system will only work to effectively address water quality impairments if the benchmarks are sufficiently strong enough to protect all beneficial uses. Though 250 NTU is an initial and significant step, it cannot be the end mark. Further, the currently proposed timelines for reporting is not conducive to effective implementation of adaptive management measures before the next rainy season begins. With annual reports currently due in the summer months, that effectively means there are only four months available to the Regional Board to review reports, identify issues, and subsequently respond as needed before the winterization period. This seems like the Regional Board is placing an unnecessary burden on itself when monthly reporting at minimum is readily feasible to help facilitate necessary Regional Board internal processes.</p>	<p>See Adaptive Management General Response and Agricultural Drainage Structure Monitoring General Response A. Due dates for Annual Reporting were selected to balance the time needed for report submission (i.e., for Enrollees and the Coalition to finish gathering data, QA/QC the data, and generate a report) and for the Regional Water Board staff to review the reports. These timelines are consistent with Agricultural Order implementation in other Regions.</p>
RR 16	<p>The currently proposed timeline for commercial vineyards to respond to benchmark exceedances is completely unacceptable. The protection of our water quality for all beneficial uses, including for our most sensitive and federally and state listed salmonid species, cannot afford continual delays. The entire purpose of adaptive management is to take what is not working and improve upon one's actions until the desired goal is achieved. That is not reflected in this draft order— the Regional Board may not approve an order unless “convinced there is a high likelihood the [management practice(s)] will be successful”—i.e., that the order will achieve water-quality objectives. Specifically, the Regional Boards cannot approve a nonpoint source discharge order unless there is “a strong correlation between the specific [management practices] implemented and the relevant water quality standards.” (Nonpoint Source Policy Key Element 2). The Board must be “convinced there is a high likelihood” that each management practice, and the discharge order generally, will attain water-quality objectives. Relying on growers to monitor and report is one thing; relying on them to develop plans to address problems and enforce those plans is quite another as can be readily seen by looking to other regions of the state where compliance and achievement of water quality standards is sorely lacking.</p>	<p>See Adaptive Management General Response. It is standard practice for enrollees in Water Board regulatory programs to develop their own management plans and be required to conduct their own monitoring to confirm compliance. In accordance with the State Water Board Enforcement Policy, Regional Water Board staff will take the appropriate progressive enforcement actions to correct violations of the Order.</p>

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RR 17	<p>We know education and outreach is not going to solve or even begin to address the pollutant filled discharges coming off vineyard properties, so why allow that to unnecessarily delay meaningful action for multiple years. Further, based on statements made by the vineyard industry itself and the limited information on voluntary program websites, they already practice and have in place some variation of the adaptive management measures required under this draft order. Thus, it is reasonable to also believe that a lot of the necessary outreach and education have already occurred—instead it is more likely that business decisions are being made to not implement and adopt those measures that would actually improve water quality. Plus, this draft order already requires participation in education and outreach events outside of the adaptive management context.</p>	<p>See Adaptive Management General Response.</p>

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RR 18	<p>It should also not take three years for a review of mitigation measures to take place and a plan to address exceedances drafted. This should be step number one—after one exceedance—and should then be required for each and every exceedance thereafter. If monitoring does not show this review process is improving discharges then Regional Staff must use their authority to incentivize stronger measures be implemented in a timely manner and to issue deterrent based penalties that are protective of water quality. Vineyards have demonstrated already that they are capable of responding quickly to late season rain and frost events that may negatively impact their crop. That same sense of urgency needs applied to our waterways. Agriculture is not the only beneficial use of our waterways and they should not be given a choice on where, when, and how much they decide to take actions necessary to protect our water quality. Further, a Water Quality Management Plan must be required after a second year of exceedances. For example, year one will inform new mitigation measures and year two will demonstrate effectiveness. If no clear reduction is demonstrated at that time, then the plan must be put together and followed. To do otherwise essentially allows the further delay of any actions that will reduce pollutant filled discharges from vineyard properties into our 303(d) listed waterways and permits continuing of harms for more than five years. It is also important that any Water Quality Management Plan requirement have clear and prompt timelines and measurable steps that can be enforced against. Review of mitigation measures and plan to address should occur after one exceedance. Water Quality Management Plan after year two of exceedance.</p>	<p>See Adaptive Management General Response. The implementation of a Water Quality Management Plan is intended to be the last step in adaptive management and requires certification by a Qualified Professional and review by Regional Water Board staff. The Proposed Vineyard Order is structured such that Enrollees are incentivized to repair issues causing exceedances before a WQMP is required. This includes the requirement for temporary sediment and erosion control measures and sampling every storm. The Proposed Vineyard Order includes an iterative adaptive management approach with education and enhanced reporting requirements prior to the development of a WQMP. The review and approval of WQMPs will take significant staff time and resources and, as such, is intended to address chronic or egregious issues in the vineyard.</p>
RR 20	<p>It is vital that any acceptable adaptive management program be based in clear turbidity monitoring data, for each site location, and that timely measures be implemented in response. Any other proposal for adaptive management has zero basis for addressing ongoing and future pollutant discharges stemming from vineyard properties. Adaptive management must be timely in response to turbidity monitoring.</p>	<p>See Adaptive Management General Response.</p>

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RR 42	<p>To comply with Key Element 4 of the Nonpoint Source Policy, an order must “describe the measures, protocols, and associated frequencies that will be used to verify the degree to which the [management practices] are being properly implemented and are achieving the program’s objectives, and/or to provide feedback for use in adaptive management.” (Nonpoint Source Key Element 4). That is, a nonpoint-source order must do more than report what management practices are at work; it must also allow the Regional Board, dischargers, and the public to determine “whether and when additional or different [management practices] or [management practice] implementation measures must be used, or other actions taken,” to ensure that water quality objectives are met. The Regional Board must not unnecessarily delegate its authority and duty to protect and to prevent adverse impacts by allowing insufficient program requirements to show compliance or by introducing unnecessary delays that hinders efforts to recover species. Third Party Groups and vineyard enrollees must be required to disclose their data to staff and the public in a timely manner, and with today’s available technologies, that means in real-time. Many vineyards already utilize available technologies to fine-tune their grape growing so it is just taking that next step by requiring them to share that information with the Regional Board in a similarly time efficient manner.</p>	<p>Key Element 4 references the purpose of a Nonpoint Source Control Program which the Proposed Vineyard Order retains and is stated as "The purpose of this General Waste Discharge Requirements (WDRs) for Commercial Vineyards, hereinafter Order or General Order), is to provide a water quality regulatory structure to minimize discharges of waste and to prevent adverse impacts to water resources resulting from the commercial cultivation of winegrapes (hereinafter, commercial vineyards or vineyards) on private lands within the North Coast Regional Water Quality Control Board jurisdiction." Feedback is provided through Adaptive Management requirements and the Monitoring and Reporting Program that assesses whether the implemented management measures are effective.</p>
RR 46	<p>We do not believe the Regional Board is requiring sufficient monitoring and reporting requirements to inform the timely implementation of necessary adaptive management measures. Data aggregation and representative monitoring do not allow for effective adaptive management, enforcement action, or ensure timely steps towards actual water quality improvements.</p>	<p>See Adaptive Management General Response.</p>

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RR 47	<p>Time assessing trends in drainages is prioritized over actually identifying and correcting site drainage issues and discharges from properties in the short term. This appears to again be linked to a group reporting approach preferred by the growers. There are very serious and unnecessary limitations to this approach. We have already heard that group reporting will likely result in dischargers pointing the finger at each other for any exceedances that might be measured sometime in the future. Noelle Cremer of the Wine Institute even went so far as saying that the aggregation of data is not sufficient to meet Key Element #3 requirements of the Non-Point Source Policy during the August 4th Workshop. Reliance on trend data is insufficient for the same reasons. The Regional Board already has a difficult burden of proof for enforcement actions and vineyards are sure to challenge each attempt. By limiting itself to trend assessments and aggregated data, the Regional Board is making its own job more difficult. It is also unclear how such a significant reliance on trend monitoring will inform effective adaptive management measures in any sort of timely fashion. Exceedance responses should be immediate. Trend assessments should only be relied on to determine overall program improvements by helping to demonstrate watershed-wide compliance with water quality requirements, loopholes that need closed, and data gaps that need resolved. In the alternative, we recommend more site-specific monitoring and reporting. As noted in other areas of our comments, site specific monitoring is also more helpful to the landowner themselves as it helps them know if they are in compliance, need to budget for new mitigation measures, and it allows them to address problems as they arise as opposed to being back of mind. If individuals and companies were asked to take individual responsibility for their own actions, report their discharges timely and fairly, and internalize the cost of carrying out their business, those that are interested in doing things right will do so. That mindset should be incentivized and supported by the Regional Board. In contrast, the Regional Board must adequately arm itself to also deter those that are fighting tooth and nail to continue their practices, business as usual, at the risk of our water quality. Trend assessments have their place for long-term permit updating, but cannot be the basis for actually improving our water quality in any meaningful way.</p>	<p>See Adaptive Management General Response and Representative Turbidity Monitoring General Response A.</p>

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RR 54	<p>Acknowledging limits put in place by the ESJ Order, we would like to emphasize the need to balance those limits with Nonpoint Source Policy Key Element #4. It is important that all monitoring and reporting requirements be able to meet the necessary threshold set by Element #4 so that both the Regional Board and the public can determine whether management practices implemented are successfully protecting water quality. This generally means that all required monitoring and reporting must be available for public review so that individuals can ascertain whether, where, and by whom surface waters are being polluted. It also means that the permit should require sufficient interim measures, progress updates, and enforcement actions that the public is informed and assured that improvements to water quality are going to be achieved with actionable requirements. These efforts must be clearly documented, as well as the responses to each, especially when related to an exceedance. Regardless of enrollment type, there must be sufficient monitoring and reporting for the Regional Board and the public to be able to verify that any adopted program is actually preventing discharge and that water quality is not degraded. Data aggregation, total anonymity, limited sampling locations, lack of actual adaptive management requirements, and vague enforcement measures all go against this need. Rather, these requirements, or lack thereof, are instead asking the public to simply trust that vineyards are using the best management practices available and are not contributing to water quality impairments of their own voluntary, free will. Based on decades of observations we know we cannot simply “trust” vineyard businesses to do right or that voluntary “sustainable” programs are enough to prevent discharges and not degrade water quality. There must be sufficient mechanisms in place to ensure that practices and results are verifiable.</p>	<p>The Proposed Vineyard Order retains and expands Adaptive Management Requirements for agricultural drainage structure turbidity benchmark exceedances. The Proposed Vineyard Order retains the provision for grower coalitions to aggregate management practice, agricultural drainage structure turbidity monitoring, water quality management plans to the HUC-12 level which is a smaller geographic unit of aggregation that most regional irrigated lands orders in California. The Proposed Vineyard Order retains the requirement to upload domestic well monitoring data to the state GeoTracker system which does not aggregate data. It is staff’s judgement that the Monitoring and Reporting Program will provide the information necessary to determine compliance with the Proposed Vineyard Order and that the burden, including costs, of the reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.</p>

Representative Turbidity Monitoring

General Comment: Commenters expressed concern that the Draft Vineyard Order prioritized representative monitoring over monitoring which may be used to identify site specific water quality concerns. Commenters also noted challenges in minimizing the signal from other potential sources of sediment, given that a baseline was not established in many of the watersheds where representative continuous turbidity monitoring may occur. Overall, commenters felt as if Continuous Turbidity Monitoring would not be useful for evaluating whether implementation of the Order was improving water quality outcomes.

General Response: The Proposed Vineyard Order was modified to shift the balance of monitoring and reporting to put more focus on identifying and correcting site-specific water quality concerns by eliminating Tributary Turbidity Monitoring and adding requirements for deployment of temporary sediment and erosion control Management Practices in response to exceedances of agricultural drainage structure turbidity benchmarks. Regional Water Board staff agree that because a baseline in some watersheds was not established prior to Order implementation, the connection between Order implementation and monitoring trend would be difficult to demonstrate. Regional Board staff also acknowledge that there may have been sediment signals from other sources. However, the Draft Vineyard Order addressed this by setting parameters for monitoring locations to limit the signal from other sources.

Comments:

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CAFB 4	<p>Farm Bureau is concerned that some of the monitoring and reporting requirements, especially related to sediment, turbidity, and nitrogen are not reasonable and the burden to growers may outweigh the benefit.1 (Wat. Code, § 13267.) Without baseline data to determine existing sediment loads per watershed and sources of those loads, current amounts of riparian habitat in the watersheds, and current stream temperature conditions, the monitoring and reporting requirements may be inappropriately burdensome for agriculture and not address the true sources, and thus, fail to remedy watershed problems. Farm Bureau acknowledges that there are water quality issues in the region that must be addressed. But contrary to the proposed Vineyard Order’s requirements, the mere existence of a water quality issue does not compel extensive regulations. Rather, Porter-Cologne requires a balance of the various demands on the state’s waters.</p>	<p>The commenter states sediment and nitrogen monitoring and reporting requirements in the Draft Vineyard Permit are not reasonable but does not provide specific examples. The monitoring and reporting program Proposed Vineyard Permit was revised to provide exemptions to sediment monitoring/reporting requirements, eliminate continuous turbidity monitoring in tributaries, and delay possible nitrogen reporting requirements. Refer to Summary of Revisions.</p>
Lewis 5	<p>Admittedly, significant time and effort has been allocated to the preparation of the draft order. However, the current iteration risks collection of monitoring data that will be irrelevant to water quality objectives and beneficial uses and fail to constructively inform the implementation of water quality improving conservation practices. The draft order should be revisited and revised both in the overarching approach for nonpoint source pollution management and specific monitoring requirements before being advanced. The agricultural community, Regional Board staff, and administering organizations can work as a conservation partnership to advance conservation practice implementation and establish longitudinal monitoring that will confirm trends in water quality related to that implementation. I look forward to discussing this and contributing to that end</p>	<p>See Representative Turbidity Monitoring General Response</p>

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Smith 9	<p>Attachment B: Third-Party Group Monitoring (See Draft Order, Attachment B)</p> <p>1. The third-party monitoring of stream tributary Turbidity, tributary Streambed, and Surface Water Pesticide monitoring in channels should be conducted or contracted directly by the Water Board. Placing the burden on a third-party group will likely compromise the quality of the data and make the data largely inaccessible to the public. Turbidity/stage relationships are extremely complex and should be analyzed by experts. There is well known hysteresis to the relationship between turbidity and stage through a storm event, and also seasonal shifts in the stage/turbidity relationship. The rising limb of the hydrograph will generally have much higher turbidity compared with the falling limb for the same stage during the same storm. Relationships between early season storms versus late season storms will also vary significantly. Similar relationships are expected of pesticides. Analysis of turbidity and pesticide data requires an experienced expert. In order to have credible and worthwhile results, the instream tributary stream turbidity and pesticide monitoring data should be collected and analyzed by an expert that reports directly to the Water Board. The commenter indicates that obligating Third Party Groups to perform representative surface water monitoring will compromise data accuracy and transparency, therefore the Regional Water Board should be conducted or contracted by the Regional Water Board.</p>	<p>Monitoring and Reporting Programs in all Regional Water Board regulatory orders are implemented by the regulated entities which seek professional assistance as needed to comply with technical requirements. No change was made in response to this comment. The Proposed Vineyard Order was modified to no longer include representative Tributary Turbidity Monitoring. See Representative Turbidity Monitoring General Response.</p>
JFW 4	<p>REQUEST 4: Create an order that recognizes the good work already in progress, that is streamlined, and that relies on existing sustainability certifications to reduce requirements for vineyards that are already implementing MPs that reduce sediment and erosion. Relying on existing 3rd party certified programs will reduce the monitoring and reporting costs shown in the table below.</p> <p>Please consider removing the representative in-stream monitoring and instead rely on the already developed tracking system of the third-party programs. Those programs can report the acreage certified to the updated auditing program, further reducing farming costs and providing the Regional Board with a mechanism to track the number of properties with enhanced management practices for erosion and sediment control.</p>	<p>See Representative Turbidity Monitoring General Response. See also Existing Voluntary Program General Response. Staff note that the table referenced in this comment can be found in the “JFW” comment letter available in the Final Environmental Impact Report or upon request.</p>

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MCFB 10	<p>P 11 "This Order requires Third-Party Group enrollees to perform representative monitoring for turbidity (as a proxy for suspended sediment concentrations) as a method of tracking progress towards sediment conditions supportive of beneficial uses. Target conditions are decreasing trends in suspended sediment load. This Order requires Third-Party Group enrollees to perform representative monitoring of streambed conditions (fine sediment and surface roughness) as a method of tracking progress towards sediment conditions which are supportive of beneficial uses. Target conditions are decreasing trends in fine sediment and increasing trends in surface roughness."</p> <p>MCFB is concerned by the lack of distinction of sediment source and responsibility. How will it be determined which contributing sources are responsible for change in trends of sediment? The tributary turbidity monitoring requirements, with no tributary reaches in the Russian and one in the Navarro, will not demonstrate if turbidity is caused by vineyards, even if placed in a catchment with a vineyard land area density in the highest quartile for the watershed. MCFB is also concerned with the approach of setting conditions" without an established baseline, making the Order as proposed premature. The proposed Order requires vineyards to conduct instream sediment monitoring, through which it will be impossible to know the sources of sediment. With this in mind, there is no justification for including instream sediment monitoring in the scope of the Order.</p>	<p>See Representative Turbidity Monitoring General Response. The Proposed Vineyard Order was revised to remove tributary turbidity monitoring. The purpose of representative streambed condition monitoring is to evaluate the status and trend in streambed conditions over an extended period following implementation of the Vineyard Order. Results will be used to track and evaluate progress towards sediment conditions which are supportive of beneficial uses. The monitoring is required in watershed catchments with the highest quartile of vineyard land use density. The purpose is not to determine the source of degraded streambed conditions but to evaluate temporal changes as a result of implementing the Vineyard Order in areas where vineyards are the predominate potential source of non-point source sediment pollution.</p>

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CAWG 38	<p>Vineyards shouldn't be tasked with collecting sediment samples for watersheds that would include non-vineyard sediment discharges. Instead, the Vineyard Order would be more effective if it ensured that proven management practices are being implemented, for example through photo monitoring that documents MP implementation. Photo monitoring is specifically mentioned in the NPS Policy as an acceptable feedback mechanism. The 5C Roads Manual⁷ specifically allows photo monitoring with reasonable standards that would be lower cost to implement than edge-of-field monitoring. California Water Code Section 13267 provides the Regional Board with authority to require technical or monitoring program reports of dischargers. However, the law requires that "The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports." Given that instream sediment monitoring will not be able to identify sediment sources and won't be able to provide the necessary feedback mechanisms to determine whether the Vineyard Order is achieving its purpose, it is not possible for the Regional Board to prove that it needs instream sediment monitoring reports as part of the Vineyard Order.</p>	<p>See Representative Turbidity Monitoring General Response and Response to Comment MCFB 10.</p>

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CAWG 42	<p>The Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy) requires that “An NPS control implementation program shall include sufficient feedback mechanisms so that the RWQCB, dischargers, and the public can determine whether the program is achieving its stated purpose(s), or whether additional or different [management practices] MPs or other actions are required.5” An instream sediment monitoring program will be unable to determine the sources of sediment and therefore won’t provide the required feedback to determine if the Vineyard Order is having its intended effect. Attachment B of the Vineyard Order states in part, “Tributary Turbidity Monitoring measures surface water turbidity (as proxy for suspended sediment concentrations) along with stream stage. The purpose is to evaluate the status and trend of surface water turbidity as it varies with stream stage over an extended period following implementation of the Order.6” Without knowing the source of the sediment how will the Regional Board be able to determine if the Order is having its intended effect? If vineyards are only contributing a small percentage of sediment into the Russian River, will implementation of the Order be able to impact sediment trends in the Russian River?</p>	<p>See Representative Turbidity Monitoring General Response and Response to Comment MCFB 10.</p>
CAWG 45	<p>Continuous tributary turbidity monitoring will be expensive and will be unable to identify sediment sources. It is estimated that establishing instream turbidity and streambed monitoring will cost \$12.42/acre and subsequent years of monitoring will cost \$4.34/acre¹³. These figures are much higher than staff’s estimate of \$2.72 per acre for surface water monitoring.</p>	<p>See Representative Turbidity Monitoring General Response.</p>

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Comment Number	Comment	Response
Davis 1	<p>In order to further clean up our waterways and make them more amenable to aquatic life, it is imperative that we employ effective means to monitor turbidity during and subsequent to weather events. would suggest that the Board consider:</p> <p>1) Starting Small by Monitoring and Publicizing Turbidity Levels on Major Tributaries, in order to pinpoint major problems and to build public and grower awareness around the issue</p> <p>2) And further, that the board consider taking an interest in and encouraging, where possible, Emerging AI Technologies.</p> <p>As many are aware our firefighters are now able to predict the pathways of fires with real-time information on the direction and intensities of winds. In the same way iPhone Apps let individual citizens know the densities of smoke and particulate matter at any hour of the day for virtually any location. We are but one of two steps away from having the same type of information on the suspended particulates and other materials in our life giving waters. Information is key! Going forward the Board has many things to consider. Not the least balancing incentives with enforcement. Currently, those involved need to find ways that do not turn farmers into near full time reluctant bureaucrats but encourage them in their occupational quest to become better farmers.</p>	See Representative Turbidity Monitoring General Response.
Form Letter C 12	Tributary turbidity monitoring requirements (2 tributary reaches in Russian and one in Navarro) will not reveal that the turbidity is caused by vineyards, even if placed in a catchment with a vineyard land area density in the highest quartile for the watershed.	See Representative Turbidity Monitoring General Response.

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Kondolf 1	<p>Underlying the proposed measurement program is an objective of tracking improvements in sediment conditions that may result for management changes required by permits (Att B p.6). The MRP also appears aimed at attributing higher sediment loads measured in these tributaries to erosion and sediment yield in the vineyards draining to the monitored reaches. Thus, the MRP evidently seeks to pinpoint erosion and sediment production in time and space. The authors of the MRP are doubtless aware of the complexities of such a venture, but these issues were left out of the document, potentially conveying a false impression that drawing conclusions from these measurements would be straightforward. In reality, there are many sources of sediment to these tributaries and pinpointing the incremental contribution of a given vineyard or set of vineyards based on an interpretation of noisy turbidity measurements at two sites and repeat measures of substrate condition would be very error prone. Perhaps an analogy to another, better-studied sediment source would be relevant: unpaved forest roads and their sediment impacts on streams providing important salmonid habitat. The literature review of Al- Chokhachy et al (2016) is informative. They noted, “Focusing specifically on the effects of unpaved, forest roads on streambed sediment, our review uncovered only eight studies that specifically linked measures of sediment delivery or density of unpaved forest roads with streambed sediment metrics. Bilby (1985) found considerable differences in turbidity levels above and below a sediment source (i.e., ditch) but no significant difference in streambed sediment characteristics. Instead of road density, Schnackenberg and Macdonald (1998) used the amount of road segments greater than 400 m within 60 m of a stream channel, and found no significant relationships between this surrogate for road density and fine sediment across catchments dominated by granitic or sedimentary geologic formations. Despite different response metrics, three of the four studies that included density of unpaved roads found significant, positive relationships between road density and measures of fine sediment. Yet, the strength of these relationships was variable and sometimes weak (e.g., $r = 0.36$);). Together, these results indicate considerable variability in associations found between roads and road density and streambed sediment. At least part of this variability may be due to the anthropogenic disturbances related to roads (see below), which are not captured in road density analyses.”</p>	See Representative Turbidity Monitoring General Response.

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Kondolf 1 (cont'd)	<p>It is notable that erosion from unpaved roads is widely recognized to be a major sediment producer in forested landscapes, yet even with very strong differences in road density draining to the stream network, it was difficult to find relationships to sediment conditions in streams, even when researchers (Bilby) documented differences in turbidity levels. As noted by Al-Chokhachy et al (2016:03), “Overall, given the extensive network of unpaved forest roads ... we consider the paucity of existing literature linking observed sediment production and road density with streambed sediment surprising.” Al-Chokhachy et al.’s partial attribution of variability to anthropogenic disturbances not captured in the road-density analysis raises questions for any similar attempt to attribute problematic sediment conditions to specific land uses affecting only part of the drainage area, as proposed in the MRP, especially as erosion of vineyards would likely be more subtle compared to erosion from unpaved forest roads studied by Al-Chokhachy et al. The challenge posed by multiple sediment sources was also noted by Ziegler et al (2016: 2036), who observed that processes “contributing to sediment loads are numerous and occurring across several spatio-temporal scales. While chronic sources of soil material entering streams may exist (e.g., road cuts or agricultural fields), other sources might be short-lived, such as infrequent mass wasting events or inchannel construction....” Al-Chokhachy et al (2016: 06) summed up the problem thusly, “sediment that enters streams comes from a variety of both land management and natural sources and this complicates our ability to identify the effect on streambed sediments from just one source. For example, off road vehicle trails, cattle grazing, and forest management may also create sediment that eventually ends up in streams. Potential legacy effects (e.g., Harding et al. 1998) from past disturbances or even episodic events may represent further contributions to streambed sediment that are difficult to measure with a single snapshot of existing watershed conditions.” The clear message from the literature as it applies to the proposed MRP is that any attempt to attribute conditions of greater turbidity, or more sediment in the streambed, to a single source such as an area of vineyards, would be fraught with errors. As described in the MRP document, the proposed data collection would yield data of questionable value and utility at best</p>	See Representative Turbidity Monitoring General Response.

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Kondolf 2	<p>As a more direct (and more reliable) approach to quantifying sediment sources affecting salmon-bearing streams, the Region 1 Board may wish to consider undertaking detailed, comprehensive field-based inventories of sediment sources and pathways to receiving waters. This is essentially the approach adopted by the Region 2 Board for the Napa River TMDL (Napolitano et al 2009): a sediment source inventory by trained professionals for every vineyard site, and the application of management measures and projects to stop/reduce erosion, with photo monitoring and site inspections used to verify that the management measures are applied. Such an approach would provide direct observations of erosion hot spots and effectiveness of treatments in controlling them. This would be a more straightforward approach to addressing sediment sources, which could be coupled with long-term monitoring of streambed sediment conditions, thereby quantifying more components of the sediment budget than only attempting to infer sediment inputs from upland sources based on measurements of noisy variables such as turbidity at a few points in the stream or at discharge points.</p>	<p>See Representative Turbidity Monitoring General Response. The Proposed Vineyard Order was modified to be more consistent with the Region 2 Vineyard Permit's general approach to monitoring erosion and sediment discharges. The Proposed Vineyard Order allows Enrollees to develop Sediment and Erosion Control Plans certified by a Qualified Professional with photo-point monitoring in lieu of Agricultural Drainage Structure Monitoring for turbidity. The Proposed Vineyard Order eliminated Tributary Turbidity Monitoring but retained Streambed Conditions Monitoring, which has a similar monitoring objective and methodology to the Region 2 Vineyard Permit.</p>

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Kondolf 3	<p>The Monitoring and Reporting Program (MRP) document details monitoring requirements proposed for turbidity monitoring of two tributary reaches of the Russian River and one of the Navarro River, and streambed monitoring of ten reaches of tributaries of the Russian River and two in tributaries of the Navarro. The specific tributaries are to be selected based on the presence of T&E salmonid species and some area of vineyard in the watershed. I applaud the intention to expand relevant field data collection to better understand the hydrologic processes influencing water quality in receiving waters. However, I found the turbidity sampling and bed material sampling and monitoring as described in this document, and the data collection it would require, to be confusing and likely to not fulfill its purpose as stated in the document.</p> <p>The document states that turbidity continuous monitoring units should be installed in tributary channels, but it is not clear how these data are to be used. While I have no doubt that the proposed method reflects careful thought and prior experience, the study design is not clearly presented in the document. Looking at the selection criteria: (1) access and (3) within designated winter steelhead and/or coho distribution ranges are self-explanatory. However, (2) location within a NHD catchment “with vineyard land area density in the highest quartile for the watershed” is unclear. In terms of terminology, “watershed” evidently refers to larger hydrologic units as defined in the HUC 12 dataset than “catchments”. The watersheds of most Russian River tributaries have vineyard densities (percent of drainage area in vineyard) of less than 2% with a median of less than 5% (Figure 5 Appendix II). This figure shows that only 3 tributary watersheds in the Sonoma County portion of the Russian River watershed have the highest quartile (25.2%) of their land area in vineyard uses. There are no tributary watersheds in the Mendocino County portion of the Russian River watershed that have more than 11.1% of their land area in vineyard uses. The Navarro River watershed has no tributary watershed that exceeds 4.85% of the land area in vineyard uses. Figure 5 makes it clear that vineyards are not a major land use in the tributary watersheds of either the Navarro or Russian River. Instead, other land uses dominate these watersheds constituting about 98-75% of the land area of tributary drainages.</p>	See Representative Turbidity Monitoring General Response.

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Kondolf 4	<p>The MRP lists a number of purposes for the instream turbidity monitoring including determining water quality trends (Att. B p. 6), to provide an adaptive management approach, a method of tracking progress towards suspended sediment concentrations which are supportive of beneficial uses (Att. B p 7). The tributary turbidity monitoring is also termed “representative” of vineyard discharges. The proposed monitoring would have the turbidity sampling units measuring sediment from a land area that is primarily non vineyard uses, but likely includes numerous other sources of sediment. It is unclear why measuring turbidity would fulfill the purposes listed in the Order or how the data could be interpreted as related to vineyard discharges. As such the turbidity data will not provide for the stated purpose of the monitoring to be representative of discharges from vineyards or demonstrative of trends in water quality due to implementation of the Draft Vineyard Order. Should there be an increase in turbidity for any reason would these increased sediment loads be automatically attributed to the vineyards? Or, as would be expected in a scientific study, would other relevant variables be fully accounted for such as underlying geology, geomorphology, soils, landscape steepness, channel (and floodplain if present) steepness and incision, vegetative cover and fires, other land uses, road density, road condition and drainage, etc.? And would the actual sediment sources (points of erosion) be documented in the field?</p>	<p>See Representative Turbidity Monitoring General Response.</p>

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Kondolf 5	<p>In addition to measuring turbidity values, the MRP calls for monitoring bed sediment conditions “to evaluate temporal changes in particle size distribution and roughness of exposed streambed surficial deposits” (Att B p.11) on ten study reaches (each >1000-ft long) on tributaries to the Russian River and two study reaches on tributaries to the Navarro River. The study sites are to be selected based on these criteria (Att B p.7). Looking at the selection criteria: (1) access and (3) within designated winter steelhead and/or coho distribution ranges are self-explanatory. However, (2) location within a NHD catchment “with vineyard land area density in the highest quartile for the watershed” shares the same problems of the site selection criteria as for the turbidity sampling, detailed above. (4) would seem to require some field judgment regarding conditions in the channel in relation to needs of the listed species. Presumably, this could be feasibly done in a systematic and reproducible way, using facies maps and pebble counts on reconnaissance level to identify which reaches appear to have suitable substrate conditions, e.g., for spawning salmonids (Kondolf 2000, Kondolf and Lisle 2016). The MRP document should explicitly describe how the conditions that would adversely affect listed salmonids would be assessed especially for intermittent stream that may only support fish migration not spawning or rearing. The document lists acceptable monitoring protocols to “evaluate temporal changes in exposed streambed substrate composition”: Without researching these specific methods beyond the classic Wolman pebble count (Wolman 1954, Kondolf 1997), it is not clear at first blush that these diverse approaches would yield comparable information for evaluating temporal changes in the substrate. Perhaps the MRP document could provide some details regarding how these surface monitoring results would be interpreted and tied to inferences regarding sediment yield from drainage areas contributing to the streams including vineyards at the measurement sites. A key point is the extremely high variability (in space and time) in bed substrate conditions, which are evident even in pristine catchments, and which imply challenges in interpreting differences from site to site and over time, and their attribution to specific land uses on small parts of the contributing area.</p>	<p>See Representative Turbidity Monitoring General Response. Staff agree with the commenter’s conclusion that streambed substrate monitoring would be a more reliable method for tracking temporal changes to bed conditions. Tributary turbidity monitoring has been removed from the Proposed Vineyard Order and Streambed Conditions Monitoring has been retained. The Coalition will propose monitoring locations and methodology for the Regional Board to consider in its Workplan. Staff note the commenter’s points on variability in substrate conditions and methodologies to track them.</p>

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Kondolf 5 (cont'd)	<p>For example, the bed substrate in a reach can look very different depending on the sequence of high flows and sediment pulses that have recently passed through a reach, and whether the last high flow had a gradual or abruptly declining recession limb. Nonetheless, for monitoring long-term trends in bed sediment conditions, Wolman pebble counts combined with facies mapping (Wolman and Schick 1967) represent a more reproducible approach to document changes in bed sediment conditions within a given reach. The bed conditions thus documented should integrate conditions over time better than monitoring turbidity (which is highly variable), and likely better assesses conditions directly related to the salmonid spawning and juvenile habitat needs. Note that the sediment for which the monitoring is conducted is primarily the fine-grained sediment that would make up the majority of what is eroded from upland farming sites as well as numerous other uses in each tributary watershed. The turbidity values would be driven largely by the very fine grains that constitute washload, i.e., the clay and silt that remains in suspension throughout most of the river system and requires long periods in an impoundment to settle out due its slow settling velocity. While the bed material assessments (by Wolman pebble count and facies mapping) would also document coarser “framework” grains of gravel, the real target of the monitoring would presumably be increases in the population of fine-grained sediment. Certainly, compared to turbidity monitoring, with its high variability and frequent equipment failures, bed sediment monitoring seems better adapted to tracking temporal changes in bed conditions. Pinpointing sediment sources in space is likely to be more challenging. The inherent variability in bed sediment conditions should be taken into account, and the specific ecological concerns motivating the sampling program should be considered. For example, if survival of salmonid embryos to emergence is a critical concern, perhaps the surface sediment characterization should be augmented by bulk sampling of subsurface (sub-pavement) gravel in spawning beds (Kondolf 2000).</p>	See Response to Kondolf 5.

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Kondolf 6	<p>The MRP states that measuring turbidity at two points along the same stream, presumably upstream and downstream of vineyards. It seems that the difference in turbidity values from two different points would be used to infer sediment delivery from the vineyards from the intervening drainage area. This would be an example of calculating the important variable as an unmeasured 'residual', i.e., by subtraction of two other variables, rather than measuring it directly. The problems with this approach are well-documented in the literature (e.g., Kondolf and Matthews 1991). The sediment budget may appear to balance, only because other unmeasured (or even unrecognized) terms, as well as error terms, are incorporated (and hidden) in the residual term. As discussed below, turbidity values tend to be highly variable and noisy, thus turbidity values will typically have large error bars and any comparison of them must account for these uncertainties. There may be other sources of sediment or sediment storage sites that are contributing sediment or acting as sinks within the reach, but the effect of these would be hidden within the residual term. The residual problem raises a more general issue regarding study design. The document would benefit from adopting a sediment budget framework for the proposed method. The general form of a sediment budget (Reid and Dunne 2016) is something along these lines: Input +/- change in storage + other inputs = Output</p>	<p>See Representative Turbidity Monitoring General Response.</p>

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Kondolf 6 (cont'd)	<p>The budget terms can be defined in various ways, and depending on the scope and purpose of the budget, a given term could be considered differently in one budget versus another (e.g., bank erosion could be considered an input in one budget but a change in storage in another) (Reid and Dunne 2016).</p> <p>In the case of the two turbidity measurement point method proposed here, the budget could be written along these lines:</p> $Qs1 + SfcEros + Gully + BankEros + OtherEros \pm Dstorage = Qs2$ <p>Where Qs1 is the suspended sediment load coming into the vineyard-affected reach (input) and Qs2 is the suspended sediment load coming out of the vineyard reach (output). 'Gully' is gully erosion in the drainage area between Qs1 and Qs2, and 'Bank' is bank erosion along the channel reach between the turbidity meters. OtherEros would include other sources of sediment, such as small tributaries that may enter within the reach. $\pm Dstorage$ is change in sediment storage in storage sites such as colluvial storage of sediment at the base of hillslopes and in floodplains, or storage of sediment in gravel and sand bars along the stream channel. In many cases, sediment eroded from upland surfaces may be stored for years or decades as colluvium (material moved downslope by gravity and/or flowing water that accumulates as unsorted sediment at the base of slopes, in depressions, and in the bottoms of swales and first-order tributaries, rather than reaching the stream channel directly). Colluvial deposits have been documented to be important terms in sediment budgets for area affected by erosion from agricultural lands (e.g., Trimble 1981, Mead and Trimble 1974).</p> <p>All these terms should be measured independently where possible, based on a detailed inventory of sediment sources and storage sites within the area of study, and they should be analyzed within a sediment budget framework. Otherwise, the results will be, at best, of questionable value and utility. If differences in sediment load inferred from up- and downstream turbidity measurements are blindly attributed to erosion from vineyard lands in between, this could result in serious errors, and the decisions made based of such flawed science would be vulnerable to challenge.</p>	See Representative Turbidity Monitoring General Response

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Kondolf 7	<p>The document is unclear regarding the measurement of suspended sediment loads versus turbidity, and how measures of one would be converted into the other. The document (Att. B p 6). states: “The purpose {of Tributary Turbidity Monitoring} is to evaluate the status and trend of surface water turbidity as it varies with stream stage over an extended period following implementation of the Order. Results will be used to track and evaluate progress towards achieving suspended sediment concentrations which are supportive of beneficial uses.” The document (p.6) states: “Surface water turbidity (as a proxy for suspended sediment concentration) and stream stage shall be continuously monitored...” Thus, suspended sediment concentrations per se will not be measured to track changes in sediment conditions. Rather turbidity is to be measured, and presumably converted into suspended sediment values. The document does not specify this process, but most commonly suspended sediment is sampled simultaneously with measurements of turbidity, over a sufficient time period that the simultaneous measurements can capture a wide range of discharges. Then the suspended sediment concentrations are plotted against the corresponding turbidity values to develop a relationship between the two variables, so that turbidity values can be converted into suspended sediment concentrations (Anderson 2005). Thus, even if turbidity measurements are intended to be the primary method of tracking suspended sediment, creating the needed function relating turbidity values to suspended sediment concentrations will require field sampling of suspended sediment. As noted above, the MRP seeks to measure suspended sediment but actually proposes continuous measurement of turbidity. It may be worthwhile to clarify the distinction between these two very different variables. As defined by Wagner et al (2006:9): “Turbidity is defined as an expression of the optical properties of a sample that cause light rays to be scattered and absorbed, rather than transmitted in straight lines through a sample...due to the presence of suspended and dissolved matter, such as clay, silt, finely divided organic matter, plankton, other microscopic organisms...” “Submersible turbidity sensors typically direct a light beam from a light-emitting diode into the water sample and measure the light that scatters or is absorbed by the suspended particles in the water.”</p>	See Representative Turbidity Monitoring General Response.

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Kondolf 7 (cont'd)	<p>Thus, turbidity is related to the properties of light passing through the water. A well-known alternative (and low-tech) measurement method, suitable for lakes, is the secchi disc, essentially a white dinner plate slowly lowered into a lake until it can no longer be seen from above, yielding a measure of water clarity (secchi depth). The reduction in clarity of Lake Tahoe was recorded in terms of secchi depth, which declined from nearly 100 ft in the 1960s to about 70 ft now (TERC 2023). Turbidity sensors yield measures in the less intuitive nephelometric turbidity units (NTU), which are measures of turbidity rather than clarity (i.e., larger numbers mean more turbid water, opposite to secchi depth values). While there is little to go wrong with a secchi disc, turbidity sensors are vulnerable to error from a number of sources, notably sensor fouling and sensor calibration drift, thus records need to undergo rigorous quality control (Wagner et al 2006). Data sets from turbidity meters are notorious for data gaps due to technical problems such as fouling. In contrast, suspended sediment concentration refers to the sediment suspended in the water column, as measured in a sample collected at a specified depth. Samples are taken to the laboratory, where they are dried out and weighed, yielding concentration (by weight) of sediment in the water (Hicks and Gomez 2016). As sediments are one of the components in the water that produce turbidity, suspended sediment concentration is often regressed against turbidity. The resulting regression plots typically display a lot of scatter, reflecting the fact that many factors besides suspended sediment concentration influence the scattering of light passed through a sample. Thus, the relation between turbidity and suspended sediment concentration is inevitably imperfect at best. Given that continuous sampling of suspended sediment concentrations is technically difficult, using continuous turbidity monitoring and frequently updating rating curves (relating turbidity to suspended sediment concentration) is a fairly common approach. Nonetheless, it is prone to considerable error, and its suitability for use in regulatory compliance has been questioned (Riley 1998).</p>	See Representative Turbidity Monitoring General Response.

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Lewis 2	<p>Without a clear set of objectives and questions for the monitoring proposed in Attachments A and B, it is difficult to confirm that the monitoring will accomplish the intentions of the draft order. It is important to point out that Suspended Sediment (TSS) and Turbidity values have high natural variability as a result of California's dry hot summer and cool wet winter climate. To account for interannual, seasonal, and storm variability, so that other potential drivers of water quality conditions can be explored, requires a significant number of samples across varying flow conditions. ii And the use of turbidity, or other proxies like transparency tubes, as a predictor of TSS requires system specific rating curves. In four instrumented experimental paired watersheds, within the Russian River Basin, the resulting watershed TSS, Turbidity rating curve slopes were statistically different from each other. It is unclear how monitoring for turbidity at three stream reaches or 20% of the agriculture drainage structures annually will increase understanding of the watershed and agricultural production systems in a manner that will facilitate management decisions and conservation practice implementation. Put another way, the once-a-year grab sample approach for 20% of the agriculture drainage structures on a registered vineyard will generate data without the needed hydrologic or drainage area context to interpret and use.</p>	<p>See Representative Turbidity Monitoring General Response.</p>
MCFB 11	<p>MCFB would like to echo comments made in Dr. Kondolf's letter submitted on the Order: "The proposed monitoring would have the turbidity sampling units measuring sediment from a land area that is primarily non vineyard uses, but likely includes numerous other sources of sediment. It is unclear why measuring turbidity would fulfill the purposes listed in the Order or how the data could be interpreted as related to vineyard discharges. As such the turbidity data will not provide for the stated purpose of the monitoring to be representative of discharges from vineyards or demonstrative of trends in water quality due to implementation of the Draft Vineyard Order."</p>	<p>See Representative Turbidity Monitoring General Response.</p>

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RR 45	<p>Representative sampling also requires unnecessary work be done to identify a contributing discharger so that adaptive measures and enforcement can be implemented. Instead of just looking at site-specific results, periodic samples must be taken all the way up a HUC 12 to identify an individual property. If lucky, this may result in only one extra sampling event, but chances are there are enough properties in exceedance of 250 NTU and in need of effective adaptive measures, that it will end up essentially being site-specific monitoring anyway. That is just a waste of time and resources and prevents timely adaptive management and enforcement. In fact, this scenario is very similar to a case brought by the California Sportfishing Protection Alliance addressing a 2011 Regional Board waiver in the Central Valley.¹³ There the court concluded that because revised management practices kicked in only after an exceedance was detected, the waiver’s monitoring program lacked sufficient “feedback mechanisms” and was therefore “inconsistent with Key Element 4 of the Nonpoint Source Policy.” This was due to presence of multi-year data gaps, inability to identify contributing sources, and a resulting delay in addressing problematic dischargers. To address this and other issues throughout our comments, we strongly urge the Regional Board to look at additional ways to incorporate additional site-specific monitoring for turbidity into the draft order</p>	<p>See Representative Turbidity Monitoring General Response and Response to Comment MCFB 10.</p>
Smith 5	<p>Any analysis of sediment load and streambed conditions should consider the system as a whole and not assume that vineyards are a dominant factor in the sediment budget or to stream bed conditions. In many watersheds it is likely that landslides both natural and road related dominate the sediment budget and the input of sediment from vineyards is a secondary factor. A thorough literature review and use of fluvial and terrestrial geomorphic models should be used to understand sediment sources and transport through the system. A simple trend analysis of grain size or embeddedness over time or spatial analysis that does not consider sediment transport capacity, or the greater sediment budget and processes at play is likely to lead to spurious conclusions regarding the value and efficacy of the proposed program.</p>	<p>See Representative Turbidity Monitoring General Response.</p>

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CAWG 37	The proposed Vineyard Order requires instream sediment monitoring by vineyards. When monitoring instream sediment, it is impossible to know the source of the sediment. Vineyards are often interspersed with other land uses meaning it would be impossible to distinguish sediment sources from instream monitoring. Further, water bodies that are appropriate for sediment monitoring (i.e., not ephemeral) don't have a high enough percentage of vineyards for sediment monitoring to be representative of vineyards.	See Representative Turbidity Monitoring General Response.

