



Draft Vineyard Order

Public Meeting
June 6, 2024



Meeting Expectations

- Staff presentation will last ~ 50 minutes after which we will take a quick break and then take public input.
- **To accommodate all who wish to speak:**

- 1 Please hold your questions until public input.
- 2 Please limit input to 3 minutes. We will be writing questions received during input time and answer at the end of the meeting.
- 3 Staff will be around after the meeting for further questions.



Agenda

1. Meeting Objectives and Expectations
2. About the Regional Board and Draft Vineyard Order
3. FAQs
4. Staff Update and Activities
5. Intended Revisions
6. Public Input

Main objective: Share intended revisions to Draft Vineyard Order with the public and receive input before revisions are finalized.

Contextualize revisions with:

- Background and FAQs about Draft Vineyard Order
- Staff activity since release of Draft Order in June and Public Workshop in August.

Meeting Objectives



About the North Coast Regional Water Board



- Regional Water Board regulatory jurisdiction includes quality of all ‘waters of the state’ (surface and groundwater) in the region
- The Regional Water Board protects water quality to support beneficial uses of water through basin planning using the following tools:
 1. Prohibitions, Waivers, and Waste Discharge Requirements
 2. Policies (e.g., Nonpoint Source Policy, Temperature Policy, etc.)
 3. Action Plans
 4. Monitoring and Assessment



Vision Statement:

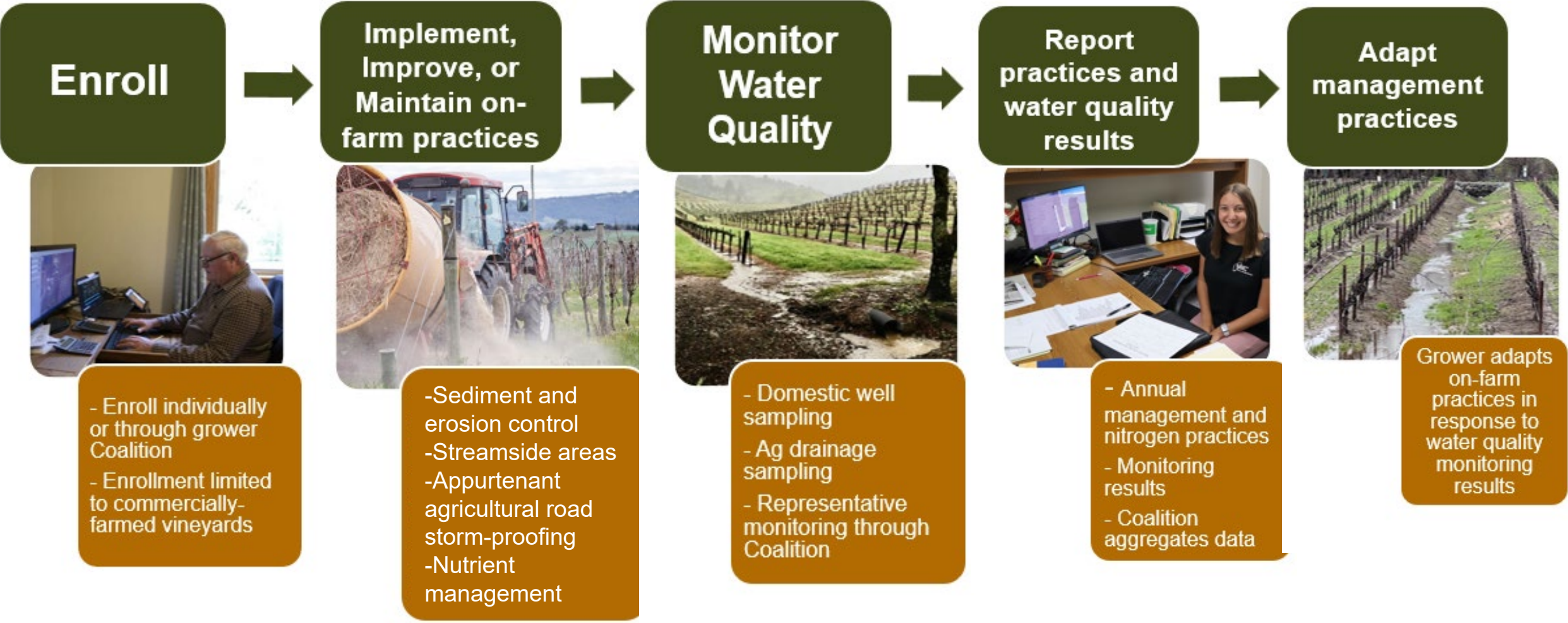
*Healthy Watersheds,
Effective Regulation,
Strong Partnerships*



What is the Draft
Vineyard Order?
Why is it needed
and why now?