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SCFB 9	<p>The continuous tributary turbidity monitoring requirements (2 tributary reaches in Russian and one in Navarro) will not reveal where the erosion causing the turbidity is coming from and whether it is caused by vineyards, even if placed in a catchment with a vineyard land area density in the highest quartile for the watershed. It is very costly to perform and has been estimated by Fish Friendly Farming to cost more than three dollars per acre per year (after the first year that will cost approximately \$6 per acre). It is worth restating here that soil is precious to farmers and 99% of farmers in Sonoma County are enrolled in a sustainability certification program that require strict management practices to avoid soil erosion. It is also important to note again that vineyards make up a small percentage of land in Sonoma and Mendocino counties - about 6% of the landscape in the Russian River watershed, and 3% of the Navarro River watershed. There are many other contributors to sediment in the watershed, the vast majority of which are not vineyards. It is likely that one of the greatest sources of sediment in the Russian and Navarro Rivers is due to natural erosion of the riverbanks themselves. But until a TMDL is completed for sediment in the Russian River, there is no sediment source analysis that inventories such sources.</p> <p>G.Mathias Kondolf, PhD (Geography and Environmental Engineering), a professor at University of California, Berkeley, submitted comments on the Proposed Order (attached to this letter) and he stated that he "found the turbidity sampling and bed material sampling and monitoring ... confusing and likely to not fulfill its purpose as stated in the document." More particularly, he pointed out that the turbidity sampling units measuring sediment would include a number of other sources of sediment and it would be "unclear why measuring turbidity would fulfill the purposes listed in the [Proposed] Order or how the data could be interpreted as related to vineyard discharges." His suggestion to the RWB is to consider undertaking "detailed, comprehensive field-based inventories of sediment sources and pathways to receiving waters." We agree with his assessment and recommendations regarding tributary monitoring requirements.</p>	<p>See Representative Turbidity Monitoring General Response and Response to Comment MCFB 10. the SWRCB Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Implementation and Enforcement Policy), explains how the NPS Program Plan will be implemented and enforced. The Porter-Cologne Act designates the SWRCB and RWQCBs as the State agencies with primary responsibility for water quality control in California and obligates them to address all discharges of waste that could affect the quality of the waters of the State, including potential nonpoint sources of pollution. Implementation may be accomplished through administrative permitting authority in the form of waste discharge requirements (WDRs), waivers of WDRs, and basin plan prohibitions.</p>

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JFW 12	<p>CONCERN 1. Representative Instream Monitoring: The monitoring program currently includes measuring surface water turbidity in three tributary channel reaches (two in the Russian River watershed and one in the Navarro River watershed). Site monitoring selection criteria includes identifying catchments with vineyard land area density in the highest quartile for the watershed. However, without a sediment budget for that catchment, there is no way to know if the vineyards in the selected catchment represents a significant sediment source. Vineyards should not be responsible for collecting sediment discharges data from numerous land uses.</p> <p>REQUEST 1: Adopt a simple vineyard order with limited monitoring while the regional board collects the necessary data to develop a TMDL for the Russian River. The regional board can revisit the vineyard order after completion of a TMDL to implement the TMDL recommendations applicable to vineyards.</p>	<p>See Representative Turbidity Monitoring General Response. See also Russian River TMDL General Response.</p>
MCFB 9	<p>MCFB wants to rise strong concerns about the instream sediment monitoring and the agricultural drainage structure monitoring that are required by the Order as written. The implementation of these various monitoring requirements will be arduous and provide little desired benefit. As mentioned, areas in the North Coast Region fall within 303(d) listed watersheds, but there is little evidence to show that vineyards are contributing to the sediment and temperature impairments. Since there is no TMDL for the Russian River, there is no assessment of baseline data related to sediment load which would inform the goals for the Vineyard Order to reduce sediment contributions from vineyards. MCFB requests that consideration be given to restructuring the Order to a more narrowed, tailored and impactful scope while the Board develops a sediment TMDL for the Russian River</p>	<p>See Representative Turbidity Monitoring General Response. See also Russian River TMDL General Response.</p>
Poor 4	<p>By your monitoring the waters and if there is a problem then following it upstream to find the problem. We think that is way more reasonable and understandable. It makes more sense to do it that way and there is not the paper work, unreasonable time burden, and terrible financial expenditures on each individual grape farmer that you toss out so nonchalantly in your impact report.</p>	<p>See Representative Turbidity Monitoring General Response.</p>

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Ricioli 2	<p>With regard to maintaining drainage ditches and blue line streams, we are concerned that without any maintenance, these waterways will become choked and cause flooding and erosion, not only to our vineyards, but also residences and cities. There is not normally a need to use tractors and other more destructive equipment in these areas. These drainage areas require only some use of hand tools without removing roots of grasses and shrubs that help to prevent erosion. We believe that there is much greater source of pollution generated by municipalities through roadway rubber, parking lots, roof run off, homeless camps and oils. Sampling these areas should receive the first priorities. There is nothing wrong with some tests in various vineyard areas to see if there is a problem with vineyards and if so, make changes to reduce or eliminate the problem. Should you want to see what is going on with vineyards, I suggest selecting a few locations for test sampling before you set up a program that will be costly for both farmers and the state.</p>	<p>The comment appears to express concern about Tributary Turbidity Monitoring. The Proposed Vineyard Order was modified by removing this requirement. See Representative Turbidity Monitoring General Response. The remainder of the comment is noted.</p>
Olson 7	<p>Sediment monitoring does not provide meaningful data of discharges from non-vineyard uses. As the Board knows, the Russian River does not have a TMDL developed for sediment. The order shifts the entire burden for sediment discharge monitoring to vineyards without recognizing the contributions of other land uses. Without a TMDL for the Russian River, vineyards are responsible for data collection against an unknown standard and for discharges caused by other non-vineyard land uses.</p> <p>With respect to the data collection process, we find the Board's requirements laborious and difficult to implement. They provide little meaningful data while putting our employees in unsafe conditions. Specifically, access to some drainage structures could be very difficult during storm events on seasonal roads with limited or no cell phone service. Instream monitoring during a storm event creates an unreasonable risk that must be addressed by the order.</p>	<p>See Representative Turbidity Monitoring General Response and Russian River TMDL General Response. Following farm tours during the winter of 2023-2024, Staff noted Agricultural Drainage Structure locations that may pose hazards for access. The Proposed Vineyard Order was modified to require annual monitoring of representative Agricultural Drainage Structure locations (e.g., no less than 20% of all locations). This revision allows Enrollees to avoid monitoring locations which may be hazardous to access.</p>

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Burr 1	The Draft Vineyard Order seems to prioritize representative monitoring over actually identifying and promptly correcting site-specific discharges which impair water quality. Regional monitoring does not allow identification of site-specific problem areas; therefore, site-specific monitoring and reporting should be prioritized.	See Representative Turbidity Monitoring General Response
Burr 4	Surface water quality monitoring and groundwater quality trend monitoring requirements in the Draft Vineyard Order are mostly representative and regional. The benefits of representative and regional monitoring include the ability to determine whether practices, at the watershed level, are protective of water quality. However, there are limitations to representative and regional monitoring effectiveness in determining possible sources of water quality standard exceedances, the effectiveness of management practices, and individual vineyard compliance with Order requirements. The commenter suggests changes to the Monitoring and Reporting Program as follows: “where required monitoring and evaluation does not provide sufficient information for the Regional Water Board to determine potential sources of water quality standard exceedances or identify whether management practices are effective, this Order requires Dischargers to implement adaptive management and develop and implement Water Quality Management Plans to establish individual compliance with the Order as described in Section II.K.5 of this Order. It may also be necessary for the Board to conduct investigations by obtaining information directly from Dischargers to assess individual compliance.”	See Representative Turbidity Monitoring General Response

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Prat 18	<p>I. Background and Purpose of the draft Order includes findings regarding the 303(d) list of waterbodies impaired for sediment/siltation. Chapter 3 of the Basin Plan contains water quality objectives for Inland Surface Waters, Enclosed Bays, and Estuaries. Water quality objectives applicable to the pollutants of concern (i.e.- sediment, settleable material, suspended material, and turbidity) in discharges of runoff from vineyards are all narrative objectives (i.e. – the objectives are not numerical) The draft Order requires “Surface Water Quality Monitoring” as outlined at D.. With respect to sediment, the draft Order “requires monitoring for turbidity (as a proxy for suspended sediment) through edge-of-field monitoring for Discharges enrolled individually.” The Basin Plan does not contain a water quality objective for suspended sediment. The Basin Plan and draft Order do not contain information that adequately explains how turbidity monitoring can be used as a proxy for suspended sediment or why it is being used as a proxy for a pollutant (suspended sediment) for which there is no water quality objective. Therefore, the draft Order is unclear with respect to how turbidity monitoring will be used to demonstrate whether discharges either comply or violate water quality objectives.</p>	<p>Tributary Turbidity Monitoring has been eliminated from the Proposed Vineyard Order (See Representative Turbidity Monitoring General Response). The Proposed Vineyard Order has been revised to eliminate the requirement for monitoring a representative number of stormwater discharge locations for Individual Enrollees (see Agricultural Drainage Structure Monitoring General Response A). The Agricultural Drainage Structure Monitoring in the Proposed Vineyard Order sets adaptive management benchmarks that are intended as a tool Enrollees use to confirm that their management practices are effective at the stated objective(s) of the Order (e.g., to prevent, minimize, or control the discharge of sediment to surface waters). Adaptive management benchmarks are not effluent limitations or numeric limits. However, the 250 NTU benchmark is relevant to determining compliance with water quality objectives.</p>

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Prat 19	<p>The TMDL is not a water quality objective for turbidity. The use of turbidity monitoring as a proxy for “suspended sediment” deserves a robust explanation for how monitoring results will be used to determine compliance with the Basin Plan’s narrative water quality objectives for sediment, settleable material, and suspended material since these objectives require an evaluation of whether the discharge causes nuisance or adverse impacts to beneficial uses. Since the water quality objective for turbidity requires a comparison to background turbidity (“turbidity shall not be increased more than 20 percent above naturally occurring background levels”) monitoring for naturally occurring background levels would be necessary to provide data necessary to evaluate compliance with actual objectives. As proposed, the use of turbidity monitoring in general and “edge-of-field” turbidity monitoring specifically is an extremely flawed approach to regulating storm water runoff from vineyards and/or determining whether discharges comply or violate water quality objectives as written in the Basin Plan. Please provide examples or a list of other permits or monitoring programs that require “edge of field” monitoring.</p>	<p>Tributary Turbidity Monitoring has been eliminated from the Proposed Vineyard Order (See Representative Turbidity Monitoring General Response). The Proposed Vineyard Order has been revised to eliminate the requirement for monitoring a representative number of stormwater discharge locations for Individual Enrollees (see Agricultural Drainage Structure Monitoring General Response A). See also response to Prat 18.</p>
RCD 3	<p>Monitoring requirements seem unreasonable to achieve. RCDs have designed and implemented several water quality monitoring programs in the North Coast Region and Region 2 over the years. Due to the number of vineyards and type of monitoring outlined in this permit it seems physically impractical and expensive to implement the monitoring as it is planned with any third party’s current capacity. We suggest working with the TAG to co-create a more feasible and meaningful monitoring program.</p>	<p>Staff worked with the TAG to revise multiple monitoring elements of the Draft Vineyard Order. See General Responses to Comment under the Representative Turbidity Monitoring, Agricultural Drainage Structure Monitoring, Representative Pesticide Monitoring, and Drinking Water Well Monitoring Categories.</p>

Representative Pesticide Monitoring

General Comment A: Commenters noted that some pesticides required for pesticide monitoring in the Draft Vineyard Order were not approved for use in winegrapes.

General Response A: Comments are noted. Staff worked with the Sonoma and Mendocino County Department of Agriculture to identify potential errors in Pesticide Use Report data. Some pesticides were reported as used on winegrapes that do not include winegrapes on the label. After consultation with the County Departments of Agriculture, Regional Water Board staff concluded that the reason was due to errors in grower reporting. Common reporting errors could include all pesticides and herbicides used in on an agricultural property are reported under a single commodity (winegrapes) or growers reported herbicide use under the winegrape commodity. Since activities associated with vineyard operations include applications of pesticides not approved for use on winegrapes (e.g., some herbicides), all pesticides associated with vineyard use were considered for inclusion in the monitoring and reporting program using the factors described below in General Response B. Pesticides that are not associated with vineyard operations (e.g., in other commodities or in urban pest control) were excluded from the list based on the recommendation from the California Department of Pesticide Regulation.

General Comment B: Commenters suggested pesticides for inclusion into the monitoring program. Some commenters suggested pesticides for removal from the monitoring program. Commenters thought that the proposed representative pesticide monitoring program was either too robust or inadequate to address threat from vineyards. Commenters identified other sources of pesticides.

General Response B: Staff worked with the CA Department of Pesticide Regulation (CDPR) Surface Water Protection Program to develop recommendations based on pesticide use in vineyards and relative threat to water quality. CDPR screened 20 pesticides that were detected by CDPR's Surface Water Database (SURF) in Sonoma and Mendocino Counties for use on winegrapes between 2018-2022. CDPR also analyzed Pesticide Use Report data in Sonoma and Mendocino Counties from 2018-2022 (5 most recent years) through CDPR's internal database. CDPR recommended including pesticides in the Vineyard Order's surface water monitoring program based on the following factors:

- a) Pesticides detected through SURF with either a majority use in winegrapes (indicated by over 95% of the total mass used within the two counties) or a high use on wine grapes (≥ 1000 lbs./yr for herbicides and fungicides, or ≥ 300 lbs./yr for insecticides.)
- (b) Pesticides with either a majority use or high use on winegrapes with a high toxicity to aquatic organisms using the USEPA's Aquatic Life USEPA aquatic life benchmarks (BM) and BM equivalent for acute toxicity, which

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generated a toxicity score. Toxicity scores above 3 (very high) were recommended for herbicides and fungicides and toxicity scores above 2 (high) were recommended for insecticides.

CDPR's recommendation accounted for pesticides which also had high use in other applications (e.g., structural pest control or other urban use) to reduce potential signal in the monitoring program from other uses. However, the Representative Pesticide Monitoring requirements limit monitoring to catchments in the top quartile of vineyard density which will further reduce the signal from other uses of pesticides. The pesticide monitoring list in the Proposed Order was modified according CDPR's recommendations and concurrence from the Sonoma County Department of Agriculture.

General Comment C: Commenters worry there is a potential risk of growers not being in compliance with the Vineyard Order because of inadequate laboratory capacity to analyze surface and groundwater samples collected in response to the Monitoring and Reporting Program.

General Response C: Regional Water Board staff reviewed the Environmental Laboratory Accreditation Program for laboratories which provide analytical testing services for the parameters required by the Draft Vineyard Permit's pesticide monitoring requirements. Based on the number and sampling frequency for potential monitoring locations, staff are confident that existing commercial laboratories on the West Coast will be able to provide timely service.

Comments:

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Comment Number	Comment	Response
CAT 1	<p>We realize that the permit intent is to require means of preventing glyphosate and other toxic pesticides used by the vineyard industry from being conveyed to waters of the state by physically altering vineyard properties, and we applaud that step, but we are concerned that those means are limited and will not prevent glyphosate, its products of degradation and other ingredients of its formulations which can be more toxic to aquatic and other organisms than is glyphosate, such as surfactants, from reaching those waters. One such surfactant is POEA (polyoxyethylene tallow amine), a surfactant with known toxic effects on aquatic organisms.</p>	<p>See Pesticide Monitoring General Response B. The Proposed Vineyard Order requires the implementation of management practices to minimize, control, or prevent the discharges of agricultural pollutants to surface water and groundwater and reporting of pest management practices. Glyphosate is included on the list of pesticides to be monitored and, if detected, requires Enrollees to conduct adaptive management of on-farm practices to address its discharge to surface water.</p>
CAT 10	<p>Again, from the Initial Study: “The fundamental objectives of the Vineyard Permit are as follows: 1. To control discharges of sediment, nutrients, and pesticides and/or stormwater runoff from Vineyard Properties into waters of the state, including surface waters and groundwaters, for the protection of beneficial uses.” [pg 6-7 Initial Study] There is no indication in the present Initial Study that such “control” includes potential prohibition, restriction or waiver of activities such as the use of pesticide formulations considered by the US EPA and other agencies to be toxic to aquatic organisms, plants, soil organisms and other natural resources or when the weight of peer reviewed scientific study demonstrates impacts to the ability of aquatic and other organisms to reproduce, avoid predators or other effects of pesticides that reduce their viability or habitat. We also have concerns for the protection of groundwater provided by the Permit as described in the Initial Study.</p>	<p>The California Department of Pesticide Regulation (CDPR) and the U.S. EPA regulate labeling and use of pesticides. When the Water Boards determine a pesticide water quality concern, the Water Boards management may engage directly with CDPR management on the scope of concern and possible responses to address the concern. The Proposed Vineyard Order was modified to include clear adaptive management requirements for statistical increases in pesticide concentrations, or for exceedances of thresholds as described in the MRP.</p>

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CAT 11	The commenter lists pesticides recently used in the Russian River watershed according to Pesticide Use Reports and summarized statements of environmental impacts required by the US EPA to be published on the labels of pesticide formulations when studies undertaken by manufacturers show harm is associated with the active ingredient and, rarely, products of degradation.	Comment Noted
CAT 2	The list of pesticides most used in the Russian River watershed in 2021 and 2022 according to Pesticide Use Reports filed with the Sonoma and Mendocino county Agricultural Commissioners by the vineyard industry are the following, listed in descending order of bulk amount, identified by active ingredient/product and with EPA-required environmental hazard label statements: Regarding pesticide formulations used in North Coast region vineyards, how will actions taken as identified in the present Initial Study serve to obviate the movement of pesticides to groundwater, or to aeri ally drift into waters of the state in the identified action of pesticide application? The physical obstacles to the movement of pesticides in water identified in the Initial Study are not likely to prevent leaching to groundwater or aerial transport, i.e. drift, identified by product labels as presenting environmental hazards.	See Response to Comment CAT 10
CAT 3	Regarding long lasting pesticide active ingredients/products such as Cyflufenamid/TORINO, Acetamzrid/ASSAIL 30 SG, Thiophanate-methyl/TOPSIN M 70WP metabolite carbendazim (methyl 2- benzimidazole carbamate), Quinoxifen/Quintec, Cyprodinil and Fludioxonil/SWITCH 62.5, Pyraclostrobin and Boscalid/PRISTINE, will bioaccumulation affect discharge rates and potential to thus overwhelm obstacles identified in the Initial Study to the overland movement of persistent pesticides?	See Response to Comment CAT 10

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Comment Number	Comment	Response
CAT 4	While we are happy to see that, at long last, winegrape growers operating in their North Coast region vineyards will be required to improve their habits with the coming Permit regarding discharge to water, we remain concerned that restrictions on the action of using pesticides and certain pesticide formulations due to their potential to pollute waters of the state is not currently planned to be incorporated in the Permit, which could be said to be our only and last opportunity for such restriction to be imposed.	See Pesticide Monitoring General Response B and Response to Comment CAT 10
CAT 7	We do not believe the Vineyard Order nor the related Draft EIR adequately take into account the issues having to do with pesticides currently in use by the vineyard industry in Sonoma and Mendocino counties. We there-fore resubmit our scoping letter and attach it here. Essentially, our concern is that both documents leave to other, already failed regulatory programs to do the lifting required for the specific issues of wine grape growing in the Russian River region.	See Pesticide Monitoring General Response.
CAT 8	We are gratified that the North Coast Regional Water Quality Control Board has at last moved to take steps to prevent pollution of surface and groundwater from the activities of the vineyard industry, particularly those caused by roads and the current condition of riparian vegetation. We will leave critique of how those activities and regulated under the Permit to those who are expert on the subjects. Our concern is that gaps in the regulation of pesticide use and potential for these chemicals movement into surface and groundwater despite the Permit, as described in the Initial Study, that will leave North Coast watersheds now, and in the future, not adequately protected from activities of the vineyard industry.	See Response to CAT 1 and CAT 10.

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Comment Number	Comment	Response
CAWG 33	<p>We appreciate the Vineyard Order’s limitation on pesticide monitoring in surface water to products on the proposed list that have been used by vineyards in the previous Pesticide Use Reports (PUR) and to products that have been used in the last five years for groundwater monitoring. However, the list of products needs additional refinement. The current list includes products that aren’t registered for use in winegrapes (Propiconazole and Thiobencarb). Two of the products not registered for use in winegrapes showed up in one PUR over the past decade. Both showed up shortly after pesticide use reporting transitioned to an online system, which makes it likely that the reports were mistakes made by users unfamiliar with the new reporting system. Including products on the list that aren’t used in winegrapes could still trigger the requirement for a third-party to test if a future vineyard owner mistakenly reports use in the future.</p>	<p>See Pesticide Monitoring General Response A and B</p>
CAWG 34	<p>The Vineyard Order also needs to ensure that monitoring for products that are authorized for use in both winegrapes and urban settings occurs in areas where urban uses wouldn’t be detected. This is especially important because the Vineyard Order requires a Water Quality Management Plan (WQMP) for all vineyards in a HUC-12 watershed where a pesticide exceedance is detected. Vineyards co-located with urban pesticide uses could then be required to implement WQMPs even if they are not the cause of an exceedance. Attachment B does not clarify that a WQMP would only be required if a vineyard uses the product contributing to the exceedance, so as currently written vineyards who do not apply a pesticide could be required to develop and implement a WQMP for a product they don’t use.</p>	<p>See Pesticide Monitoring General Response A and B. For Representative Pesticide Monitoring, the Order retains the language that “Site locations shall be chosen in places that are representative of commercial vineyard land use within the HUC-12 watershed, and to avoid signal from uses not regulated under this Order.” The Proposed Vineyard Order includes the provision that a WQMP would only be required of Enrollees who applied the pesticide in question.</p>

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CAWG 35	<p>There are 25 active ingredients that will require monitoring. We reached out to local laboratories to see if testing was available for all active ingredients on the list. Of the products that are used in winegrapes, local labs don't have tests for 10 of them. The Central Valley Regional Board makes decisions on an annual basis to decide what products should be included for water quality testing, lab testing availability is one factor considered when making that determination and should also be part of the decision-making process for the North Coast Region.</p> <p>We recommend the Regional Board coordinates with Department of Pesticide Regulation (DPR), the local County Agricultural Commissioner, and local laboratories to develop a list of products that should be included for sampling based on risks and laboratory testing capabilities. Lab capacity has presented challenges in other regions, and it is important that the Vineyard Order monitoring requirements won't overwhelm laboratory capacity. We also think it is valuable to support the local laboratories and not rely on shipping samples to out-of-state labs as a solution to local lab capacity challenges.</p> <p>Request: Eliminate pesticides that are not labeled for use in winegrapes from the list of pesticides that require monitoring. Work with DPR to identify pesticides for which private labs have testing capability and eliminate pesticides from the list if private lab tests aren't available.</p>	See Pesticide Monitoring General Response A, B, and C.

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Dodd 3	<p>The 2018 Summary of Pesticide Use Data report (the most recent one published and which keeps data back to 1966) reports that in Sonoma County 2,568,164 lbs of “active ingredients” of pesticides were used. This data does not include inactive ingredients which include PFAS. There is no comparable report for fertilizer. Today we know that many pesticides and seeds are coated with PFAS. PFAS is found in drinking water in every county in California and across the country. PFAS are a family of chemicals known as forever chemicals of persistent organic pollutants since they do not break down easily. They have been in widespread commercial use since the 1950s and water districts and water Boards, are now acknowledging that PFAS removal is an expensive and serious problem which is just beginning to become a subject for litigation. The US EPA comment period on allowable levels of PFAS in drinking water ended earlier this year and final regulations are still being developed.</p> <p>As a public health nurse, I am concerned with both pesticides (active and inactive ingredients) and PFAS which causes a myriad of health problems including liver damage, immune disorders, cancer and endocrine disruption -- meaning they mimic or interfere with the body's natural hormone processes. The immune system is sensitive to PFAS and the CDC ASTDR recently released a warning in 2021 about PFAS and vaccine sensitivity. I'd like to associate myself with the recommendations of Russian River Keeper AND add PFAS to the list of chemicals to be monitored.</p>	<p>See Representative Pesticide Monitoring General Response. Please refer to the report titled “Pilot Monitoring of Constituents of Emerging Concern in the Russian River Watershed”.</p> <p>https://www.waterboards.ca.gov/water_issues/programs/swamp/docs/reglrpt/s/cecpilotstudyinreg1.pdf</p>
Clark 1	<p>I am a grape grower in Mendocino County. Although my vineyard is not yet certified organic, it has been “no-spray” for the past decade. I am concerned about toxic runoff from vineyards that do spray chemicals, and would like to see more vineyards move toward organic production. I believe the proposed rule should be restructured in order to encourage organic practices which not only protect our water but the air quality for people living near vineyards and vineyard workers. While \$15/acre/year seems reasonable to me given the impact of the chemicals used, I believe certified organic producers should be exempt as a means to encourage non-organic producers to move in that direction. Thank you for your time and attention to this matter.</p>	<p>Staff appreciate the commenter’s perspective on pesticide use and note the Proposed Vineyard Order includes monitoring requirements for vineyards which use certain pesticides. Requirements of the Proposed Vineyard Order expand and contract in response to both the threat and complexity of vineyard operations and monitoring results. No changes were made to the Proposed Vineyard Order in response to this comment.</p>

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Comment Number	Comment	Response
Form Letter C 7	<p>Pesticide Monitoring</p> <ul style="list-style-type: none"> Some of the products on the list of 20 required pesticides for monitoring are not labeled for use in vineyards. We know that the list of 20 required pesticides for monitoring includes chemicals for which local labs have no tests. It is important that if monitoring is required that local labs are available to conduct the tests. There is no method to determine whether pesticides detected are being applied by urban users, as opposed to ag users. There should be clear requirements for the determination of testing sites so that sites are not chosen that are downstream from urban areas. 	See Pesticide Monitoring General Response A and B and response to comment CAWG 34
Hume 10	<p>A 2019 study recognized chemical pollution, including pesticides, as the second leading driver for the worldwide decline in insect populations. Pollinators rely on their native habitats for food, reproduction, and safety. Pollinator habitats must be protected</p>	Comment Noted
Hume 11	<p>The social cost of pesticide use is estimated at \$10 billion per year, but the harm to children, pregnant women, public health, and the losses of pollinators, birds, fish, insects, biodiversity, healthy soils, food production, and climate change can not be fully captured. How could we put a price on a child's health and future? Documented pesticide poisonings, shorter lifespans, and severe health problems of farmworkers are of significant concern</p>	See Pesticide Monitoring General Response B
Hume 12	<p>The commenter described toxic effects to humans, fish, and insects for the following pesticides: neonicotinoids, 2,4-D, Dicamba, pyrethroids, Bromacil, Organochlorine Chlorothalonil, Organosphosphate Dimethoate, Diuron, Kresoxim-methyl, Metam-sodium, paraquat dichloride, phospmet, propanil, propiconazole, thiophanate-methyl, triforine, linuron.</p>	See Pesticide Monitoring General Response B

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Hume 13	The commenter referenced highly effective organic pest control methods and agricultural practices such as regenerative practices, organic farming, permaculture, biological controls, polyculture, sustaining clean soil.	See Pesticide Monitoring General Response B. Regional Water Boards are unable to prescribe a method or manner of compliance to Enrollees. However, the Proposed Order has been modified to include monitoring incentives for management practices that are consistent with the practices the commenter notes. See Sediment and Erosion Control General Response.
Hume 14	To protect the health and safety of the environment and people of California, synthetic pesticides must be banned, and alternative pest control methods must be researched and implemented.	See Response to Comment CAT 10
Hume 15	CleanEarth4Kids.org supports requiring all industries, including grape growers, to report all pesticides and chemicals they use to provide the NCRWB with the data they need to protect and restore the Russian River Watershed.	Pesticide Use Reports are submitted to County Agricultural Commissioners. The Proposed Vineyard Order was revised to include a list of pesticides primarily used on winegrapes in Sonoma and Mendocino Counties. See Pesticide Monitoring General Response.
Hume 3	Wine grape growers around the Russian River must report all chemicals they are using as required in the proposed program as all other industries currently do. The Sonoma Wine growers sustainability program is not mandatory and lacks any oversight, controls or verification.	Pesticide Use Reports are submitted to County Agricultural Commissioners and can be obtained through the California Department of Pesticide Regulation website.

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Hume 4	<p>It is imperative to protect this irreplaceable natural resource. The North Coast Regional Water Board must take action to monitor pesticide pollution in the Russian River Watershed. Pesticides used in agriculture do not stay where they were used with over 98% of sprayed insecticides and 95% of herbicides drifting through the air, absorbed into the soil or running off into waterways.⁵ The National Water Quality Assessment (NWQA) shows agricultural runoff as the main cause of pollution in rivers and streams. These toxic chemicals harm the health of humans, wildlife and the environment. They must be not only fully monitored, but their use must stop.</p>	Comment Noted.

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Hume 5	<p>The US only bans 21 pesticides, while China and the EU ban 54 pesticides and the EU bans 195 pesticides. Legal does not mean safe! Pesticide companies often sit on panels, committees, and working groups to "advise" regulators and have ensured the EPA relies almost entirely on industry-funded studies. There is a 10-part series in The Intercept on how the EPA is failing to evaluate and test pesticides and chemicals due to industry interference. For example, the EPA's pesticide office approved 89% of 972 industry requests to waive toxicity tests between 2011 and 2018. We must do everything possible to protect children, public health, and our environment! It is vital to transition to non-toxic pest control methods that are organic, regenerative organic, and permaculture. We must stop using synthetic pesticides and fertilizers, most of which contain fossil fuels and toxic chemicals. The EPA downplays pesticide toxicity. In 2020, the EPA decided on 1,3-D (dichloro propene) that downgraded the pesticide's cancer rating from "likely to be a carcinogen" to "suggestive evidence of carcinogenic potential," despite their studies as well as independent studies confirming the presence of tumors and lesions in animal studies. Dichloropropene was initially listed as a probable carcinogen in 1985, and this finding was established in 1989 and again in 2005. Despite this, the categorization is still in place, downplaying the harm to human health and the environment. Farmworkers are especially vulnerable, as the United States uses about 40-50 million pounds of 1,3-D each year, making it the 4th most used pesticide in our country's agricultural sector. Some farmworkers are 14 times more likely to be exposed by air to 1,3-D due to the DPR allowing for a push to change the tolerance threshold. We must protect our farmworkers and ensure their health status does not become vulnerable due to their working conditions. This carcinogenic categorization downgrade of 1,3-D represents how little the EPA is required to show concern and make changes to improve the risks to human health and the environment. The only factors that should be considered are the scientifically proven dangers to health and wildlife, not what the pesticide companies want or believe to be true.</p>	Comment Noted

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Hume 6	Pesticides are dangerous to animal and human health and cause acute and long-term effects from exposure through dermal and oral pathways, inhalation, and the eyes. Long-term effects of pesticides can take years to manifest after exposure. Allergic reactions can also occur in humans. Acute and long-term impacts usually impact the reproductive, central nervous, and endocrine systems. The long-term health consequences are especially concerning since the sources of exposure are hard to identify, and illnesses are difficult to reverse, especially lymphoma, leukemia, breast cancer, asthma, and immune system disorders	Comment Noted
Hume 7	Broadly, synthetic pesticides can threaten human and habitat health by leading to pesticide resistance. Unlike natural pesticide strategies, insects can become resistant to synthetic pesticides, leading companies to create more toxic pesticides or communities to apply more in their local environments. Currently, 500 species of insects and mites are resistant to one or more pesticides. Additionally, pesticides can persist in the soil and water for years, poisoning environments and can bio magnify the food chain, threatening the quality of the food supply. Pesticides can also threaten the food supply through residues on produce. In the U.S., the EPA measures and limits the number of pesticides on food after the passage of the Food Quality Protection Act (1996). However, lower-income countries perform different investigations. The lack of regulation in these countries hurts the global environment, worsens pesticide resistance, and disproportionately threatens the quality of imported food.	See Response to Comment CAT 10
Hume 8	Organophosphates are toxic and highly harmful to humans and wildlife alike. Chlorpyrifos is an organophosphate that harms human health and the environment. Children and farmworkers are the most vulnerable, with even small amounts of chlorpyrifos being toxic. The EPA banned the use of chlorpyrifos on any food sold in the United States in 2022, and it has been banned from residential use for over two decades. That is the only organophosphate pesticide that the EPA has banned. All organophosphates must be denied as a class due to their harm to human health and the environment	See Response to Comment CAT 10

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Hume 9	CleanEarth4Kids.org calls for the ban of neonicotinoid pesticides including neonicotinoid-treated seeds (Letter writer provided rationale).	See Response to Comment CAT 10.
Olson 5	<p>List of monitored pesticides are presumed risks that do not align with already existing prohibitions under California law. While we appreciate that monitoring is not required if the materials are not used, we note, however, several issues with the proposal for pesticide monitoring.</p> <p>First, ten of the pesticides listed in the draft general order are on the California restricted materials list if the listed pesticide is an active ingredient. Specifically, "thiobencarb" is listed as generally restricted for use in California. This raises concerns with respect to how this order intends to integrate, support, and align with existing regulations.</p> <p>For example, the CCSW certification program has a "red list" of prohibited crop protection materials; Some materials listed for monitoring are on this list. We strongly believe the downward trend in use of these materials is due to the increase in CCSW certified vineyards that are already prohibited from using them.</p> <p>There are also chemicals listed for which local labs have no tests. It is important that if monitoring is required, local labs are available to conduct the tests.</p> <p>There is no method to determine whether pesticides detected as part of the monitoring plan are in fact from agricultural use as opposed to non-agricultural use. There should be clear requirements for the determination of testing sites so that sites are not chosen downstream from urban areas.</p> <p>Further, organic producers are extremely limited to which materials they can apply to their vineyards. Mendocino County has one of the highest percentages of organic certified vineyards by acreage in the state. As such, the order should consider omitting from monitoring those vineyards that are already prohibited from applying materials due to their organic certification.</p>	See Pesticide Monitoring General Response A and B, and response to comment CAWG 34. The Proposed Order only requires monitoring for pesticides that were used in vineyard operations. Individual Enrollees, for example, would not have to monitor for any pesticides that were not applied across their enrolled parcels in the previous 5 years.

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Olson 8	Per 2022 grape acreage report, of the 16,677 bearing acres in Mendocino County, approximately 3,810 are certified organic. Thus, about 1/4 of growers in Mendocino County should not be required to comply with soil testing protocols to monitor for nitrogen leeching or pesticide monitoring protocols due the nature of organic products.	See Pesticide Monitoring General Response A and B, and response to comment Olson 5
Rawson 1	There needs to be an exemption for small farmers that are no pesticide spray for monitoring because the cost is prohibiting to small farmers verses corporate agriculture Thank you for your consideration.	The Requirement to monitor groundwater for pesticide applies to vineyards which have applied pesticides found on the CDPR 6800(a) list. The surface water monitoring requirements follow a similar approach. Monitoring only occurs for pesticides that were applied on vineyard operations.
SCFB 13	<p>While requiring monitoring only for those pesticides/chemicals that are being used on a vineyard, some of the products on the list of 20 required pesticides for monitoring -are not labeled for use in vineyards (propiconazole and thiobencarb). Additionally, we know that the list of 20 required pesticides for monitoring includes chemicals for which local labs have no tests. It is important that if monitoring is required, local labs are available to conduct the tests. Otherwise, it will be difficult to comply with the permit requirements.</p> <p>There is no method to determine whether pesticides detected are being applied by urban users, as opposed to ag users. There should be clear requirements for the determination of testing sites so that sites are not chosen that are downstream from urban areas and their background noise. The list of pesticides/chemicals be reviewed and reevaluated to include only those pesticides/chemicals listed for winegrape use and only for those pesticides/chemicals that labs within a reasonable distance can test for.</p>	See Pesticide Monitoring General Response A, B, and C, and response to comment CAWG 34

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Smith 4	Work with your staff to revisit the data sampled from the Department of Pesticide Regulation (DPR) pesticide use reports. When pulling data on pesticide use in vineyard agriculture it would be advised to pull use report data for the past 5 years instead of 10. Chemistry and use trends change over time and your current draft order only requires that enrolled entities sample for pesticide active ingredients every 5 years for surface water quality. Board-sampled data should reflect the sampling periods expected of enrolled entities	See Pesticide Monitoring General Response B. Staff evaluated data over the past 5 years instead of 10 years and worked with California Department of Pesticide Regulation in developing revisions to pesticide monitoring in the Proposed Vineyard Order.
CAFB 8	The Proposed Vineyard Order Improperly Relies on Water Quality Objectives That Have Not Been Properly Adopted. Within its Basin Plan, the North Coast Regional Board has established numerous general narrative and numeric WQOs, including a narrative WQO for pesticides and turbidity. Before being used as a numeric limit, a pesticide or turbidity WQO must be adopted properly, pursuant to Water Code sections 13240 et seq., and must be based on proper evidence. The North Coast Regional Board cannot incorporate by reference or rely on analytical numeric values to interpret and apply the narrative pesticide WQOs within its Basin Plan, without at least having an adopted policy for such interpretations. No such policy exists in the Basin Plan. The proposed Vineyard Order uses the Method Detection Limit (MDL) as a proxy for a numeric water quality objective for pesticides, with any exceedance of a pesticide’s MDL triggering additional follow-up annual monitoring. Similarly, the proposed Vineyard Order sets a turbidity benchmark of 250 NTU for agricultural drainage structures. Exceedances trigger additional follow up and requirements. However, the Basin Plan’s turbidity WQO is narrative. These requirements are improper, as the North Coast Regional Board has not adopted any numeric pesticide water quality objectives or numeric turbidity water quality objectives.	The commenter incorrectly states the Draft Vineyard Order incorporates effluent limits for pesticides and turbidity. The Proposed Vineyard Order retains a turbidity benchmark for adaptive management which is not an effluent limit. With regard to pesticides, the Proposed Vineyard Order retain pesticide monitoring and uses exceedance of a pesticides test MDL as a requirement for continued monitoring and not an effluent limit. Further, the comment is incorrect in its assertion that the Regional Board must have an adopted policy to interpret the narrative objective. No changes were made in response to this comment.

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CAT 5	<p>“Developing the Vineyard Permit fulfills the objective of the Nonpoint Source Policy, which requires a permit, prohibition, or waiver for nonpoint source activities.” [p 4 Initial Study]</p> <p>This statement indicates that absent a permit, nonpoint source activities will be subject to prohibition or waiver to undertake these activities. Yet it is unclear how a permit will incorporate the use of pesticides that are known to impact aquatic and other organisms in the watersheds or whether the chemicals will be prohibited or subject to application for a waiver. Neither the Department of Pesticide Regulation nor the County Agricultural Commissioner issue a permit for pesticide use except in the case of planned use of a Restricted Material (pesticide) for which the applicator must obtain a permit from the Agricultural Commissioner. There is no other agency to sue vineyard pesticide users except in dire circumstances such as a massive chemical spill or when finding an unregistered product has been used. Citizen lawsuits for pesticide use are limited. Without adequate protection under the General Permit from the use of pesticides known to threaten environmental quality no road improvements, vegetation buffers or other physical barriers to the discharge of water will be adequate to prevent harm to the waters of the state.</p>	See Response to Comment CAT 10 and Pesticide Monitoring General Response B.
Henrioulle 14	Page 14, para E4 – Is there any correlation between reported/documented pesticide detections and the location(s) of vineyards and other potential sources, and/or with vineyards that have actually reported using the specific chemicals? Could urban runoff or other agricultural users also be possible sources in these areas?	See Representative Pesticide Monitoring General Response. CDPR screened the 20 pesticides identified in the Draft Vineyard Order and recommended 21 pesticides for monitoring that had over 95% use in winegrapes and a high toxicity to aquatic life. This monitoring list was screened to avoid signal from other land uses.

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MCFB 30	<p>Regarding pesticide monitoring, some of the products on the list of 20 required pesticides for monitoring within the Order are not labeled for use in vineyards. The list of required pesticides also includes chemicals for which local labs have no tests. It is important that if monitoring is required that local labs are available to conduct the tests. In addition, there is no method to determine whether pesticides detected are being applied by urban users, as opposed to agricultural users. There should be clear requirements for the determination of testing sites so that sites are not chosen that are downstream from urban areas. Attachment B P 8 "The Third-Party Group shall monitor representative surface water sites for the pesticides listed in Table BS that have been applied to winegrapes in Sonoma and Mendocino Counties according to the last available CDPR Pesticide Use Reports. Surface water pesticide monitoring shall occur once every five years. The Executive Officer may revise required pesticides for monitoring as trends in use and detections shift "</p> <p>There is no method to determine whether pesticides detected are being applied by urban users, as opposed to ag users. There should be clear requirements for the determination of testing sites so that sites are not chosen that are downstream from urban areas.</p>	<p>See Pesticide Monitoring General Response A, B, and C, and response to comment CAWG 34</p>

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RR 51	<p>Pesticides –We generally support the proposed process for pesticide testing, with testing limited to those applied to a vineyard in the last two years. However, we would strongly encourage the Regional Board to take a phasing down approach similar to that proposed for turbidity monitoring instead of a 5-year trend approach. First, if sampling is only required every 5 years, that is extremely difficult to identify a trend from and would really require 15+ years’ worth of trend reports to make a determination. Second, pesticides used in agricultural practices can have immediate and long-term health impacts to watershed species and humans. A 5-year schedule is only appropriate if a vineyard is 100% not applying any pesticides, has not done so in the last three years, and does not plan to apply any in the future. As such, we recommend annual monitoring and reporting requirements for pesticides be increased unless a vineyard can show non-use. Further, because pesticides accumulate in sediment and are known to disrupt fish reproduction, cause species death, and can negatively impact human health it is important that all pesticides and soil additives utilized by vineyards are incorporated into this permit.¹⁶ For this reason, we recommend the following pesticides be added to the monitoring list as they are in the top 5 of applied pesticides for our region and are known to have significant impact on health: 1. 4- nonylphenol, formaldehyde resin, propoxylated and 2. 1,3 dichloropropene. We also recommend monitoring and reporting be expanded to include copper which is commonly used by vineyards to address bacteria and fungi growths, which means it falls within the proposed pesticide definition. As one of the few deterrents available to organic certified vineyards, it is important that copper be monitored for to ensure our waters are drinkable and safe for all beneficial uses. Copper in high enough concentrations is known to impact fertility, damage red blood cells, and reduce the blood’s oxygen carrying capacity. Due to the impacts and nature of harms that can result from these pesticide uses, we recommend that the Regional Board utilize numerical standards so that exceedances can be noticed and reported to the Regional Board and the public in a timely manner. Also, propose more frequent monitoring at first with phased-down approach.</p>	<p>See Pesticide Monitoring General Response A and B. The Proposed Vineyard Order retains the requirement that a detection of a pesticide above the MDL triggers annual monitoring for that pesticide in that location. Trends in annual pesticide detections are analyzed every five years. The Proposed Vineyard Order was modified to include monitoring thresholds based on promulgated water quality objectives that, when triggered, require immediate adaptive management for all Enrollees in the watershed who have applied that pesticide.</p>

Statewide ILRP Precedents

General Comment: Commenters request the Proposed Vineyard Order delay or eliminate certain nitrogen reporting requirements that are part of the Statewide Irrigated Lands Regulatory Program (ILRP) precedents. Commenters noted that the Regional Board should consider data specific to groundwater impacts from commercial vineyards before making a groundwater vulnerability determination for the purposes of the Statewide requirements. Some commenters pointed out that vineyards use less nitrogen than commodities in other areas of California. Some commenters requested that vineyards to be recognized as a crop that doesn't leach nitrogen below the root zone in amounts that could impact groundwater to eliminate the nitrogen application and removal reporting requirements from the Vineyard Order.

General Response: The State Water Board Irrigated Lands Regulatory Program sets forth precedential requirements for all Regional Irrigated Lands in [State Water Resources Control Board Order WQ 2018-0002](#) ²In the Matter of Review of Waste Discharge Requirements General Order No. R5-2012-0116 for Growers Within the Eastern San Joaquin River Watershed (ESJ Order).

The Statewide Irrigated Lands precedents require that development of Groundwater Protection Formulas and certification of irrigation and nutrient management plans be prioritized in "high vulnerability" groundwater basins which are defined in the ESJ Order as areas "where known groundwater quality impacts exist for which irrigated agricultural operations are a potential contributor or where conditions make groundwater more vulnerable to impacts from irrigated agricultural activities." The Draft Vineyard Order established Priority 1 and 2 groundwater basins from the Groundwater Basin Evaluation and Prioritization Resolution No. R1-2021-0006 as 'high vulnerability' and all other groundwater basins within the North Coast Region as 'low vulnerability.'

The Proposed Vineyard Order delays the determination of 'high vulnerability' groundwater basins (which is a prerequisite for certified Irrigation and Nutrient Management Plans) until after an initial period (5 years) of data collection. The data collected would include reported nitrogen applied and removed as well as groundwater trend monitoring data which would be specifically designed to evaluate the impacts to groundwater from commercial vineyards.

Staff consulted with regions with winegrapes enrolled in Irrigated Lands Orders (i.e., Region 3 and Region 5), and found no precedents or approvals at this time for including winegrapes with commodities such as rice and irrigated pasture that do not leach nitrogen past the root zone. The Regional Water Board does not currently have the data to

² View the ESJ Order here:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2018/wgo2018_0002_with_data_fig1_2_appendix_a.pdf

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support the contentions that nitrate pollution to groundwater from vineyard activities is not a problem. In the absence of that data, the Regional Water Board could not support a finding that nitrogen does not seep below the root zone and vineyards should be exempt from certain requirements of the ESJ Order.

The Proposed Vineyard Order was modified to include language that allows the Coalition to produce data or information to demonstrate that winegrapes should be recognized as a crop that doesn't leach nitrogen below the root zone in amounts that could impact groundwater to eliminate certain nitrogen application and removal reporting requirements from the Vineyard Order.

Comments:

Comment Number	Comment	Response
CAWG 23	<p>Winegrape growers, particularly coastal growers, do not promote vine vigor or maximize yields. Instead, growers focus on minimizing fertilization to maximize quality. To do this, growers utilize tools such as tissue or petiole sampling to ensure that nitrogen applications are not excessive and only meet what the vine needs. In some vineyards, this means that no nitrogen fertilizers are applied. Additionally, because vineyards use sustainable water management practices, when nitrogen is used, it is quickly absorbed in the roots of the vine and is unlikely to reach groundwater or run off from the vineyard. According to reporting by vineyards utilizing CCSW's nitrogen reporting tool, 94 percent of vineyards in Mendocino County and 96 percent of Sonoma County vineyards apply less than 50 pounds of nitrogen per acre. Additionally, the Conclusions of the Agricultural Expert Panel report to the State Water Resources Control Board cited findings identifying vineyards as a low hazard crop for nitrates. Despite these facts, the State Water Resources Control Board (State Board) chose not to recognize individual crops with lower nitrate hazard risks when it set the ESJ Order precedents. However, the State Board did provide some offramps allowing simpler nitrogen compliance options for crops that don't leach nitrogen below the root zone in amounts that could impact groundwater. We believe that this allowance needs to be utilized within the Vineyard Order to allow vineyards a simpler path to compliance with the nitrogen precedents set in the ESJ Order.</p>	<p>See Statewide ILRP Precedents General Response</p>

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Comment Number	Comment	Response
CAWG 24	<p>Existing groundwater monitoring data does not identify North Coast vineyards as leaching nitrates to groundwater. For example, vineyards and other crops have been farmed in the Alexander Valley for over 100 years. There are data from 64 wells in the Alexander Valley on California’s Groundwater Information System. Over the last ten years, two of those wells showed moderate nitrate levels. Neither of those two well locations are associated with vineyards. Other groundwater basins on the North Coast show similar data. Consider ESJ Order allowance for crops that don’t leach nitrogen below the rootzone in amounts that could impact groundwater.</p>	See Statewide ILRP Precedents General Response
CAWG 25	<p>The State Board is currently considering petitions to the Central Coast Regional Board’s Ag Order 4.0. In its draft order responding to these petitions, the State Board is planning to reinstitute the Agricultural Expert Panel to review the nitrogen data collected to date by the state’s irrigated lands regulatory programs (ILRP) and consider possible adjustments to nitrogen use and reporting requirements. This presents a perfect opportunity for the Regional Board to request recognition of the low use of nitrogen by vineyards and limit nitrogen use requirements under the Vineyard Order.</p> <p>We recommend the Regional Board utilize its authority to allow for much simpler compliance pathways for vineyards due to their low levels of nitrogen use and the corresponding low probability of vineyards to leach nitrate below the rootzone in levels that would impact groundwater. We believe a way to achieve the needs of having data to show low nitrate leaching risks would be to ask the third-party groups to gather representative nitrogen use data and corresponding groundwater data to document the low application rates and risk of leaching below the rootzone and report this five years after adoption of the Vineyard Order. Unless groundwater monitoring shows increasing levels of nitrate at some point in the future, the initial report would stand on its own. If increasing levels of nitrate attributable to vineyard nitrogen applications are found in the future, at that point additional nitrogen use reporting and monitoring can be required.</p>	See Statewide ILRP Precedents General Response

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Comment Number	Comment	Response
CAWG 26	<p>This concept is similar to what is in place for rice growers in the Sacramento Valley subject to the Central Valley Regional Board’s WDR General Order for Sacramento Rice Growers. That Order requires the California Rice Commission (CRC) to continue updating its groundwater assessment report every five years to ensure that nitrate levels aren’t trending upwards, but the CRC can use well monitoring data from existing sources (e.g., Department of Pesticide Regulation, U.S. Geological Survey, Groundwater Information System, etc.). Rice growers are also required to participate in annual outreach events, implement water quality management practices, submit a farm evaluation, and test domestic wells on their properties, but they don’t have extensive nitrogen monitoring and reporting requirements.</p> <p>The Vineyard Order requires vineyard owners with vineyards in groundwater basins that have been identified as priority 1 or priority 2 basins by the Regional Board will have to get their irrigation and nutrient management plans (INMP) certified either by becoming trained themselves by taking CDFA’s Irrigation and Nitrogen management training or by completing it with a Certified Crop Advisor who has completed the California Nitrogen Management exam. As noted above, vineyards have not been shown to contribute to nitrate exceedances in North Coast groundwater basins. We recommend utilizing the model described above created by the CRC as an alternative to requiring INMPs and having them certified.</p>	See Statewide ILRP Precedents General Response
CAWG 27	<p>We also recommend following the Colorado River Basin Regional Board’s example when it comes to complying with the township-level targets for nitrogen loading. In its 2020 adoption of its General Order for Irrigated Agricultural Lands Dischargers in Coachella Valley it chose not to require township-level targets.</p>	See Statewide ILRP Precedents General Response. The Proposed Vineyard Order takes a similar approach to the Colorado River Basin’s Irrigated Lands Orders in the delay of certain Statewide Precedential requirements pending a review of data.

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Comment Number	Comment	Response
CAWG 28	<p>The North Coast Regional Board can make a reasonable argument that its available groundwater data doesn't identify areas where vineyards may be causing or contributing to exceedances of water quality objectives and/or trends of degradation that may threaten applicable Basin Plan beneficial uses. Groundwater data gathering by third parties to ensure groundwater nitrate levels attributable to vineyards don't increase over time. If trends are identified documenting risk to groundwater from vineyard nitrogen applications, the Regional Board can revisit whether to require the development of township-level targets for nitrogen loading.</p> <p>Request Allow vineyards to be recognized as a crop that doesn't leach nitrogen below the root zone in amounts that could impact groundwater to eliminate the nitrogen application and removal reporting requirements from the Vineyard Order. Utilize the General Order adopted for Sacramento Valley Rice Growers as a model for nitrogen requirements. Eliminate the need to establish township-level targets.</p>	See Statewide ILRP Precedents General Response
Chen 3	<p>An Expert Panel was initially assembled to address questions pertaining to the Irrigated Lands Regulatory Program (ILRP). In 2014, the Expert Panel recommendations were focused on crops that maximize yields through nitrogen applications, and thus carry a risk of nitrate leaching below the crop root zone. This model may be useful for agricultural regions with high yield output as a main objective of farming. However, throughout California there are growers of certain crops who do not want vigor or to maximize yields. Wine grapes, in particular, are one of few crops grown with an attention to fruit quality which outranks the desire for high yields; this is a notable phenomenon in the premier grape growing regions of California, such as Region 1. Growers for these crops focus on minimizing fertilization to maximize quality. Grapevines under abiotic stress conditions, such as low nutrient inputs, produce higher concentrations of phenolic compounds desired by winemakers when making premier quality wines. Often, growers of premier wine grapes use tools such as tissue or petiole sampling to ensure that nitrogen applied exactly matches needs. While nitrate leaching may be a source of nitrate additions to groundwater in high-yield agricultural areas such as the San Joaquin Valley, this is far from a concern for cropping systems with low scores on the nitrogen hazard leaching index, such as grapes in Region 1.</p>	See Statewide ILRP Precedents General Response

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Comment Number	Comment	Response
Chen 4	<p>If the proposed Draft Order is to be reconsidered and not adopted as written, I would respectfully request a reconvening of the Agricultural Expert Panel which extends the expert panel to include experts in Region 1 cropping systems and fertilization practices. Crops with a low risk of nitrate leaching, such as wine grapes should have a path to compliance which demands a lesser regulatory and economic burden. Growers whose management practices are actively monitored by third-party certification agencies and who implement precise nitrogen management practices for their crops should not be held to the nitrogen reporting requirements presented in this draft order; requirements which are more applicable in high-yield producing regions such as the Eastern San Joaquin River Watershed.</p>	<p>See Statewide ILRP Precedents General Response. The State Board has convened a Second Statewide Agricultural Expert Panel. The purpose of this Panel is to consider effectiveness of ESJ requirements. The public comment period on proposed questions for the Second Statewide Agricultural Expert Panel closed on June 28, 2024.</p>
Form Letter C 6	<p>We understand that the Regional Board must adopt nitrogen monitoring and reporting requirements because of the precedents set by the East San Joaquin Order. But we urge you to change the requirements in the proposed Region 1 order to reflect the fact that applied nitrogen in wine grape vineyards is minimal in this region. It is important to note that the Ag Expert Panel involved in the East San Joaquin Order already recognized that vineyards are rated as low on a soil hazard index rating for nitrogen. During the public workshop on August 4th, Water Board staff acknowledged that if a third party can show that nitrogen won't seep below the root zone, they can include a nitrogen management exemption in this order. Considering the small amounts of nitrogen used in growing wine grapes, we encourage a path to this exemption be included in this permit. Vineyards rarely conduct soil tests to gather nitrogen data. Instead, they use tissue and petiole testing to assess vine nitrogen need. This means that the order's requirement to conduct soil testing for nitrogen will be an added cost without any benefit.</p>	<p>See Statewide ILRP Precedents General Response and response to Chen 4.</p>

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Comment Number	Comment	Response
JFW 4	Finally, holding off on the nitrogen requirements, particularly TNA reporting, until after the Ag Expert Panel meets and determines a future regulatory path for nitrogen compliance in irrigated lands programs. Alternatively, utilize the nitrogen reporting already collected by the third party programs until the Ag Expert Panel makes their determination.	See Statewide ILRP Precedents General Response and response to Comment Chen 4.
Munk 6	While nitrate leaching may be a source of nitrate additions to groundwater in high-yield agricultural areas such as the San Joaquin Valley, it is important to note that the Ag Expert Panel involved in the East San Joaquin Order already recognized that vineyards are rated as low on a soil hazard index rating for nitrogen. Vineyards rarely conduct soil tests to gather nitrogen data. Instead, they use tissue or petiole testing to assess vine nitrogen need. This means that the order's requirement to conduct soil testing for nitrogen will be an added cost without any benefit. The commenter requests that an exemption process for nitrogen reporting requirements be included in the Vineyard Order.	See Statewide ILRP Precedents General Response
Olson 6	<p>Nitrate use is a presumed risk that does not align with already existing requirements of the certification programs</p> <p>We understand that the Regional Board must adopt nitrogen monitoring and reporting requirements due to the precedents set by the East San Joaquin Order. We urge you to change the requirements to reflect the fact that applied nitrogen in wine grape vineyards is minimal and organic producers cannot even apply nitrates. Thus, this requirement is not applicable to nearly a quarter of the growers in Mendocino County¹ and requiring nitrate monitoring protocols for these growers is both unreasonable and does not further the order's goals or intent.</p> <p>During the public workshop on August 4th, Board staff acknowledged that if a third party can show that nitrogen will not seep below the root zone, staff can include a nitrogen management exemption in the order. We support this. Considering the small amounts of nitrogen used in growing wine grapes and the various programs that do not permit nitrogen applications, we encourage a path to this exemption be included in the permit. We also encourage staff to review these certification programs with respect to nitrogen exemptions, as there may be opportunities to leverage the parameters established by these existing programs' who already have a robust collection of monitoring data and tested protocols for such exemptions.</p>	See Statewide ILRP Precedents General Response

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Comment Number	Comment	Response
SAVE and SCV 4	<p>Staff, as well as commenters at the workshop, pointed out the significant differences between the Eastern San Joaquin River Watershed and the North Coast watersheds of the Russian River, the Navaro River and the Gualala River. North Coast grape production has little in common with issues of Central Valley agriculture. These include:</p> <ul style="list-style-type: none"> • The application of nitrogen is significantly less (if at all) for grapes versus row crops grown in the valley. There is no evidence that the intrusion of salts or nitrogen into the groundwater are present in Sonoma County that exist throughout the Valley. We understand from comments made by staff during the workshop that an exemption to nitrogen reporting requirements can be sought if it can be proven any nitrogen application does not seep below the root zone. We strongly urge that this path be written into the Draft Vineyard Order. • The topography of the North Coast hillside and valley floors has no resemblance to Central Valley agricultural properties making the proposed sampling unable to distinguish the source of sediment (vineyard, rural roads, rural residential and landslides). • The concentration of vineyards, while significant in some valley areas, represents a small percentage of land use in Sonoma and Mendocino Counties. Vineyards in Sonoma County represent less than 10% of the land in the County but are responsible for 100% of the Order in the absence of any verified impact. • Most agricultural parcels located in the North Coast are small operations with 52% of the vineyards in Mendocino County at 15 acres or less. In Sonoma County, that number is 70%. In the Central Valley, agriculture is dominated by large corporate operations. 	<p>See Statewide ILRP Precedents General Response. See also Sediment and Erosion Control General Response and Representative Turbidity Monitoring General Response.</p>

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Comment Number	Comment	Response
Frey 1	<p>I ask that your board request that the State Water Quality Control Board reconvene its Agriculture Expert Panel to reassess the use of East San Joaquin Valley Watershed as setting precedence for other regions in the state.</p> <p>The draft regulations for Region 1 are based on regulations from the Central Valley District. East San Joaquin Valley River Watershed is likely the most diverse agriculture in the state with multiple crops and where agricultural lands comprise a significant percentage of the total land area in the region.</p> <p>The region has documented nitrates in well water and pesticides in groundwater. They use different pesticides and many crops utilize much more nitrogen fertilizer than grapes in Sonoma County.</p> <p>Landowners have large acreages with few small farmers that are impacted by their regulations.</p> <p>Sonoma County grapes comprise 6% of the county's land area.</p> <p>Since 2001, all new & replanted vineyards in Sonoma County have required a VESCO (Vineyard Erosion and Sediment Control Ordinance) permit which requires an erosion control plan and on slopes over 10 or 15%, that plan must be done by a civil engineer.</p> <p>There are approximately 1500 vineyard owners in Sonoma County with a majority in the Russian River Valley watershed.</p> <p>Small vineyard owners comprise 70% of grape growers and farm less than 15 acres. The cost of monitoring and reporting for small growers will be a significant financial burden for these growers.</p> <p>Nearly all vineyards have cover crops during the rainy season.</p> <p>Vineyards in floodplains likely have more sediment deposited on their lands during floods than they contribute to the streams.</p> <p>Grapes have low nitrogen demand compared to many annual or tree crops.</p>	See Response to comment SAVE and SCV 4.

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Comment Number	Comment	Response
Frey 3	<p>I would assume Regional Water Quality Control Boards were created because different regions in the state have different water quality issues that require regional regulation. Nevertheless, ESJ Waste Discharge Orders have been given precedence for the entire state for nitrates and pesticides in groundwater. One size does not fit all! What data exists to show nitrate contamination from vineyards in domestic wells or groundwater in Sonoma County? And where high nitrates are found, is that on vineyard properties or is it related to failed septic systems or other sources of nitrates outside vineyards? If there are not data that show impaired water quality related to vineyard operations as has been documented in the ESJ watershed, why require expensive monitoring and reporting by vineyard owners? If a survey of wells or groundwater is needed to determine if problems exist, why is that not a responsibility of the RWQCB? Unless vineyard related water quality issues are found, vineyard owners should not be required to do extensive and costly monitoring.</p>	<p>See Statewide ILRP General Response. The requirements for groundwater trend monitoring are required of all regions in their agricultural orders.</p>
SCFB 12	<p>We understand that the Regional Board must adopt nitrogen monitoring and reporting requirements because of the precedents set by the East San Joaquin Order. But we urge you to change the requirements in the Proposed Order to reflect the fact that applied nitrogen in wine grape vineyards is minimal in this region. It is important to note that the Ag Expert Panel involved in the East San Joaquin Order already recognized that vineyards are rated as low on a soil hazard index rating for nitrogen. Grape growers are not farming for vigor and adding large amounts of nitrogen would put the focus on vine growth, not fruit quality.</p> <p>Importantly, during the public workshop on August 4th, Water Board staff acknowledged that if a third party can show that nitrogen won't seep below the root zone, they can include a nitrogen management exemption in this order as an "off ramp" for these requirements.</p> <p>Considering the small amounts of nitrogen used in growing wine grapes, we encourage a path to this exemption be included in this permit. Finally, it should be noted that vineyards rarely conduct soil tests to gather nitrogen data. Instead, they use tissue or petiole testing to assess vine nitrogen needs. This means that the order's requirement to conduct soil testing for nitrogen will be an added cost without any benefit. Incorporate a less stringent path to compliance and exemption from the more complex nitrogen reporting requirements in the Proposed Order for vineyards that can prove any nitrogen application does not travel below the root zone.</p>	<p>See Statewide ILRP Precedents General Response. The requirement to conduct soil tests are relevant to the certification of Irrigation and Nutrient Management Plans. The Proposed Vineyard Order has been modified to delay the determination of 'high vulnerability' groundwater basins, and therefore the requirement for certification unless an Enrollee has been determined to be a statistical outlier in nitrogen reporting.</p>

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Comment Number	Comment	Response
MCFB 24	<p>MCFB urges a simplified pathway for compliance as vineyards use low levels of nitrogen and have corresponding low probability to leach nitrate below the rootzone in levels that would impact groundwater. It is understood that the Regional Board is forced to adopt nitrogen requirements due to the precedents by the East San Joaquin Order. The State Water Board is currently considering adoption of and responding to petitions of the Central Coast Regional Board's Ag Order 4.0. This order proposes reconvening the Ag Expert Panel to consider if changes to nitrogen reporting should be made. This would be an opportunity to gain recognition of the low risk that vineyards present to groundwater and adjust nitrogen monitoring and reporting accordingly.</p>	<p>See Statewide ILRP Precedents General Response and response to Comment Chen 4.</p>
MCFB 26	<p>Third Party representative surface and groundwater monitoring would be a possible alternative. Third-Party groups could gather representative nitrogen use data and corresponding groundwater data to document the low application rates and risk of leaching below the rootzone in vineyards. This report can be submitted five years after adoption of the Vineyard Order. Unless groundwater monitoring shows increasing levels of nitrate at some point in the future, the initial report would be sufficient. If increasing levels of nitrate attributable to vineyard applications are found in the future, then at that time additional nitrogen use reporting and monitoring could be implemented.</p> <p>This concept is like what is in place for rice growers in the Sacramento Valley subject to the Central Valley Regional Board's WDR General Order for Sacramento Rice Growers. That Order requires the California Rice Commission (CRC) to continue updating its groundwater assessment report every five years to ensure that nitrate levels aren't trending upwards, but the CRC can use well monitoring data from existing sources (e.g., Department of Pesticide Regulation, U.S. Geological Survey, Groundwater Information System, etc.). Rice growers are also required to participate in annual outreach events, implement water quality management practices, submit a farm evaluation, and test domestic wells on their properties, but they don't have extensive nitrogen monitoring and reporting requirements. As noted above, vineyards have not been shown to contribute to nitrate exceedances in North Coast groundwater basins. We recommend utilizing the model described above created by the CRC as an alternative to requiring INMPs and having them certified.</p>	<p>See Statewide ILRP Precedents General Response</p>

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Comment Number	Comment	Response
MCFB 27	<p>During the public workshop on August 4th, Water Board staff acknowledged that if a third party can show that nitrogen will not seep below the root zone, they can include a nitrogen management exemption in this order. Considering the small amounts of nitrogen used in growing wine grapes, we encourage a path to this exemption be included in this permit.</p>	<p>See Statewide ILRP Precedents General Response</p>
MCFB 28	<p>P 13 "This Order requires monitoring of nitrate in groundwater through: (1) individual and regional groundwater trend monitoring to evaluate broad impacts of agricultural practices on groundwater and (2) drinking water well sampling to notify well users of exceedances of the nitrate MCL "</p> <p>How will responsibility be determined for, "Sources of nitrate in groundwater" include leaching of excess fertilizer, confined animal feeding operations, septic systems, and wastewater discharge to land (e.g., domestic, commercial, and industrial)</p>	<p>Grower coalitions should consider other potential sources of nitrogen in selecting wells for groundwater trend monitoring. The Draft Vineyard Order does not provide for a mechanism to determine responsibility for sources of nitrate in groundwater. Responsibility will be evaluated on a case-by-case basis.</p>

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MCFB 25	<p>P 12 "Potential sources of applied nitrogen on commercial vineyards include organic and inorganic fertilizers, slow-release products, compost, compost teas, manure, extracts, nitrogen present in the soil, nitrate in irrigation water, and nitrate in recycled water. Nitrogen efficiency management practices are a mechanism to control the discharge of nitrogen to surface and groundwater. This Order monitors the potential for discharge of nitrogen to surface water primarily through Irrigation and Nitrogen Management Plans (INMPs) which require Dischargers to (1) report nitrogen application and crop removal rates, (2) sample soil and irrigation water for nitrate concentration, (3) and identify management practices to minimize or prevent discharge of excess nitrogen to surface or groundwater This Order requires certification of the INMP and adaptive management for Dischargers who an nitrogen application statistical outliers. The Executive Officer may update the MRP to include a surface water monitoring program for nitrate should a program of implementation be adopted into the North Coast Basin Plan to evaluate nitrate in surface water or to develop a monitoring program for a nutrient TMDL." While MCFB understands that the Regional Board must adopt nitrogen monitoring and reporting requirements due to the precedents set by the East San Joaquin Order, compared to other crops, vineyards use very- little nitrogen. We urge the requirements in the proposed Order be changed to reflect the fact applied nitrogen in wine grape vineyards is minimal in this region. It is important to note that the Ag Panel involved in the East San Joaquin Order already recognized that vineyards are rated as low on a soil hazard index rating for nitrogen. A full-blown nitrate monitoring program is unnecessary for vineyards in Region 1, and producer level monitoring should be removed from the Order.</p>	See Statewide ILRP Precedents General Response

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Comment Number	Comment	Response
Henriouille 13	<p>Page 13, para E1, 2 – indicates that this Order will, in part, use individual and regional groundwater trend monitoring to evaluate broad impacts of agricultural practices on groundwater. As mentioned in earlier findings in the Order, commercial grape growing operations represent a relatively small portion of land area in the Region; they also comprise only a subset of agricultural operations in the Region, and are presumably only one of various known or possible sources of nitrogen/ nitrates entering surface and/or groundwaters in the Region. While the groundwater monitoring required under this Order will serve to provide information regarding presence/concentration of nutrients in existing wells on vineyards covered by the Order, as well as in North Coast watercourses, it is unclear how this data will allow for evaluation of the “broad impacts of agricultural practices on groundwater.”</p>	<p>Representative groundwater monitoring means collecting groundwater information from wells cited in such a way as to evaluate the effects of discharges from vineyards. There are several alluvial groundwater basins in the North Coast (Ukiah, Alexander, Dry Creek, Santa Rosa and, Anderson Valleys in which vineyards are the dominant agricultural land use. The locations of wastewater discharges from publicly owned treatment works, onsite wastewater treatment systems, and industrial operations is readily available so that representative wells can be cited to avoid non-vineyard sources of nitrogen.</p>

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Comment Number	Comment	Response
Henrioulle 25	Page 55, para b appears to obligate all enrollees to refer to a cited reference to determine whether and how many monitoring wells they will need to install on their property to provide a representative ground water monitoring network. It is unclear how individual enrollees will make this determination, how much this requirement is expected to cost (not included in cost analysis), and how Board staff will determine compliance and/or need to enforce.	Individual Enrollees submit a water quality monitoring workplan which includes a proposed representative groundwater monitoring network. Regional Water Board staff presumed individual enrollees would retain professional assistance for this requirement and Proposed Vineyard Order the includes the cost of developing a workplan for water quality monitoring.
Henrioulle 29	Page 58 indicates that enrollees must report on outreach event attendance. The MRP goes further and requires that enrollees elaborate on the material covered in the outreach event. This requirement seems like micromanagement, and I question whether staff really intend to make this an enforceable requirement wherein failure to attend a training or a particular type of training annually, or to provide an adequate summary of the training, qualify as candidates for violations.	Enrollee attendance at outreach and education events (and the reporting as such) is a Statewide ILRP Precedent.
Henrioulle 30	I concur that continuing education is valuable, but I recommend that rather than imposing training attendance and documentation as a requirement, the Order and/or MRP encourage relevant training on an annual or regular basis, and make reporting of such optional. In addition, I encourage staff to make contact with the Sonoma County Vineyard Technical Group (https://sonomavintech.org/), University of California Cooperative Extension (https://cesonoma.ucanr.edu/about/), and the RCDs of Sonoma and Mendocino County to discuss and potentially develop outreach/training materials and/or to identify opportunities for staff to present or provide training modules to the viticultural community regarding water quality standards and measures/methods to attain and maintain those standards, or other relevant topics.	Enrollee attendance at outreach and education events (and the reporting as such) is a Statewide ILRP Precedent. Staff note and thank the commenter for the suggestion on the development of outreach materials relevant to the Proposed Vineyard Order.

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Comment Number	Comment	Response
Prat 12	A regional groundwater monitoring study is proposed by this draft Order. The proposed sampling requirements for all drinking water supply wells are inappropriate, absent actual evidence of actual threats or impacts to water quality at specific locations due to nearby vineyard discharges. The data generated by the supply well sampling will not provide useful or adequate information that would provide proof and attribution of a pollutant discharge source or adverse effect attributable to the nearby vineyard operations. Significantly more study of the well construction, pumping rates, and groundwater aquifers surrounding the well would be necessary to make meaningful conclusions. There are many other options to fund a better regional study of groundwater quality and potential impacts on groundwater from vineyards.	Monitoring and Reporting requirements for drinking water wells are clearly stated in the Statewide ILRP precedential requirements and is also necessary for compliance with the Nonpoint Source Policy and Antidegradation Policy requirements.
Prat 13	The draft Order's approach to groundwater monitoring is inconsistent with other Regional Water Board staff and Executive Officer decisions, approvals, and rejections regarding appropriate technical aspects of groundwater investigations and associated workplans. Specific examples of groundwater investigation workplans and Regional Water Board staff's response letters should be reviewed. Prior to proposing these groundwater sampling requirements consider the science Regional Water Board staff uses to defend their groundwater workplan reviews, approvals, and rejections, and how the draft Order ignores those same technical rules. Approval of the groundwater sampling requirements in the draft Order would set a bad new precedent for the Regional Water Board by failing to adhere to the professionally approved scientific methods for properly conducting groundwater investigations	The requirement for groundwater trend monitoring is clearly stated in the Statewide ILRP precedential requirements and is also necessary for compliance with the Nonpoint Source Policy and Antidegradation Policy.

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Prat 14	<p>The proposed groundwater monitoring strategy ignores regional and site-specific geology, groundwater aquifer types, and the different types of well construction of wells used to monitor groundwater quality and aquifer flow direction. “Water supply wells” are not designed for monitoring purposes and should not be used for monitoring for any purpose other than to inform the private well owner/user about the quality of their well water to protect their own health. Historically, the Regional Water Board lobby had a pamphlet available to educate well owners of their responsibility for knowing their well water quality. Most well owners have already paid to have their well water sampled. Some well owners may have sampled recently and should not have to pay to repeat the cost associated with having someone return to sample the well again. If they already have sample results from an appropriate well those results should be considered to satisfy the sampling requirement. Supply wells are pumping wells. Most pumping wells draw water from deeper aquifers that “produce” volume and pumping typically draws water to the well from all directions above and adjacent to the screen interval. Wells used for monitoring groundwater are screened at the appropriate and specific depth to be monitored. At least three monitoring points within the same aquifer are necessary to determine the groundwater flow direction. The draft Order would require sampling of pumping wells that may be pulling groundwater from a variety of surrounding and potentially off property sources including large septic systems (e.g.- trailer parks), dairies, and waste percolation ponds.</p>	<p>The requirements for groundwater trend monitoring and monitoring and reporting requirements for drinking water wells are clearly stated in the Statewide ILRP precedential requirements. The Proposed Vineyard Order retains the allowance that well owners that have sampled recently may submit one or more annual drinking water supply well sampling results from one or more of the five prior years, provided: (1) nitrate sampling of a drinking water well was completed prior to enrollment in the Order; and (2) sampling and testing for nitrates and pesticides were completed using USEPA-approved methods and by an ELAP-certified laboratory.</p>

Drinking Water Well Monitoring

Comments:

Comment Number	Comment	Response
CAWG 29	We would also recommend that there be coordination between the Vineyard Order groundwater monitoring and statewide Winery Order groundwater monitoring requirements. The statewide Winery Order allows tier 4 wineries subject to groundwater monitoring requirements to conduct regional representative monitoring in certain circumstances. There would be value in allowing this data to be incorporated into third party groundwater monitoring efforts under the Vineyard Order where appropriate to reduce costs for all regulated parties.	Groundwater monitoring required by State Water Resources Control Board Order WQ 2021-0002-DWQ General Waste Discharge Requirements for Winery Process Water is to check that discharge of process water is in compliance with groundwater limitations set forth in that Order. Monitoring data specific to a discharge of winery process water may not adequately evaluate the impact of vineyards on groundwater.
CAWG 30	The definition of representative well found in Attachment B (page 17) would require vineyards to sample wells off their property even if they don't have any domestic wells on their property. This definition needs to be adjusted to make it clear that the domestic well monitoring requirements for 6800(a) listed pesticides does not need to occur if domestic wells are not located on the vineyard property. Coordinating domestic well testing on vineyards that are leased can be challenging enough, requiring vineyards to test wells on properties with no connection to the vineyard could be near impossible in certain situations.	The Proposed Vineyard Order was modified to clarify that representative wells for the purposes of pesticide sampling are located on an Enrollee's enrolled parcels.
CAWG 31	Coordinate groundwater monitoring with existing programs, including the statewide Winery Order. Clarify that groundwater monitoring for pesticides is not required if there are no domestic wells on the vineyard.	See Response to Comments CAWG 29 and CAWG 30.

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CAFF 5	<p>The protocol for monitoring 6800(a) pesticides (i.e. simazine) in drinking wells should be expanded to include certain irrigation wells, in situations where no drinking wells exist on the vineyard property but residences that rely on groundwater are located within a defined radius of the farmed area and potentially share the same basin. Groundwater basins do not mirror property lines; therefore the current proposed testing protocol is too narrow in scope. In addition, if an exceedance of either a pesticide or nitrate occurs, the notification requirements should be broadened to include not only residents using the specific drinking well that was tested, but also residents using proximate drinking wells within a defined radius, regardless of if the residence is on the vineyard property or a neighboring property</p>	<p>The Drinking Water Well Monitoring requirements in the Proposed Vineyard Order are consistent with Statewide Irrigated Lands Precedents which require that all drinking water wells on enrolled parcels are sampled for nitrate and users of those wells are notified if drinking water exceeds the Maximum Contaminant Level (MCL) for nitrate. The Draft Vineyard Order expanded these requirements to include sampling for 6800(a) listed pesticides if they had been applied by the Enrollee. Staff note and agree with the comment that groundwater basins do not mirror parcel boundaries, however the regulatory authority of the Proposed Order extends to parcels enrolled in the Order. See also response to Comments CAWG 29 and CAWG 30.</p>
Form Letter C 13	<p>Is there capacity by labs to test the number of surface water and ground water samples that will be required by this proposed permit? Again, there is risk that dischargers will be in violation of the order because it may be impossible to have testing results uploaded by the labs in time through no fault of the discharger/farmer.</p>	<p>See Pesticide Monitoring General Response C.</p>

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Comment Number	Comment	Response
Frey 4	<p>What data exists showing pesticides in streams or groundwater? Are those pesticides widely used in grape production or are they used by homeowners or other pesticide applicators? Are detection levels above biologically active concentrations?</p>	<p>The Drinking Water Well Monitoring requirements in the Proposed Vineyard Order are consistent with Statewide Irrigated Lands Precedents which require that all drinking water wells on enrolled parcels are sampled for nitrate and users of those wells are notified if drinking water exceeds the Maximum Contaminant Level (MCL) for nitrate. The Draft Vineyard Order expanded these requirements to include sampling for 6800(a) listed pesticides if they had been applied by the Enrollee.</p>
MCFB 31	<p>Attachment B P 15 "Dischargers shall sample all private drinking water supply wells located on their enrolled parcels for nitrates and one representative private drinking water supply well for CDPR 6500(a) listed pesticides that the Discharger has applied on any of their enrolled parcels in the previous five years. " There is no clarity on if there is capacity by labs to test the number of surface water and ground water samples that will be required by this proposed permit. There is also a question of if local labs have testing capabilities for all twenty of the listed pesticides. There is risk that dischargers will be in violation of the order because it may be impossible to have testing results uploaded by the labs in time through no fault of the discharger farmer.</p>	<p>See Pesticide Monitoring General Response C</p>

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SCFB 17	<p>Lab Capacity. It is questionable whether there is capacity by labs to test the number of surface water and groundwater samples that will be required by this proposed permit. This creates a risk that dischargers will be in violation of the order because it may be impossible to have testing results uploaded by the labs in time through no fault of the discharger/farmer.</p>	<p>See Pesticide Monitoring General Response C</p>
MCFB 29	<p>P 55 "Drinking Water Supply Well Monitoring- Dischargers shall conduct monitoring "of all drinking water supply wells present on enrolled parcels in accordance with the monitoring parameters and schedule Attachment B: Section W.F If a well is identified as exceeding the MCL for nitrate or, a Human Health Reference Level (HHRL), the Primary MCL or a Public Health Goal for a 6SOO(a) listed pesticide, the Discharger shall notify the Regional Water Board and users of the well in a timely fashion in accordance with the elements described in Attachment B: Section W.F. Dischargers may elect to have a Third-Party Group conduct Drinking Water Supply Well Monitoring, however results shall be submitted individually " The definition of a representative well, found in Attachment B (page 17), would require vineyards to sample wells off their property even if they don't have any domestic wells on their property. This definition needs to be adjusted to make it clear that the domestic well monitoring requirements for 6800(a) listed pesticides does not need to occur if domestic wells are not located on the vineyard property.</p>	<p>See Response to Comment CAWG 30</p>

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RR 26	<p>In the North Coast Region there are many agricultural ventures, including vineyard properties, where workers live and get their water from the property they are working on. This can create an imbalance in power over workers that may not want to speak up for more protections out of fear or concern for their jobs despite significant water quality concerns and infringement on the basic human right to clean water. In relation to this draft order in particular, is the importance of ensuring that those that are reliant on groundwater wells on a vineyard property are provided access to clean and safe water. This means access to clean waters that are free from harmful pesticides and harmful nitrogen levels, but also timely and efficient notice of when those waters are deemed harmful to human health.</p>	<p>Comment is noted.</p>

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RR 27	<p>It is also important that a course of correction be required when exceedances are identified. For noticing requirements, it is important that those put at risk are given notice within 24 hours, if not earlier, so they can decide what is best for them as users of that water. It is also important that any noticing to users of the water be done in a way that is clear and understandable, be it in the form of bi-lingual postings, orally in their native language, or some other manner. The same is true for all noticing requirements under this draft order when human health may be impacted. It is also important that the discharger have clear requirements on what to do when exceedances harmful to human health are observed. As currently drafted, especially in relation to groundwater monitoring, there does not seem to be a clear direction of course when exceedances are observed. For instance, must the discharger take steps to reduce those exceedances in a timely manner so those users can have clean and safe water access again? Without clear direction under these circumstances, there is a stronger likelihood that users will either have to make do without clean and safe water access at their place of work or home, or put themselves in harm's way by using the water anyway Order needs to give dischargers clear direction when exceedances are observed.</p>	<p>The Proposed Vineyard Order retains the requirement to provide notice to the drinking water well users within 10 days of learning of a nitrate or pesticide maximum contaminant level exceedance and to send a copy of the notice to the Regional Water Board. This requirement is consistent with the ESJ precedents that apply to regions with nitrate impairments in groundwater. The Regional Water Board has the authority to issue a Clean-up and Abatement Order to provide an alternative drinking water source in the event of an exceedance.</p>
Prat 3	<p>Regional Water Board staff are applying Water Code section 13267 too broadly with inadequate justification for requiring well owners to comply with the draft Order's sampling requirements for "drinking water supply wells" on a vineyard parcel. The use of the authority provided by section 13267 should be limited to specific vineyards, wells, locations, and/or aquifers where actual evidence exists of unauthorized waste discharges, actual contamination is discovered in a particular aquifer through other means and there is sound rationale for attributing the contamination to a waste discharge location.</p>	<p>Drinking Water Well Sampling is required by State Water Board Order No. 2018-0002 for irrigated lands regulatory programs statewide. The justification for the requirement is based on established human health concerns associated with nitrate contamination in drinking water wells.</p>

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Prat 10	The draft Order and monitoring requirements appear to use the terms drinking water well and domestic well interchangeably. The definition of “Drinking Water Supply Well” is helpful but may not need to contain the second sentence referring to “domestic wells. “Drinking water supply well” with one definition should be used throughout the document where it is referring to a well that requires sampling. Omitting “supply”, referring to domestic, or including other versions creates unnecessary and distracting ambiguity.	Comment noted. Terms have been updated in the Proposed Vineyard Order for consistency.
Prat 11	A vineyard parcel may contain many wells. Some wells may only be used for domestic purposes such as flushing and washing but drinking water is purchased because of the naturally poor quality of the groundwater. If a well is only being used for washing and flushing, is it exempt from the proposed monitoring requirements? Why? How will Regional Water Board staff determine whether a well is a “drinking water supply well” or a non-drinking water supply “domestic” well? If a domestic well that is not used for drinking is not exempt, the Order should make it clear that “domestic supply wells” shall be sampled. The Order should be very clear and consistent with respect to naming and defining the well type(s) to be sampled.	As is consistent with the Statewide ILRP precedents, only wells that are on enrolled parcels and may be used for human consumption, cooking, or sanitary purposes are required to be sampled for Drinking Water Supply Well Monitoring.
Henrioulle 26	Also, in the event that an on-property drinking water well has been properly installed and has an appropriate sanitary seal to protect against intrusion of surface water and/or shallow groundwater, is this an acceptable and sufficient data point to quantify/characterize nitrogen/nitrate concentrations on and associated with the property and to satisfy the letter and intent of the Order? That is, will the Board accept analytical data from such a well without requiring installation of further wells?	Yes, the Proposed Order has been modified to clarify this point.

Russian River TMDL

General Comment: Commenters state that the Regional Water Board should first develop a Sediment TMDL for the Russian River Watershed to identify and allocate sources of sediment. Commenters note that the Draft Vineyard Order seems to hold vineyards responsible for sources of sediment without being informed by necessary data to identify impacts from all sources.

General Response: The requirement to address sediment discharges from nonpoint sources such as agriculture is required by the Statewide Nonpoint Source Policy. Additionally the development of TMDLs are not a prerequisite for adopting Waste Discharge Requirements. As such , the prohibitions and requirements necessary to control discharges of sediment would be the same regardless of how sources are allocated. Currently, the Regional Water Board does not currently plan to develop a sediment TMDL for the Russian River watershed. The TMDL implementation strategy for sediment-impaired waterbodies in the North Coast Region is set forth in the Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters in the North Coast Region (Sediment TMDL Implementation Policy) which is incorporated into the North Coast Basin Plan, the cornerstone water quality regulatory tool for the North Coast, The Sediment TMDL Implementation Policy states that the Regional Water Board shall address sediment waste discharges on a watershed-specific basis and directs staff to rely on the use of all available authorities, including existing regulatory standards and permitting and enforcement tools, to more effectively and efficaciously pursue compliance with sediment-related standards by all dischargers of sediment waste. Existing permitting and enforcement tools include but are not limited to: watershed-wide waste discharge requirements, individual or project-specific waste discharge requirements, general waste discharge requirements. The Regional Water Board has programs in place to address sediment discharges by other land uses including, but not limited to municipal separate storm sewer systems, cannabis, rural roads, forest and timber, and construction activities. For a list of regulatory programs in the North Coast Region, see https://www.waterboards.ca.gov/northcoast/water_issues/programs/.

Comments:

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CAWG 20	An additional reason to adopt a narrow Vineyard Order while a sediment TMDL is developed for the Russian River is tied to availability of Clean Water Act Section 319(h) grants. Those grants were utilized by third parties in the San Francisco Bay Region to assist vineyards in developing plans to implement sediment and erosion control practices. The lack of a TMDL on the Russian River means no grant funds would be available to assist third parties working with vineyard owners to reduce sediment and erosion.	See Russian River TMDL General Response
CAWG 21	Request Adopt a sediment TMDL for the Russian River and allow photo monitoring to fulfill NPS Policy monitoring requirements instead of instream and edge of field monitoring.	See Russian River TMDL General Response, and Agricultural Drainage Structure Monitoring General Response B
CAWG 22	We ask that the Vineyard Order be limited to photo monitoring to document the implementation of management practices while the Regional Board develops a sediment TMDL for the Russian River. Once a TMDL is established, the Regional Board can reconsider whether additional efforts to reduce sediment from vineyards and additional monitoring is needed.	See Russian River TMDL General Response and Agricultural Drainage Structure Monitoring General Response B.
CAWG 36	The Russian River has been recognized as having high levels of sediment for decades. A 1971 report from the U.S. Geological Survey Turbidity and suspended-sediment transport in the Russian River Basin, California, recognized the persistent turbidness of the Russian River and cited the establishment of sediment sampling stations in February 1964. Rain and releases from Lake Mendocino were documented as the primary reasons for turbidity in the Russian River Basin. The Russian River was added to the 303(d) list as impaired for sediment in 1998. Despite the recognition of high levels of sediment and the 303(d) listing, the Russian River remains without a total maximum daily load (TMDL) for sediment. Development of a TMDL on the Russian River would provide an assessment of sediment sources and assign sediment reduction responsibilities among those sources. This process would allow the costs to be appropriately allocated amongst the sources based on their levels of discharge and potential for reduction.	See Russian River TMDL General Response

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Form Letter C 11	The Russian River doesn't yet have a TMDL developed for sediment, and this is a problem because vineyards/farmers are in essence being held responsible to gather data needed for the TMDL by monitoring the watersheds, instead of the Water Board gathering the data and creating the TMDL that the vineyard permit then conforms to.	See Russian River TMDL General Response The monitoring required by the proposed order is not intended to form the basis of a source analysis for a TMDL, but rather is intended to assess the effectiveness of management practices and drive adaptive management; and monitor water quality trends associated with the commercial cultivation of winegrapes.