FAQs about Draft
Vineyard Order

What might an Enrollee have to do under the Vineyard Order?



Why regulate vineyards?

California water quality policy requires Regional Water Boards to regulate agricultural activities. Irrigated Lands Regulatory Program was established 20 years ago.

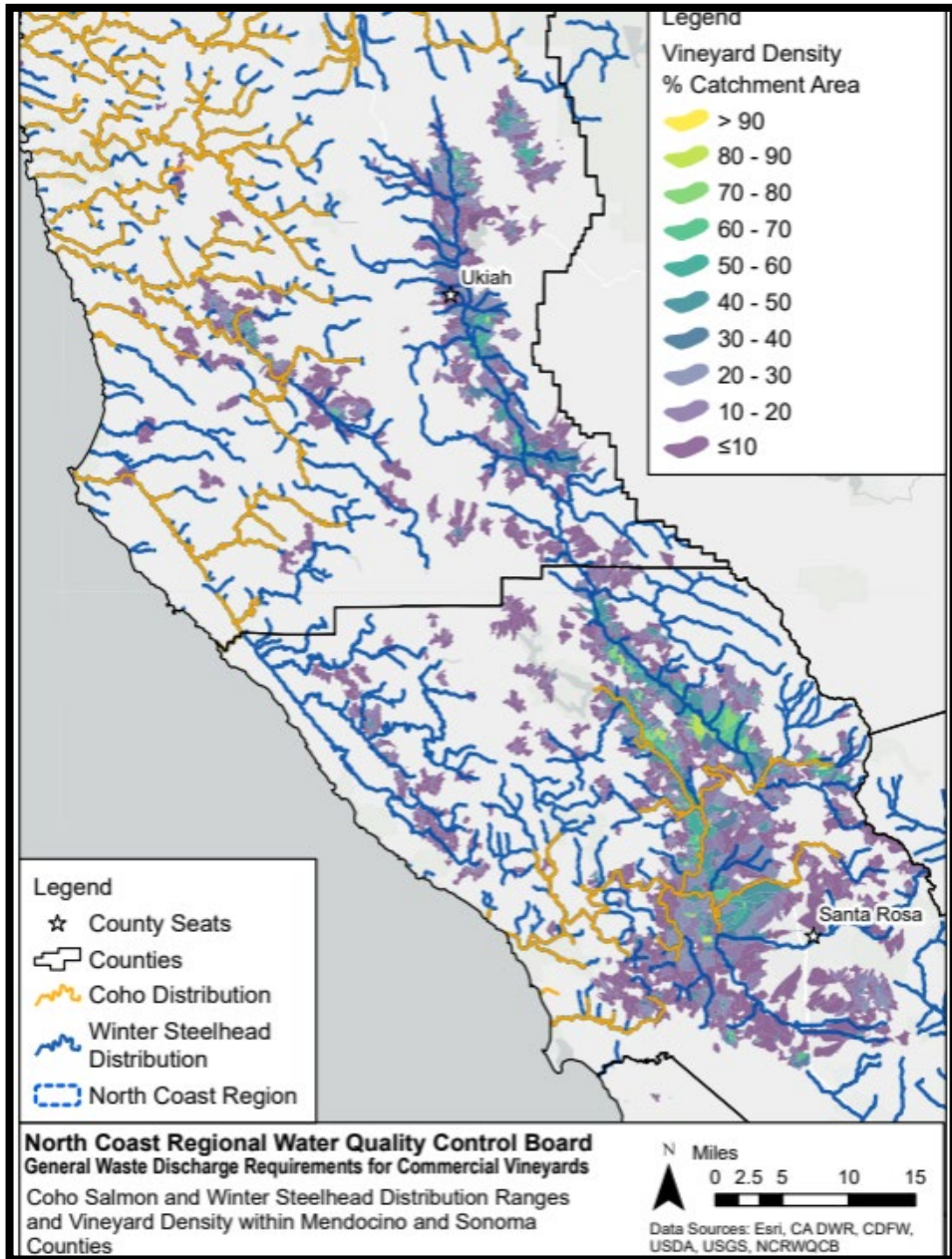
The North Coast Region has 65,000 acres of vines primarily in the Navarro and Russian River Watersheds.