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Lewis 4	As presented, the draft order is almost entirely focused on monitoring and reporting. This approach contrasts with successful conservation partnerships that facilitate on-farm conservation practice implementation and design and deploy long-term water quality trend monitoring. While the Russian River Watershed does not have an approved Sediment Total Maximum Daily Load (TMDL), in other watersheds that do there has been success in expanding the scale and reach of implemented conservation practices and corresponding improvements in ambient water quality. The draft order calls for complex monitoring and reporting in advance of a completed TMDL to confirm watershed conditions, establish background values for constituents of concern, and fully identify all sources for those constituents. Additionally, the absence of a completed TMDL prevents access to federal funding that support resource management. As a result, the draft Order misses the opportunity to lead through education about all potential sources impacting beneficial uses and to secure needed funding for financial and technical assistance to address those impacts.	See Russian River TMDL General Response, and response to comment Form Letter C 11
Munk 5	The commenter expresses concern that vineyards are being held responsible for collecting data needed to develop a Russian River TMDL and the Regional Water Board should be collecting the necessary data.	See Russian River TMDL General Response, and response to comment Form Letter C 11
SCFB 8	The Sediment Monitoring Requirements Wm Not Provide Sediment Source Data or Protect Water Quality. The sediment monitoring and reporting requirements, both through on-farm and representative sampling, create excess costs and burden on farmers, but will not provide information on the impact of vineyards on sediment loads in the Russian and Navarro watersheds. There are simply too many other land uses in the watershed, and the vast majority are not related to grape growing. Without a TMDL in the Russian River for sediment, sources are unknown and loads undetermined. This Proposed Order presents a situation where data is being collected from one commodity and one industry and the cost of gathering sediment data in the Russian River and Navarro watersheds will be shouldered by grape growers. This is inappropriate, unfair, and overly burdensome.	See Russian River TMDL General Response, and response to comment Form Letter C 11

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Smith 3	<p>Explore research opportunities with the University of California Cooperative Extension (UCCE). The UCCE has new Advisors that will be working on water quality and quantity, and soil quality along the North Coast. These positions can support much needed research within north coast watersheds in Sonoma and Mendocino counties, which could support the development of a TMDL for the Russian River. This research could serve to better inform policy related to WDRs for Region 1 agriculture.</p>	<p>See Russian River TMDL General Response</p>
MCFB 43	<p>MCFB understands the need to adopt a general order for vineyards on the North Coast, but MCFB would also like to advocate for a more risk-based, tiered approach where effort can be focused on vineyards posing a higher impact to water quality. Through this, vineyards already implementing BMPs would have a simplified and streamlined compliance program.</p> <p>MCFB also encourages the Board to collect the necessary data required to develop a TMDL for the Russian River. Once the TMDL is in place, it would then be appropriate to revisit the Order, and implement the TMDL recommendations that are applicable to vineyards.</p> <p>We strongly encourage the Board to consider the comments and concerns listed above and revise the Order to make it more workable for both the vineyard industry and for achieving water quality goals. We also encourage the Board to extend the timeline for adoption and implementation of this Order to allow for full compliance and a more successful outcome.</p>	<p>See Sediment and Erosion Control Requirements General Response A and Russian River TMDL General Response. The original schedule of Order adoption between the release of the Draft Vineyard Order and the proposed adoption hearing was extended by a year for engagement with interested parties, vineyard tours, and to develop revisions to the Draft Vineyard Order.</p>

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MCFB 6	<p>P 5 "Numerous water bodies within the North Coast Region are listed as impaired for various pollutants including sediment, temperature, nutrients, indicator bacteria, and pesticides pursuant to United States Clean Water Act section 303(d). The United States Environmental Protection Agency (USEPA) has approved Total Maximum Daily Loads (TMDLs) to address many of these impairments in water bodies throughout the North Coast Region. "</p> <p>MCFB would like to point out that there is no TMDL for the Russian River, making the Order's mandate on the entire region premature. The Russian River 's inclusion on the 303(d) list as impaired for sediment recognizes that turbidity issues come from releases out of lake Mendocino, which is completely out of the control of vineyards. The Navarro is the only watershed with a TMDL which shows that vineyards are a small portion of the overall sediment contribution in that system. MCFB advocates that Region 1 should put efforts into completing the TMDL for the Russian River to address the overall concern for sediment loads from all sources. Once assessment of sediment sources has been conducted, then sediment reduction responsibility in relation to the sources can be appropriately assigned.</p>	See Russian River TMDL General Response.
MCFB 7	<p>P 6 "The North Coast Region is home to numerous threatened and endangered species that are sensitive to excessive sediment, increased stream temperature, and loss of suitable habitat. The migration, spawning, reproduction, and early development of cold-water fish, such as Coho salmon and Chinook salmon and California steelhead trout, are impacted in the North Coast Region due to water quality impairments and other conditions."</p> <p>In the Russian River watershed, most tributaries dry out in summer months to the point of not having any flow. If the project goal is to maintain/expand riparian vegetation to improve shade and temperature for aquatic species, then these efforts should focus on areas where species/water are present during months with warmer temperatures. Ephemeral and many intermittent streams should be exempt because they do not contain aquatic habitat or water during summer months. This order does not take site specific resources into account. Additionally, for the mainstem Russian River, the water temperature is highly influenced by the releases of poor-quality water from Lake Mendocino. Vineyard operations have no influence over the temperature/sediment being released from the lake and that is not distinctly considered in the Order as written. MCFB urges that action taken within the Order focus on sediment source and factors that are actually within the control of vineyards.</p>	See Russian River TMDL General Response and Streamside Area Requirements General Response.

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RCD 4	We are also concerned that there is no funding for sediment improvement projects in the Russian River and there hasn't been for years. Without 319h or DFW funding from an established TMDL, farmers are unlikely to be able to be successful in implementing requirements under this permit. After reviewing implementation costs estimated in the Proposed Order, we believe they are generally on the low side and don't include considerations such as design or permits. See attached estimates.	See Russian River TMDL General Response. See also response to RCD 1 in the Cost of Compliance Section.

Cost of Compliance

General Comment A: Commenters claim that the Draft Vineyard Order underestimated the cost of compliance for the monitoring and reporting program and participation in the Coalition/Third-Party Group. Commenters identify that administering a Grower Coalition in the North Coast will be higher on a per acre than other regions with more enroll acres basis (e.g., \$5 per acre vs. \$1.37 per acre in Region 3). Commenters also identify that the estimated costs of the monitoring and reporting program are underestimated as well as some costs of management practice implementation.

General Response A: Staff agree that lower acreage to enroll in Region 1 may spread fixed administrative costs across fewer acres than in other regions. However, Staff found insufficient information provided in the written comments to support the administrative cost estimate, the costs of monitoring and reporting, or the costs of management practice implementation. NRCS was referenced, where possible for management practice cost information. Staff scoped cost information available from other Coalitions and local sub-watershed managers that include Farm Bureaus and RCDs which generally concurred with the Region 3 model for administrative costs per acre. Costs for monitoring and reporting in the Proposed Order consider that the Coalition may contract out certain requirements to other third-parties. The Proposed Vineyard Order provides an updated cost estimate that was modified to reflect changes to the Monitoring and Reporting Program.

General Comment B: Commenters urge staff to avoid regulations that place undue economic burden on farmers. Some commenters note the status of the industry and other regulatory programs that add cost of doing business.

General Response B: Comments are noted. The Proposed Vineyard Permit was modified to reflect a general change in approach that reallocate resources away from representative monitoring and towards timelier on-farm adaptive management. The Proposed Vineyard Order was also modified to provide more flexibility in sediment and erosion control requirements, including providing Enrollees an opportunity to use existing Voluntary Programs which may streamline requirements and introduce regulatory efficiencies.

General Comment C: Commenters questioned the economic impact analysis that was done in the Draft Order and whether the cost of compliance was reasonable given threat to water quality and benefit to the public.

General Response C: The Proposed Vineyard Order requires Enrollees to comply with applicable state plans and policies and applicable state and federal water quality standards to prevent nuisance and in doing so the Order includes the following considerations: 1) There are relevant aspects of this Order where the Regional Water Board previously considered costs and economics associated with implementation. For example, when the Regional Water Board adopted the water quality objectives that serve as the basis for several requirements in this Order, it took economic considerations into account in accordance with Water Code section 13241. The Regional Water Board also previously considered the

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cost of complying with TMDL load allocations during the adoption of each TMDL. 2) When establishing monitoring and reporting requirements under Water Code section 13267, the Regional Water Board must ensure that the burden, including costs, of the report bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. Many of the costs considered in the Order are costs associated with the monitoring and reporting requirements of this Order. Enrollees can reduce their costs by joining a Coalition for water quality monitoring and reporting in lieu of individual monitoring and reporting. 3) The monitoring and reporting requirements of this Order allow the Regional Water Board to identify agricultural waste discharges with a higher risk of degrading water quality so that those discharges may be promptly minimized or prevented. Monitoring and reporting of nitrogen application and groundwater monitoring and reporting protect human health by informing the Regional Water Board of discharges that may affect the quality of water designated as municipal and domestic supply. It also allows assessment of the extent to which the water quality objectives are being met in viticultural land use areas. 4) The Regional Water Board needs these reports to document and ensure compliance with this Order.

Comments:

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CAWG 13	Regional Board staff provided cost estimates for monitoring and reporting and compared those estimates to other regional ILRPs. However, comparing the Vineyard Order to other ILRPs is not an accurate comparison due to the significant irrigated acreage difference between regions. The Central Coast Regional Board's third-party program operated by Preservation Inc. manages an ILRP across 540,000 acres. Preservation Inc.'s current administrative fee is \$1.37/acre and generates approximately \$739,000. There are fixed costs to administer a third-party program that are incurred regardless of the number of acres included in the program. This means that per acre fees to cover administrative costs will be much higher on the North Coast. It's likely that a North Coast program would need to charge at least \$5 per acre to generate enough funds to manage the administration of a program. Those fees wouldn't include the costs incurred for additional monitoring costs.	See Cost of Compliance General Response A

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CAWG 14	<p>The initial year of instream monitoring requirements proposed in the Vineyard Order are estimated to cost \$14.58/acre. The groundwater monitoring costs are estimated to be \$2.20/acre the first year and agricultural drainage turbidity monitoring is estimated to cost \$6.61/acre. These costs would bring the total costs for monitoring and reporting up to \$23.39/acre for the initial year. Subsequent years of monitoring are expected to total \$9.01/acre. That's far above what growers in other regions must pay to comply with their regional ILRPs.</p>	<p>See Cost of Compliance General Response A</p>
CAFB 3	<p>Regional Board must conform to Porter-Cologne mandates. The use of the term “reasonable” and the “reasonableness” standard is not limited to the express goals laid out in Water Code section 13000. Rather, Porter-Cologne expressly calls for reasonable actions throughout. (See, e.g., Wat. Code, § 13241 [calling for water quality objectives that will provide “the reasonable protection of beneficial uses” upon mandated review of specific factors including economics (emphasis added)]; id., § 13050(h) [defines “water quality objectives” as “the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area” (emphasis added)]; id., § 13263 [requiring regional water boards to take into consideration “water quality objectives reasonably required” to protect beneficial uses as well as all provisions of section 13241 when prescribing discharge requirements]; id., § 13267(b)(1) [requiring technical or monitoring program reports for WDRs or conditional waivers to “bear a reasonable relationship to the need for the report and the benefits to be obtained”].) Thus, when analyzing impacts to water quality and adopting permits regulating irrigated lands and vineyards, the North Coast Regional Board must comply and conform with Porter-Cologne’s “reasonableness standard”; that is, evaluate if the activity or control limit will reasonably protect the beneficial uses considering all demands being made and to be made on those waters and the total values involved,” including both environmental and agricultural values, “beneficial and detrimental, economic and social, tangible and intangible.” (Wat. Code, § 13000, emphasis added.)</p>	<p>See Cost of Compliance General Responses A, B, and C.</p>

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CAFB 5	<p>The North Coast Regional Board Must Consider Economic Impacts When Adopting Draft Vineyard Order. Specifically, when adopting waste discharge requirements, Porter-Cologne requires regional boards to take into consideration “the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241.” (Wat. Code, § 13263(a).) The provisions of section 13241 that are required to be considered include, in part, water quality conditions that can reasonably be achieved through the coordinated control of all factors affecting water quality as well as economic considerations. (See Wat. Code, § 13241.) In other words, in its development of waste discharge requirements, the North Coast Regional Board is mandated to consider the reasonableness of meeting the water quality objectives (“WQOs”) in question, as well as economic considerations. Such considerations must be more than conclusory findings, and findings must be supported by substantial evidence in the record.</p>	<p>The Regional Water Board has appropriately taken into account economic considerations in the development of the Order, in accordance with Water Code sections 13263 and 13241. Contrary to the commenter’s assertion, an “economic impact assessment” is not required when applying Water Code section 13241. “Section 13241 does not specify how a water board must go about considering the specified factors. Nor does it require that board to make specific findings on the factors.” (City of Arcadia v. State Water Resources Control Board (2010) 191 Cal.App.4th 156, 177.) The Regional Water Board has summarized its economic considerations in the Findings, Section for Cost Considerations. The Regional Water Board has revised the Findings to reflect that it has also taken into consideration economic impacts that were raised in the comments. .</p>

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CAFB 6	<p>Further, “economic considerations” are not the same as “cost considerations,” which is used in both the proposed Vineyard Order and DEIR. The Merriam-Webster Dictionary defines “economic” as “a) of, relating to, or based on the production, distribution, and consumption of goods and services, b) of or relating to an economy, and c) of or relating to economics.” “Economics” is further defined as “a social science concerned chiefly with description and analysis of the production, distribution, and consumption of goods and services.” Although the Vineyard Order includes analysis associated with permit fees, some management practices, and potential monitoring and reporting costs, these figures are non-exhaustive cost considerations. Neither the proposed Vineyard Order nor the DEIR contain any analysis of the proposed Vineyard Order’s impact on the production, distribution, and consumption of goods and services of vineyard operations and the entire North Coast. By only identifying some regulatory costs, the reader is given misleading information regarding the impact of the proposed Vineyard Order. One is incorrectly left with the impression that that ability to absorb additional regulatory costs depends only on whether those additional costs are less than the net return over operating (or cash) costs for the representative crop, here wine grapes. Instead, in addition to direct costs of fees, monitoring, assessments, and paperwork, analysis must include potential loss of commercially marketable yield, changing land use to comply with riparian setback requirements, opportunity costs of land out of production, analysis must also include evaluation about the production, distribution, and consumption of goods and services</p>	See Response to CAFB 5
Chen 2	<p>The cost presented public hearing on 4. August. 2023, may not represent the true economic cost of the requirements to be in compliance with the draft order; the true economic cost may be much higher. These additional costs per acre will lead to undue burdens for small, family-owned vineyards and may lead to consolidation of small-acreage vineyards into larger conglomerates. This potential, and unintended outcome may, in turn, lead to a similar agricultural model being adopted in Region 1 to that observed in the E. San Joaquin River Watershed where high yields become of primary importance.</p>	See Cost of Compliance General Response B

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Form Letter C 4	<p>For many of us, the costs associated with implementing the requirements of this Order are going to be difficult to pay. During the public workshop a speaker stated, “Remember, you are spending other people’s money.”</p> <ul style="list-style-type: none"> • The estimated costs listed in the proposed Order are low. There are costs associated with some requirements that are not considered, e.g., land lost due to mandated riparian setback requirements. These are economic considerations that should be taken into account. • The approximately \$6 per acre fee does not take into account administration of the program or the fee that is collected by the Regional Water Board. The estimates for the monitoring program to be completed by the third party are also very low. It is estimated that the total cost will be at least \$10-20 per acre. 	See Cost of Compliance General Response A and B.
Munk 3	<p>The commenter related concerns that the monitoring and reporting cost analysis by staff was low and did not consider administrative costs and annual permit fees. The commenter estimates the total cost will be \$10-20 per acre. Based on estimates done by Fish Friendly Farming which has performed extensive water quality monitoring in the region, the monitoring estimates provided in the draft order are extremely low at a rate of \$5.78 per acre. It is estimated that the yearly cost after the first year will be closer to \$15 per acre, while the first year is estimated to be closer to \$34 per acre.</p>	See Cost of Compliance General Response A and B.

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Pauli 5	<p>In the draft your staff came up with some estimates of what the costs will be to comply with this order. Those estimates are wildly inaccurate and as far as I can tell, not based on any thing other than intuition. Where did those estimates come from? Certainly not from farmers who are doing many of these practices already and understand the real costs. Also, what is not factored into any of this are the unseen costs, like the ones I mentioned earlier while trying to explain the problems with the winterization period, or the lost revenue from losing acres of land to set backs for the life of that vineyard. Those costs are impossible to put on paper or estimate. But they are real costs that farmers like me and family will have to deal with.</p> <p>I would like to see the Board throw out this draft. Direct staff to start over. Bring in a mediator who can ensure that farmers are actually involved in making the new draft. Not summarily discredited during technical advisory meetings. If we must have a Vineyard Order, then lets follow the lead of Region 2. Because as drafted right now, this order will not accomplish anything but will be a nightmare for our farmers</p>	<p>See Cost of Compliance General Response A and B. The Draft EIR considered impacts to Agricultural Resources from Streamside Area setbacks.</p>
SAVE and SCV 2	<p>Finally, the cost of compliance analysis on pages 29 and 39 is inadequate and does not account for the cost of administration or the loss of productive land. It ignores the cumulative impact of regulatory fees and is akin to a death of a thousand cuts. All the regulatory agencies with their narrow focus develop “reasonable fees” but when taken together the regulatory costs of agricultural operations are a significant portion of expenses along with costs of materials, labor, and capital. The economic engine that is Sonoma County grape growing is threatened by the regulatory costs of air quality, water quality, pesticide use, groundwater supply, and labor relations. The costs of this program are on top of the voluntary expenses to participate in sustainability programs – programs that address wider environmental and social issues. We ask that the North Coast Regional Water Quality Control Board consider working with the proven third-party sustainable programs rather than creating a new layer of regulation. This would be the most effective course based on the uniqueness of the region, respect regulations in place, and cost being passed on to a major driver of the local economy.</p>	<p>See Cost of Compliance General Response A and B.</p>

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SCFB 14	<p>For many farmers, the costs associated with implementing the requirements of this permit are going to be difficult to pay. During the public workshop, Mendocino County Supervisor and Chair Glenn McGourty reminded the Regional Board that with this policy "you are spending other people's money." The estimated monitoring costs provided in the proposed vineyard permit are too low. It is estimated by Fish Friendly Farming that the cost for third-party monitoring will run \$23.39 per acre the first year and then \$9.01 per acre every year after. This is much higher and will have a much more deleterious effect on smaller growers. Additionally, the estimated costs do not take into account the administration of the program. There will be many activities required to administer the program including outreach and education, enrollment activities, database creation and maintenance for invoicing, and general planning and implementing the program with the monitoring and reporting entities. We have been administering the Region 2 Vineyard Permit since its inception and the requirements of the Region 2 Vineyard Permit are less extensive and complicated than the Proposed Order for Region 1. For Region 2, our costs to administer the program including staff time and a 20% administrative fee, are approximately \$1 .40 per acre, per year and we administer approximately 11,000 acres (Napa County Farm Bureau administers the vineyard properties in Napa County). It is likely the costs in Region 1 will be greater. Furthermore, there are costs to growers associated with some of the minimum management practice requirements that are not considered but should be taken into account, e.g., land lost due to riparian setback requirements, and a required ground cover of 75%.</p>	<p>See Cost of Compliance General Response A and B, and Response to Comment CAFB 24.</p>

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SCFB 15	<p>If a farmer is unable to plant and grow a cover crop by November 15th because of late harvest in a red winegrape vineyard, in order to be compliant with the 75% ground cover requirement, one Mendocino grape grower estimated that they would have to use straw mulch which would cost approximately \$700 per acre annually. There are unforeseen costs to narrow up an herbicide strip to meet the 75% ground cover requirement. This is a seemingly simple task, but the narrower herbicide strip may result in the need for new equipment or doubling the mowing time - all direct and significant cost increases estimated to be close to \$175 per acre per year.</p>	<p>See Cost of Compliance General Response B and Sediment and Erosion Control General Response A. The Proposed Vineyard Order was modified to provide sediment and erosion control compliance options.</p>
SCFB 16	<p>These are just a few examples. To learn more, we have set up a handful of tours for Regional Water Board staff to take with Sonoma County winegrape growers to learn about the unintended and unforeseen costs surrounding some of the policy proposals in the draft Order. We would be happy to schedule more tours or facilitate workshops if requested. Consider the actual costs and weigh them against the benefits to be gained by the requirement.</p>	<p>See Cost of Compliance General Response B. Staff were grateful to the Sonoma County Farm Bureau for facilitating vineyard tours in Fall 2023 and Winter 2024. Many revisions to the Proposed Vineyard Order were made in response to observations made in these tours.</p>

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JFW 7	<p>Costs: The table below shows anticipated costs of the Draft Order, exclusive of on-farm improvements and operating costs that may be necessary. The table includes fees to third parties, State Water Board, and to laboratories.</p> <p>The costs shown in the table are based on experience with the Central Coast irrigated lands program (Region 3). That program is equally complicated and requires significant handholding from the Regional 3 staff and from Preservation Inc, the third-party program. Region 3 has several full-time staff (FTE) assigned to implementing the Agriculture Order which has allowed the development of tools and communication strategies to assist in compliance. Because the North Coast Regional Board (Region 1) will have less than an FTE dedicated to the Vineyard Order, it is assumed that the Third Party will need to take on all outreach, handholding, communication, and tool development. The farming community will need to compensate the third-party for this additional work. In addition, whereas Region 3 spreads costs across a half a million acres, the Region 1 permit costs are spread across 65,000 acres. Many of these costs are fixed and it doesn't matter if there are 500,000 acres or 5,000 acres. Thus, our estimation of the administrative fee to the Region 1 third-party program is shown as \$5 per acre.</p> <p>Under the Draft Vineyard Order, the third-party program in Region 1 will also have responsibility for the representative monitoring program, collecting information from growers, and submitting various reports. This includes identifying all the agricultural drainage structures as described in Concern 3, above. In Region 3, the third-party assesses a monitoring fee of \$4.01 per acre, collecting a total of approximately \$3 million. In addition, the Region 1 third-party will likely subcontract with a consultancy with expertise in groundwater and/or fluvial hydrology. It's hard to imagine a scenario where a consultancy does not spend mid six-figures learning the issues, learning the hydrology, meetings, QA/QC, and the rest. As a result, the per acre estimated cost for a Region 1 grower to participate in a third-party led monitoring program is estimated at \$7.69 per acre. So that the total fees to the third-party is (\$5.00 + \$7.69) is \$12.69 per acre along with the \$1.35 fee to the State Water Board. A 50-acre Region 1 ranch would pay \$702 per year in fees alone to the third-party and to the State.</p>	See Cost of Compliance General Response A and B.
JFW 8	The commenter presented a cost table (Cost table is available upon request of the comment letter)	See Cost of Compliance General Response A and B.

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MCFB 34	MCFB would like to raise concerns over the costs associated with compliance with the Order as currently Proposed. In relation to costs, the estimated costs listed in the proposed Order are low. There are costs associated with some requirements that are not considered, e.g., land production lost as a result of mandated riparian setback requirements. These are economic considerations that should be considered. The approximately \$6 per acre estimate listed in the Order also does not account for the administration costs of the program or the fee that is collected by the Regional and State Water Board. The estimates for the monitoring program to be completed by the third party are also very- low. It is estimated that the actual total cost for monitoring will be between \$9-23 per acre and the Board is asked to analyze the more detailed cost estimates that have been submitted by other commenters like Laurel Marcus with the Fish Friendly Farming program (FFF).	See Cost of Compliance General Response A and B. See Response to Comment Pauli 7 and Response to Comment CAFB 24.
MCFB 35	MCFB also supports the consideration of comments submitted by wine grape growers with specific cost estimates related to the implementation of the Order requirements. Dave Koball, a TAG member and wine grape grower, eloquently expressed concern over several management practice costs at the Order workshop on August 4th. Mr. Koball's examples, as well as others, should be reviewed.	See Cost of Compliance General Response A and B
MCFB 38	P 29 "When establishing monitoring and reporting requirements under Water Code section 13267, the Regional Water Board must ensure that the burden, including costs, of the reports bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. Many of the costs considered below are costs associated with the monitoring and reporting requirements of this Order: Dischargers can reduce their costs by joining a Third Party Program for water quality monitoring and reporting in lieu of individual monitoring and reporting. " While we agree that Dischargers can reduce costs by joining a Third-Party Program, MCFB wants to point out that there will still be additional costs for the administration and staffing of the Third-Party Program, adding yet another cost to the overall expense of the Order.	See Cost of Compliance General Response A

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MCFB 39	<p>Based on estimates done by Laurel Marcus with Fish Friendly Fanning, which has performed extensive water quality monitoring in the region, the monitoring estimates provided in the draft order are extremely low at a rate of \$5.78 per acre. Based on further analysis, it is estimated that the yearly cost after the first year will be over \$9 per acre, while the first year is estimated to be closer to \$23.39 per acre. These estimates are only for third-party monitoring and do not include the state fee, enrollment and admin fee, workshops and grower assistance costs, adaptive management required actions, run-on studies, water quality plans, costs of farm template or farm plan if allowed, road upgrades, revisions to cultural practices if not allowed in winter, changes to winterization measures, value of land and loss of production for vineyards removed for setbacks and other items. MCFB encourages the review of the comments submitted by Laurel Marcus with the more thorough analysis of cost estimates.</p>	<p>See Cost of Compliance General Response A</p>

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Comment Number	Comment	Response
MCFB 40	<p>P.31 "The Natural Resources Conservation Service (NRCS) has developed standard agricultural management practices to address irrigation and nutrient management, pesticide management, and sediment and erosion control management, some of the more common of which are discussed below. Implementation of many of these practices would result in compliance with multiple requirements of the Order. Table 1 provides estimated costs of management practices/scenarios Dischargers may implement to meet the requirements in the Order, as reported by the U.S. Department of Agriculture (USDA), NRCS."</p> <p>In reviewing the NRCS cost estimates with local wine grape growers, most of the cost estimates were within expense ranges that they had experienced for implementing some of the management practices. However, as NRCS cost estimates are meant to cover a large region, the estimates are not always accurate to compare to actual on the ground application.</p> <p>For the conservation cover practice, the overall cost would be higher if ground preparation was required to seed a previously non-tilled area. Also, the cost of seed alone for conservation cover was estimated to be \$100 plus per acre. Micro irrigation system estimates had the largest discrepancy as it was felt that the low-end estimate of \$750/acre was not accurate. In a new vineyard planting scenario, the low-end cost estimate for materials alone was estimated to be \$1500 per acre. Costs would increase for replacing an existing irrigation system with a micro irrigation system on a planted vineyard.</p>	See Cost of Compliance General Response A

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MCFB 41	<p>P.35 "The NRCS has developed standard management practices for agricultural mad sediment, erosion, and drainage control, some of the more common of which are discussed below Implementation of many of these practices would result in compliance with multiple requirements of the Order Table 2 shows costs of management practices/scenarios Dischargers may implement to meet the requirements in the Order, as reported by the US Department of Agriculture, NRCS and adjusted by Regional Water Board staff for anticipated scenarios. "</p> <p>Based on estimates done by local Resource Conservation Districts (RCDs), estimates in the Order do not fully assess the costs for road and stream crossing management practices. MCFB urges the Board to give attention to the analysis on estimated costs for road and stream crossing management practices which was submitted in the RCDs comments on the Order. The RCDs estimates include unit costs as well as permitting, design, consulting and oversight costs.</p>	<p>See Cost of Compliance General Response A. The Proposed Vineyard Order was modified to include road storm-proofing and stream crossing estimates from the Mendocino, Gold Ridge, and Sonoma RCDs.</p>
MCFB 37	<p>As mentioned, the implementation as currently proposed will have a significantly higher financial cost than estimated by the Order. This will be especially difficult for the majority of vineyards which are small farmers, and it will increase the risk of vineyards being taken out of production or being sold to large corporations that can absorb larger regulatory costs. North Coast winegrape growers already make investments in sustainability practices and this Order threatens the ability to continue voluntary participation in said programs.</p>	<p>See Cost of Compliance General Response A. See Sediment and Erosion Control General Response for information on how the Proposed Vineyard Order includes flexibility for Enrollees to use Voluntary Programs for Sediment and Erosion Control compliance.</p>

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RR 6	<p>The bulk of pushback from vineyard industry representatives has revolved around their concern for cost increases. As advocates for clean water and a healthy environment, we strongly believe this is the cost of doing business and that businesses must not forget that discharging into our waterways is a privilege, not a right. The public should not bear the cost of waste treatment for a private, for-profit industry. As one of the last, unregulated industries in the North Coast Region, it is long overdue for vineyards to be held responsible for their contributions to water quality impairments. While many vineyards claim to be “sustainable” and “doing everything right,” and therefore claim they do not need regulated, we continue to see declines in water quality and regularly observe unacceptable discharges coming off these same vineyards. (See Attachments A – C.) If claims were true, then why is there so much pushback asking that showing be made and supported with clear monitoring and reporting data.</p>	Comment noted.
RR 7	<p>In addition, those vineyards that actually are making measurable strides to improve their environmental impact should already have many of the necessary mitigation measures in place which reduces upfront costs. The order is also drafted in such a way that once a compliance showing is made, monitoring and reporting requirements are reduced which further limits any cost burdens. However, our waterways cannot afford to blindly take those statements as a blanket truth for all vineyards without a strong monitoring and reporting program to help back those statements up. Individual vineyards should be required to demonstrate that their practices are not contributing to continued impairments as claimed and in furtherance of Nonpoint Source Policy Key Element #4. This would also help in addressing industry concerns over being held responsible for water quality exceedances that are not caused by them.</p>	Comment noted.

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Henrioulle 19	<p>Page 29, para 3 – cost analysis discussion notes that dischargers can reduce their costs for monitoring and reporting by enrolling through a third party. This appears to be largely due to the fact that enrollment fees for parties enrolling individually are approximately 30 times higher than those for parties enrolling through a third party. However, it appears that individual monitoring and reporting will still be necessary, and it is not clear whether the cost analysis has captured the full cost of third party participation. From what sources did staff draw information to develop these costs, and can staff provide a detailed breakdown of anticipated costs for a third party to run the program envisioned and the likely costs to be directed towards individual enrollees? I expect prospective third parties will provide information in this regard in their comments on the draft Order. Staff might also review past Non Point Source grant agreements and/or contracts to glean more detailed and complete cost information.</p>	<p>The Draft Vineyard Order provides information about the cost of certain management practice and monitoring/reporting implementation. References include USDA-NRCS BMP payment schedules, laboratory fee schedules, and staff experience with consulting rates. Cost for third-party administration was not provided in the Proposed Vineyard Order. Certain commentors (JFW 7) provide their estimates of third-party administrative costs.</p>
Henrioulle 20	<p>Page 30, permit fee discussion lists the likely enrollment fees based on the State Board’s current fee schedule for Irrigated Land permits elsewhere in the State. I recommend that the Region propose an alternate fee schedule for this program with a tiered structure that provides for reduced or lesser fees based on factors such as vineyard size, location, slopes; threat to water quality, type of management measures employed, including organic and/or biodynamic farming; and progress in developing and/or implementing a farm plan such as those developed through the Fish Friendly Farming program, or some equivalent thereof.</p>	<p>The State Irrigated Lands fee schedule is set by the State Water Board and does not provide the flexibility the commenter recommends. However, requirements of the Order have been scaled to threat and complexity. See Sediment and Erosion Control General Response.</p>

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RCD 1	The RCDs attached two tables showing Estimated Costs for Road and Stream Crossing Management Practices. Tables are available with request of comment letter.	The Proposed Vineyard order was modified to include the RCD estimated costs for Rolling Dips, Critical Dips, Outsloping, Ditch Relief Culverts, Trash Post/Debris Deflector, and Culvert Stream Crossing Replacement in the Cost of Compliance Section in the Findings. Staff acknowledge the additional cost estimates for permitting and CEQA fees. Because upgrading Stream Crossings are not required in the Order, these costs were not included in the Cost of Compliance Section of the Findings. However, staff thank the RCD for this additional context on general cost of these management practices should Enrollees choose to replace or upgrade stream crossings.

Compliance Schedule

General Comment A: Commenters expressed concern that compliance timelines are insufficient for grower coalitions to be established and organize participants and request timelines be extended and linked to the date of adoption. Other commenters expressed concern about slow compliance timelines in the Draft Vineyard Order and Regional Water Board resources required to manage implementation of the Vineyard Order.

General Comment: The Proposed Vineyard Order is structured as General Waste Discharge Requirements which is typically of Water Quality Order for agricultural activities. The SWRCB fee schedule strongly incentivizes grower enrollment in Water Quality Orders through coalitions which educate growers, track compliance, and implement monitoring and reporting programs. The Regional Water Board expects the vast majority of (if not all) vineyard owner/operators will enroll in the Vineyard Order through a coalition. This reduces resources needed by the Regional Water Board to effectively implement the Vineyard Order. The Draft Vineyard Order considered time and resources needed to develop grower coalitions and to implement Vineyard Order requirements. Compliance timelines in the Proposed Vineyard Order were modified to be aligned with the anticipated date of adoption, this change provided 12 additional months for grower coalitions to develop and organize.

Comments:

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MCFB 32	<p>MCFB calls for additional time for potential third-party groups to discuss and organize participants. The numerous requirements will take time to develop the operational systems and conduct the necessary outreach, so we request an extension to fully conduct these activities. Our suggested extension timeline has been included in Attachment A.</p> <p>All deadlines included in the draft Order are based on the adoption timeline of December 2023, and if that adoption is pushed out to a later date as MCFB requests, third-party deadlines should also be extended accordingly.</p> <p>P 10 'The Regional Water Board acknowledges that it will take time to (1) develop meaningful and effective Third-Party programs that facilitate compliance with this Order; (2) develop online reporting tools and templates, and (3) conduct outreach and education to help Dischargers and service providers become familiar with Order requirements. The Order considers this by deferring the enrollment deadline to July 1, 2025.'</p> <p>MCFB would like to continue our suggestion to extend the enrollment deadline from July 1, 2025, until December of 2025. If the Order is approved in December of 2023, MCFB was told that the third-party request for proposal process would most likely be initiated around three months after adoption. Assuming that March-April of 2024 would begin the RFP process, then the best guess would be that third parties would be selected and finalized by July of 2024. If this is the case, then there would be some time needed to organize all the administrative requirements needed to begin enrollment. This timeline would also have to negotiate around harvest as working on enrollment and outreach efforts will be mostly mute until around November of 2024. With all these factors in mind under the current July 1, 2025 deadline, there would only be around six months to complete the enrollment. This is a quick turnaround, so MCFB requested the Board to consider an extension of this enrollment deadline until December of 2025.</p>	See Compliance Schedule General Response

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MCFB 33	<p>The largest unknown is how MCFB would engage with other entities to contend with the complex monitoring requirements that are included in the draft. From initial conversations, there is no one entity that has all the expertise, equipment, staff, funding or desire to tackle the various monitoring components as currently drafted. If the final order is not revised to simplify the monitoring requirements, then ultimately there could be several entities required to assist participants with WDR compliance. As a potential third- party administrator, MCFB does not have the expertise to handle the monitoring components of the order. If we do not successfully find other entities to contract with to handle the monitoring sections, then this will further complicate MCFB 's role as a third-party administrator. Given these complexities, MCFB would like to request an updated timeline be adopted and have included suggested timeline changes in Attachment A</p>	<p>The Proposed Vineyard Order was revised to make the distinction between Grower Coalitions (i.e. Third Party Groups), the process for Sediment and Erosion Control Programs to be approved by the Regional Water Board, and Monitoring and Reporting Program implementation.</p>
MCFB 42	<p>MCFB would like to thank the Board for their extension of the comment period on the Order and related EIR. MCFB would also like to thank the Board for committing to a facilitated TAG meeting following the close of the comment period for further collaboration on refinement to the Order language.</p> <p>With the Board currently scheduled to consider adoption of the Order and certification of a Final EIR in December 2023 and with much work still to be done, MCFB would like to urge the Board to extend this consideration to at least an additional seven months to July of 2024. This will allow for the facilitated TAG meeting, staff onsite tours, study of the impacts of restrictions to cultural practices that occur during the proposed winterization period, and to account for harvest timeframes which significantly hinders further participation in the process</p>	<p>The adoption hearing for the Proposed Vineyard Order was extended to December 2024. See the Introduction Section for a summary of activity staff conducted between August 30, 2023 and December 2024. See also Compliance Schedule General Response.</p>

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RR 12	<p>To start, the initial enrollment deadline for dischargers is before July 1, 2025, but Third-Party Groups have to also be ready to accept those enrollments by July 1, 2025. As drafted, this appears likely to lead to enrollment issues and confusion. Thus, we recommend that Third-Party Groups be required to accept enrollments by January 1, 2025 or at least six months in advance of the enrollment deadline. The provided NOI and enrollment requirements appear straightforward and enrollees should be able to complete the necessary requirements in a timely manner that does not necessitate 1.5 years to complete. The initial list of enrollees that choose to enroll via Third- Party Groups should then be provided to the Regional Board within six months of the enrollment deadline and annually thereafter. This initial list does not appear to include additional details, evaluations, or other plans that may be time consuming to produce, and those requirements of later list updates are unlikely to be relevant initially. Subsequently, all other timelines should be moved up in relation to this date. We recommend that Third-Party Groups be required to accept enrollments by January 1, 2025 or at least six months in advance of the enrollment deadline.</p>	<p>See Compliance Schedule General Response. The Proposed Vineyard Order requires the Coalition to begin accepting enrollments by July 1, 2026. This timeline allows for Coalitions to get established through a Request for Proposals process, which will take an estimated 9-12 months for release, response, review, and approval. This timeline allows prospective new Coalitions 6 months to establish an administrative structure to begin accepting enrollments under the Vineyard. Order. Staff project that the vast majority of the Region’s 65,000 acres will be enrolled through a Coalition.</p>
RR 13	<p>Recognizing the many comments by industry during the TAG process and August 4, 2023 workshop regarding mitigation measures already in place and participation in voluntary programs, we do not believe it is unreasonable to require that certain if not all parts of the Workplan and MRP be implemented within two years of this order adoption. In particular, we strongly urge the Regional Board to move up all monitoring requirements at minimum as they are what will dictate and guide the need for effective adaptive measures. We strongly urge the Regional Board to move up all monitoring requirements at minimum as they are what will dictate and guide the need for effective adaptive measures.</p>	<p>See Compliance Schedule General Response</p>

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RR 55	<p>Throughout our comments, we have identified several areas where improvements relating to templates could be made, especially in relation to noticing and clarity. The templates also seemingly support many of our requests for faster timelines, as form requirements are minimal with additional information already readily available to the majority of vineyards through volunteer program participation. For example, the “Notice of Intent” form should not take more than 15 minutes to complete, not including the operation map. However, based on the workshop comments and TAG discussion, many of the map requirements should be fairly straightforward and can be built off other maps already completed for the property. In fact, Fish Friendly Farms, 18 Certified California Sustainable Winegrowing, 19 and Sustainability in Practice 20 all require and/or encourage the mapping of vineyard properties for water features, potential pollutant sources, and drainage paths. Therefore, it is not reasonable to delay 1.5 to 2 years for vineyards to provide their Notice of Intent to enroll. The likely 3rd party groups are already used to facilitating these map productions and many existing maps will only require minimal updates to comply with the proposed order. The same can be said for other requirements like outreach event attendance, farm evaluations, irrigation and nutrient management plans, and other necessary components in this draft order. These similarities work in favor of the vineyards as well as the Regional Board because it helps reduce costs and allows for a speedier timeline, while allowing the necessary regulatory mandates to take priority so that we can actually start achieving water quality that is protective of all beneficial uses in the North Coast. By recognizing these similarities and focusing on the need to verify all actions with robust monitoring and transparent reporting that then informs timely adaptive management and strong enforcement, the Regional Board is ensuring that its actions are actively guiding vineyards to be better stewards of our watershed. We are merely asking vineyards prove they are “walking the talk” they always claim to be and that if they are not, they be required to do something about it in a timely and effective manner. Require earlier enrollment and compliance with all Order requirements and monitoring.</p>	See Compliance Schedule General Response

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SCFB 18	At the August 4th workshop the Regional Water Board expressed the need to change the timeline currently depicted in the proposed order so that on-farm tours could take place now and in the coming wet months to incorporate what is learned and potentially amend the proposed order. Attached is a recommended timeline adoption that better accommodates these considerations. Extend the date of adoption of the order to July 2024. See the enclosed attachment that outlines the current and proposed timelines. {Attachment is available upon request}	The Regional Water Board hearing to consider adoption of the Proposed Vineyard Order was changed from December 2023 to December 2024.
SCFB 20	Sonoma County Farm Bureau and Mendocino County Farm Bureau submitted a recommended compliance table based on time needed to establish a Third-Party structure. Table available with comment letter upon request.	See Compliance Schedule General Response
Burr 3	Because funding is always going to be an issue, the Board should allocate at least as much funding to reviewing reported data, to follow up, and to corrective actions that it does to issuing permits to dischargers. This makes logical sense, since issuing permits that cannot be effectively reviewed by staff, makes the effectiveness of this exercise questionable. Permits that purport to allow discharges to our waterways must protect the public interest. We don't have years to implement this program. Many dischargers often say they are already doing all these things and more. Approval and on-site implementation should occur no later than one year from adoption of the WDR.	See Compliance Schedule General Response

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CAWG 1	<p>More time is needed for third party groups to organize and gather participants. The third-party groups will need time to develop administrative systems and create a list of contacts for vineyards subject to the Vineyard Order. They will then need time to conduct outreach and gather sign-ups. This process will take time and an additional six months is requested to conduct this activity.</p> <p>Additionally, all of the deadlines included in the draft Vineyard Order are based off of a December 2023 adoption of the final order. If the adoption does not occur in December, the deadlines for third party groups must be extended accordingly.</p> <p>It is unclear what a third-party group's responsibility is to ensure that water quality management practices have been implemented. If the Regional Board's expectation is that third-party groups will be ensuring that MPs have been implemented, this expands the argument for allowing certified sustainable vineyards to be recognized under the Vineyard Order. Third-party sustainability certifiers do ensure that the practices those vineyards have committed to are actually being implemented.</p> <p>Request Provide additional time for third-party groups to organize and gather participants. Extend compliance deadlines if adoption occurs beyond December 2023.</p>	<p>See Compliance Schedule General Response. As for a Coalition's responsibility to ensure that water quality practices have been implemented, this is not an expected function of a Coalition. However, the Proposed Vineyard Order was modified to include the use of Voluntary Programs (e.g., sustainability certifiers) to comply with sediment and erosion control requirements.</p>
Form Letter A 1	<p>Draft an order that is to be implemented in a timely manner such that water quality improvements are actually achieved.</p>	<p>See Compliance Schedule General Response</p>
Frey 6	<p>I also have concerns about RWQCB approvals of farm plans in a timely manner and the timely creation of a third-party program to cost effectively do the monitoring and reporting for 1500 growers and many more vineyard properties. No WDR permitting requirements should be required until a reliable third-party program is in place. Will the RWQCB be able to handle the volume of farm plans, of monitoring and reporting data, and of permitting applications that will be required for this program?</p>	<p>See Compliance Schedule General Response.</p>

Miscellaneous or Multiple Categories

The following comments refer to either unique topics or cover multiple categories.

Comment Number	Comment	Response
Extension Request	Commenters noted that the original 45-day comment period was too short to review and comment on large, complex documents. Commenters requested that the comment period be extended an additional 45-days to end on September 28, 2023.	The comment period on the Draft Vineyard Order and the Draft EIR was extended from 45 days to 60 days.
Smith 8	It is unclear why pH and Dissolved Oxygen should be sampled from groundwater wells (See Draft Order, Attachment A, Table A.4) . DO and pH must be measured in situ (immediately or within the well) and require specialized well calibrated monitoring equipment. If the requirement to measure DO and pH were removed, then vineyard operators could easily measure temperature, collect water samples, and have the remaining attributes analyzed by a lab or third party. We suggest removing the requirement to measure DO and pH from groundwater sampling.	The Proposed Vineyard Order eliminates dissolved oxygen and retains pH in Groundwater Trend Monitoring. Intrinsic water quality parameters such as pH, temperature, electrical conductivity are part of a protocol to ensure representative groundwater samples are being collected.

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CAFB 7	<p>The Proposed Vineyard Order Cannot Dictate the Manner of Compliance. Provisions within the proposed Vineyard Order violate the prohibitions set forth under Water Code section 13360 by illegally dictating the manner of compliance. Although regional boards may impose waste discharge requirements on dischargers, including irrigated agriculture and vineyards, such conditions cannot specifically dictate the manner of compliance. The proposed Vineyard Order violates Water Code section 13360(a) in numerous ways, i.e., in each instance where the North Coast Regional Board seeks to impose a “particular manner” in which compliance may be had. The proposed Vineyard Order does not simply direct dischargers to improve water quality by complying with a time schedule. Rather, the proposed Vineyard Order specifically states how a discharger will comply and what a discharger must do on their field. The following are examples of provisions within the proposed Vineyard Order and accompanying documents in which specific types of management practices are mandated, including, but not limited to, operation of heavy machinery in certain parts of the vineyard and/or at certain times of year, mandating at least 75% ground cover for sediment and erosion control, requiring streamside management area setbacks/vegetative buffers, and blanket prohibitions during the winterization period.</p>	<p>The commenter states the Draft Vineyard Order violates Water Code Section 13360 by dictating a particular manner of compliance. The Order provides guidance and examples of management measures that have been determined effective in meeting performance standards required under the Order. Enrollees are required to meet established performance standards, however, the Proposed Vineyard Order provides flexibility to growers in selecting measures to comply with sediment erosion control requirements, including an option to develop a Sediment and Erosion Control Plan instead of attaining minimum ground cover in the Farm Area. In addition, the proposed Order removes prohibitions on accessing vineyards during saturated soil conditions and on agricultural practices during the wet season, giving further flexibility to growers to implement appropriate management practices that will comply with Order requirements.</p>

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CAFF 1	<p>Given the weather extremes we have been experiencing and which are forecast to continue and intensify, without strong regulations, erosion and resulting stream sedimentation is bound to get worse. Hard rain after long dry periods leads to more run off and makes annual cover crops and other mitigation measures less effective as well more difficult to establish.</p> <p>Given these impending weather extremes, this Order must be implemented in a timely manner such that water quality improvements are achieved as soon as possible.</p> <p>The Order also must be enforceable with clear and appropriate consequences for failure to implement required practices and other violations</p>	<p>The comment expresses concern that the effectiveness of cover crops in protecting water quality may be compromised as a result of weather extremes, in particular because of challenges in establishing annual cover crops in advance of intense rain events following the growing season. The Proposed Vineyard Order was modified to account for the diversity of farming practices by providing multiple pathways for sediment and erosion control. For growers selecting the minimum ground cover option, if a rain event is forecasted prior to achieving minimum ground cover, temporary erosion and sediment control BMPs must be deployed. The comment also requests that the Proposed Vineyard Order be enforceable with specific consequences for failure to implement management practices and other violations. The Proposed Vineyard Order retains and expands adaptive management requirements when sediment and erosion control does not meet requirements. The Proposed Vineyard Order retains findings of the Draft Vinyard Order which reference the 2017 Enforcement Policy of the SWRCB and the tools available to the Regional Water Board to address water quality impacts and non-compliance with adopted orders.</p>
CAFF 2	<p>We ask that there be grant funding and technical advisory staff to assist small, independently owned vineyards with compliance with this Order.</p>	<p>Comment noted.</p>

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CAFF 3	As a member of the Technical Advisory Group for the development of these regulations, I would like to commend staff on the current Draft Order and efforts made this past year to develop clearly-defined, relatively streamlined regulations	Comment noted.
CAWG 19	<p>North Coast vineyards are dominated by small farms. According to the most recent USDA Ag Census, 52 percent of Mendocino county’s 415 farms with vineyards are less than 15 acres and 70 percent of Sonoma county’s 1,890 farms with vineyards are less than 15 acres. These small farms often have limited resources and costs incurred on regulatory compliance lead to reduced spending in other farming operations. For the very small growers, reduced spending in other farming operations is not a realistic option as it would have a significant negative effect on the continued viability of that vineyard.</p> <p>It is also important to recognize the difference in crop values between vineyards on the North Coast. According to the 2022 California Grape Crush Report¹ Sonoma County winegrape growers receive 61 percent higher prices than winegrape growers in Mendocino County, but all will incur similar costs under the Vineyard Order. Napa County winegrape growers receive 137 percent higher prices than growers in Sonoma County. Additionally, while it is unlikely that vineyards will be taken out of production due to adoption of the Vineyard Order, if costs are not appropriately addressed, there is a risk of family-owned vineyards being sold to corporations.</p>	<p>Comment noted. The Proposed Vineyard Order was modified in several ways to address disproportionate impacts on smaller farms. Farms under 5 acres are exempted from enrollment (See Acreage-Based Enrollment Threshold General Response) The Proposed Vineyard Order allows Enrollees to work with Voluntary Programs for compliance with sediment and erosion control requirements, which make use of existing programs in the region (See Sediment and Erosion Control General Response). Finally, the Proposed Vineyard Order revised monitoring requirements, which could lower costs for certain low-risk properties. (See Agricultural Drainage Structure General Response, Representative Turbidity Monitoring General Response, and Statewide ILRP Precedents General Response.)</p>

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CAWG 41	In addition to these requests included in these written comments, we respectfully request additional, facilitated meetings of the Technical Advisory Group to discuss the changes we propose in these comments and develop details for the alternatives we are proposing	Regional Board staff met with TAG members extensively between August 2023 and May 2024 to contextualize comments received and develop revisions. Most meetings were with individuals or groups of TAG members. In May, staff reconvened the TAG to receive input on intended revisions to the Proposed Order. Staff continued to communicate with TAG members over summer 2024 to further refine revisions.
Chen 5	As written, the draft order presented for Region 1, General Waste Discharge Requirements for Commercial vineyards is likely to lead to burdensome and ineffective discharge monitoring within Region 1. It is my understanding that this draft was modeled after the General Waste Discharge Requirements for Discharges from Irrigated Lands Order No. R3-2021-0040 (General WDRs) issued by the Central Coast Regional Water Quality Control Board (Central Coast Water Board) ¹ and State Water Board Order WQ 2018-0002 (Eastern San Joaquin River Watershed).	Comment noted. The Proposed Vineyard Order was modified in response to other specific comments. See Statewide ILRP Precedents General Response. See also Representative Turbidity Monitoring General Response.

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Comment Number	Comment	Response
Doerkson 1	My wife and I reside in the Upper Mark West Creek Watershed. As a 57-year owner of a redwood timber farm/ranch; and a 50+ year member of the Sonoma County Farm Bureau, I have a pretty good understanding of what is negatively happening to our watershed. It is a pretty sad situation because of the loss of all steelhead and salmon (that were up to 3 ft. long). There may be some good players out there, but not in the Upper Mark West Watershed. The fish were teeming in Mark West Creek 57 years ago. Now it seems lifeless in comparison. Summertime flows have been reduced by up to 95% due to too many vineyards upstream and massive amounts of sedimentation. The water temperatures in the low flow periods are too hot to sustain coho salmon, and the list goes on. Our Sonoma County Board of Supervisors with the “negative declarations” has dramatically destroyed a way of life for us and the wild animal life.	Comment noted.
Dodd 5	With all due respect, I request that Hector Bedolla recuse himself from voting on this due to conflict of interest, his bio states he is currently a consultant to Chenoweth Vineyards (an apple orchard until 2020) and has worked as a consultant to vineyards for some time.	Chair Bedolla previously recused himself from proceedings pertaining to the Vineyard Order.
Dodd 1	Many vineyards boast of “sustainability” and then use toxic pesticides and fertilizers. Sustainable for their profit margin perhaps but not for our water. Many vineyards along with the farm bureau are working to weaken these regulations or make them voluntary. Voluntary hasn’t worked. This must not be an option. All vineyards must be required to demonstrate their commitment to sustainability through robust monitoring and transparent reporting for all discharge areas.	The comment expresses concern about monitoring and reporting on nutrient and pesticide use. The Proposed Vineyard Order includes groundwater monitoring for nutrients and pesticides as well as representative surface monitoring for pesticides.
Form Letter A2	Over the last 5 years I have observed sediment filled waters and runoff coming off vineyard properties in my area. I have also observed vineyards with bare dirt all over in the middle of the winter and rainy season, as well as trucks driving on wet muddy roads and pesticides getting sprayed. This is harmful to the waters I love and negatively impacts my ability to fully enjoy them.	Comment noted.

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Form Letter A3	Ensure any adopted order is enforceable for any violation of terms and that there are actual consequences for failure to implement measures that are necessary to protect water health.	The comment expresses concern about enforcement. The Proposed Vineyard Order retains and expands adaptive management requirements when sediment and erosion control does not meet requirements. The Proposed Vineyard Order retains findings of the Draft Vineyard Order which reference the 2017 Enforcement Policy of the SWRCB and the tools available to the Regional Water Board to address water quality impacts and non-compliance with adopted orders.
Form Letter A 5	In order to achieve clean waters for all (people, plants, critters), vineyards must be required to do their part by cleaning up their own pollutant filled discharges that are causing sediment, nutrient, and other harms to our waters. As one of the last unregulated polluting industries in the North Coast Region, it is important that vineyards be held to the same standards as any other industry in the North Coast. There are numerous mitigation measures that vineyards could be taking to reduce their negative impact to our shared waterways and it is time that these measures be implemented. It is also important that all vineyards be required to demonstrate their commitment to sustainability through robust monitoring and transparent reporting for all discharge areas.	The comment expresses concern about monitoring and reporting on nutrient and pesticide use. The Draft Vineyard Order includes groundwater monitoring for nutrients and pesticides as well as representative surface monitoring for pesticides.

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Form Letter A 7	Require all vineyards report their monitoring results to the Regional Board without aggregation or anonymity.	The Proposed Vineyard Order retains the provision for grower coalitions to aggregate management practice, agricultural drainage structure turbidity monitoring, water quality management plans to the HUC-12 level which is a smaller geographic unit of aggregation that most regional irrigated lands orders in California. The Regional Water Board finds that such aggregation will provide sufficient feedback for the Board to determine compliance with Order conditions, and to guide necessary management adaptations. The Proposed Vineyard Order retains the requirement to upload domestic well monitoring data to the state GeoTracker system which does not aggregate data.
Form Letter B 1	The commenters expressed general support for the development of a Vineyard Order. Commenters referenced discharge of excess sediment and agricultural chemicals into surface and groundwater as areas of concern. Some commenters expressed that vineyards should be held to similar regulatory oversight as other industries in the region.	Comment noted.
Form Letter C1	Soil is precious to farmers and our farming methods have always been implemented to avoid soil erosion. Vineyards make up a small percentage of land in Sonoma and Mendocino counties - about 6% of the landscape in the Russian River watershed, and 3% of the Navarro River watershed.	Comment noted. Considering the scale of vineyard land use across large watersheds does not account for local impacts where vineyard land use is the dominant land use.

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Hume 1	The commenter referenced large-scale agricultural practices that disturb soil tillage, mono-crop planting, crop excessive use of fertilizers and pesticides, along with overgrazing, expose the atmosphere to carbon found in soil; this carbon combines with oxygen, allowing it to burn into the atmosphere. An excess of carbon causes temperatures to increase, facilitating climate change. ²⁴³ Reducing the disturbances on managed lands by practicing no-till farming, harvesting forests less frequently, and leaving green space in urban areas can reduce carbon emissions from soils, ensuring that carbon is not released back into the atmosphere.	The Proposed Vineyard Permit was modified to conditionally reduce agricultural drainage structure turbidity monitoring for vineyards with very high levels of ground cover. This change may be an incentive for certain vineyards to reduce tillage.
Hume 2	The commenter described and supported organic farming and healthy soil practices including ecological pest management, rotational grazing, conservation tillage, cover crops, and nutrient management.	Comment noted.
JWF 1	JFW employees sit on the Board of Directors for CSWA and for Wine Institute and are also members of the Wine Institute’s Environmental Working Group. In these roles JFW has been involved in the development of the comment letters submitted by the Wine Institute. As such, and by reference, JFW agrees and supports the comments sent in by Wine Institute. JFW has developed our own additional comments and suggestions on the draft Vineyard Order	Comment noted.
Lewis 1	I welcome the opportunity to engage with both the regulatory and regulated communities about these comments and any potential revisions to the draft order and proposed program that will contribute to achieving agriculture land use stewardship and watershed natural resource management goals. My comments focus on two elements: 1) Use of a proven approach for achieving nonpoint source pollution management on working lands, including vineyards; and 2) Applicability of proposed monitoring, including use of turbidity.	Thank you, comment noted.

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MCFB 1	As drafted, the Order creates disproportionate burdens on vineyard operations located within already disadvantaged communities such as those found in Mendocino County. Wine grapes represent over \$84,000,000 without including a multiplier, to the agricultural economy of Mendocino County. There is minimal mention in the Order about the contribution of wine grapes to the economy in Region 1 and we ask for recognition of its importance to Mendocino County.	The Proposed Vineyard Order has been modified to include a statement in the Findings that winegrapes are an important sector in the economies of Mendocino and Sonoma Counties.
MCFB 31	P 67 Inspection and Entry "Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order. The California Department of Pesticide Regulation (CDPR) has strict requirements for entering premises where chemical applications are being performed. Entry by RWQCB staff during a non-reentry interval is prohibited by law. Properties posted with signage cannot be entered under these circumstances. Additionally, this is a very broad statement and needs to be refined. Unfettered access to the above, undefined areas could put staff and personnel in danger, risk liability and is overall not necessary for the adoption and enforcement of the Order.	The Proposed Vineyard Order was revised to include the caveat to the provision that inspection and entry must be consistent with CDPR pesticide re-entry intervals.
MCFB 15	"5) Onsite sources of waste discharge that are not appurtenant to the vineyard operation on the enrolled parcel(s) may be subject to a ROWD and individual waste discharge requirements, a WQMP, or another regulatory mechanism. " This statement inappropriately opens up entire tracks of land to be regulated under this Order and is beyond the scope and jurisdiction of the WDR for Commercial Vineyards.	This provision is a statement of fact regarding the Regional Board's authorities and does not change existing authorities or subject an Enrollee to potential regulation that isn't already under the Regional Board's authority. Staff included this provision to notice the Enrollee that activities not appurtenant to the vineyard but that may contribute to sediment run-on in the vineyard may be subject to additional permitting.

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Comment Number	Comment	Response
Olson 1	<p>I am writing on behalf of Fetzer Vineyards dba Bonterra Organic Estates, located in Mendocino County. Bonterra has been an industry leader and pioneer in implementing sustainable practices in our vineyards, including best management practices to protect our water sources. We have been at the forefront of sustainable viticulture for several decades. As an active participant in the wine industry, own and manage over 2,400 acres on the North Coast of California, we are deeply invested in both the environmental health of our region and the continued success of our industry.</p> <p>First and foremost, we wish to commend the efforts of the Regional Water Quality Control Board in striving to enhance environmental protections through the proposed new general order. We recognize the importance of responsible land and water management, especially in an area as ecologically sensitive as the North Coast. Our winery has a rich history of advocating for sustainable practices and maintaining the highest standards of environmental stewardship. We hold multiple certifications, including being certified organic and Regenerative Organic Certified (ROC), which underscores our commitment to sustainability. However, after a thorough review of the proposed new general order, we have identified some concerns that we believe warrant further consideration. While we support the intentions behind the order, we are worried that certain provisions might inadvertently burden responsible vineyards and potentially impede the progress of sustainable viticulture in our region.</p>	Comment noted.

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Olson 11	<p>As a winery with a long history of environmental responsibility, we believe that it is in the best interest of both the wine industry and the community to collaboratively address these concerns. We would welcome the opportunity to engage in further dialogue with the Board to discuss potential modifications that can ensure the general order aligns with the existing efforts of responsible vineyards, while still achieving the broader environmental goals set forth.</p> <p>We appreciate the Board's dedication to maintaining and improving the water quality and ecological integrity of the North Coast. We are committed to being an active participant in this process and are open to sharing our experiences and insights to help shape a general order that truly advances sustainability without hindering progress.</p> <p>Thank you for your time and consideration of our concerns. We look forward to the possibility of working together to ensure that the new general order is a win-win for both the environment and the continued growth of our industry.</p>	<p>Staff appreciate the commenter's offer. Between Summer 2023 and Spring 2024, Staff toured over 40 vineyards in Sonoma and Mendocino Counties to contextualize comments and develop revisions to the Draft Vineyard Order.</p>

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Pauli 1	<p>My farm is typical for Mendocino and Sonoma Counties. We have a number of small ranches, spread out through a large area. These are not large swaths of land like you would see in other Regions. The average size is much less than 100 acres. Each ranch or location, will have to have its own monitoring. This is not a big square, 1000 acre piece of property, and complying with this monitoring regiment is going to be costly, time consuming, and frankly will not provide useful data because each ranch is such a small part of each sub watershed, and are not the primary dischargers. By way of contrast, my family’s ranches in Region 2, where we are growing the same crop the same way, and making much, much higher revenues, there are no individual monitoring requirements. Our vineyards are certified sustainable by Fish Friendly Farming (FFF), we adopted best management practices years ago and FFF ensures we follow them every year. By the way, our vineyards in Mendocino County, are also all in FFF and following the same BMPs. In region 2 we pay a minimal fee, like all of our neighbors, and that to go towards representative monitoring costs to asses risks. To actually see if there are problems, unlike this draft that just assumes that there is a problem and that the point source is vineyards.</p>	Comment noted.
Pauli 2	<p>In conclusion, as a land mass, vineyards account for .0005% of the overall area in Region 1. That’s it. Vineyards are not row crops. We use very little water, very little nitrogen. The vineyards we plant are designed to produce for 35 to 40 years before needing to be replanted. During that time, we do not till the rows in between the vines unless absolutely necessary, for example, where we have no water to irrigate and are dry farming or infrequently when a block gets replanted. A huge majority of vineyards in the two counties are certified sustainable by third parties. Vineyards are not discharging waste or pollutants and should not be treated like row crops. We just want to be treated fairly and equally.</p>	<p>Comment noted. The scale of vineyard land use across the entire region does not account for local impacts where vineyard land use is the dominant land use. The Draft Vineyard Order was formulated with the specifics of vineyard production in mind, and was modified to further suit common local vineyard practices and watershed conditions based on public comments, vineyard visits, and conversations with interested persons that occurred since the 2023 release of the Draft Order. See the Sediment and Erosion Control General Response for more specific information.</p>

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Ricioli 1	<p>We farm about 54 acres of vineyard on the valley floor near Fulton. Our vineyard is nearly flat dropping about 8 feet from the highest point to the lowest. There is very little risk of erosion and run off doesn't usually begin until after rains have sprouted new ground cover. We have been certified as sustainably farming for several years. As part of the program, we perform both leaf and soil tests for nutrients and replace N-P-K at the rate of plant use as determined by UC Davis. From what we have observed, even the best nutrient tests have a wide range of accuracy and must be interpreted with the additional use of historic data. It is my understanding, that the use of fertilizers in our area is much less than those used in other areas of the state. We have been blessed with denser fertile soils, that are not as permeable and require less fertilizer, since wine grapes can exist and flourish with minimal fertilizer applications. We always read the labels of chemicals we use to make our vineyards as safe as possible for our workers and ourselves. None of the materials we are using require more than 24 hours for re-entry and most require even less time. Some as little as 4 hours. We live on our property and do not want to contaminate anyone or our household water supply. Additionally, we have installed cover crop filter areas around the vineyard and avenues. Our soils have a high percentage of clay and do not adapt well to in row cover cropping. In summer months soil becomes cracked as much as 2" allowing moisture to escape if it is not disced. Discing provides a fine buffer between the soils base and the sun exposure and helps reduce the amount of water applied through drip.</p>	<p>Comment noted. The Proposed Vineyard Order was modified to include more flexibility for Sediment and Erosion Control compliance based on site conditions. See the Sediment and Erosion Control General Response.</p>

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RR 1	<p>(The Russian River) Watershed is continually plagued by water quality issues with algal blooms, polluted runoff, high water temperatures, pesticides, high turbidity, altered streambed compositions, and other impairments.² In dry periods, which are increasingly more common with climate change, these water quality issues and their negative impacts are further exasperated due to increased concentrations. The Russian River Watershed is not alone in experiencing these issues in the North Coast Region. In fact, the majority of waters in the North Coast are 303(d) listed for temperature, sediment, and pesticide impairments, amongst others; and have been for decades. This puts our important natural, cultural, human, and tribal resources at risk for permanent degradation and possibly extinction. Beyond the devastating effects of siphoning water from our already low rivers for purposes of vineyard irrigation and winter frost protection, there are the undisputed deleterious effects of pesticides and run-off on our dwindling population of insects, birds, fish and amphibians. In addition, vineyards have introduced a variety of harmful mechanical impacts on our waterways especially those of erosion and riparian habitat destruction.</p>	Comment noted

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Comment Number	Comment	Response
RR 2	<p>The Russian River Watershed is unique in its ability to support an expansive combination of rural, urban, agricultural, recreational, and environmental needs in a modern California. Today, the Watershed encompasses 1,500 square miles of forests, agricultural lands, and urban areas within Sonoma and Mendocino Counties, of which, about 95% of lands remain privately owned. The Watershed consists of the Russian River's 110 mile-long mainstem, an estimated 238 creeks, streams, and tributaries, and a network of interconnected groundwaters. These waterways are a vital resource to the continued well-being of the North Coast and San Francisco Bay Area Nature Regions as they are responsible for providing: water for over 600,000 area residents and numerous agricultural uses; a favorite tourist and summer escape for over a million people each year; and key habitat for thirty-four species of fish, including three federally listed salmonid species, birds, plants and mammals alike</p>	Comment noted
RR 3	<p>The commenter asserted that Key Elements 3,4 and 5 of the Nonpoint Source Policy were not satisfied.</p>	<p>See Responses to Comment Russian River Keeper 52 and 54. See Response to Comment CAWG 48 and Agricultural Drainage General Comments A and B.</p>

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RR 4	<p>In 2012, California first adopted legislation enshrining the basic human right to have clean, safe, and affordable drinking water. This right extends to all Californians, including disadvantaged individuals and groups and communities in rural and urban areas. As noted in the draft order, the Water Boards have adopted resolutions to further advance this right stating, they will work “to preserve, enhance, and restore the quality of California’s water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations.” (emphasis added). Of particular importance here is the commitment to preserve, enhance, and restore...for the benefit of present and future generations, which we believe can be further strengthened in this draft order, and expand on further below.</p>	<p>Comment noted.</p>

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RR 25	<p>Unfortunately, many of our most impacted and underserved communities do not have the resources available to participate in robust TAG processes and/or due to life circumstances do not feel able to speak up for more protections. This is why it is important that organizations that have built trust in these communities and have more collective resources to represent needs in these processes are purposefully included and actively sought for input. From the “Background” section it is not clear the extent that the Regional Board took steps to address these realities and needs within our regional BIPOC communities that are not also part of one of our regional Tribes. It is also not clear the extent that the Regional Board was able to receive input from these impacted communities and subsequently consider and incorporate that input into this draft order. Regional Board needs to conduct racial equity outreach</p>	<p>Thank you for this comment. 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. In August 2024, staff produced outreach materials in Spanish and released information on the Draft Vineyard Order to media outlets including three Spanish-language newspapers and two radio stations in Sonoma and Mendocino Counties. In September 2024, staff distributed outreach materials throughout Sonoma and Mendocino Counties including at farmworker housing, community centers, libraries, post offices, and retail spaces. Staff also met with leaders in BIPOC communities and attended three outreach events targeted at Spanish speakers. The Findings of the Proposed Vineyard Order were revised to reflect this outreach.</p>

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RR 50	<p>Dissolved Oxygen – There are several waterbodies in the proposed application area that are also listed as impaired for low dissolved oxygen. Listed salmonids as well as other aquatic species that inhabit these rivers and their tributaries are dependent on protective water quality objectives for dissolved oxygen for survival. Optimal and lethal limits for dissolved oxygen for salmonids and other aquatic species are well documented, yet this draft WDR does not require monitoring for dissolved oxygen, let alone require mitigation measures that will help protect against resulting harms. The TMDL for the Navarro River watershed, included under this draft order, requires: “At a minimum, waters shall contain 7.0 mg/L at all times. Ninety percent of the sample collected in any year must contain at least 7.5 mg/L. Fifty percent of the monthly means in any calendar year shall contain at least 10.0 mg/L.” Yet, dissolved oxygen is not mentioned in the CEQA documents nor the WDR. As dissolved oxygen levels are temperature dependent and dissolved oxygen levels in a creek determine the health and survival of aquatic species, it is important this key parameter is not omitted. The Regional Board’s own policies support this need for inclusion: “401 certifications, NPDES permits, waste discharge requirements, or waivers of waste discharge requirements issued by the Regional Water Board set conditions to address concerns associated with temperature factors such as reduction in shade [e.g., dissolved oxygen], changes in cross sectional configuration, temporary dewatering impacts, and/or sediment deliveries.”</p>	<p>Within the North Coast viticulture region only the Laguna de Santa Rosa is listed as impaired for dissolved oxygen. A TMDL is currently being developed for the Laguna de Santa Rosa which will identify a program to address its water quality impairments. The Proposed Vineyard Order includes requirements for sediment and erosion control and Streamside Area setbacks to address impacts from sediment and temperature on dissolved oxygen levels in surface waters.</p>

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Comment Number	Comment	Response
RR 52	<p>After review of this draft order, there does not appear to be any defined repercussion for noncompliance or clear enforcement mechanisms. We recognize that the Regional Board is relying on the State Water Board Water Quality Enforcement Policy, however, because key areas of the draft order are lacking any interim measures, measurable outcomes, or concrete timelines the Regional Board has essentially mooted its own ability to do anything in regards to noncompliance and subsequent enforcement. This must be corrected for in future drafts and before adoption of any order if the Regional Board has any actual intent to achieve water quality goals and protect our many beneficial uses. It is also necessary to satisfy Nonpoint Source Key Element #3. The Regional Board must also make it abundantly clear that repeated exceedances combined with failure to take any meaningful mitigation measures will result in strong enforcement action by the Board. There must be a balancing of program incentives and effective deterrents to ensure that any adopted program is successful. It is within the Regional Board's authority to enforce its own WDR in a variety of ways and must not limit its ability to do so. Need defined repercussion for noncompliance and clear enforcement mechanisms.</p>	<p>The comment makes the unsupported claim that the Draft Vineyard Order does not include interim measures, measurable outcomes, or concrete timelines. The Proposed Vineyard Order retains and expands requirements to respond to Agricultural Drainage Structure turbidity benchmark exceedances as well as retaining adaptive management requirements and monitoring and reporting frequencies. In addition, the Order does not limit or restrict the Board's ability to utilize all appropriate enforcement mechanisms authorized by statute.</p>

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RR 53	<p>There are three key practices that must be part of any order to ensure the Regional Board does not lose its ability to enforce any adopted order in a timely manner as required by the Non-Point Source Policy. The first practice is to utilize monitoring requirements that are site specific for all commercial vineyards. By relying on individual field monitoring instead of aggregated data, the Regional Board is able to identify in a timely manner where adaptive measures, and possibly enforcement actions, are needed. It is important that the Regional Board require monitoring sufficient “assure that [management] practices are properly applied and are effective in attaining and maintaining water quality standards.” The second practice is through the use of specific interim measures, preferably precise numeric limits, that can be used to accurately demonstrate implementation and goal progress. These interim measures help provide necessary feedback mechanisms to the Regional Board to ensure that the program is working as intended and that water quality goals will be achieved in a timely manner. Without these measures, the Regional Board has no real way to determine effectiveness of the permit until a trend report is submitted, but those are every five years and have limited information available. The third practice requires that monitoring data be reported to the Regional Board in a clear and transparent manner, without full anonymity. We recognize that the ESJ Order allows for some anonymity, but the Regional Board still holds discretion on the extent of that anonymity and can require practices necessary to ensure anonymity can be broken as needed. As we understand the current draft, the use of APNs can help break any anonymous data reports. We strongly urge the Regional Board to maintain this provision. However, we also encourage the Regional Board to take an additional step by clearly laying out a process for staff to breach any anonymity and garner access where and when needed with little to no delay.</p>	<p>The Proposed Vineyard Order retains the provision for grower coalitions to aggregate management practice, agricultural drainage structure turbidity monitoring, water quality management plans to the HUC-12 level which is a smaller geographic unit of aggregation that most regional irrigated lands orders in California. The Regional Water Board finds that such aggregation will provide sufficient feedback for the Board to determine compliance with Order conditions, and to guide necessary management adaptations. The Proposed Vineyard Order retains the requirement to upload domestic well monitoring data to the state GeoTracker system which does not aggregate data. The Proposed Vineyard Order includes the requirements that individual Enrollee information related to Order compliance can be obtained by the Regional Board from the Coalition or individual grower directly.</p>

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Comment Number	Comment	Response
RR 56	We urge the Regional Board to tighten this permit, make it responsive to today’s realities, embrace the good actions folks are in-fact doing, and allow the public to reassure itself that discharges are not harming our waterways any further. We would also like to offer staff and Regional Board members the opportunity to go into the field to discuss our own perspective further.	The comment expresses a desire to engage with Regional Water Board staff to illustrate the diversity of farming practices in the Region. Between Summer 2023 and Spring 2024 Regional Water Board staff participated in over 40 vineyard tours, including with the commenter to observe viticultural practices during the wet season. The Proposed Vineyard Order was informed by those observations and discussions with growers and other interested parties.
RR 29	Recommendation: “New planting of commercial vineyards on Unstable Areas is prohibited unless repaired under the direction of a Qualified Professional.” The amount of mitigation necessary to prevent sediment discharge from an unstable area is high and uncertain; and new planting vineyards must be required to give priority to resolving their existing discharges, not making new ones. New planting of commercial vineyards on Unstable Areas is prohibited. No exception to Qualified Professional	The comment claims there is great difficulty and uncertainty in preventing sediment discharges from new vineyards planted on unstable areas. Regional Water Board staff agree and to mitigate the potential increased threat of excess sediment discharge the Proposed Vineyard Permit retains the requirement to prohibit new vineyard planting on unstable areas unless repaired under the direction of a qualified professional.

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Comment Number	Comment	Response
SCFB 19	<p>While we recognize the hard work that has gone into creating this Proposed Order by Regional Water Board staff, this order as written imposes extensive burdens with too many requirements. It also appears that the benefits of some of the requirements on water quality are slim to none. For smaller operations, this is another nail in the coffin that is making farming nearly impossible in our region. Growers will be paying for monitoring and reporting of sediment data in the Russian River watershed. This data is needed for a TMDL for sediment, but grape growers are only one source -a small source -because grapes represent a very low percentage of land use in the watersheds. We encourage the Regional Water Board to adopt a less complicated vineyard order with limited monitoring while the Regional Water Board collects the necessary data to identify sources of sediment and develop a TMDL for the Russian River. Once the TMDL is in place, the Regional Water Board can revisit the vineyard order, and implement the TMDL recommendations that are applicable to vineyards.</p>	<p>The comment expresses a general concern that the Draft Vineyard Order includes requirement which will have little water quality benefit and a specific concern that the monitoring and reporting program in the Draft Vineyard Order is in part necessary for adopting a Russian River watershed sediment TMDL. Establishment of a TMDL is not necessary prior to adopting General Waste Discharge Requirements or other program to address sources of pollution. The monitoring required by the proposed order is not intended to form the basis of a source analysis for a TMDL, but rather is intended to assess the effectiveness of management practices and drive adaptive management; identify any impacts to drinking water wells; and monitor water quality trends associated with the commercial cultivation of winegrapes. The comment requests the Draft Vineyard Order be modified to reduce overall complexity and monitoring requirements. Monitoring and Reporting requirements in the Proposed Vineyard Order were modified in response to several comments and through staff-initiated changes. See Representative Monitoring General Response for more detail. The comment makes the claim that vineyards are a very low percentage of land use in North Coast watersheds; however, as noted in the Draft Vineyard Order, in some watersheds vineyards are the dominant land use.</p>

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Comment Number	Comment	Response
Thompson 1	The commenter describes several sources of water quality impacts and encourages regulatory programs to control these sources.	Comment noted. See Russian River TMDL General Response. The Regional Water Board already implements numerous regulatory programs for point source and nonpoint source pollution including dairies, timber operations, cannabis, municipal stormwater systems, and construction sites. Visit the website at https://www.waterboards.ca.gov/northcoast/ for more information.
Wiley 1	My contact experience with the SWRCB began back in 1998, when I late-filed an application to get a permit for a 10 acre/ft irrigation pond I built in 1976. And during their visits I explored with these people the origins of the SWRCB's interpretation of the state laws governing their jurisdiction of sheet rain run-off, the principle source of the water in my irrigation pond. It appears from our conversation that there was no language in the regulatory law (Porter-Cologne Act?) that provides it with regulatory authority over this kind of run-off. An interpretation I continue to consider intrusive of property owner's land use rights.	The comment expresses concern about Regional Water Board authority to adopt regulations for agricultural discharges. In 2002 the California Legislature ended the agricultural exemption for compliance with Waste Discharge Requirements and in 2004 the SWRCB adopted the Nonpoint Source Policy which requires regional water boards to regulate all nonpoint sources including agriculture.
Wiley 2	My general argument includes the perspective that the SWRCB is already understaffed with poorly trained and informed people with neither the time nor the skills to administer the regulatory responsibilities they already have. And that as a consequence the tax-paying farmer will bear the burden in time and money providing the ag practice information your proposal wants to require. For example, as your office should know, each farmer already provides weekly to state and county their complete annual ag chemicals usage records. To have to replicate this information for SWRCB is a waste of time and money for the already overworked viticulturalist- never mind a discourtesy on your part to require it given the already available information.	Comment noted The Proposed Order does not require Enrollees to duplicate pesticide use reported that is submitted to the county Agricultural Departments as the commenter notes.

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Wiley 3	In the spirit of further training for the SWRCB staff state-wide I suggest you solicit the state legislature to increase your annual allocation for the purpose of increasing AND thoroughly training your staff in modern viticultural practices. We all win on that one.	Comment noted
Wiley 4	My viticultural practices, like all modern growers, have improved by both formal research, Ag Extension Services advice and trial and error. For the past ten years, my annual management agenda services a vineyard that is no-till after the planting year, and almost entirely organic in its fungicide, herbicide and nutrition application practices. The herbicide, for example, is entirely herbs and spices, no Round-up. There is no need to include nitrogen in the fertilizer agenda as the soil here is sufficiently nitrogenous, partly due to the clovers and other ground plants growing in and around the vineyard.	Comment noted.
Wiley 5	I have grave reservations about SWRCB’s interpretation of your regulatory responsibilities for ag pit pond water sources, wherein somehow you define “banks and beds” as including sheet water run-off, the source of all water in my holding pond. Very imaginative on your part, I would say. If farming didn’t take up as much of my daily life as it does, I would consider seeking legal counsel on the matter with the possibility of class-action litigation against your organization and its interpretation of the law. Perhaps more instructive at this time would be to make an inquiry about the matter to the current head of the state legislative committee for agricultural affairs. In your reply to mine here, please advise me who that person currently is.	Comment note. Staff could not discern which element of the Draft Vineyard Order the commenter was referring to. The Proposed Vineyard Order was revised to clarify setback requirements only apply to ponds that are hydrologically connected to a stream. Information on California’s legislative committee leadership can be found here: https://www.assembly.ca.gov/committees https://www.senate.ca.gov/committees

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Wiley 6	<p>Further in pursuit of efficiency in your ag regulatory activities, I propose that for a viticultural practice agenda in a vineyard like mine, once I send you a one time report on my ag location and history, upland bench site, water source all sheet run-off, organic, no-till, nominal fertilization activity, thorough winter erosion engineering and management, you provide permission to report no further unless the vineyard changes practices or ownership. And that to confirm the integrity of the report, you send a representative from SWRCB to the vineyard to view and verify its content. It would be a good training exercise for staff members who in my contact experience with them, know little about viticultural best practices. The person who inspected my vineyard as part of the irrigation pond usage permit process was a retired US Army professional with three years' experience employed by your Santa Rosa office who admittedly acknowledged that he learned a lot from my proud description of my practices.</p>	<p>Comment Noted. Staff reached out to this letter writer and toured his vineyard in February 2024.</p>

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Prat 2	<p>The draft Order is overly complex and contains too many requirements for an initial permit that applies broadly to a vast majority of vineyard landowners. A tiered or categorical approach should be provided that includes the ability for all or some vineyards to provide the management measures necessary to protect water quality and unenroll or qualify for a no fee waiver of waste discharge requirements. It is unlikely that the Regional Water Board is adequately staffed to provide adequate guidance to the large number of small vineyard landowners that will need a lot of handholding in order to understand their roles and responsibilities. How many Regional Water Board staff will be dedicated to serving the technical and administrative needs of 1,500 enrollees? Please provide an estimate of annual fees generated by the General Order and how those fees will be allocated to staff positions that will be dedicated to providing public service to the vineyard program and General Order enrollees.</p>	<p>The Proposed Vineyard Order has been modified to consider threat and complexity in requirements, monitoring, and reporting. See Sediment and Erosion Control General Response for more information. Staff implementing Irrigated Lands Orders often oversee the enrollment of large numbers of dischargers and acreage. To address staffing needs for these expansive regulatory programs, the Proposed Order allows for grower coalitions that provide certain administrative services on behalf of their enrolled dischargers. Consistent with other Irrigated Lands Regulatory Orders throughout the state, the Proposed Vineyard Order allows Enrollees to enroll through a grower Coalition which manages fee collection and can assist Enrollees with monitoring, reporting, and outreach and education. The State Board incentivizes dischargers in subject to Irrigated Lands Orders to enroll through coalitions through the Irrigated Lands fee schedule by setting reduced fees for enrollment through coalitions.</p>
Henrioulle 1	<p>Thank you for providing the opportunity for public comment and for extending the comment period on the above-referenced draft WDRs. I have reviewed the draft WDRs, and I also attended the August 4, 2023 Board workshop regarding this matter. During the meeting, Board members directed/encouraged staff to take additional time to visit vineyards and growers in the Region prior to bringing the draft WDRs back to the Board for consideration; I am hopeful that this effort will lead to changes in the current draft WDRs that serve to address some of the comments and questions I provide herein.</p>	<p>Comment is noted.</p>

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Henrioulle 2	<p>First, by way of my own background, to give these comments some contextual basis: though now retired, I worked for the North Coast Regional Water Board from 1999 to 2022. During that time, my duties variously included leading and working on a number of programs and projects, including, but not limited to, Non Point Source, Grants, Land Disposal, Clean Water Act section 401 permitting, TMDL implementation, Enforcement, and Cannabis, and I participated in efforts to develop, implement, and enforce a number of individual and general permits, as well as to take formal or informal enforcement for many types of water quality violations; my comments come with some prior familiarity with Board programs, processes, and permits, and the Board’s mission and responsibilities.</p> <p>Based on my review of the draft WDRs, I have a number of specific comments, questions, and suggestions. As a general comment, first, I believe the WDRs and your proposed regulatory program would be greatly strengthened by building on existing partnerships, and efforts and accomplishments made by both by the Regional Water Board, and its staff, and the Region’s grape-growing community, and various technical assistance partners, over the past couple of decades to identify and address water quality issues associated with vineyards in the Region. Several of my specific comments, presented below, speak to this general comment as well.</p>	Comment is noted.
Henrioulle 5	<p>Page 5, para 6 indicates that the 2000 TMDL for the Navarro River recommended an 80% reduction of sediment contributions from vineyards. Since 2000, what efforts have been made by or on behalf of vineyards in the Navarro River watershed to make these reductions? Information regarding these efforts may be available from the Mendocino County RCD, Fish Friendly Farming, and North Coast Water Board staff and records, as well as from the growers themselves.</p>	Thank you for your comment. The Findings in the Proposed Vineyard Order have been modified to indicate efforts made by vineyard growers through voluntary programs and VESCO since 2000.

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Henrioulle 6	Page 5, para 8 indicates that the 2004 sediment TMDL implementation policy required vineyards to take steps to inventory, control, and monitor sediment sources. Again, how many vineyard owner/operators have taken such steps over the intervening 19 years?	See response to Henrioulle 5.
Henrioulle 7	Page 5, para 8 (and at other places), the Order mentions that vineyards exceed 75 percent of the area in some smaller watersheds. Maps provided with the draft WDRs are representational, but not especially useful in showing the overlay of actual vineyard areas on smaller watersheds. Are maps showing better definition/ granularity available?	The comment seeks information on the footprint of vineyards within smaller watersheds. The graphics provided in the Draft Vineyard Order already illustrate the intensity of vineyards land use within sub-watersheds.
Henrioulle 11	Page 6, para A4 – indicates that in August 2023, “staff conducted outreach meetings, which included presentations of the draft Order and draft EIR, and a question-and-answer session for attendees.” It is not clear whether this refers to the August 4, 2023 workshop only, or whether there were additional meeting(s) held or planned during August 2023. However, with respect to the August 4, 2023 Board workshop, you will recall that the proceedings included a staff presentation, public comment portion, and input from board members. This meeting did not include a question-and-answer session, and did not mention any such opportunity held or planned.	Comment is correct. The Proposed Vineyard Order was revised accordingly. Since August 2023, there were numerous meetings with interested parties, commenters, winegrape growers, and the public. The Proposed Vineyard Order was modified to include in the Findings section a summary of public outreach since the August 2023 meeting.
Henrioulle 15	Page 14, para F3 – I recommend that name and contact information for representatives of enrolled properties be included in enrollment information placed on whatever Board database is to be used for this program. It does not appear to be either necessary or efficient to create a process where enrollee contact information is only available through third party programs.	Comment is noted and the Proposed Vineyard Order has been revised to include Enrollee name and contact information associated with enrolled parcels.

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Henriouille 16	Page 19, para b describes a process in which the enrollee initially conducts a self-assessment, listing best management practices being implemented on the property. This is followed by monitoring and adaptive management, possibly culminating in a requirement to develop and implement a farm plan. I understand this approach is intended to reduce up-front program cost, but suggest that it also represents a reactive approach, creating uncertainty as to whether what is being implemented is sufficient, whether problems will develop or persist, what to do should a problem occur, and ultimately, likely proving more costly than simply requiring development and implementation of a source identification/control plan up front (i.e., farm plan) (if such a plan has not been developed and implemented already).	See Sediment and Erosion Control General Response.

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Henriouille 23	Page 46 provides a list of “qualified professionals.” Is a QSD license really an appropriate qualification for any aspect of vineyard water quality protection?	<p>Within the Proposed Vineyard Order, Qualified Professionals are required for the following: developing/certifying Water Quality Management Plans, certifying Sediment and Erosion Control Plans, making an Offsite Turbidity source determination, and directing vineyard planting/replanting on unstable areas. In order to become certified as a QSD a person must have prior certification in one of the following: Professional Hydrologist registered through the American Institute of Hydrology, Certified Professional in Erosion and Sediment Control (CPESC) registered through Enviro Cert International Inc., Professional in Erosion and Sediment Control registered through the National Institute for Certification in Engineering Technologies – Level 3 (NICET), Certified erosion, sediment and storm water inspector through Enviro Cert International Inc. (CESSWI), or Certified Inspector of Sediment and Erosion Control registered through Certified Inspector of Sediment and Erosion Control Inc. (CISEC) and take a 3-day training. Furthermore, the Proposed Vineyard Order includes the statement, “A Qualified Professional must only perform work they are qualified to complete, consistent with applicable licensing and registration restrictions, and must certify any work completed. See Business and Professions Code sections 6700-6799, 7800-7887, and 8700- 8805, respectively.”</p>

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Henrioulle 24	Page 51 footnote mentions potential need for Clean Water Act section 401 Water Quality Certification for stream disturbance associated with work required through the Order. I recommend that to the extent possible you build 401 cert/WDR provisions into this Order to streamline permitting for applicable work required by the Order.	See Response to Comment CAWG 48 and 49. The Proposed Vineyard Order does include requirements which are typically expected to require a 401 Water Quality Certifications.
Henrioulle 34	Page 66, E, 1, 1 indicates that a possible consequence of noncompliance is disenrollment. In the case that a grower is disenrolled, what would happen next and/or what would the grower then be required to do or disallowed from doing?	Growers who no longer have coverage under the General Order would have to seek coverage under Individual WDRs.
Prat 4	The Regional Water Board is over-reaching to assert that section 13267 is provided for any circumstance staff deems appropriate because the agency is lacking some type of data. Not all land currently planted to vineyards has been constructed or managed equally in time and space. Section 13267 should not be applied broadly to require technical reports from every vineyard parcel within a large geographical area or land use for the purpose of funding a state or regional groundwater studies. Use of section 13267 should be limited to specific cases of pollution and the appropriate technical report and potential well sampling requirements should be the burden of the landowner associated with a specific vineyard(s) unauthorized discharge and associated potential impacts to groundwater.	The Regional Water Board has considered the costs and burdens of requiring such information and the Proposed Vineyard Order outlines the need and benefits of obtaining this information in the Findings section.

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Prat 15	<p>The Regional Water Board’s program webpage for “NPDES Stormwater” states “Storm water is defined as the runoff generated when precipitation from rain and snowmelt events flows over land or impervious surfaces without percolating into the ground. Storm water discharges in California are regulated by National Pollutant Discharge Elimination (NPDES) Permits.” The webpage states common pollutants contained in storm water include sediment, nutrients, bacteria, heavy metals, and toxic chemicals. The draft Order is attempting to regulate discharges of storm water from vineyards and the same common pollutants without authorization under a NPDES permit. The draft Order is lacking a clear and straightforward explanation for why it is appropriate and legal for the Regional Water Board to authorize and regulate storm water runoff discharges from vineyards with a general waste discharge order that does not include NPDES permit authorization to discharge waste to surface waters. The draft Order is not consistent with the statements posted on the Regional Water Board’s webpage. Please clarify why the Regional Water Board staff are proposing a General WDR for storm water runoff discharges if storm water runoff discharges in California are regulated with NPDES permits.</p>	<p>Nonpoint Source discharges from agricultural are not subject to Clean Water Act (CWA) permitting authority. Per the SWRCB Nonpoint Sources Policy In the Porter Cologne Act, the term “discharge of waste” includes all discharges, point and nonpoint, including agricultural return flows and storm water discharges. The CWA, however, distinguishes between point and nonpoint sources of pollution. Under the CWA, a point source is identified as a discernible, confined, and discrete conveyance, such as a pipe, ditch, or channel. Irrigated agricultural return flows and agricultural storm water runoff are excluded. Nonpoint pollution sources generally are sources of water pollution that do not meet the definition of a point source as defined by the CWA and the CWA requires the State to control nonpoint sources of pollution.</p>

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Prat 16	<p>5) “Discharges from commercial vineyards regulated by this Order include discharges to surface waters...”: The draft Order is attempting to regulate discharges of storm water runoff to surface waters. The webpage states storm water discharges in California are regulated by NPDES permits. This statement appears in conflict with the findings and/or Appendix I of the draft Order. Appendix I: “Nonpoint sources of pollution are not subject to NPDES permitting.”</p> <p>A reasonable person’s interpretation of information found on the Regional Water Board’s webpage and the draft Order is nonpoint sources of pollution, including storm water runoff, are not subject to permitting since storm water discharges in California are regulated by NPDES permits and nonpoint sources of pollution are not subject to NPDES permitting.</p>	See Response to Prat 15.
Prat 17	<p>B. 15) “Other potentially relevant permits (not authorized...”: The list of potentially relevant permits includes at least two specific NPDES permits. Please clarify why NPDES permits are relevant to the findings in the draft Order if vineyard runoff discharges are nonpoint source discharges and nonpoint source discharges are not subject to NPDES permitting.</p>	The Proposed Vineyard Order was revised to remove reference to The National Pollutant Discharge Elimination System (NPDES) permit requirements and Clean Water Act section 402.

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Prat 21	<p>The North Coast Regional Water Board has used waivers of waste discharge requirements to regulate other sources of nonpoint source discharges. The proposed adoption of a WDR instead of a waiver appears inconsistent and arbitrary compared to previously adopted permits for nonpoint source discharges. In the past, the Regional Water Board and its staff have justified Waivers because they have to be revisited every five years which provides an opportunity to adaptively manage and adjust the Waiver based on lessons learned. Why are Regional Water Board staff proposing to begin regulation of vineyards using waste discharge requirements instead of a waiver? Based on the Regional Water Board’s huge backlog of very old waste discharge requirements it is unlikely that the Regional Water Board will revisit this general Order and make adaptive changes once the first version is adopted. Order R1-2022-0031 (Waiver Order) contains a list of specific categories of discharges that do not require submittal of a notice of intent, report of waste discharge or ongoing fee. This Waiver Order contains a list of specific categories of discharges that do not require submittal of a notice of intent, report of waste discharge or ongoing fee. Waiver Order Category g. is “Storm water runoff.” Based on my review of the Waiver Order language, discharges of storm water runoff from vineyards appear to be covered by this Waiver Order. Therefore, runoff discharges from vineyards currently comply with the Nonpoint Source Policy and it is not necessary to adopt a different and specific vineyard permit for the Board to comply with that policy. At a minimum, the draft Order should include a mechanism or pathway for vineyards to be constructed or modified to qualify for coverage under this Waiver Order instead of the current approach that would require most vineyards to be subject to ongoing regulation and fees in perpetuity. A better approach for water quality and use of a vineyard’s financial resources would be a program that provides incentives for installation of permanent best management practices for runoff management including an opportunity to qualify for coverage under a no fee Waiver.</p>	<p>Comment Noted. The Regional Water Board directed staff to prepare Proposed General Waste Discharge Requirements for Commercial Vineyards to be considered for adoption. It is also worth noting that in August 2024, the Regional Water Board adopted General Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Land Management Activities on Federal Lands in the North Coast Region, rather than a Waiver for those discharges and activities.</p>

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Prat 22	<p>Waiver Order Category e. is “Minor Dredge and Fill:” How does the Regional Water Board define “minor dredge and fill?” According to documents on the Regional Water Board’s webpage the Executive Officer has used this Waiver to authorize discharges of dredge and fill materials after-the-fact including as a response to public complaints involving multiple violations by a single discharger at multiple locations and associated with unauthorized discharges of dredge and fill materials. A table listing all dredge and fill discharges authorized under this Waiver Order should be provided including the actual size and impact to water quality, whether the authorization was an after-the-fact authorization in response to a Notice of Violation, and the Executive Officer’s rationale for why those unauthorized dredge or fill discharges in violation of the Water Code were subsequently determined to be eligible for a waiver of waste discharge requirements. The requested table is necessary to understand the Executive Officer’s decisions related to use of the existing Waiver Order to address violations associated with discharges of earthen material to surface waters compared to the lack of using this Waiver Order to provide regulatory coverage for vineyard areas that are relatively permanent with no potential to discharge earthen materials in runoff in violation of surface water objectives.</p>	<p>Comment Noted. The Regional Water Board directed staff to prepare Proposed General Waste Discharge Requirements for Commercial Vineyards to be considered for adoption.</p>

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Prat 24	<p>Vineyard construction and management is similar in many ways to activities regulated by the NPDES permit for construction storm water. The construction storm water permit requires implementation of temporary best management practices and monitoring during the construction period and incorporation of permanent BMPs within the development area to address pollutants in runoff as well as runoff volume. When construction is complete, permit coverage under the construction storm water permit can be terminated. The draft Order should be re-written to provide similar mechanisms for site management and eventual termination of coverage and fees where vineyards are able to demonstrate permanent and adequate BMPs are in place to ensure vineyard discharges are meeting water quality standards. This type of mechanism will provide a more consistent approach to regulation of a similar discharge type and provides an incentive to vineyard owners for installation of permanent vegetated buffers and storm water runoff treatment BMPs. Runoff from many existing vineyards can be managed similarly to construction sites. It is not reasonable to require every vineyard to be regulated and pay permit fees in perpetuity while other sites of ground disturbance are required to be constructed to protect water quality such that the permit coverage can be terminated eventually.</p>	<p>See Response to Comment Prat 21. Runoff from nonpoint sources is a primary source of sediment impairment in North Coast watersheds. The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) was amended in 1999 to require the SWRCB to develop guidance to enforce the state's NPS pollution control program. The SWRCB complied by adopting the NPS Implementation and Enforcement Policy on May 20, 2004. The Office of Administrative Law approved the policy on August 26, 2004. The NPS Policy requires RWQCBs to regulate all nonpoint sources of pollution, using the administrative authorities provided by the Porter-Cologne Act. The authorities include : 1) Basin Plan prohibitions; 2) Waste Discharge Requirements (WDRs); and 3) Waivers of WDRs. Dischargers must comply with the administrative permits issued by the RWQCBs by participating in the development and implementation of NPS pollution control programs, either individually or collectively as participants in third-party coalitions.</p>
Prat 25	<p>The Regional Water Board should allow vineyard discharges to be covered using the existing Waiver and/or a new Waiver and/or the proposed Order should include a provision for a vineyard anywhere in the region to eventually meet a runoff best management standard such that the vineyard is only required to comply with the requirements but are not required to be enrolled such as the draft Order proposes for the vineyards described in Requirements for Coverage number 3.</p>	<p>See Response to Comment Prat 21.</p>

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Henrioulle 9	Page 6, para A1 – discusses the Technical Advisory Group convened by staff for WDR development. Available review materials do not identify the 34 participants or the organizations they represented, so it is not clear whether/how many individual small commercial grape growers were included in the effort. It is important to include and hear from all stakeholders while developing new regulatory programs, but it is also important to spend time working with prospective enrollees and/or technical support/prospective implementation partners to ensure that the program fits the landscape and the land use to which it will be applied, is practical to implement, and will best serve to meet and confirm that it is meeting the intended objectives.	Comment is noted. Please refer to Introduction Section of this document for more information on public outreach conducted following release of the Draft Vineyard Order.
Henrioulle 18	Page 27, para 4 lists the parties from whom staff received comment letters on the Initial Study. As noted in my earlier comment regarding public participation, the Region’s webpage for this effort has not provide much information regarding progress in the process, the video for the public meeting was not posted online, and comments have not been posted. The list of commenting parties does not include prospective third parties/technical support entities, such as Fish Friendly Farming or RCDs, and the only member of the prospective regulated community was Jackson Family Wines, one of the larger scale growers in the Region.	Comment is noted. The North Coast Vineyards webpage has been updated frequently since August 2023 in an effort towards greater transparency in the process. The video for the CEQA Scoping Meeting is available to the public upon request.
Henrioulle 37	Is Geotracker the best receptacle for enrollment/discharger tracking, as well as annual reporting, billing, and inspection/enforcement activities?	GeoTracker is the standard database for the statewide Irrigated Lands Regulatory Program. Furthermore, uploading Drinking Water Well Monitoring data directly into GeoTracker is a Statewide ILRP requirement.
Henrioulle 39	Please ensure that your monitoring objectives are well defined and understood, and that monitoring programs and efforts developed to comply with WDR requirements are suitable for obtaining data to meet those objectives.	Comment is noted.

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Henriouille 41	<p>As discussed in my opening comments and throughout this letter, I encourage staff to:</p> <ul style="list-style-type: none"> *Build on existing, strong partnerships in the region. *Identify work and accomplishments already completed, and structure enrollment tiers and requirements to acknowledge and support efforts made by individual growers. *Visit and get to know the prospective regulated community and landscape that will be subject to these new requirements and consider grower and partner group recommendations as to how to implement the requirements necessary to meet the desired goals of protecting water quality and beneficial uses. *Look to the Region's successful dairy water quality protection program as a smaller scale model for collaborative regulatory program development and implementation, working with both individual enrollees and technical support partners. *Spend some time this upcoming winter field testing your drainage and discharge assumptions and your monitoring requirements. *Provide technical resources and support, and allow for flexibility in tailoring water quality monitoring on individual sites to most reliably measure effectiveness and effects of viticultural practices and management measures employed at those sites. <p>This program has been under development for many years, changing shape and staffing a number of times along the way. I appreciate the current team's efforts to bring it to this point, and I look forward to seeing how you address and respond to the comments received during this period. I hope my comments and recommendations prove helpful, and I encourage you to contact me if you have any questions or would like to discuss this matter further.</p>	Thank you for your comments.

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SAVE and SCV 3	<p>I respectfully request that the North Coast Regional Water Quality Control Board (NCWB) significantly revise the Draft General Waste Discharge Requirements for Commercial Vineyards in the North Coast Region (Draft Vineyard Order) to reflect the need, the redundancy and cost of the Order. More specifically, to build on work that is already being done rather than creating a new bureaucracy. The Sonoma Alliance for Vineyards & Environment is a coalition of twenty grape growers and wine producers in Sonoma County whose mission is to support public policy that acknowledges and promotes multi-generational wine production. The organization was formed to address matters related to the protection and preservation of vineyards located in Sonoma County and the wineries that they serve; the protection and the preservation of the environment, to be a professional association of persons having a common interest in the production and use of grapes, wines, and related products; and promote such common business interests. We attended the workshop at the NCWB that was held on Friday, August 4, 2023. The staff's presentation was thorough and comprehensive, focusing on process. The role of the Board is that of policy. We will not attempt to focus on the technical. Rather, our focus is on the policy issues and, more to the point, how these policies interact with other policies.</p>	Comment Noted.

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Comment Number	Comment	Response
Smith 10	<p>Thank you for the opportunity to offer comment on the draft General Waste Discharge Requirements for Commercial Vineyards. I laud the effort and expertise that your staff have put into this first draft of waste discharge requirements for vineyard agriculture on the North Coast in Region 1. This work represents a lot of subject matter expertise and a lot of thought and consideration for the quality of water resources within the region's jurisdiction. I believe that we can improve on this work with some more vineyard industry stakeholder input, exploration of the unintended consequences of this draft order requirements, opportunity to work with researchers to collect more useful data, exempting operators from the order through third party certifications and BMP implementation, and generally less onerous and burdensome implementation of the order by exercising the broad discretion that your Board has in addressing the unique region specific differences in topography, geology, and hydrology as compared with other regions in the state.</p>	Comment noted.
Kondolf 8	<p>I am submitting these comments on the Attachment B: Monitoring and Reporting Program for Dischargers Enrolled in a Third-Party, part of the North Coast Regional Water Quality Control Board Order No. R1-202x-00xx General Waste Discharge Requirements for Commercial Vineyards in the North Coast Region. I have focused on the approach proposed to monitor sediment. I hold a PhD in Geography and Environmental Engineering and am a professor at University of California, Berkeley. I have conducted research on Northern California rivers and watershed for four decades. I served as the Chair of the Russian River Independent Science Review Panel that produced a comprehensive report on water, groundwater and watershed processes including sediment generation and transport in the Russian River watershed. I am familiar with the Russian River watershed.</p>	Comment noted.

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Comment Number	Comment	Response
RCD 2	<p>The Gold Ridge, Mendocino and Sonoma Resource Conservation Districts (“RCDs”) respectfully submit comments on the Proposed General Order for Waste Discharge Requirements for Commercial Vineyards in the North Coast Region.</p> <p>RCDs are non-regulatory Special Districts who have a mission to support natural resource conservation, including supporting beneficial uses of land and helping people to help the land. RCDs in Sonoma and Mendocino counties have been supporting growers and regional board staff in design, outreach, implementation, and monitoring for ag. permits for dairies, grazing, and vineyards (in Region 2), and have worked closely with regional board staff sharing water quality monitoring equipment and expertise for the past few decades. Three RCD staff members were members of the Technical Advisory Group for this initiative, and we have not seen the same level of collaboration to make the best permit possible for this Proposed Order. For the Region 1 permit, at this point, RCDs are not clear on how we can support successful compliance of this permit without more practical monitoring requirements, grant funding or an improved collaborative process.</p>	<p>Comment noted. Staff continued to meet with RCD staff members between August 2023 and May 2024 through the Technical Advisory Group and separately to discuss revisions to the Draft Vineyard Order and improve collaboration.</p>

Section III: Response to Comments on the Draft Environmental Impact Report (DEIR)

This section contains comments from unique comment letters received on the Draft Environmental Impact Report (DEIR) and provides individual responses to those comments. Comments are numbered and attributed to commenters and date received in Table 2 below.

Table 2: List of Commenters by Comment Number

Comment Number(s)	Commenter	Affiliation (if applicable)	Letter Date
CAFB 1-40	California Farm Bureau, Sonoma County Farm Bureau, Mendocino County Farm Bureau	N/A	August 30, 2023
CDFW 1-3	Jeff Drongesen, Chief Habitat Conservation Planning Branch	California Department of Fish and Wildlife	August 11, 2023
Burr 1-4	Kimberley Burr	N/A	August 29, 2023
WI 1-7	Noelle Cremers	Wine Institute	August 30, 2023
JFW 1-15	Susanne Zechiel	Jackson Family Wines	August 29, 2023
Lee 1	Katherine Lee	N/A	August 29, 2023
McGourty1-3	Glenn McGourty	N/A	August 30, 2023
TBR 1-3	John C. Glaub	Todd Brothers Ranch	August 28, 2023
MCFB 1-2	Estelle Clifton	Mendocino County Farm Bureau	August 30, 2023

Response to Comments

Comment Number	Comment	Response
Burr 1	<p>RECOMMENDATION: Any and all discharge problems, exceedances, or other permit issues adversely impacting public waterways must be reported to the Regional Board in an open process upon discovery and in monthly monitoring reports. This practice as recognized by previous permits and state and federal law is the most protective manner in which to protect water quality and beneficial uses. This reporting provides the site-specific information necessary to inform remedial action in a timely manner. Information with respect to the public water ways must continue to be publicly available and uploaded to the state and regional boards' data management system. Based upon the above, and the effectiveness of monthly reporting, Section 3 is inadequate. Timely reporting also is required to most effectively reduce and eliminate Phosphorous and Nitrogen inputs from agricultural runoff. These constituents added to the soils by growers is a controllable factor and one which, if not properly controlled, contributes to very harmful algal blooms. Solar radiation also harms protected cold water species insofar as it substantially contributes to heating of the surface waters. Increasing riparian protection reduces solar radiation and is needed to protect temperatures and beneficial uses including threaten and endangered aquatic species.</p> <p>I support the WDR's requirements to protect and increase the riparian vegetation where needed.</p>	<p>This comment does not directly pertain to the environmental analysis conducted pursuant to CEQA. In Section II: Response to Comments on the Draft Vineyard Order, see response to Burr 5.</p>
Burr 2	<p>Background</p> <p>As outlined in the WDR, numerous north coast streams have been listed as impaired for temperature, nutrients, and sediment. These are very harmful as they relate to growth of algae, reduction in oxygen in the water, among many other impacts. As has been gratefully studied by your office, nutrients like Phosphorus and Nitrogen already exceed water quality limits in our region.</p>	<p>Comment is noted.</p>

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Comment Number	Comment	Response
Burr 3	<p>Proposed Waste Discharge Requirements Monitoring and Reporting "The purpose of this General Waste Discharge Requirements (WDRs) for Commercial Vineyards, Order R1-2023-00XX (hereinafter Order or General Order), is to provide a water quality regulatory structure to minimize discharges of waste and to prevent adverse impacts to water resources resulting from the commercial cultivation of winegrapes..." (WDR page 4) Although sensitive and understanding of the desire to delegate compliance duties to third party employees of the regulated community, the Regional Board must not delegate its authority and duty to protect, to prevent adverse impacts, etc to opaque entities or by introducing unnecessary delay that hinders efforts to recover species. In that spirit, if third parties are the preference of staff, these entities must be required to disclose their data to staff and the public in a timely manner. Today, in many cases that means in "real time". The best available technology and timely implementation by state agencies with the duty to protect beneficial uses is required. The state has a duty and the public a keen interest in protecting and restoring the essential habitat of species desperately in need of protection. Conditions require among other things rejecting the perpetuation of harm. This can be accomplished by substantially reducing the time in which implementation of the improvements sought must occur.</p>	<p>The Regional Water Board is authorized to regulate discharges of waste including nonpoint sources, and waste discharge requirements may contain a time schedule. At a minimum as required by the Water Code, the Proposed Vineyard Order must balance (a) Past, present, and probable future beneficial uses of water; (b) Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto; (c) Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area; and (d) Economic considerations. Regional Water Board staff considered the aforementioned factors in the Proposed Vineyard Order timelines.</p>
Burr 4	<p>The proposed Waste Discharge Requirement may require some temporary soil disturbance activities in the pursuit of compliance over time. The importance and urgency of this WDR cannot be overstated and as such should be advanced based on overriding interests in pursuit of timely and open regulation of an industry that has transformed and adversely impacted many watersheds critical to the survival of protected anadromous fish. Timely and effective regulation must begin promptly and with specific benchmarks that drive better protection of our streams and groundwater in a time frame that is meaningful to the species on the brink of extinction. Thank you again.</p>	<p>Implementation of Management practices involving land disturbance are expected in response to the Proposed WDRs. The DEIR discusses the potential for soil erosion and sediment discharges as a result of these land disturbing Management Practices. The DEIR describes mitigations to reduce the potential impacts to less than significant. A Mitigation Monitoring Plan is included with the DIER and is will be incorporated into the Proposed WDRs.</p>

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Comment Number	Comment	Response
CAFB 1	<p>The DEIR constitutes a prejudicial abuse of discretion¹ in that the North Coast Regional Board failed to proceed in a manner required by law and its decision is not supported by substantial evidence. In addition to the legal comments laid out in Farm Bureau’s corresponding Comments on the Draft Vineyard Order, the DEIR accompanying the proposed Vineyard Order also does not comply with the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, §§ 21000 et seq.) The proposed Vineyard Order includes significant and prescriptive requirements that unreasonably impact growers and the agricultural industry in the North Coast. Although growers and the agricultural community are supportive of maintaining quality waters throughout the region, the proposed Vineyard Order not only contains unlawful requirements, not supported by law or substantial evidence, but puts North Coast growers at a severe disadvantage in a very competitive marketplace.</p>	<p>The comment generally alleges that the Draft Vineyard Order contains unlawful requirements that are not supported by law and put growers at a competitive disadvantage. This comment does not specifically identify how Draft Vineyard Order requirements are unlawful and unreasonably impact agriculture in the affected areas. Responses to specific comments are addressed below.</p>

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Comment Number	Comment	Response
CAFB 10	<p>The DEIR’s analysis of the proposed Vineyard Order fails to fully consider many of the proposed Project’s significant impacts on the environment, fails to provide adequate analysis of the proposed Project’s impacts that are reviewed, and improperly fails to provide sufficient detail regarding the foreseeable and cumulative significant impacts that will arise pursuant to the proposed Vineyard Order’s requirements on vineyards. The DEIR fails to comply with the requirements of CEQA in that it fails to adequately disclose, analyze and/or mitigate the proposed Project’s environmental impacts as required by law, and its conclusions regarding the proposed Project’s environmental impacts are not supported by substantial evidence. As a result, the proposed Project will result in significant environmental impacts that the DEIR fails to address or mitigate. Given that many factors have to be analyzed and significant effects and impacts should be determined on a case-by-case basis, the Regional Board should review and use all data, facts, evidence, and personal knowledge prior to determining the proposed Vineyard Order’s potential to significantly impact the environment.⁸ By failing to proceed in this manner, the DEIR does not contain an adequate environmental review for the proposed Project.</p>	<p>The comment states that the DEIR does not disclose, analyze and/or mitigate the Proposed Project’s environmental impacts as required, and that its conclusions are not supported by substantial evidence. Please refer to Responses to Comments 11 to 21 for specific responses to the more detailed concerns presented in the commenter’s later comments.</p>

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Comment Number	Comment	Response
CAFB 11	<p>During opportunities to provide oral comments on the development of the proposed Project, members of the agricultural community and technical providers provided feedback regarding the proposed Vineyard Order’s impacts on agricultural resources, including economic impacts, impacts to total farmland acreage and land use, and impacts from riparian buffer requirements. By providing this feedback, the public provided ample information in the form of substantial evidence to make a “fair argument” that the proposed Project may have a significant environmental impact, especially on the agricultural environment. (Cal. Code Regs., tit. 14, § 15064(g)(1); Friends of B Street v. City of Hayward (1980) 106 Cal.App.3d 988, 1002.) Notwithstanding those comments raised, the DEIR concludes that the majority of impacts to agriculture are speculative in nature, thus warranting no additional analysis and resulting in less than significant conclusions. For example, the DEIR states: “The overall cumulative costs of Management Practice implementation for a specific vineyard are speculative though because it is unknown which Management Practices will be implemented or are already being implemented. Based on information provide from existing voluntary programs, on the order of 80 percent of land currently planted to vineyards in the North Coast Region is part of a program that already implements Management Practices similar to those which would be implemented under the Vineyard Order.” (DEIR, p. 45.)</p>	<p>The comment expresses concern that the DEIR’s findings that certain factors or impacts are speculative “shift the burden of identifying significant environmental impacts from the lead agency to the public in direct violation of CEQA.” The comment does not identify how the DEIR’s findings that certain impacts are speculative would violate CEQA. Rather, CEQA makes clear that a lead agency should not speculate about potential significant impacts (CEQA Guidelines³ § 15145). Although not directly applicable here as the Board is not adopting a rule or regulation, section 15187(d) of the CEQA Guidelines also discusses the analysis required for regional water quality control boards when adopting a rule or regulation: The environmental analysis shall take into account a reasonable range of environmental, economic, and technical factors, population and geographic areas, and specific sites. The agency may utilize numerical ranges and averages where specific data is not available, but is not required to, nor should it, engage in speculation or conjecture.</p>

³ “CEQA Guidelines” are the regulatory provisions that implement CEQA and are contained in California Code of Regulations, title 14, Division 6, Chapter 3.

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Comment Number	Comment	Response
CAFB 11 (Cont'd.)	<p>Regarding conversion of farmland due to economic impacts of compliance costs, “impact is speculative and less than significant.” (DEIR, p. 46.) “The analysis considered the potential impacts of reasonably foreseeable activities resulting from the Proposed Project on biological resources. As discussed throughout this DEIR, to a certain extent, these impacts are speculative, as the specific locations and types of activities that may be conducted under the Proposed Project are not known.” (DEIR, pp. 74-75.) Regarding the offsite alternative, “However, even with the increased costs, these costs likely would affect a small percentage of vineyards. As such, this impact on the economics would be less than significant.” (DEIR, p. 178.) By concluding that many agricultural impacts are “speculative,” the DEIR attempts to shift the burden of proof to the public and thus avoiding the issue entirely. (Cal. Code Regs., tit. 14, § 15064.) Given this, the conclusions within the DEIR regarding agricultural resources and project impacts are improper and contrary to law.</p>	<p>The DEIR’s conclusions that certain impacts are speculative are consistent with CEQA requirements. The comment also expresses concern that the DEIR’s conclusions ignore relevant evidence, such as “relevant personal observations.” CEQA requires that a lead agency consider the views held by members of the public in determining whether an effect will be adverse or beneficial. (CEQA Guidelines § 15064(c).) The DEIR does take public concerns into account by discussing the possibilities of adverse effects caused by Streamside Management Area requirements and increased costs of compliance, as raised by commenters and the general public. As noted, CEQA does not require that a lead agency conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.” (CEQA Guidelines § 15204(a).) The comment does not provide substantial evidence that the DEIR would find a new previously undisclosed significant impact or a substantially worse impact based on the personal observations of commenters.</p>

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Comment Number	Comment	Response
CAFB 12	<p>The DEIR, especially in Section V. Agriculture and Forestry Resources, Section XIV. Cumulative Impacts, and Section XV. Alternatives Analysis, is not based on substantial evidence but rather mere speculation, unsupported conclusions, and uncertainty. The DEIR is replete with the terms “speculative” “could be,” “not possible,” and “unknown,” and “may be.” (DEIR pp. 5, 43, 44, 45, 46, 60, 61, 62, 75, 76, 78, 87, 88, 104, 123, 148, 163, 168, 171, 172, 173, 182; see also Section II. B. 1., The DEIR Improperly Shifts The Burden Of Proof And Determination Of Significance To The Public, ante.) Additionally, the DEIR lacks information such as data on the existing conditions of the watershed, sediment loads, and sources of sediment. As evidenced in the small selection of examples referenced above, the DEIR is based upon speculation, uncertainty, and inaccurate conclusions rather than substantial evidence. “Like an EIR, an initial study or negative declaration ‘must focus on impacts to the existing environment, not hypothetical situations.’ (County of Amador v. El Dorado County Water Agency, supra, 76 Cal.App.4th at p. 955, 91 Cal.Rptr.2d 66.)” Communities For A Better Environment v. South Coast Air Quality Management Dist., supra, 48 Cal.4th at p. 322.) By speculating on what could happen, rather than on actualities, an improper environmental baseline and resulting conclusions regarding potential significant agricultural and economic impacts have been drawn. (Ibid., [“By comparing the proposed project to what could happen, rather than to what was actually happening, the District set the baseline not according to ‘established levels of a particular use,’ but by ‘merely hypothetical conditions allowable’ under the permits. (San Joaquin Raptor Rescue Center v. County of Merced, supra, 149 Cal.App.4th at p. 658, 57 Cal.Rptr.3d 663.),” emphasis original].)</p>	<p>The comment expresses concern that the DEIR is based on speculation, unsupported conclusions, and uncertainty. As support for this statement, the comment cites instances where the DEIR uses terms such as “uncertainty,” “speculative,” “could be,” “insufficient,” “not possible,” “unknown,” and “may be.” The DEIR is using these terms to explain impacts where it is not able to provide specific facts or conclusions regarding a particular impact because sufficient information does not exist and therefore the agency will not provide a speculative conclusion. CEQA makes clear that a lead agency should not speculate about potential significant impacts. Please refer to Response to Comment 11. (See also, e.g., 13 Pub. Res. Code § 21080 (e)(2), “Substantial evidence is not argument, speculation, unsubstantiated opinion, or narrative...”; 13 Pub. Res. Code § 21159(a), “The agency shall not be required to engage in speculation or conjecture”; CEQA Guidelines § 15145, “If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.”)</p>

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Comment Number	Comment	Response
CAFB 12 (Cont'd)	Mere statements of uncertainty or deflections to avoid a proper analysis regarding impacts to agricultural resources or economic impacts do not meet CEQA burdens, and the DEIR fails to satisfy the requirements of CEQA.	The comment expresses concern that the DEIR's findings that certain factors or impacts are speculative "shift the burden of identifying significant environmental impacts from the lead agency to the public in direct violation of CEQA." The comment does not identify how the DEIR's findings that certain impacts are speculative would violate CEQA. Rather, CEQA makes clear that a lead agency should not speculate about potential significant impacts (CEQA Guidelines § 15145). In addition, the Regional Water Board must exercise its discretion in determining the significance of an impact. The significance of an impact must account for a project's setting and an ironclad definition of a significant effect is not always possible. (CEQA Guidelines section 15064 Whether to classify a particular impact as a significant effect on the environment involves an exercise of discretion and "calls for a careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. (CEQA Guidelines section 15064 (b)(1). The DEIR's conclusions that certain impacts are speculative, and that certain impacts do not meet a threshold of significance are consistent with CEQA requirements.

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Comment Number	Comment	Response
CAFB 13	<p>Here, the DEIR fails to properly analyze the significant impacts to agricultural resources, including the conversion of agricultural lands to non-agricultural uses and economic impacts. Although the DEIR appropriately concludes that the conversion of Prime, Farmland of Statewide Importance, and is a significant and unavoidable impact, the analysis itself is flawed. (See DEIR, pp. 42-46.) First, the amount of agricultural land estimated to be converted is significantly low and a fair argument based on substantial evidence exists that additional acreage will be taken out of production due to the setbacks. Impact AG-1 discusses the conversion of prime farmland, unique farmland, or farmland of statewide importance as defined by the CA Department of Conservation. The proposed Vineyard Order requires streamside area setbacks and therefore it was calculated that approximately 300 acres of Important Farmland (sum of all farmland definitions above) would be taken out of production. The possible 300- acre conversion is listed as being less than 1% of important farmland planted to vineyards. The conversion is justified for the purported purposes of achieving reductions in vineyard sediment discharge and implementing site-specific potential shade goals in the proposed Vineyard Order. Alternatives to the proposed Project were not considered to mitigate impacts to agricultural resources, so conversion impacts for setback requirements in the proposed Project were listed as significant and unavoidable. Unique Farmland to non-agricultural use due to the streamside management area setback requirements is a significant and unavoidable impact, the analysis itself is flawed. (See DEIR, pp. 42-46.)</p>	<p>The comment states that the DIER fails to properly analyze impacts to agricultural resources from Streamside Management Area requirements of the Draft Order including that the estimate of Important Farmland which may be converted to a non-agricultural use is low, but does not provide substantial evidence to support claims that the DEIR is flawed in its estimates of affected farmland. Alternatives to Streamside Management Area requirements (Potentially Significant Impacts to Agricultural Resources) were considered (No Project, Reduced Streamside Area Setback, and Offsite Riparian Restoration), DEIR pages 168-181.</p>

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Comment Number	Comment	Response
CAFB 14	<p>Second, the DEIR does not include an analysis on the substantial economic impacts, including the production, distribution, and consumption of goods and services, valuation damage, and lost property values/lease values due to imposed setbacks. Instead, the DEIR simply concluded that the overall cost of compliance with the Vineyard Order would have a less than significant impact on the conversion of farmland. (DEIR, p. 45, “The Regional Board does not find that the anticipated increased costs would be large enough to necessarily cause any existing vineyard to go out of business, render it economically unviable, or otherwise choose to abandon their operations.”)</p>	<p>The Regional Water Board considered the concerns of the vineyard community and has taken significant steps to make the Vineyard Order easily implementable and not overly burdensome for vineyard operators. Additional flexibility has been incorporated into the Proposed Vineyard Order, such as the addition of third-party alternative compliance pathway for Erosion and Sediment Control, delay of certain irrigation and nutrient management requirements, and the elimination of continuous turbidity monitoring in tributaries. This will reduce the economic impacts of the Vineyard Order on vineyard operations. As such, based on the changes incorporated into the Vineyard Order and the individual and group meetings discussing the details of Vineyard Order requirements, the Regional Water Board carefully considered the concerns of the vineyard community, including those related to the costs of compliance</p>

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Comment Number	Comment	Response
CAFB 14 (Cont'd)	See CAFB 14 for comment.	<p>Response (cont'd): . Moreover, the resolution to be considered for adoption by the Regional Water Board which will certify the EIR includes Findings of Fact identifying potentially significant impacts which will be reduced to less than significant with mitigations and impacts to agriculture for which no feasible mitigation is available. The resolution also includes a statement of overriding considerations in which the Regional Water Board concludes that benefits of the Proposed Vineyard Order outweigh and override its unavoidable significant impacts. Although it could not be predicted which management practices will be implemented by vineyards subject to the Draft Vineyard Order, the approximate costs for the different types of reasonably foreseeable management practices were provided in Attachment E of DEIR. The estimated total costs of the additional monitoring and reporting requirements in the Draft Vineyard Order, were provided in the DEIR, Attachment E. In short, the DEIR provided a reasonable and good faith evaluation of the economic impacts of the Draft Vineyard Order under CEQA.</p>

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Comment Number	Comment	Response
CAFB 15	<p>Third, a fair argument based on substantial evidence also exists, that the proposed Project will cause additional significant impacts resulting in additional agricultural lands to be directly converted to non-agricultural use and/or conversion due to cost of compliance and economic infeasibility. Since individual vineyard sites may implement practices best suited for their operations, there was no calculation of potential acreage that may be converted to other uses. However, it was assumed that this conversion would not result in a significant number of acres being taken out of vineyard production and therefore the impact was considered less than significant. Without performing a comparative GIS analysis, it is difficult to say if the assumption that the Vineyard Order could convert 300 acres of farmland for streamside area setback requirements is truly accurate. (DEIR, p. 43.) It is assumed that this is an underestimate due to not only the removal of current planted acreage that will be required but also the road systems and turnarounds that will be forced to be relocated which will remove additional acreage. This underestimate will make the degree of impact more significant than stated for the preferred project. Additionally, the impact to vineyards differs due to size--the majority of vineyards in the North Coast Region are 15 acres or less. If a vineyard of average size or smaller is required to convert some of their limited planted acreage for streamside area setbacks and/or other compliance requirements, the economic impacts would be harder to absorb when compared to a larger operation. This could result in situations where vineyards are converted to non-agricultural uses if local zoning is allowed. In addition, if the requirements of the Vineyard Order impact the ability for a parcel to continue to qualify for the Williamson Act, and the property taxes are increased substantially, then this could also be a factor for a larger conversion of vineyard acreages within the preferred project area. It is not agreed that the cost of compliance with the Vineyard Order will have a less than significant impact on farmland conversion.</p>	<p>The comment alleges that the DEIR estimate of Important Farmland which might be converted to a non-agricultural use by Streamside Management Area requirements is low in part because the estimate did not account for road systems and turnarounds which would have to be relocated to comply with requirements. However, the Draft Order allows roads and turnarounds to be located in the vegetative buffer portion of the setbacks provided they comply with winterization period ground cover requirements to prevent and minimize sediment erosion and discharge to surface waters. The comment states that the majority of North Coast vineyards are less than 15 acres and that the economic impact from loss of planted acreage for these smaller farms would be harder to absorb as compared to larger farms. The comments seems to suggest the physical configuration of smaller vineyards (as compared to larger than average vineyards) leads to a proportionally larger potential conversion of farmland to a non-agricultural use on smaller vineyards as a result of Streamside Management Area requirements but the comment fails to provide support for the claim, no further response is necessary.</p>

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Comment Number	Comment	Response
CAFB 16	<p>Fourth, the lack of project alternatives is improper. (DEIR, pp. 165-182; see Section II. C., The DEIR Fails to Provide a Legally Adequate Alternatives Analysis, post.) Additionally, the environmental impacts analysis of agricultural lands ignores the legislative declarations embedded in CEQA. CEQA is a vehicle to preserve agricultural lands, prevent significant impacts to agricultural lands, and prevent conversion of agricultural lands. (See <i>Masonite Corp. v. Cnty. of Mendocino</i> (2013) 218 Cal. App. 4th 230, 238, 241, [discussing conserving agricultural land as a mitigation measure for CEQA projects]; see also Cal. Code Regs., tit. 14, § 15387 Appendix. G [listing the conversion of farmland as a potentially significant effect on the environment].) “The California legislature has indicated that the CEQA process is an important mechanism for preserving agricultural land.” (<i>Masonite Corp.</i>, supra, 218 Cal. App. 4th at p. 241.) Specifically, the legislature declared it is the policy of the state to: (a) “Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.” (Pub. Resources Code, § 21001(a).) The DEIR’s environmental analysis overlooks Public Resources Code section 21001(a) because it ignores that agriculture is an environmental resource of the state that should be protected and enhanced “now and in the future.” (Pub. Resources Code, § 21001(a); Pub. Resources Code, § 21060.5; Cal. Code Regs., tit. 14, § 15360; CEQA Guidelines Appendix G, section II, Agriculture and Forestry Resources.) Further, the environmental analysis ignores environmental benefits from agricultural lands, such as soil retention, pollination, biological control, sustainable management of natural resources, biodiversity preservation, and contribution to the socioeconomic viability of rural areas, among others. The DEIR should have recognized that North Coast agriculture provides economic, environmental, and socio-cultural benefits, as well as food and fiber, and included analysis of resulting impacts to these agricultural benefits.</p>	<p>The DEIR complies with CEQA by providing a rigorous analysis of the potential environmental impacts of the Proposed Project, including the potential impacts of the Proposed Project on agricultural resources (see Chapter V. Agriculture and Forestry Resources). The comment also states that the DEIR should have recognized that North Coast agriculture provides economic, environmental, and socio-cultural benefits, as well as food and fiber and included analysis of resulting impacts to these agricultural benefits. The comment does not provide substantial evidence that such analysis would find new previously undisclosed significant impacts or substantially worse impacts than those disclosed in the DEIR. Moreover, the resolution to be considered for adoption by the Regional Water Board which will certify the EIR includes Findings of Fact identifying potentially significant impacts which will be reduced to less than significant with mitigations and impacts to agriculture for which no feasible mitigation is available. The resolution also includes a statement of overriding considerations in which the Regional Water Board concludes that benefits of the Proposed Vineyard Order outweigh and override its unavoidable significant impacts</p>

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Comment Number	Comment	Response
CAFB 17	<p>In conducting its impact analysis, the DEIR relies solely on the five significant criteria for agricultural resources listed in Appendix G of the CEQA Guidelines to determine if the proposed Project impacts agricultural resources. (DEIR, p. 3.1-21.) Although the five significant criteria listed in Appendix G are valuable, additional criteria should have been used to analyze impacts to agriculture. (CEQA Appendix G.) Upon a quick review of the Agricultural Element of Appendix G, a “fair argument,” supported by substantial evidence in the record, can be made that the proposed Project may result in significant environmental impacts to agriculture since the project will not only: a) covert prime farmland and unique farmland to non-agricultural use, b) fails to meet policy consistency analysis by conflicting with existing zoning for agricultural land use and Williamson Act contracts currently on the agricultural lands throughout the Project site, and c) will involve other changes in the existing environment will could result in conversion of farmland to non-agricultural use, but will also result in many other significant impacts, and as such, analysis should not be limited to the significance criteria laid out in the DEIR. (DEIR, p. 42; CEQA Appendix G, [“Substantial evidence of potential impacts that are not listed on this form must also be considered.”]; Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296, 311, [“CEQA places the burden of environmental investigation on government rather than the public,” and if “the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record.”].)</p>	<p>The comment argues that the DEIR should have included additional significance criteria in its evaluation of impacts of the Proposed Project on agricultural resources. The DEIR included analyses of the five significance criteria outlined in Appendix G of the CEQA Guidelines. The DEIR found that there would be significant and unavoidable impacts under two of those criteria due to Streamside Management Area requirements (setbacks) included in the Draft Vineyard Order. The comment does not identify any specific additional significance criteria that the commenter believes should have been included in the DEIR’s analysis. Therefore, no further response is needed.</p>

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CAFB 18	<p>Rather than conducting a thorough analysis of all potential impacts to agricultural lands, agricultural vitality, agricultural production, agricultural resources, related regional economic sectors including employment and wages, processing, shipping, and retail industries, and socioeconomic impacts to North Coast communities, the DEIR includes conclusory statements, such as: “While Farmland could be taken out of production under the Vineyard Order due to the streamside management area setback requirements, it is important to note that it would be converted to riparian vegetation (which is generally considered beneficial for water quality and the ecosystem) and not urban land uses.” (DEIR, p. 43.) “In the unique circumstance where the cost of compliance may be too great or the loss of production of displaced planted areas would make the operation unprofitable, neither scenario would permanently nor irretrievably convert the affected Farmland to non-agricultural use. The land would still be available for non-vineyard agricultural uses and therefore implementation of Management Practices would be considered a less than significant impact.” (DEIR, p. 45.) “As a result, that the overall cost of complying with the proposed Vineyard Order would not indirectly contribute to a significant conversion of Prime farmland, Unique Farmland, and/or farmland of Statewide Significance to a non-agricultural use, this impact would be less than significant.” (DEIR, p. 46.) “However, it is not anticipated that the implementation of management practices will result in a significant number of acres being taken out of vineyard production. Therefore, this impact is speculative and less than significant.” (DEIR, p. 46.). “CEQA’s informational purposes are not satisfied by an EIR that simply ignores impacts, potential alternatives, and assumes only one approach is suitable for the regulation of potential discharges to waters of the state from agricultural lands. (Citizens Association for Sensible Development of Bishop Area v. County of Inyo, supra, 172 Cal.App.3d at p. 167.)</p>	<p>The comment expresses concern that the DEIR includes conclusory statements, and lists several examples of statements the commenter believes are conclusory. Each of the examples from the DEIR relate to the DEIR’s findings that it would be speculative to determine the precise acreage that may be removed from production as a result of increased regulatory costs or from certain management practices. The DEIR provides substantial evidence regarding the anticipated costs of a range of management practices, as well as a detailed review of anticipated costs for regulatory compliance for growers that would be required to comply with the Draft Vineyard Order. (See DEIR Attachment E: Estimated Cost of Compliance). The DEIR cannot, and does not, predict which management practices each vineyard operation that may be subject to the Vineyard Order may choose to implement to achieve compliance goals. CEQA directs that lead agencies may not speculate about potential significant impacts. Please refer to Response to Comment 13. The DEIR’s conclusions are supported by substantial evidence.</p>

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CAFB 18 (cont'd)	<p>Rather, decision-makers and the public must be presented with sufficient facts to evaluate the pros and cons of requirements in the form of the proposed Vineyard Order. (Cal. Code Regs., tit. 14, §§ 15002(a), 15121; Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova, supra, 40 Cal.4th 412; Santa Clarita Organization for Planning the Environment v. County of Los Angeles (2003) 160 Cal.App.4th 715.) Further, conclusory comments in support of environmental conclusions are generally inappropriate. (Laurel Heights I., supra, at p. 404.) “Mere conclusions simply provide no vehicle for judicial view.” (Citizens Assn. for Sensible Development of Bishop Area, supra, at p. 171.) By failing to appropriately analyze all evidence that provides a “fair argument” of an impact, the DEIR fails to comply with CEQA. (Ibid., [“Section 1094.5, subdivision (b), states that ‘[abuse] of discretion is established if the respondent has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence.’ (Topanga Assn. for a Scenic Community v. County of Los Angeles (1974) 11 Cal.3d 506, 515; Sundstrom v. County of Mendocino, supra, 202 Cal.App.3d at p. 311; Friends of B Street v. City of Hayward, supra, 106 Cal.App.3d at p. 1002.)”</p>	See Response to CAFB 18.

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CAFB 19	<p>CEQA’s informational purposes are not satisfied by an EIR that simply ignores impacts, potential alternatives, and assumes only one approach is suitable for the regulation of potential discharges to waters of the state from agricultural lands. (Citizens Association for Sensible Development of Bishop Area v. County of Inyo, supra, 172 Cal.App.3d at p. 167.) Rather, decision-makers and the public must be presented with sufficient facts to evaluate the pros and cons of requirements in the form of the proposed Vineyard Order. (Cal. Code Regs., tit. 14, §§ 15002(a), 15121; Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova, supra, 40 Cal.4th 412; Santa Clarita Organization for Planning the Environment v. County of Los Angeles (2003) 160 Cal.App.4th 715.) Further, conclusory comments in support of environmental conclusions are generally inappropriate. (Laurel Heights I., supra, at p. 404.) “Mere conclusions simply provide no vehicle for judicial view.” (Citizens Assn. for Sensible Development of Bishop Area, supra, at p. 171.) By failing to appropriately analyze all evidence that provides a “fair argument” of an impact, the DEIR fails to comply with CEQA. (Ibid., [“Section 1094.5, subdivision (b), states that ‘[abuse] of discretion is established if the respondent has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence.’ (Topanga Assn. for a Scenic Community v. County of Los Angeles (1974) 11 Cal.3d 506, 515; Sundstrom v. County of Mendocino, supra, 202 Cal.App.3d at p. 311; Friends of B Street v. City of Hayward, supra, 106 Cal.App.3d at p. 1002.)</p>	<p>The DEIR presents a range of alternatives, including an alternative approach that was proposed by a group consisting of many of the same commenters. (See DEIR Chapter 4, Alternatives Analysis.) The standard for an Environmental Impact Report is substantial evidence. Substantial evidence includes facts, reasonable assumptions based on facts, and expert opinion supported by facts. Substantial evidence does not include argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly erroneous or inaccurate, or evidence of social or economic impacts that do not contribute to or are not caused by physical impacts on the environment. (Pub. Res. Code § 21082.2.) The comment does not provide substantial evidence that the Proposed Project may have a significant impact on the environment that has not been already examined and disclosed in the DEIR. Moreover, in certifying the EIR, the Regional Board will consider a Findings of Fact that identifies potentially significant impacts which will be reduced to less than significant with mitigations and impacts to agriculture for which no feasible mitigation is available. The resolution also includes a statement of overriding considerations in which the Regional Water Board concludes that benefits of the Proposed Vineyard Order outweigh and override its unavoidable significant impacts</p>

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CAFB 2	<p>As the state agency tasked to ensure the reasonable regulation of the North Coast’s water quality given all the demands made upon the water, it is imperative that the Regional Board comply with all laws, including CEQA, and act appropriately and reasonably when it adopts the proposed Vineyard Order. (Wat. Code, §§ 13241; 13260(a); 13263; 13267; 13269; Pub. Resources Code, § 21001.) CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report (except in certain limited circumstances). CEQA is designed to inform decision-makers and the public about potential, significant environmental effects of a project. (Cal. Code Regs., tit. 14, § 15002(a)(1), (“CEQA Guidelines”).) “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment, but also informed self-government.’” (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 564.). In general, the Regional Board failed to properly follow and comply with CEQA in that the analysis in the DEIR is superficial, fails to adequately represent baseline conditions, fails to evaluate the entire project, inadequately analyzes the environmental impacts associated with the project, fails to analyze the economic impacts associated with the proposed Project, fails to properly identify and analyze alternatives, fails to adequately address cumulative impacts, and fails to support several of its conclusions and thresholds with substantial evidence. Due to these inadequacies, the DEIR is not a legally adequate document and cannot be relied upon.</p>	<p>The comment states that the Regional Water Board should comply with all laws, including CEQA, and act appropriately and reasonably when adopting the Vineyard Order. The comment does not address substantive contents of the DEIR. The comment alleges that the Regional Water Board failed to comply with CEQA as a result of alleged inadequacies in the DEIR. These comments are noted. Please refer to the following specific responses to the more detailed concerns presented in these comments.</p>

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CAFB 20	<p>These conclusory statements within the DEIR provide “no basis for a comparison of the problems involved with the proposed project and the difficulties involved in the alternatives.” (People v. County of Kern (1974) 39 Cal.App.3d 830, 841-842, quoting Silva v. Lynn (1973) 482 F.2d 1282, 128; see also Laurel Heights I, supra, at p. 404, [“but neither can we countenance a result that would require blind trust by the public, especially in light of CEQA’s fundamental goal that the public be fully informed as to the environmental consequences of action by their public officials” (emphasis added)]; City of Redlands v. County of San Bernardino (2002) 96 Cal.App.4th 398, 415, [“The County’s conclusory evaluation of the amendments fail to support its decision to adopt a negative declaration.”].) Even if a full discussion leaves some uncertainty regarding actual impacts of the anticipated project, CEQA requires discussion of probable impacts, project alternatives, mitigation measures, and the environmental consequences of those contingencies. (Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova, supra, 40 Cal.4th at p. 432.) Such discussion must also be supported by substantial evidence and allow for public participation and review.10 (Pub. Resources Code, § 21091(d)(2); Cal. Code Regs., tit. 14, §§ 15088, 15121, 15384.)</p>	<p>The comment states that the statements referenced in Comment CAFB 18 do not provide a basis for comparison between the Proposed Project and the alternatives. Please refer to Response to Comment CAFB 8 for a more specific response to this comment. In addition, the comment states that CEQA requires discussion of probable impacts, project alternatives, mitigation measures, and the environmental consequences of each. Chapters V through XIII contain discussions and analyses of probable impacts of each of the resource topics contained in Appendix G of the CEQA Guidelines. Alternatives to the project are discussed in detail in Chapter XV. Alternatives Analysis. A full discussion of each mitigation measure is included in the chapter in which it is introduced, along with an analysis of how each mitigation measure will reduce potential impacts. The comment states that each of these discussions must be supported by substantial evidence and allow for public participation and review.</p>

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CAFB 20 (cont'd).	See CAFB 20 for comment.	<p>Response (cont'd): The discussions are supported by substantial evidence in the record that supports the DEIR Public Involvement Process (DEIR pages 9-13), describes the process of public participation and review for the DEIR. This included the preparation and circulation of a NOP, Initial Study, and a scoping notice, beginning August 8, 2022. The DEIR includes a summary of comments received during the scoping period. 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 which included farm plans, sediment and erosion control requirements, streamside area requirements, requirements for Third-Party Groups and the Monitoring and Reporting Program. The DEIR was circulated for public review and comment from June 30, 2023 to August 30, 2023, a total of 60 days. The CEQA process for the Proposed Project has been consistent with all requirements related to public review and comment.</p>

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CAFB 21	<p>Of particular importance, the DEIR fails to account for loss of farmland attributable to riparian habitat management requirements that would require retiring productive farmland and developing setback areas, and planting native riparian vegetation, fails to account for impacts of fallowing on small farming operations; fails to account for impacts resulting from the Sustainable Groundwater Management Act; fails to address flood and insect vector control related to setback requirements; fails to address potential impacts to human health due to imposed setbacks; fails to properly analyze impacts to Williamson Act contracts and associated fees for cancellation of contracts when agricultural land in production is converted to open space as well as loss of County tax revenue if that land is permanently taken out of production;11 fails to analyze decreases in overall land value and reductions of rental income due to loss of agricultural production area; fails to take into account increased reporting management due to the overwhelming increase in data collection points related to nutrient management and monitoring; fails to analyze economic infeasibility; fails to analyze compliance issues for smaller farms and the need for professional expertise to comply with monitoring and reporting; fails to adequately analyze land fallowing; fails to analyze significant costs of meeting surface water monitoring, groundwater monitoring, and edge of field surface water quality monitoring; fails to analyze the economic or agronomic feasibility of the requirements; fails to analyze ripple or “multiplier” effects on other agricultural related businesses and employment; and fails to analyze reductions in employment in North Coast communities due to reduced production land area.</p>	<p>The comment asserts that the DEIR does not adequately analyze certain impacts related to the proposed Streamside Management Area requirements (setbacks). For more information related Streamside Management Area requirements (setbacks), please refer to Responses to Comments 25 and 35. The comment expresses concern that the DEIR’s analysis does not include SGMA, and associated requirements. Please refer to Responses to Comments 4 and 8 for a specific response to this comment. The comment expresses concern that the DEIR does not adequately analyze certain economic impacts of the Proposed Project, including costs of meeting requirements, multiplier effects on agricultural related businesses, or reductions in local employment. Please refer to Responses to Comments CAFB 14, 23, 24, and 25.</p>

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CAFB 21 (cont'd)	Further, the inclusion of mandatory riparian setbacks are arguably requirements that mandate a specific management action. These implementation costs, including costs associated with mandated riparian setbacks, can affect land use, land retirement, and vineyard related jobs in the North Coast. However, the existing analysis did not evaluate these factors. By not including a meaningful review of the proposed Project's impacts on agricultural resources, the DEIR is fundamentally and basically inadequate and conclusory in nature, precluding meaningful public review and comment. (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043, 1051; Laurel Heights I, supra, at p. 404; Cal. Code Regs., tit. 14, § 15063(c); see Cal. Code Regs., tit. 14, § 15088.5].) By failing to identify and analyze probable impacts and merely concluding that impacts are speculative or less than significant, the DEIR is improper, and the error is prejudicial. (See Section II.B. 2., The DEIR Is Not Based on Substantial Evidence But Rather Mere Speculation, ante.)	See Response to CAFB 21.

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CAFB 22	<p>The DEIR fails to properly quantify and analyze the economic impacts of the proposed Project. Agriculture is fundamentally an economic activity that makes use of, and affects, many aspects of the physical environment. Therefore, understanding the environmental impact of the proposed Vineyard Order requires that its economic effect on agricultural operations play an important role in the analysis. The DEIR analysis, significance determination, and associated findings for the proposed Vineyard Order did not quantify important economic impacts that can be reasonably quantified. As a result, the analysis was unable to assess potential effects of the economic impacts on the physical environment and could not incorporate these linkages into significance determinations. The Vineyard Order increases monitoring and reporting requirements and would impose significant management costs for growers to comply with mandated management practices (ground cover), riparian setbacks, prohibition on certain normal farming activities during the winterization period, intensive edge of field monitoring, and expansive surface and groundwater monitoring. The DEIR and Vineyard Order do not evaluate how growers, the agricultural industry, and linked economy (socioeconomic impacts) would adjust in response to these substantial regulatory costs. In other words, the DEIR does not prepare any economic analysis, especially one compliant with Water Code section 12341. (See also pages 3 through 4 of the California Farm Bureau’s Comments on the Draft Vineyard Order, submitted on August 30, 2023.) Rather than a proper analysis, the DEIR contains cursory statement. E.g., “The Regional Water Board analyzed potential costs associated with the Proposed Project – see Attachment E. The overall cumulative costs of Management Practice implementation for a specific vineyard are speculative though because it is unknown which Management Practices will be implemented or are already being implemented.” (DEIR, p. 45.)</p>	<p>The Regional Water Board considered costs related to potential adverse economic impacts from the Draft Vineyard Order and acknowledges the concerns related to regulatory costs and proposed requirements. Please refer to (Draft Vineyard Order pages 29-33 and DEIR Attachment E). Water Code section 13241 requires the Regional Water Board to consider certain factors, including economic considerations, in the adoption of water quality objectives. Water Code section 13263 requires the Regional Water Board to take into consideration the provisions of Water Code section 13241 in adopting waste discharge requirements. The Water Code “economic consideration” requirements do not specify the need for detailed financial analyses, rather estimates based on available information within the confines of various uncertainties and assumptions.</p>

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CAFB 22 (cont.)	See CAFB 22 for comment	<p>Response (cont'd): The comment expresses concern that the economic analysis in the DEIR is flawed because it does not evaluate how vineyards would adjust in response to increased regulatory costs. In response to comments related to the DEIR's analysis of economic impacts, including CEQA Guidelines compliance requirements and the adequacy of the EIR's approach for impact analysis, please refer to response to CAFB 38. The Proposed Project was modified to reduce economic impacts through the following ways: 1) expanded compliance options for erosion and sediment control which now include the use of Voluntary Certification Programs (subject to approval by the Regional Water Board Executive Officer) which are estimated to currently serve about 80% of North Coast vineyards; 2) elimination of continuous turbidity monitoring in tributaries; and 3) revisions to winterization period requirements which allow for incidental ground disturbance during saturated soil conditions and generally increased flexibility to accommodate the diversity of agricultural practices on North Coast vineyards.</p>

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CAFB 23	<p>The DEIR’s conclusory statements about the speculative impacts to agriculture provide no opportunity for comparison of the proposed Project to alternatives and require “blind trust” by the public of the potential environmental impacts of the Project. (People v. County of Kern, supra, 39 Cal.App.3d at pp. 841-842) Further, many of the conclusory statements, such as not being able to know which management practices growers will use, are incorrect. “Analyzing economic impacts of increasing regulatory costs does not require knowing what management practice would be adopted by any given grower. If this was the standard, there would never be any economic impact assessment developed. The purpose of an economic impact analysis is to establish likely impacts, disclose those impacts, and inform development of the regulations based on those impacts. Moreover, besides the economic impact requirements associated with CEQA, the California Water Code mandates that the (regional board] consider economics in adoption of the Order. (See Water Code sections 13263 and 13241.)” (Attachment A, ERA Economics, Technical Memorandum, pp. 5-6.) A proper economics analysis is needed especially since “a]n increase in cost affects the supply for agricultural products produced in the” North Coast region.” This has a resulting effect on the relative profitability of crops, land use decisions, ability to continue farming, and employment and other input purchases. In addition, the economic analysis should evaluate effects on farming risk and competitiveness” of North Coast agriculture. Although the DEIR includes estimates of some costs, mostly in the form of direct costs of monitoring, implementation of various management practices, and reporting, most costs to agriculture are not analyzed or are analyzed improperly. The DEIR presents some example accounting costs but does not use those costs to quantify potential economic impacts to growers, linked industries (processing, shipping, etc.), communities, and the region as a whole. (See Attachment B, Additional Required Economic Considerations Not Analyzed in the Proposed Vineyard Order and DEIR13; see David Koball’s oral comments presented at the August 4, 2023 public workshop regarding cost and economic impacts.)</p>	<p>The DEIR provides substantial evidence regarding the anticipated costs of a range of management practices as well as anticipated costs for regulatory compliance for vineyard operators that would be required to comply with the Draft Vineyard Order. (DEIR, Attachment E). The DEIR cannot, and does not, predict which management practices each vineyard that may be subject to the Draft Vineyard Order may choose to implement to achieve compliance goals, nor can the DEIR predict which and how many vineyards may cease operations due to increased regulatory costs. The DEIR considers that about 80 percent of vineyards in the North Coast are already implementing management practices similar to those which would be implemented under the Proposed Vineyard Order. CEQA directs that lead agencies may not speculate about potential significant impacts. Please refer to Response to Comment 12 regarding CEQA’s prohibition on speculation. The comment states that there is a well-established approach to quantify the economic impact of the Draft Vineyard Order. The comment also states that the Regional Water Board should consider economics in its adoption of the Order. In response to concerns related to potential adverse economic impacts from Draft Vineyard Order, refer to Responses to Comments CAFB 14 and 23.</p>

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CAFB 24	<p>Costs of nitrogen discharge requirements, compliance with surface water discharge limits, riparian setback areas, and other key substantive provisions are not estimated within the DEIR. The DEIR failed to analyze the economic impacts on jobs, land use, and agricultural resources if the proposed Project is adopted; failed to quantify, discuss, or analyze various regulatory components, such as proposed nitrogen discharge limits, that may make current practices economically or agronomically infeasible, which would result in substantial economic impacts (e.g., precipitous drop in land values and property taxes, and lease rates); failed to analyze the resulting effects of implementing riparian setbacks which will automatically result in land-idling and land use changes because commercial crop production is prohibited in such areas; failed to analyze changing management practices, inputs, rotations, and land uses to comply with requirements; failed to adequately analyze land use changes / taking land out of production to comply with riparian setback requirements; and opportunity cost of management time for compliance paperwork, training, and other administration.</p>	<p>The DEIR provides substantial evidence regarding the anticipated costs of a range of management practices that may be used for compliance with nitrogen discharge and surface water discharge requirements. (DEIR, Attachment E). The DEIR analyzed the potentially significant impacts from implementation of Streamside Management Area requirements (setbacks), provided an alternatives analysis which demonstrates the considered project alternatives reduce one or more of the significant impacts of the Proposed Project, but would not fully achieve Project Objectives, and disclosed that the potentially significant impacts of Streamside Management Area requirements (setbacks) are significant and unavoidable. The comment contains a list of factors the commenter believes should have been analyzed by DEIR. In response to comments related to the DEIR's analysis of economic impacts, including CEQA Guidelines compliance requirements and the adequacy of the DEIR's approach for impact analysis, please refer to Responses to Comments 14 and 23. The comment does not present substantial evidence that an examination of these factors would result in the determination of a new previously undisclosed significant impact or a substantially worse impact than that disclosed in the DEIR.</p>

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CAFB 25	<p>Regarding compliance with the streamside area setback requirements, Attachment E is missing an analysis of the costs that will be incurred for the removal of productive vineyard land as well as associated costs from the removal and relocation of roads and turnarounds. For the DEIR, a GIS analysis was performed to calculate the removal estimate of 300 acres of farmland for streamside area setback requirements, so there could have been some calculations to show the potential impacts on various vineyard parcels with different setback mandates based on water course type. Wine grape production values and average production numbers are readily available in county crop reports compiled by the Department of Agriculture and additional information is available in the California Grape Crush Report compiled annually by the California Department of Agriculture. Vineyard land values are also available to calculate the costs associated with the removal of vineyard from production. For example, if a vineyard property in inland Mendocino County has an ephemeral stream running through the parcel and based on the 25-foot setback requirement in the Vineyard Order, the property would have to remove and then relocate 5 acres of roads and turnarounds, resulting in a total impact of 10 acres (5 acres lost to setback plus 5 acres lost to relocate roads/turnarounds). In looking at the 2021 Mendocino County Crop report, the average production level for winegrapes is 3 tons/acre with an average cost of \$1794/ton. For the example above, the 5 acres of productive land that is lost to relocate the roads/turnarounds would mean a loss of \$26,910 in production value. In addition, based on recent sales data, inland Mendocino County vineyard land value is around \$40,000/acre. Again, using the figure of 5 acres, this would be a loss of \$200,000 in land value. So just in this one example, the total loss would be \$226,910. Since there are price differences for per ton value based on varietal as well as land value differences by location, the overall economic impact just for the loss of farmland due to the setback requirements in the Vineyard Order would be in the millions of dollars. Further, regulatory costs are cumulative. (Attachment A, ERA Economics, Technical Memorandum, p. 7.)</p>	<p>The example does not provide the acreage or geometry of the theoretical vineyard, but the concept is sound. Using the example provided, a estimated cost is provided here. Streamside Management Area setback from ephemeral streams is 25 feet from ordinary high-water which is typically located between 5 and 10 feet horizontally from top of the higher bank of an ephemeral stream in the Ukiah Valley of Mendocino County a significant winegrape growing region (based on personal observations and experience of Regional Water Board staff). Based on over 40 vineyard tours and aerial surveillance by Regional Water Board staff over the last year, most vine rows begin at least 20 feet from ordinary high-water of ephemeral streams and at least 15 feet from top of the higher bank of ephemeral streams. Streamside Management Area setbacks accommodate existing turnarounds and perimeter roads in the setback area for ephemeral streams. To make this a conservative scenario, perhaps a 5-foot width of vines would be located inside the setback. Assuming the theoretical vineyard is a 15-acre polygon (500 feet by 1,300 feet) with the long dimension along the ephemeral stream, about 0.15 acres of vines would be converted to vegetative buffer at the time of replanting to comply with requirements of the Draft Vineyard Order.</p>

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CAFB 25 (cont'd)	In addition to the proposed Vineyard Order, North Coast growers are managing the implementation of other regulations. Accordingly, the DEIR must be revised to include an appropriate economics analysis. Without this, the DEIR fails to satisfy CEQA's fundamental requirements.	Using costs provided in the commenters example, the direct economic impact in 2021 dollars to the theoretical vineyard would be about \$800 in annual production value from a total theoretical annual production value of about \$80,000 and \$6,000 in lost land value on a theoretical land value of \$600,000, or about 1 percent of value. As noted, the total estimated potential conversion of agricultural land to a non-agricultural use from implementation of Streamside Management Area requirements (setbacks) is 300 acres across a total planted acreage of 65,000 or about 0.5 percent.
CAFB 26	The DEIR contains a small section on growth inducing impacts and no sections on population/housing and land use/planning due to reliance on the 2022 Initial Study's determination that the impacts to population/housing and land use/planning were less than significant. A fair argument exists that such areas should be fully analyzed within the DEIR as the proposed Project could result in potential significant effects.	The comment states that the DEIR should have fully analyzed impacts on Land Use and Planning and Population and Housing. Please refer to Responses to Comments CAFB-27, 28, and 29 for specific responses.

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CAFB 27	<p>The DEIR dismisses analyzing land use and planning as “[t]he Proposed Project would not involve construction of any new large structures or establish new impassible land uses that would substantially inhibit wildlife movement.” (DEIR, p. 81.) Land use and planning are not limited to the “constriction any new large structures,” but rather refers to how land is used. (Ibid.; Gov. Code, § 65302(a), [“A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, greenways, as defined in Section 816.52 of the Civil Code, and other categories of public and private uses of land.”].) The DEIR should have analyzed whether the proposed Vineyard Order would conflict with any applicable land use plan, policy, or regulation for any local jurisdiction with land use authority within areas covered by the proposed Vineyard Order.</p>	<p>The DEIR noted that the potential for the Vineyard Order to conflict with any applicable habitat conservation plan or natural community is evaluated in Chapter for Biological Resources. Additionally, the potential for the Vineyard Order to conflict with existing zoning for agricultural uses is discussed in the Chapter for Agriculture and Forestry Resources. The comment also states that the DEIR does not contain analysis regarding the Proposed Project’s inconsistency with adopted county general plans. The comment does not specify which plans are in conflict with the Proposed Project. The relevant impact assessment asks whether the Proposed Project would conflict with zoning for agricultural use. The DEIR finds that Streamside Management Area setbacks would result in conflicts with zoning for agricultural use due to the potential for conversion of agricultural lands, and finds that impacts would be significant and unavoidable. The comment does not specify if the commenter believes that possible conflicts with general plans would be caused by the Streamside Management Area requirements, or some other aspect of the Proposed Project. Please note Appendix C to the DEIR, Mendocino and Sonoma County General Plan Goals and Policies includes relevant general plan policies and goals related to resource management.</p>

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CAFB 28	<p>CEQA also requires that an EIR discuss the ways in which a project could directly or indirectly foster economic or population growth or the construction of new housing in the surrounding environment. (Pub. Resources Code, § 21100(b)(5); Cal. Code Regs., tit. 14, § 15126.6(d).) A project has growth inducing impacts if it would (1) foster economic or population growth or additional housing; (2) remove obstacles to growth; or (3) facilitate other activities that cause significant environmental effects. (Cal. Code Regs., tit. 14, § 15126.2(d).) An EIR must discuss growth-inducing effects even though those effects will result only indirectly from the project. (Napa Citizens for Honest Government v. Napa County Board of Supervisors, supra, 91 Cal.App.4th at p. 368; see City of Antioch v. City Council, supra, 187 Cal.App.3d at p. 1335-1337; Friends of “B” Street v. City of Hayward, supra, 106 Cal.App.3d 988, 998-999.) Such discussion must describe the growth-accommodating features of the project that may remove obstacles to population growth. (Ibid.) Population growth resulting from a project can indirectly lead to further development by taxing existing community service facilities, which could require construction of new facilities. (Cal. Code Regs., tit. 14, § 15126.2(d).) Here, the DEIR concludes that the Project is not growth inducing or growth reducing since it “would have a very small overall effect on job creation” and “construction would be short term.” (DEIR, p. 183.) Although the proposed Project itself will not require housing, it does have the potential to impact existing population, housing, and employment conditions. The proposed Project does eliminate an obstacle to growth as it will take agricultural lands out of production, which can result in growth inducement, facilitate land use conversion to other land uses besides agriculture, accelerate conflicts with local general plans, lead to community and economic distress due to lack of jobs, etc. (See Cal. Code Regs., tit. 14, § 15126.2(e); Pub. Resources Code, § 21100(b)(5); DEIR, p. 183.) This may lead to the demise of the many viable small farms in the area as has happened elsewhere in the state.</p>	<p>The comment alleges that the DEIR estimate of Important Farmland which might be converted to a non-agricultural use by Streamside Management Area requirements will eliminate an obstacle to growth as it will take agricultural lands out of production, which can result in growth inducement, facilitate land use conversion to other land uses besides agriculture, accelerate conflicts with local general plans, lead to community and economic distress due to lack of jobs, etc. The potential conversion of Important Farmland which might be converted to a non-agricultural use by Streamside Management Area requirements is limited to strips of land between vine rows and surface waters. The comment does not make clear how the conversion of these narrow strips of land from agriculture uses to riparian areas would result in a conversion of land to a use which would have growth inducing impacts.</p>

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CAFB 29	<p>In addition to the possibility of growth-inducing impacts with the conversion of lands out of agricultural production, the project could also cause a socioeconomic impact on population, potentially leading to population reduction due to decrease in productive acreage, which would then have an environmental impact on towns throughout the region, disproportionately impacting specific disadvantaged members of the community. Because the proposed Project converts agricultural land to other uses, thereby impacting a large economic and job sector in the region, the DEIR should contain population and housing, and land use and planning sections in which the proposed Project's potential impacts on these areas can be analyzed. Accordingly, the DEIR must be revised to include the environmental impact analyses of these sections. Without this, the DEIR fails to satisfy CEQA's fundamental requirements.</p>	<p>The comment alleges that the DEIR estimate of Important Farmland which might be converted to a non-agricultural use by Streamside Management Area requirements would have a socioeconomic impact on population, potentially leading to population reduction due to decrease in productive acreage, which would then have an environmental impact on towns throughout the region, disproportionately impacting specific disadvantaged members of the community and that the DEIR should contain analysis of impacts on population and housing, and land use and planning. The comment does not provide information on how the conversion of strips of land discussed in Response to Comment 29 would result in impacts on population and housing, land use and planning.</p>

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CAFB 3	<p>As the lead agency for the proposed Project, the regulation of discharges from vineyards via waste discharge requirements, the Regional Board must comply with CEQA’s overall objectives, which are to: 1) inform the decision-makers and public about the potential significant environmental effects of a proposed project; 2) identify ways that environmental damage may be mitigated; 3) prevent significant, avoidable damage to the environment by requiring changes in projects, through the use of alternatives or mitigation measures when feasible; and 4) disclose to the public why an agency approved a project if significant effects are involved. An attempt to review the environmental impacts of the proposed Vineyard Order was included within the DEIR. Unfortunately, a full CEQA review and environmental analysis has been avoided due to the DEIR’s improper conclusions of “speculative” and “less than significant” impacts. Without preparing a proper and adequate environmental document, the public has been precluded from gaining a full understanding of the environmental impacts and consequences of the proposed Vineyard Order as well as gaining assurance that all consequences have in fact been analyzed to the fullest extent required by law. (See Vineyard Area Citizens for Responsible Growth, Inc., supra, (2007) 40 Cal.4th at pp. 449–450, [“The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account. For the EIR to serve these goals it must present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made.”] As described herein, the Regional Board has failed to comply with the provisions of CEQA as the DEIR prepared for the proposed Project fails to satisfy the requirements of CEQA. As demonstrated below, the Regional Board’s DEIR is flawed and legally inadequate.</p>	<p>The comment alleges that the DEIR makes improper conclusions of “speculative” and “less than significant.” The comment also describes the purpose of an EIR under CEQA. This comment by itself does not specifically identify how the conclusions reached by the DEIR are not supported by substantial evidence.</p>

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CAFB 30	<p>The DEIR identifies mitigation measures that apply to growers who seek regulatory coverage under the proposed Vineyard Order. (See DEIR, pp. 5-6, 39-160.) Some of the measures logically require that any modifications of a farming operation that cause impacts be performed in accordance with existing law. (Ibid.) However, some of the identified mitigation measures are infeasible and may exceed the Regional Board’s authority. (Ibid.; see Wat. Code, § 13360(a).) First, how these measures would be triggered is uncertain. The measures appear to apply to routine farming management and operational decisions that normally would not involve regulatory approval by a public agency. If a grower chooses to implement a farm management method for reasons independent of the Vineyard Order, it appears that the mitigation measure could still be triggered, subjecting the grower to a level of regulatory approvals and expense that otherwise would not apply. Further, even if the grower chooses to implement a management practice because of the Vineyard Order, the Regional Board still would not have authority to approve that individual management decision. Yet, in this scenario, the grower might be deemed in violation of the Vineyard Order, if he or she did not implement the measure, even if he or she has not actually discharged waste into waters of the state.</p>	<p>The comment states that some of the mitigation measures in the DEIR are infeasible and exceed the Regional Water Boards's authority. The comment does not name the mitigation measures but appears to identify the mitigation measures to which it objects in a citation. The mitigation measures cited appear to be: BIO-1: Avoid and Minimize Impacts on Sensitive Biological Resources, HAZ-1: Hazardous Materials Spill Prevention, Control, and Counter-Measures for Land Disturbance Activities, CUL-1: Cultural Resources Inventory, Evaluation of Resources for Significance, and Implementation of Avoidance and/or Minimization Measures, CUL-3: Comply with State Laws Pertaining to the Discovery of Human Remains, GEO-1: Comply with State Laws Pertaining to the Discovery of Paleontological Resources, HWQ-1: Implement Construction Best Management Practices for Erosion Control, and HWQ-2: Place Management Practices that Involve Retention and/or Treatment of Surface Runoff Outside of 100- Year Floodplains or Tsunami or Seiche Inundation Zones. The comment states that the DEIR is unclear about how these measures would be triggered and if the mitigation measures would apply to vineyards that chose to implement a management method for reasons independent of the Vineyard Order..</p>

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Comment Number	Comment	Response
CAFB 30 (cont'd)	See CAFB 30	<p>Response (cont'd): The mitigation measures described in the DEIR would apply to actions and practices that are implemented to comply with the Draft Vineyard Order. In most cases, the mitigation measures described merely require compliance with existing state law and permitting requirements. Growers are required to comply with the state and federal Endangered Species Acts; nesting bird protections in the California Fish and Game Code; the California Native Plant Protection Act; the CDFW Lake and Streambed Alteration Program; California Health and Safety Code provisions related to hazardous materials and discovery of human remains; California Department of Pesticide Regulation requirements; and other local ordinances, regulations, and permitting programs. Construction of certain management practices that would involve ground disturbance, such as sediment basins or filter strips, often require permits and approvals from state and local agencies that would include conditions designed to avoid and minimize impacts on sensitive species, prevent hazardous materials spills, and protect cultural and historical resources</p>

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Comment Number	Comment	Response
CAFB 30 (cont'd)	See CAFB 30	Response (cont'd): CEQA gives a public agency the authority to require feasible changes in any or all activities involved in a project to substantially lessen or avoid significant effects on the environment. (CEQA Guidelines § 15041.) Like conclusions regarding significant impacts, findings of infeasibility must be supported by substantial evidence. (CEQA Guidelines § 15091(b).) The comment does not provide substantial evidence that the mitigation measures in the DEIR would be infeasible.

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CAFB 32	<p>In addition to including improper mitigation measures, the DEIR fails to properly identify mitigation measures for significant impacts from the proposed Project. Specifically, when concluding that setback requirements will be a significant effect due to taking agricultural land out of production, the DEIR also concluded that the impact is unavoidable because no feasible mitigation measures exist. (DEIR, p. 46.) Unfortunately, the DEIR fails to adequately identify, discuss, and analyze potential mitigation measures. (See <i>Masonite Corp. v. Cnty. of Mendocino</i> (2013) 218 Cal. App. 4th 230.) The DEIR also concludes, in a cursory fashion, that there are no feasible mitigation measures available to lands under Williamson Act contracts. (DEIR, p. 47.) Conversion of farmland to non-agricultural uses (e.g., land retirement) would result in additional socioeconomic impacts that are not disclosed in the DEIR. Such errors compound and prevent proper identification of significant effects and discussion of the manner in which those significant effects can be mitigated or avoided. (See <i>Masonite Corp. v. Cnty. of Mendocino</i>, supra, 218 Cal. App. 4th at pp. 238, 241.) Accordingly, the DEIR must be revised to include the appropriate mitigation measures. Without this, the DEIR fails to satisfy CEQA's fundamental requirements</p>	<p>The comment states that the DEIR fails to properly identify mitigation measures for significant impacts, citing a measure that the Regional Water Board found infeasible for mitigating impacts as a result of proposed Streamside Management Area requirements (setbacks). For more information refer to Response to Comment CAFB 19. The Proposed Vineyard Order was modified to include a Riparian Area Restoration Alternative which allows Enrollees to mitigate the difference in area available for natural succession in the Streamside Area of the vineyard with a restoration project in the same HUC-12. This alternative is only available to vineyards existing at the date of Order adoption. This restoration alternative was identified as a way to mitigate the impact as a results of proposed Streamside Area setbacks, although not completely.</p>

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CAFB 33	<p>A fundamental mandate of CEQA is that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of the project.” (Pub. Resources Code, §§ 21002, 21081.) Therefore, as part of the decision-making process for projects involving the preparation of an EIR, governmental agencies are required under CEQA to consider alternatives to proposed actions affecting the environment. (Pub. Resources Code, § 21001(g).) One of the purposes of an EIR is to identify alternatives to a proposed project and evaluate the comparative merits of feasible alternatives. (CEQA Guidelines Section 15126.6(d).) By examining a range of alternatives, the Lead Agency can demonstrate that it has taken a “hard look” at the project objectives to select alternatives that allow for meaningful comparison. (Residents Ad Hoc Stadium Com. v. Board of Trustees (1979) 89 Cal.App.3d 274, 287; Wildlife Alive v. Chickering (1976) 18 Cal.3d 190, 197, [A major function of an EIR is “to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official” or board.].) Further, EIRs “must produce information sufficient to permit a reasonable choice of alternatives.” (San Bernardino Valley Audubon Society, Inc., supra, 155 Cal.App.3d at p. 750.) Here, the DEIR failed to consider and analyze a reasonable range of alternatives. (Cal. Code Regs., tit. 14, § 15126.6; Pub. Resources Code, § 21100(b)(4).) The alternatives to be evaluated within the EIR must be true “alternative” proposals and not abstract concepts. In order to allow for an evaluation on its merits that the alternative “may be ‘feasibly accomplished in a successful manner’ considering the economic, environmental, social and technological factors involved” and to allow for a robust comparison to the preferred project, alternatives must be detailed, complete, and comprehensive proposals. (Pub. Resources Code, § 21061.1; Guidelines, § 15364; Goleta I, supra, 197 Cal.App.3d 1167, 243 Cal.Rptr. 339.)” (Citizens of Goleta Valley supra, 52 Cal.3d at p. 566.) After all, “evaluat[ion] of the comparative merits of the alternatives” cannot be done if the alternatives are cursory documents. (CEQA Guidelines, § 15126.6(a).)</p>	<p>The comment cites provisions of CEQA regarding the analysis of project alternatives. The comment is noted. It does not address substantive contents of the DEIR, or its alternatives or specifically describe how they are deficient. No further response is necessary.</p>

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CAFB 34	<p>Here, the DEIR included a no project alternative, a reduced streamside area setback alternative, and an offsite riparian restoration alternative. (DEIR, p. 169.) However, the analysis for the reduced streamside area setback alternative and an offsite riparian restoration alternative was limited to 9.5 pages, consisting mostly of conclusory statements and speculation. (DEIR, p. 171, [“The Reduced Setback Alternative would potentially be less costly to implement than the Proposed Project;” “The Reduced Setback Alternative could potentially increase removal of existing riparian vegetation and habitat, which could in turn have adverse effects on biological resources and water quality;” “However, the extent and severity of this potential impact is speculative because it is unknown which growers in which locations may choose to pursue riparian vegetation removal under this alternative.”].) The offsite riparian restoration alternative concludes “[t]he Offsite Alternative would be less beneficial to water quality than the Proposed Project” and “the Offsite Alternative may not achieve the same level of reductions in pollutant discharges compared to the Proposed Project due to the lesser control of sediment discharges and temperature impacts at vineyards and the likelihood that mitigation sites would not have the same magnitude of pollutant discharges as a Vineyard.” (DEIR, pp. 175-176.) However, no explanation is given for such conclusions. How will the offsite alternative not achieve pollutant reductions? By using cursory concepts, a true analysis between project alternatives is thwarted. The two alternatives within the DEIR only looked at changes to one component of the Vineyard Order— vegetative buffers. There was no analysis of an alternative program containing a regulatory tiering structure based on risk to water quality or an alternative with different water quality monitoring requirements.</p>	<p>The DEIR includes an alternative analysis for Streamside Management Area setbacks that were determined to have potentially significant impacts on agricultural resources. The DEIR evaluated three alternatives: No Project, Offsite Riparian Restoration, and Reduced Setback to Streamside Management Area requirements (setbacks). The Offsite Riparian Restoration Alternative provides the option to mitigate the difference in area available for natural succession of riparian vegetation between existing conditions and proposed requirements. Mitigation would be accomplished through restoration and protection of riparian vegetation at another location within the same sub-watershed (HUC-12). The width and length of offsite riparian area mitigation would be 200 percent of the difference between existing conditions and the Proposed Project. The proposed mitigation area would have to be placed into a conservation easement with enough financial resources to fund 20 years of maintenance, i.e., replace vegetation which did not survive. This option would only be available to existing vineyards at the time of Vineyard Order adoption. The Proposed Vineyard Order was modified to include this alternative to mitigate impacts from the Streamside Area setbacks.</p>

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CAFB 35	<p>As evidenced in the DEIR, the “project,” the proposed Vineyard Order, appears to be predetermined in regulatory scope which runs afoul of CEQA: “The full consideration of environmental effects CEQA mandates must not be reduced “to a process whose result will be largely to generate paper, to produce an EIR that describes a journey whose destination is already predetermined.”” (Save Tara v. City of West Hollywood (2008) 45 Cal.4th 116, 135–136, citing Natural Resources Defense Council, Inc. v. City of Los Angeles (2002) 103 Cal.App.4th 268, 271, internal citations omitted.) This failure to include the full reasonable range of alternatives in the environmental analysis directly contrasts with the explicit intent and heart of CEQA. (Watsonville Pilots Association v. City of Watsonville (2010) 183 Cal.App.4th 1059, 1086-1088.) CEQA places the burden on the approving agency, here the Regional Board, to affirmatively show that it has considered the project alternatives as well as identified means of lessening or avoiding the project’s significant effects, and to explain its decision to proceed with or reject alternatives and mitigation measures. (Cal. Code Regs., tit. 14, § 15126.6.) “The writing of a perfect EIR becomes a futile action if that EIR is not adequately considered by the public agency responsible for approving a project. Indeed, it is almost as if no EIR was prepared at all . . .” (Resource Defense Fund v. Local Agency Formation Com. (1987) 191 Cal.App.3d 886, 898.) Additionally, using cursory draft documents as alternatives prohibits rather than fosters meaningful public participation and informed decision-making. (Cal. Code Regs., tit. 14, § 15126.6(a).) Further, the Regional Board’s job in the DEIR’s alternatives analysis to craft alternatives that could feasibly reduce significant impacts, even if the alternatives will not accomplish all of the project’s objectives. (Watsonville Pilots Assn. v. City of Watsonville, supra, 183 Cal.App.4th at p. 1087, [“It is virtually a given that the alternatives to a project will not attain all of the project’s objectives.]; Cal. Code Regs., tit. 14, § 15126.6(c).) By simply evaluating cursory alternatives with speculative feasibility and impact conclusions, the Regional Board’s alternatives preparation and analysis failed. (Cal. Code Regs., tit. 14, § 15126.6; DEIR, p. 171.)</p>	<p>The comment expresses concern that the analysis of alternatives in the DIER was predetermined and did not consider a full range of alternatives. Once an alternative is selected, CEQA requires that the EIR:[j]include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. (CEQA Guidelines § 15126.6(d).) The DEIR describes alternatives to Streamside Management Area requirements (setbacks) in Chapter 15 (pp 165-181.) CEQA does not require lead agencies to develop any particular number of alternatives, nor does it require lead agencies to identify alternatives that were not suggested as part of the scoping process. Rather, it suggests that lead agencies consider alternatives developed during the scoping process as potential alternatives. (CEQA Guidelines § 15126.6(c).) CEQA makes clear that “an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.” (CEQA Guidelines § 15126.6(a).) The DEIR presents a range of alternatives for Streamside Management Area requirements (setbacks).</p>

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CAFB 36	<p>Within the DEIR, the cumulative impacts analysis fails to provide an adequate analysis of impacts to agricultural resources. The DEIR does not analyze the cumulative impact of loss of production agricultural lands across the state, although it recognizes that the proposed Project will contribute to the statewide reduction in agricultural lands. (See DEIR, p. 163.) The DEIR does not analyze the proposed Project’s contribution of loss of agricultural land in context with the statewide trend of loss of agricultural land, does not analyze impacts related to local groundwater sustainability plans, does not analyze impacts to certain communities, and lacks a discussion of the cumulative impacts of the proposed Project when taken within the context of regional growth patterns. (See Section II. B. 3., The DEIR’s Analysis of Agriculture and Forest Resources Is Improper And Flawed, ante; see Section II. B. 4., The DEIR Lacks an Economics Analysis, ante.)</p>	<p>The comment cites provisions of CEQA regarding the analysis of cumulative impacts. In addition, the comment expresses concern that the DEIR does not analyze the cumulative impacts of the loss of agricultural lands statewide. CEQA does not necessarily require that a cumulative impacts analysis examine cumulative impacts of a project on a statewide basis. The CEQA Guidelines state that “[l]ead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.” (CEQA Guidelines § 15130(b)(3).) The DEIR explains that the scope of Draft Vineyard Order activities would be limited to approximately 65,000 acres of land planted to vineyards primarily in inland valleys of Mendocino and Sonoma Counties. The DEIR describes related projects within that geographic scope and provides an analysis of possible cumulative impacts.</p>

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CAFB 37	<p>Additionally, the DEIR does not identify all “projects or programs adequately similar in nature, location, and type to result in a meaningful comparative analysis” that are known or should be known to the Regional Board that can lead to compounding cumulative impacts with the implementation of the proposed Project. Other programs and projects that have the potential to compound or increase other environmental impacts, especially to agricultural resources, include, but are not limited to, requirements within the U.S. Food and Drug Administration’s Food Safety Modernization Act, applicable National Pollutant Discharge Elimination System (“NPDES”) permits and other permit actions, the Regional Board’s Restoration program, and implementation of total maximum daily loads. All of these, as well as additional, similar pending 16 and existing programs and projects have the potential to create cumulative impacts on agricultural and other environmental resources, and, thus, require analysis along with the proposed Project.</p>	<p>The comment expresses concern that the DEIR does not identify all projects or programs adequately similar in nature, location, and type to result in a meaningful comparative analysis. The comment cites several agricultural and environmental regulations as examples of programs that should be included in the cumulative impact analysis. However, CEQA requires only an analysis of past, present, and future “projects” that would result in physical changes in the environment (e.g., new activity or recent past activity). Under CEQA, existing or potentially applicable regulations would not constitute a “project.” Rather, the laws and regulations cited in the comment generally restrict or govern how existing and proposed projects operate or are constructed. Additionally, applicable related projects are noted in the DIER. In addition, the comment states that the DEIR should discuss reasonably anticipated future projects as part of its cumulative impact analysis. The comment does not identify any specific future projects that should be considered as part of the cumulative impact analysis.</p>

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CAFB 38	<p>The proposed Vineyard Order will result in dramatic and severe impacts on the agricultural industry, which will have a significant effect on the economic and social environment of the region. Such impacts include negative economic consequences, the possibility of eliminating agricultural lands in the area, possible loss of jobs, loss of food supply, changes to the landscape and land uses, loss of wildlife habitat, loss of groundwater recharge areas, disproportionate impacts to certain communities, as well as other social and economic impacts. In addition to direct impacts and indirect impacts and consequences, these cumulative¹⁸ social and economic consequences are reasonably foreseeable and must be analyzed. Realizing that the second and third sentences of section 15382 can cause confusion, the discussion portion of the section provides: “The second and third sentences pose a problem of interpretation that has caused controversy for many years. The controversy centers around the extent to which CEQA applies to economic and social effects of projects. In determining whether an effect is significant, however, Section 21083(c) of CEQA requires an effect to be found significant if the activity would cause an adverse effect on people.” (Discussion following Cal. Code Regs., tit. 14, § 15382, emphasis added.) As indicated during public testimony at the August 4, 2023 Public Workshop and in written comments submitted on the proposed Vineyard Order, the proposed Project will have an adverse effect on the agricultural community in many ways. These economic and social impacts will adversely affect people within the North Coast and the state.</p>	<p>The comment expresses concern that the DEIR should have considered social and economic impacts in its cumulative impact analysis. As support for the comment, the commenter quotes text from an outdated version of the CEQA Guidelines (discussion following Cal. Code Regs., tit. 14, § 15382) that does not appear in the regulations in their current form. Moreover, no part of Public Resources Code Section 21083 mandates that an agency must treat all economic and social effects as significant adverse effects on people under CEQA. CEQA Guidelines section 15382 states that an “economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.” CEQA Guidelines section 15131 states that “economic or social effects of a project shall not be treated as significant effects on the environment.” “The focus of the analysis shall be on the physical changes.” The comment does not provide substantial evidence that any economic or social effects of the project would produce a physical change in the environment beyond the impacts already identified and disclosed in the DEIR and thus that the DEIR would find new previously undisclosed significant impacts or substantially worse impacts.</p>

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CAFB 39	Notwithstanding substantial evidence pointing to significant impacts, the DEIR contains no cumulative impacts analysis on social and economic resources impacted by the proposed Project. This is an error. Accordingly, the DEIR be revised to evaluate the resulting social and economic effects from the proposed Project.	The comment requests that the DEIR be revised to further evaluate the social and economic impacts from the Proposed Project. See Response to Comment CAWG 38

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CAFB 4	<p>The DEIR contains an incomplete and flawed environmental baseline and environmental setting. (See Cal. Code Regs., tit. 14, §§ 15125(a), (c).) The existing setting omits relevant information, including but not limited to, relevant regulations, programs, and plans such as the Sustainable Groundwater Management Act (“SGMA”), and truncates information that is included. Further, the cursory treatment of the existing setting in the DEIR, for an area encompassing more than 65,000 acres of vineyards, is insufficient. The environmental setting fails to describe accurately the existing environmental conditions, and thus, prevents a proper analysis of significant adverse effects. (Pub. Resources Code, § 21061; Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 428, Neighbors for Smart Rail v. Exposition Metro Line Construction Authority (2013) 57 Cal.4th 439, 447, [An EIR must contain an appropriate environmental baseline and environmental setting in order for a legally proper analysis of any significant effects the project may have on the environment].) “Knowledge of the regional setting [of the project] is critical to the assessment of environmental impacts The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.” “To make such an assessment, an EIR must delineate environmental conditions prevailing absent the project, defining a “baseline” against which predicted effects can be described and quantified. (Communities for a Better Environment v. South Coast Air Quality Management Dist. (2010) 48 Cal.4th 310, 315.)” (Neighbors for Smart Rail, supra, 57 Cal.4th at p. 447.) Toward that end, the DEIR “must include a description of the physical environmental conditions in the vicinity of the project, from both a local and a regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.” For example, the environmental setting fails to convey important features of North Coast agriculture that are relevant for assessing the physical and economic impacts of the Order.</p>	<p>The comment states that the environmental baseline and environmental setting are flawed and incomplete. The comment states that the setting omits programs including the Sustainable Groundwater Management Act (SGMA). The DEIR includes a description of the SGMA on pages 86, 136, and 137. The comment further states that other aspects of the environmental setting are “truncated” but does not identify any specific information that the DEIR should have included. Chapters V through XIII include information on regulatory and environmental setting for each CEQA resource analyzed in the DEIR.</p>

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CAFB 40	<p>CEQA’s statutory framework sets forth a series of analytical steps intended to promote the fundamental goals and purposes of environmental review—information, public participation, mitigation, and governmental agency accountability. (Cal. Code Regs., tit. 14, § 15002.) Specifically, the basic purposes of CEQA review include: informing governmental decision-makers and the public about the potential significant environmental effects of proposed activities; identifying ways that environmental damage can be avoided or significantly reduced; requiring changes in projects through the use of alternatives or mitigation measures when feasible; and disclosing to the public the reasons why a project was approved if significant environmental effects are involved. (See Pub. Resources Code, §§ 21001, 21001.1, 21002, 21003, 21006, 21064.) Adopting a project without complying with the above requirements violates CEQA. Given the numerous violations contained within the DEIR discussed herein, the appropriate remedy for the Regional Board is to conduct appropriate environmental review of the proposed Project, revise the DEIR, and recirculate it accordingly.</p>	<p>The comment cites some of the purposes of CEQA. It does not address substantive contents of the DEIR, or provide specific information or evidence indicating where the environmental analysis is deficient.</p>
CAFB 5	<p>The DEIR fails to describe baseline conditions for the covered watersheds, specifically water quality conditions. There is no discussion of existing sediment loads per watershed and sources of those loads, current amounts of riparian habitat in the watersheds, or current stream temperature conditions. Further, although existing Total Maximum Daily Loads (“TMDL”) are mentioned in the DEIR, there is no discussion of TMDL requirements, agriculture’s contribution to the problem the TMDL is seeking to remedy, or how the TMDL will be implemented through the proposed Vineyard Order. Additionally, although the DEIR does contain a section on “existing regulatory and voluntary programs,” there is no data provided recognizing how existing voluntary programs reduce and minimize water quality impacts from vineyards. (See DEIR, pp. 26-28.) Recognition of these voluntary programs is appreciated. However, there should have been more of an attempt to categorize the successes of these voluntary programs.</p>	<p>The comment states that the environmental setting does not accurately describe existing environmental conditions. The comment does not identify any specific inaccuracies. Refer to Response to Comment 8 for information about watershed conditions, and response to CAFB 4 for discussion of baseline conditions. No further response is needed.</p>

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CAFB 6	<p>The DEIR, especially the environmental setting and baseline, does not provide an accurate overview of vineyard production throughout the North Coast region or the economic factors that affect planting decisions, land retirement, and jobs, and income opportunities for communities in the region. There is no discussion of how implementation of the proposed Vineyard Order would impact standard and cultural practices in the North Coast Region, and associated costs of implementing the Order. “Agriculture is fundamentally an economic activity that makes use of, and affects, many aspects of the physical environment. Therefore, understanding the environmental impact of the Order requires that its economic effect on agricultural operations play an important role in the analysis.” (Attachment A, ERA Economics, Technical Memorandum, p. 1.)⁴ The DEIR’s use of outdated and limited information fails to appropriately capture and describe the proposed Project’s environmental setting</p>	<p>Agriculture Resources baseline and settings are covered on pages 35, 36, and Chapter V of the DEIR Agriculture and Forestry Resources. Impacts of the Draft Vineyard Order are covered in Chapter V.</p>

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CAFB 7	<p>Further, the baseline does not include “conditions expected when the project becomes operational.” (Cal. Code Regs. tit. 14, § 15125(a)(1).) Particularly, the baseline and environmental setting fails to recognize the local and regional environmental conditions impacted by SGMA5, which was enacted prior to fall 2017. Detailed discussion of SGMA, groundwater basins within the Regional Board’s jurisdiction, and groundwater sustainability plans (“GSP”) in development are needed “to provide the most accurate picture practically possible of the project’s impacts.”⁶ (Ibid.) SGMA, GSPs, and resulting impacts are not hypothetical situations, and substantial evidence exists regarding GSP related impacts warranting analysis, such as individual and cumulative impacts on groundwater supplies from reduced recharge, reduced quantities of water available to agriculture, increased costs to agriculture, and fallowing/land conversion. (See County of Amador v. El Dorado County Water Agency, supra, 76 Cal. App. 4th at p. 952.) By not including these reasonably foreseeable direct and indirect conditions in the environmental setting and baseline, the potentially significant impacts of the proposed Project cannot be properly analyzed and are improperly minimized. (Save our Peninsula Committee v. Monterey County Board of Supervisors, supra, 87 Cal.App.4th at p. 120.)</p>	<p>The comment expresses concern that the baseline used in the DEIR is deficient because it does not include full implementation of SGMA. The CEQA Guidelines state that “a lead agency may define existing conditions by referencing [...] conditions expected when a project becomes operational [when] supported by substantial evidence.” (CEQA Guidelines § 15125(a); emphasis added.) Further, the CEQA Guidelines provide that the lead agency may only include predicted future conditions if it “demonstrates with substantial evidence that use of existing conditions would be either misleading or without informative value to decision makers and the public.” (CEQA Guidelines § 15125(b).) The Regional Water Board does not have evidence indicating that the environmental setting as presented would be misleading or without informative value. In addition, the DEIR’s environmental setting includes a description of the SGMA. Please refer to Response to Comment 4. The comment also expresses concern that the DEIR does not conduct an analysis of whether the Proposed Project would conflict with groundwater sustainability plans. The comment fails to provide substantial evidence that an analysis of such plans would substantially change the conclusions of the DEIR. (CEQA Guidelines § 15204(c).)</p>

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CAFB 8	<p>Additionally, the DEIR fails to provide substantial evidence in support of its assumptions regarding sediment loads and sources, turbidity levels and sources, economics, impacts, agricultural land conversion, etc, within the project boundaries, and therefore fails to accurately reflect and detail existing conditions. This sets up for a false impact analysis as the impacts of the project must be measured against the “real conditions on the ground.”</p>	<p>The comment expresses concern that the DEIR does not provide substantial evidence of its assumptions regarding sediment loads and sources, turbidity levels and sources, economics, impacts, agricultural land conversion, etc, and therefore does not adequately describe existing conditions. Agricultural land conversion is described and analyzed in Chapter V, Agriculture and Forestry Resource. Sediment/turbidity sources and levels are described in Chapter III, Project Description and Chapter XII. Hydrology and Water Quality. The evidence, resources and data relied upon are identified in each chapter. The comment does not specifically identify how the DEIR’s description of existing conditions inaccurately characterizes these resources/issues.</p>

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CAFB 9	<p>By choosing a baseline not supported by substantial evidence and merely presenting unsupported conclusions, figures, or references to projects/studies/plans without analysis, the DEIR fails to provide sufficient baseline and environmental setting information for intelligent decision-making and skirts CEQA’s requirements. “The court in County of Amador underscored the ‘importance of an adequate baseline description, for without such a description, analysis of impacts, mitigation measures and project alternatives becomes impossible.’ (Id. at p. 953.) The court concluded that ‘[a]n adequate EIR requires more than raw data; it requires also an analysis that will provide decision makers with sufficient information to make intelligent decisions.’ (Id. at p. 955; see also Guidelines, § 15151.)” (Save our Peninsula Committee, supra, 87 Cal.App.4th at p. 124; see also County of Amador, supra, 76 Cal.App.4th 931, 955.)</p>	<p>The comment expresses concern that the Proposed Project baseline as presented in the DEIR is not supported by substantial evidence and presents unsupported conclusions, figures, or references without analysis. Please refer to Response to Comments 4, 5, 7 and 8 for discussion of the baseline used for the DEIR. The comment does not specifically identify what figures or references would require additional support or analysis as part of the environmental setting description. Each Chapter contains citations to evidence, resources, and data relied upon to describe the environmental setting, and each reference is described in additional detail in Appendix II: References.</p>

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CDFW 1	<p>Section 6 Special Status Species, XII Biological Resources, subsection B Environmental Setting, Page 72 and Attachment D: Special Status Species Issue: Lack of evaluation of the presence of and impacts to Clear Lake Hitch (<i>Lavinia exilicauda</i> chi; CLH), a species listed as threatened under CESA. Specific impact: Potential direct and cumulative impacts to CLH may include but are not limited to the loss of habitat, incidental take resulting from project activities, reduction of flow and water capacity, changes in temperature, and increased discharge of sediment, pesticide, and nitrate into Clear Lake and tributaries. Why impact would occur: The DEIR does not include any evaluation or discussion of potential impacts to CLH. Therefore, general orders issued by the Regional Water Board did not consider potential impacts to CLH and consequently may authorize activities that result in significant impacts to the species. The State-listed CLH is found only in Clear Lake and the tributaries to the lake are critical spawning and rearing habitat for the fish. Several of the most important tributaries used by the CLH, including but not limited to Kelsey Creek, Adobe Creek, Cole Creek, McGaugh Slough, Hill Creek, and Thompson Creek, exist in the southwest area of the lake; an area dominated by agriculture, including many vineyards which could be affected by the proposed project. Recommendation: CDFW recommends the DEIR includes an analysis of the potential presence of CLH within the North Coast Region and any potential significant impacts from the proposed General Waste Discharge Requirements.</p>	<p>The comment recommends that the DEIR include an analysis of the presence of Clear Lake Hitch, a species listed as threatened under the California Endangered Species Act within the North Coast Region and any potential significant impacts from the proposed General Waste Discharge Requirements. The Project Area is the North Coast Region, which is defined in section 13200(a) of Porter-Cologne as follows: “North Coast region, which comprises all basins including Lower Klamath Lake and Lost River Basins draining into the Pacific Ocean from the California-Oregon state line southerly to the southerly boundary of the watershed of the Estero de San Antonio and Stemple Creek in Marin and Sonoma Counties”. The North Coast Region includes a small portion of Lake County in the upper west Eel River Hydrologic Unit (HU No. 111.00) which does not drain to Clear Lake. The North Coast Region does not extend into the Sacramento Valley drainage, in which exist the Clear Lake basin and all tributaries of Clear Lake and Cache Creek (e.g., the Upper Cache Creek Watershed). CDFW lists the Clear Lake Hitch as endemic to Clear Lake and its tributaries only, which are not in the Project Area. Therefore, no changes were made to the DEIR or Project as a result of this comment.</p>

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CDFW 2	<p>Section 4 Aquatic, XII Biological Resources, subsection B Environmental Setting, Page 72 Issue: Lack of CLH within the list of special status species with the potential to occur in streams and drainages in the North Coast Region paragraph: “Special-status species with the potential to occur in streams and drainages in the North Coast Region include California red-legged frog, foothill yellow-legged frog, western pond turtle (<i>Actinemys marmorata</i>), and steelhead (<i>Oncorhynchus mykiss</i>) (Southern California, South- Central California Coast, and Central California Coast Distinct Population Segments).” Recommendation: Include CLH in the list of species with the potential to occur in streams and drainages in the North Coast Region.</p>	See Response to CDFW 2

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CDFW 3	<p>Riparian Habitat, Wetlands, and Lake and Streambed Alteration Notification compliance, Pages 28, 30, 76 and 78. Issue: The DEIR does not include a mitigation measure requiring a Lake and Streambed Alteration Agreement and other permits for impacts to waters and wetlands. The DEIR identifies reasonably foreseeable management practices including runoff management features and sediment basins (page 30). While not listed as a reasonably foreseeable management practice in the DEIR, culvert upgrades and replacement may be a management practice used to achieve the objective of Storm-Proofing Appurtenant Agricultural Roads for Surface Water Protection (page 30). Specific impact: Despite the overall effect of the proposed Project on riparian habitats and sensitive natural communities being largely beneficial, the DEIR identifies that construction of reasonably foreseeable management practices has the potential to cause adverse effects to biological resources (page 78). In addition, the construction of management practices not identified in the DEIR may also cause adverse effects to biological resources. Impacts associated with construction of management practices listed in the DEIR include “erosion and sedimentation caused by operation of heavy construction equipment and/or accidental releases or improper management of hazardous materials used during construction” (page 78) and direct impacts to species such as “mortality or injury of individuals by being crushed by vehicles and/or heavy equipment or loss of an active nest or burrow” (page 76). Impacts may also include temporary and permanent loss of riparian habitat, changes in composition of channel materials, colonization by exotic plant species brought to a site during construction, and temporary impediments to migration. Why impact would occur and be potentially significant: Physical projects described in the DEIR such as runoff management features and sediment basins, as well as projects that may occur as a result of adoption of the Vineyard Order such as culvert repair and replacement, often occur in riparian habitat and wetlands.</p>	<p>The Proposed Vineyard Order has been modified to include the commenter’s recommended mitigation measure under the CEQA Mitigation Monitoring and Reporting Program.</p>

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CDFW 4	<p>The DEIR states that “construction activities for certain types of management practices would have potential to cause adverse impacts on riparian habitat and sensitive natural communities, but compliance with existing laws and regulations and/or implementation of mitigation measures HWQ1, HAZ-1, and BIO-1 would reduce these potential impacts.” However as stated above, the DEIR does not require as a mitigation measure compliance with existing laws and regulations, such as Fish and Game Code section 1600 et seq. for lake and streambed alteration authorization and the federal Clean Water Act. Riparian habitat is of critical importance to protecting and conserving the biotic and abiotic integrity of an entire watershed. When riparian habitat is substantially altered, riparian functions become impaired, thereby likely substantially adversely impacting aquatic and terrestrial species. More than 90 percent of California’s historic wetlands have been lost to development and other human activity. Wetlands are a critical natural resource that protect and improve water quality and provide habitat for fish and wildlife. Absent applicable permits which include measures to avoid and minimize impacts to streams, hydrologically connected habitat, wetlands, and associated species, impacts to riparian habitat and wetlands would be potentially significant.</p> <p>Recommended Mitigation Measure: If impacts to riparian habitat or other sensitive natural communities may occur during Project management practices, to reduce potential impacts to less than significant, CDFW recommends including the below mitigation measure.</p> <p>Mitigation Measure BIO-2 (Applicable Permits): The Project shall notify CDFW pursuant to Fish and Game Code section 1600 et seq. for Project activities affecting lakes or streams and associated riparian habitat and shall comply with the Lake and Streambed Alteration Agreement, if issued. Projects shall also obtain permits from the Regional Water Quality Control Board and Army Corps of Engineers pursuant to the Clean Water Act, if applicable</p>	<p>The Proposed Vineyard Order has been modified to include the commenter’s recommended mitigation measure under the CEQA Mitigation Monitoring and Reporting Program.</p>

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JFW 1	<p>Page 8 EIR: Please define “excess sediment.”</p> <p>If “excess” means above natural background, please quantify (1) natural background sedimentation versus (2) vineyards’ “excess” sedimentation. Footnote 45 on page 153 of the North Coast Basin Plan states: “Excess sediment is defined herein as soil, silt, sand, clay or other similar material rock, and/or sediments (e.g. sand silt, sand, or clay) discharged to waters of the state in an amount that could be deleterious to beneficial uses or cause a nuisance.” Please quantify how vineyards have contributed to a “deleterious” amount of sediments. “Excess sediment” is included in the basin plan as a cause of increased temperature (Policy for the Implementation of the Water Quality Objectives for Temperature). Please clarify in the Draft EIR if “excess” sediment is tied to any other water quality issue in the Basin Plan other than Temperature.</p>	See response to WI 1
JFW 10	<p>Page 45: "In addition to agricultural land conversion from Streamside Management Area setbacks, there is also potential for indirect conversion of agricultural lands due to the economic costs and impacts associated with complying with the Vineyard Order." The concern is consolidation and not conversion. Environmental compliance costs are akin to a regressive tax; low- and high-income earners pay the same dollar amount. In addition, a family farmer will find it challenging to comply with a 150-page permit. Thus, the potential for farms to be sold to a corporation, rather than kept in the family, is high. Unfortunately, CEQA does not address corporate consolidation. However, we ask that staff and the Board make note of this concern. Loosing family farms will significantly change the regional character.</p>	<p>The Draft WDRs included and the Proposed WDRs retained a provision for farmers to comply with the WDRs through Coalitions thus spreading cost and efforts across a large number of farms. The Proposed WDRs include a revision which provides an exemption for farmers with less than 5 acres of vines in their North Coast land holdings.</p>

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JFW 11	Page 89: "Due to the nature of the Proposed Project and the discretion afforded to vineyards in how to comply with the proposed requirements, the net increase in GHG emissions due to the Proposed Project cannot be quantified". Please clarify if this finding includes additional vehicle miles associated with the additional inspections and monitoring activities required	Baseline conditions include inspections performed on vineyard enrolled in voluntary certification programs (estimated to be 80 percent of commercial vineyards) and it is well understood that vineyard operations include inspection/maintenance of Management Practices during the wet-season. The additional increment in vehicle miles to collect samples from agricultural drainage structures, perform tributary monitoring requirements, and to deliver water samples to a laboratory is expected to be 1-2 miles per year per acre of enrolled vineyards and therefore an insignificant increase over baseline conditions.
JFW 12	Page 145-146: The Draft Order includes language that does not align with VESCO. There are situations in which property may comply with VESCO, but not the Proposed Project. Please ensure the Draft Order does not cause regulatory confusion.	The Ordinary High-Water Mark was used in defining the Streamside Area because of the requirement for shade and implementation of the Temperature Policy. Using 'top of higher bank' as is consistent with Sonoma County's VESCO program and Riparian Corridor Ordinance does not account for critical riparian functions between the Ordinary High-Water Mark and top of bank. For example, as stated in the Policy Statement for Implementation of the Water Quality Objectives for Temperature, "Maintenance of a vegetated buffer along streams also can ensure a supply of large woody debris to the stream channel, which is critical for metering of sediment, channel forming processes, and fish habitat.

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JFW 13	Table XIV-1 (page 162): As mentioned above, please ensure that the Proposed Project, VESCO, and the Riparian Corridor Ordinance are aligned.	See Response to Comment JFW 12 .
JFW 14	Definitions page 188 and 189 (ag drainage structures and discharge points) Are all agricultural drainage structures considered discharge points, but not all discharge points are agricultural drainage structures? If so, please provide an example of a discharge point that is not also an agricultural drainage structure?	<p>The definitions of discharge point and ag drainage structure have been revised in the Proposed Vineyard Order to the following:</p> <p>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> <p>Discharge Point: A discharge point is defined as a location where surface water discharges, which are in hydrologic connection to off-farm surface waters, leave the Enrollee's property. A discharge point is any Hydrologically Connected discharge that is not an Agricultural Drainage Structure as defined above.</p>

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JFW 15	The first paragraph of Attachment B to the Draft EIR mentions a table. Was a table supposed to be included, or was the reference to the table supposed to be deleted? If the former, please email the table.	This reference to a prior table is a mistake. An early draft included a table that had later been removed. It was expansive but also not inclusive of all the practices that were 'reasonable' and 'foreseeable.'
JFW 2	page 17-18: Please clarify that although 95% of all North Coast vineyards are within three watersheds, planted areas represent a small percentage of the total land area. For example, vineyards represent less than 7% of the Russian River watershed.	The most substantive effects of excess sediment on the most sensitive beneficial uses are tributary streams. The Russian River was added to the 303(d) list for sedimentation/siltation in 1998 citing agriculture as one of many sources of sediment. Sediment impacts in Russian River tributaries prompted listing the entire Russian River watershed for sediment impairment. Vineyards occupy approximately five percent of the watershed, although vineyard density exceeds 75 percent in smaller sub-watersheds. The Navarro River was added to the 303(d) list for sedimentation/siltation in 1994 citing agriculture as one of many sources of sediment. Vineyards are approximately two percent of the watershed area and estimated a seven percent contribution to the anthropogenic sediment load. Vineyards as a potential source of sediment can be locally significant in sub-watersheds where vineyard density is high.

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JFW 3	<p>page 18: Please recognize that it is difficult to provide a general overview of grape growing activities for such a large region with diverse microclimates. Please note that most winegrape growers farm to site specific conditions. The current description both leaves out many cultural practices and over generalizes. For example, many growers use wind machines for frost control where feasible. Many growers use less than 0.6 acre-feet per acre for irrigation. Recommend removing this description: Once a vineyard is planted, ground covers may be implemented following the fall harvest with limited farming operations until spring. In the spring, planted areas are accessed for pruning, ground covers may be tilled, mowed, or sprayed with herbicides, fertilizer may be applied, in some cases over-head sprinklers are operated for frost-protection, and sulfur (or other fungicides) may be applied to budding vines. During the growing season, water is applied to vines depending on soil moisture but typically less than 1-acre foot per acre over the growing season and planted areas are accessed to apply pesticides and for pruning/canopy management. In the late summer and fall, planted areas are accessed for harvesting</p>	<p>Regional Water Board staff acknowledge vineyard operations include a wide variety of cultural practices not all of which are described in the DEIR. The purpose of the statement is to describe the existing physical condition in general as it is not possible to list every minor site specific variation to existing conditions and practices.</p>
JFW 4	<p>Page 18-19: Thank you for noting that voluntary programs identify and track implementation of management practices. Please clarify if the existing programs can be used to meet Objective #2 on page 5 - "Effectively track and quantify achievement of the stated objectives over a specific, defined time schedule."</p>	<p>The Proposed Order includes a compliance option to use existing voluntary certification programs which have been approved by the Regional Water Board to satisfy Erosion and Sediment Control requirements.</p>
JFW 5	<p>Page 19: Please clarify if the Proposed Project is only interested in Agricultural Drainage Structures on hillslope properties. Otherwise, the current definition of Agricultural Drainage Structures would apply to valley and no-slope properties. This distinction could impact the greenhouse gas analysis as the number of vehicle miles traveled could greatly increase. Please clarify that Agricultural Drainage Structures that are permitted through VESCO and are designed to minimize erosion are essentially in compliance with the objectives of Proposed Project and can be exempted from monitoring.</p>	<p>See response to WI 2</p>

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JFW 6	Page 26: Please check with the Agricultural Commissioner as to the percent of planted land that has gone through VESCO approval. It is likely over 50% of the planted acres in Sonoma County.	<p>Sonoma County Department of Agriculture estimates approximately 36,000 vineyard acres were developed under VESCO since the year 2000. Regional Water Board staff estimated approximately 40,000 acres of vines in the North Coast Region of Sonoma County. The San Francisco Bay Regional Water Board estimated 59,000 acres of vines in Napa and Sonoma Creek watersheds in developing their Vineyard Permit in 2018. Napa Valley Grape growers (a winegrape industry .non-profit) estimates approximately 44,000 acres of vines in Napa County, therefore assume approximately 15,000 vineyard acres are within the Sonoma Creek watershed. Based on the aforementioned estimates, the ratio to North Coast to Sonoma Creek vineyards in Sonoma County is about 2.7:1. Assuming vineyards developed under VESCO are equally distributed across Sonoma County, approximately 22,500 vineyard acres in the North Coast Region were developed under VESCO or about 55% of vineyard acres in the North Coast Region of Sonoma County.</p>

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JFW 7	<p>Page 32: Most of the vineyards in the North Coast region have gone through VESCO and/or are enrolled in a voluntary program. Please clarify why Attachment B includes several pages of cultural practices that minimize sedimentation and nutrient loading to surface water, but the Draft Order picks a subset as requirements. Attachment B essentially demonstrates that grape growers need to select that practices that are appropriate for their situation. Dictating cultural practices that may result in concerns discussed in our letter.</p>	<p>Attachment B is a list of Management Practices s considered in the evaluation of impacts to CEQA resources. The Proposed Order includes two basic options for compliance with sediment and erosion control requirements. One option is to implement minimum ground cover in the Farm Area. The second is to develop a Sediment and Erosion Control Plan in which the Enrollee, individually or working with a Voluntary Program or Qualified Professional, may choose Management Practices specific to their site conditions to meet the stated objectives of the Order.</p>
JFW 8	<p>page 35: Thank you for recognizing that 80% of the vineyards have implemented management practices similar to that in the Proposed Project. Please note that there are emerging voluntary programs, including Regenerative Organic Certification, which include management practices for erosion, sedimentation, pesticides, and fertilizers. Please clarify the environmental impact analysis is therefore focusing on implementing management practices at the remaining 20% of vineyards.</p>	<p>Although the DEIR recognizes a majority of vineyard acres implement management practices which are designed to protect water quality, Regional Water Board staff are not aware of a data set which demonstrates these vineyards are meeting the project goals; therefore a complete and prudent environmental analysis must consider that additional management practices could be implemented in response to the proposed project.</p>
JFW 9	<p>Please clarify if this paragraph on page 36 would be modified should the following suggestion be incorporated into the Proposed Project. Suggestion: revise the proposed project to leverage existing voluntary programs (VESCO, CCSW, SIP, etc.), it is assumed that additional practices will be added to those voluntary programs.</p>	<p>See response to JWF 4.</p>

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Lee 1	<p>Finally, there are some real benefits vineyards like mine have for the watershed from a fire resilience perspective. Wildfires also harm water quality, especially runoff from rains after the fire is out. Vineyards are very low intensity when it comes to wildfire fuels. In the catastrophic fires of the last five or six years, vineyards served as fuel breaks that offered fire fighters an opportunity to gain ground on the fires. Most vineyards suffered very little damage, because they have such a low fuel loading; by serving as firebreaks, they reduce the impact from runoff charred lands after a fire that would have otherwise occurred. Not to mention the potential to reduce loss of lives and property. If increasing farming costs cause more vineyards to stop operation, they will become fuel sources rather than fuel breaks. Given the very thin farming margins in Mendocino County, this is an outcome that is more likely than any of us would like, and the Water Board should evaluate this in the environmental impact analysis for the Order.</p>	<p>Commenter points out that vineyards which are converted to another crop or land use because of increased farming costs to comply with the Order could increase wildfire risk because vineyards may act as fuel breaks in some cases. This potential impact is speculative in nature since it is not known to which land use or crop the vineyards would be converted and how that would affect impacts from wildfire.</p>

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McGourty 1	<p>I am very concerned that the science behind your agency’s Draft General Waste Discharge Requirements for Vineyards is flawed and doesn’t address the source of sediment and other water pollutants in an appropriate manner that will used to improve water quality in North Coast waters. You can’t mitigate a pollutant if you don’t know where it is coming from. Similarly, riparian setbacks are random with no supporting scientific evidence that they are appropriate or will address the problem of streambed incision and subsequent erosion that follows. Ground water monitoring needs to reflect an agricultural industry that actually exists locally (perennial, limited irrigation, low nutrient applications, limited use of low toxicity crop protectants, limited tillage) compared to one that is conceptualized inappropriately from another region (annual, abundantly irrigated and fertilized, regularly sprayed with more toxic pesticides).</p>	<p>The Draft Vineyard Order requires owners/operators of commercial vineyards to identify controllable sediment discharge sources which may include landslides, areas of slope instability, areas of headward erosion, rills and gullies, soil stockpiles, seasonal vineyard roads/avenues, equipment staging areas, mixing and loading sites, or any other site discharging or threatening to discharge sediment to surface water on the vineyard. The commenter also claims riparian buffers are random and will not address streambed incision. The purposes of streamside area requirements which include buffers are multiple and are explained in the Draft Vineyard Order including filtering of pollutants, stream bank stabilization, and intrinsically to minimize or prevent temperature impacts to surface water from loss of riparian shade. The commenter also states that the groundwater monitoring program should consider the style of vineyard operations present in the region and compared to perhaps the Central Valley Region. Staff contend that groundwater monitoring and reporting requirements in the Draft Vineyard Order are a balance between precedential requirements of the SWRCB East San Joaquin Order and known conditions in viticultural groundwater basins of the North Coast Region.</p>

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McGourty 2	It will be a financial burden on the owners of smaller vineyard holdings in my region which is an economically disadvantaged community, and will probably not improve water quality for all of the work and expense that you want stakeholders and your agency to engage in.	The Proposed Vineyard Order was modified to include a conditional exemption from enrollment for vineyard owners/operators with less than 5 acres of vineyard holdings in the North Coast Region. This revision was made to address potential economic impacts on small farmers in Sonoma and Mendocino Counties.
McGourty 3	I suggest that your agency work in a more open and collaborative process with stakeholders to develop rules that are likely to reach the goals of water quality that you are mandated by the State of California to achieve. There are many of us in our community that have much more experience and expertise in the subject matter than your staff. If we work together, you will showcase an effort that will be among the best example of an agricultural industry that protects public trust resources, creates healthy soils and vineyards, and an environment that is an asset to all who live in our region. We are very committed to these goals which are in fact an important objective of many of the environmentally farming certification systems used in the North Coast winegrowing region. Done properly, waste discharge rules for vineyards can add value to both the industry and our region by documenting our commitment to environmentally responsible farming and stewardship of our properties, environmental landscape and public trust resources. Please take time in this important task, and attain the best outcomes for all	Thank you for your comment. From August 2023 to October 2024, Regional Water Board staff conducted public outreach in response to public comments received on the Draft Order. Regional Water Board staff conducted a series of vineyard tours with vineyard owners, industry advocates, and environmental stakeholders. A total of 43 separate vineyard sites were visited between August 2023 and June 2024. 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 Order. A public meeting was conducted on June 6, 2024 to review prospective revisions ahead of public release.

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TBR 1	<p>The DEIR's analysis of GHG emissions fails to address the impact of reducing farmer's financial resources that could be invested in efforts to reduce GHG emissions. Examples include installing electric charging stations on site, purchasing electric farm vehicles, installing photovoltaic panels on site for electrical generation, or participating in the Sonoma County Winegrowers Farm of the Future program. Another possible investment is defensible space work to mitigate potential wildfires and their associated GHG emissions as well as other catastrophic damage</p>	<p>The proposed project does not include requirements related to reduction of GHG emissions or wildfire risks. There is no nexus between the financial burden on a farmer as a result of the proposed project and GHGs emissions or wildfire risk.</p>
TBR 2	<p>On page 45 of the DEIR, the water board states that "profit margins may be slim for some business owners in the vineyard industry and any increased administrative/regulatory costs could adversely affect profitability." This point is well understood in the agricultural community. Farming is not a high-margin business. On the revenue side, grape farmers don't have any pricing power. They are price takers. The buyers pretty much set the prices. On the expense side, farmers try to manage expenses as best as possible so that expenses come in below revenues, but it can be challenging. Many expenses are unavoidable like labor, fuel, utilities, supplies, property taxes and other required items. Furthermore, farmers are always at risk of reduced revenues from crop loss. Many grape farmers in the North Coast Region have incurred such losses in the past few years due to fruit rejected because of smoke taint, fruit lost to dehydration during excessively hot spells, and just due to common problems like shatter in fruit clusters. Any additional costs imposed on grape farmers, such as the new vineyard permit costs, reduce the funds available for any extraordinary expenditures that farmers might otherwise choose to make in a given year - like efforts to reduce GHG emissions as described above. So, - extra regulatory costs can clearly have negative environmental impacts. The DEIR did not address these negative environmental impacts</p>	<p>See response to TBR 1</p>

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TBR 3	<p>The alterative analysis in the DEIR failed to include the alternative in place for vineyards in the RWQCB Region 2 (covering Napa Valley vineyards). The Region 2 alterative is a much more cost-effective policy for control of sediment, pesticide, and nutrient run-off</p>	<p>The DIER considered alternatives to avoid and minimize potentially significant and unmitigable impacts to Agricultural Resources (conversion of farmland to a non-agricultural use). The Proposed Vineyard Order was revised to include an Offsite Riparian Alternative (see Streamside Area Requirements) in order to reduce or mitigate those impacts.</p>
WI1	<p>The draft Environmental Impact Report for General Waste Discharge Requirements for Commercial Vineyards in the North Coast Region (draft EIR) describes impairments to surface waters to include “excess sediment”¹. However, the draft doesn’t define excess sediment. Without a definition, it’s unclear if excess means above natural background levels. If that is the correct definition, is there a quantification of natural background sediment levels as compared to the sediment currently contributed by vineyards?</p> <p>The North Coast Basin Plan includes a definition of excess sediment as “soil, silt, clay or other similar material rock, and/or sediments (e.g., sand silt, sand, or clay) discharged to waters of the state in an amount that could be deleterious to beneficial uses or cause a nuisance.” If that is the definition considered in the draft EIR, please include a quantification of how vineyards have contributed “deleterious” amounts of sediment. These clarifications will help better define the baseline for the draft EIR.</p>	<p>Excess sediment is defined as soil, rock, and/or sediments (e.g., sand, silt, or clay) from human-related activities that is discharged to waters of the state in an amount that could be deleterious to beneficial uses or cause a nuisance. Excess sediment can negatively impact beneficial uses of water. Some of the most sensitive beneficial uses to high sediment loads are associated with the migration, spawning, reproduction, and early development of cold-water fish such as Coho salmon, Chinook salmon, and steelhead trout. Excess sediment can also limit the use of water for domestic consumption, agriculture, industry, wildlife, fishing and recreation, and can cause or contribute to flooding. Excess sediment can result in the exceedance of water quality objectives for suspended material, settleable material, sediment, and turbidity, which are defined in the Basin Plan⁴.</p>

⁴ See the North Coast Basin Plan here:
https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2008/080616_Res_2008-0057.pdf

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WI 1 (cont'd)	See WI 1	<p>Response cont'd: A sediment-impaired water body is one that does not meet sediment-related water quality objectives or does not support beneficial uses because of excess sediment. Excessive sediment can cause the infilling of pools and loss of deep pool volume available as thermal refugia for salmonids. Further, excessive sediment can cause a trend to a less complex, wider, shallower channel. The Regional Water Board is not aware a data set which quantifies sediment loads associated with North Coast vineyards in general. The Navarro River TMDL (approved in 2000) identified vineyards as occupying two percent of the watershed, having the potential to cause locally significant deleterious impacts, contributing seven percent of the human caused sediment load, and specifying a sediment load allocation which required an 80 percent reduction from existing conditions in the year 2000.</p>

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WI 2	<p>The draft EIR mentions that hillslope vineyards employ agricultural drainage structures to convey stormwater runoff to surface waters². This statement appears to convey the idea that vineyards on flat ground do not use agricultural drainage structures. As mentioned previously, we believe that staff’s current estimate of the number of agricultural drainage structures is undercounting the number of structures present on the landscape. If the estimate is indeed low, the draft EIR must be adjusted to account for the additional vehicle miles traveled that would be needed to monitor the structures and incorporate the additional greenhouse gas emissions from the necessary travel.</p> <p>The draft EIR also mentions the requirements for agricultural drainage structures under Sonoma County’s Vineyard and Orchard Site Development and Agricultural Grading and Drainage Ordinance (VESCO) permitting process³. It would be helpful to clarify that agricultural drainage structures that are permitted through VESCO and are designed to minimize erosion comply with the objectives of the proposed project and are exempt from monitoring.</p>	<p>Although agricultural drainage structures are more common on hillside vineyards, the DIER analysis considered all vineyards when estimating the number of agricultural drainages structures which would be subject to monitoring requirements. Through revisions to the Draft WDRs to provide for an exemption of monitoring agricultural drainage structures, staff expect original estimate is now conservative. VESCO provides design criteria and permitting requirements for the construction of agricultural drainage structures. Chapter 36 (VESCO) of the Sonoma County Code Section 36.20.030.D. provide the following requirement: Limit erosion. Drainage facilities and systems shall limit erosion in compliance with the (Agriculture) department’s best management practices for new vineyard and orchard development, vineyard and orchard replanting, and agricultural grading and drainage. Neither VESCO or the Department of Agriculture BMP Manual makes reference to water quality objectives, TMDLs, or the North Coast Basin Plan.</p>

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WI 3	It is unclear how the 300-acre estimate for the loss of important farmland was determined. The current Vineyard Order is unclear on what activities are allowed within streamside areas. If tractors are prohibited from within streamside areas, in addition to the loss of planted vine areas when vineyards are replanted there would be a loss of planted area due to the need to include 25 to 30 feet for tractor turn-around areas at the end of the vine rows. If these areas weren't included in the important farmland loss figures, they need to be added to the EIR.	The DEIR section... describes the process Regional Water Board staff used to calculate the acreage of farmland which could potentially be converted to a non-agricultural use from Streamside Management Area Requirements. The Draft WDRs allow vegetative buffers in Streamside Management Areas be used as equipment turnaround and seasonal roads provided, they met the minimum ground cover requirements during the winterization period.
WI 4	In the proposed Vineyard Order, Regional Board staff provided cost estimates for monitoring and reporting and compared those estimates to other regional ILRPs. However, comparing the Vineyard Order to other ILRPs is not an accurate comparison due to the significant irrigated acreage difference between regions. The Central Coast Regional Board's third-party program operated by Preservation Inc. manages an ILRP across 540,000 acres. Preservation Inc.'s current administrative fee is \$1.37/acre and generates approximately \$739,000. There are fixed costs to administer a third-party program that are incurred regardless of the number of acres included in the program. This means that per acre fees to cover administrative costs will be much higher on the North Coast. It's likely that a North Coast program would need to charge at least \$5 per acre to generate enough funds to manage the administration of a program. Those fees wouldn't include the costs incurred for additional monitoring costs.	Regional Water Board staff revised the monitoring and reporting cost estimate to reflect changes in MRP. The cost per acre to implement the MRP is estimated at \$5/acre per year. In comparison, the Ventura County Agricultural Irrigated Lands Group (an irrigated lands regulatory program coalition) represents 1,421 Ventura County agricultural landowners and 81,783 irrigated acres which is similar in size to the anticipated enrollment in the Proposed Order. According to the Ventura County Farm Bureau, the cost per acre in 2020-2021 to participate in the coalition ranges from \$8.77 to \$27.47 which includes administration, monitoring, and reporting.

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WI 5	The initial year of instream monitoring requirements proposed in the Vineyard Order are estimated to cost \$14.58/acre ⁴ . The groundwater monitoring costs are estimated to be \$2.20/acre the first year and agricultural drainage turbidity monitoring is estimated to cost \$6.61/acre. These costs would bring the total costs for monitoring and reporting up to \$23.39/acre for the initial year. Subsequent years of monitoring are expected to total \$9.01/acre. That's far above what growers in other regions must pay to comply with their regional ILRPs.	see response to WI 4
WI 6	In addition to monitoring and reporting costs there are also significant compliance costs that will be incurred by vineyards subject to the Vineyard Order. According to comments made by Dave Koball during the Vineyard Order workshop on August 4, vineyards will incur numerous costs to ensure compliance with the 75 percent cover requirement during the winterization period. These include costs for straw mulching due to the likelihood that vineyards would not be able to achieve 75 percent cover by the November 15 deadline due to timing of harvest. Mr. Koball estimates straw mulching would cost at least \$720/acre. For vineyards that are able to get cover crops growing by the November 15 deadline, many won't meet the 75 percent requirement due to the size of the herbicide strip. Adjusting the size of the herbicide strip would require the purchase of a new mower, which adds initial purchase costs and operational costs for each pass made. Mr. Koball estimates a new mower to cost between \$9,000-10,000 and additional mowing costs of \$175 per acre.	The Proposed WDRs have two additional compliance pathways for Erosion and Sediment Control: 1) participation in voluntary certification programs; and 2) grower prepared plans. The requirement for minimum 75 percent ground cover is proposed as one of three compliance options. In the Proposed WDRs the winterization period was modified to December 15-April 1.
WI 7	The draft EIR stated the expectation that the Vineyard Order costs are expected to be relatively similar to other region's ILRPs ⁵ . However, based on the costs analysis described above, we request that the draft EIR be amended to recognize the expected higher implementation costs.	See response to WI 4 and 6

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