Within these watersheds:

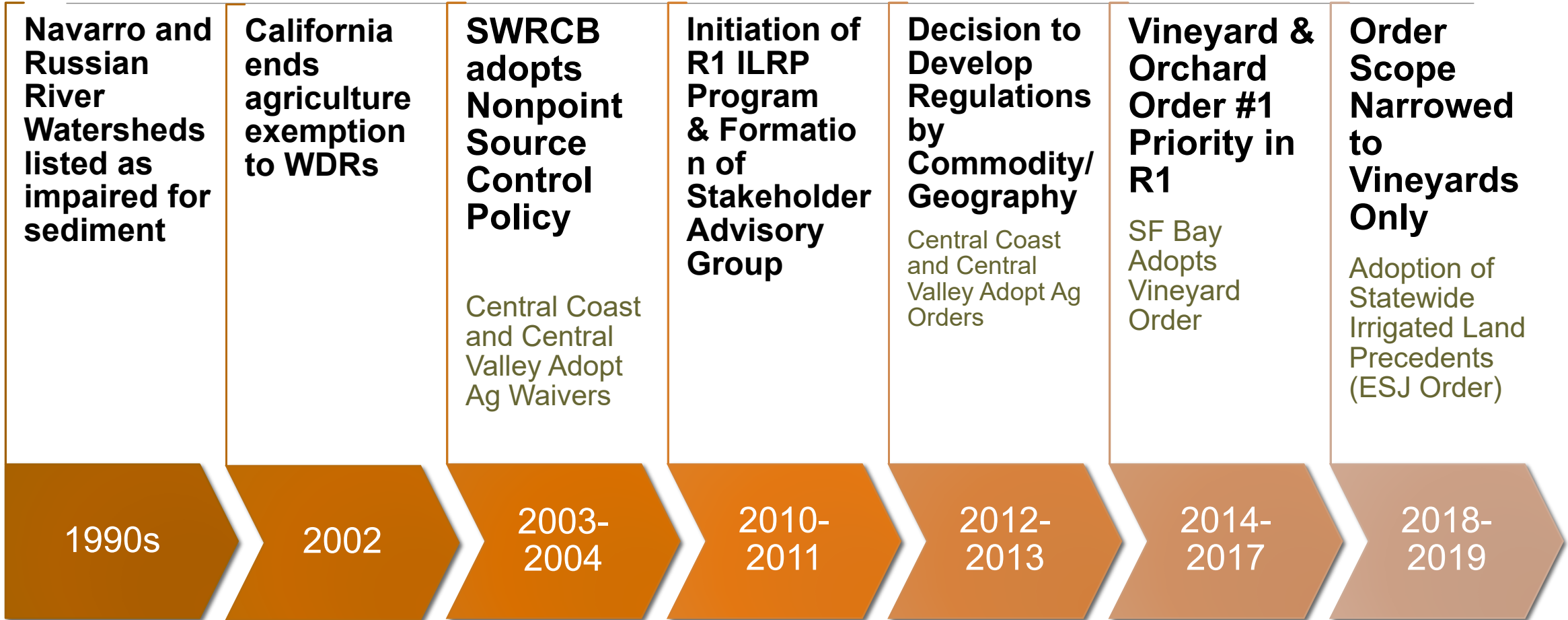
- Sediment and temperature impairments
- Decline of salmonid species
- Agricultural activities pose a potential threat to water quality (e.g., sediment, nutrient, and pesticide discharges)
- Agricultural activities can affect controllable water quality factors (e.g., loss of riparian shade)

Policy factors:

- Statewide Irrigated Lands Program precedents
- Compliance with Nonpoint Source Policy, Temperature Policy, etc.



Vineyard Order Development Chronology 2002-2020



Vineyard Order Process and Timeline

2022

- Regional Board staff convene Technical Advisory Group to inform elements of Draft Order
- Staff begin to draft Order elements

2023

- Draft Order released for public comment June 2023.
- Public Workshop August 2023
- Staff meet with interested parties to discuss written comments and consider revisions to the Draft Order.

2024

- Farm tours and meetings with interested parties
- **Develop revisions to the Draft Order (we are here)**
- Hearing to consider adoption of the Vineyard Order in late 2024

FAQs about Draft Vineyard Order

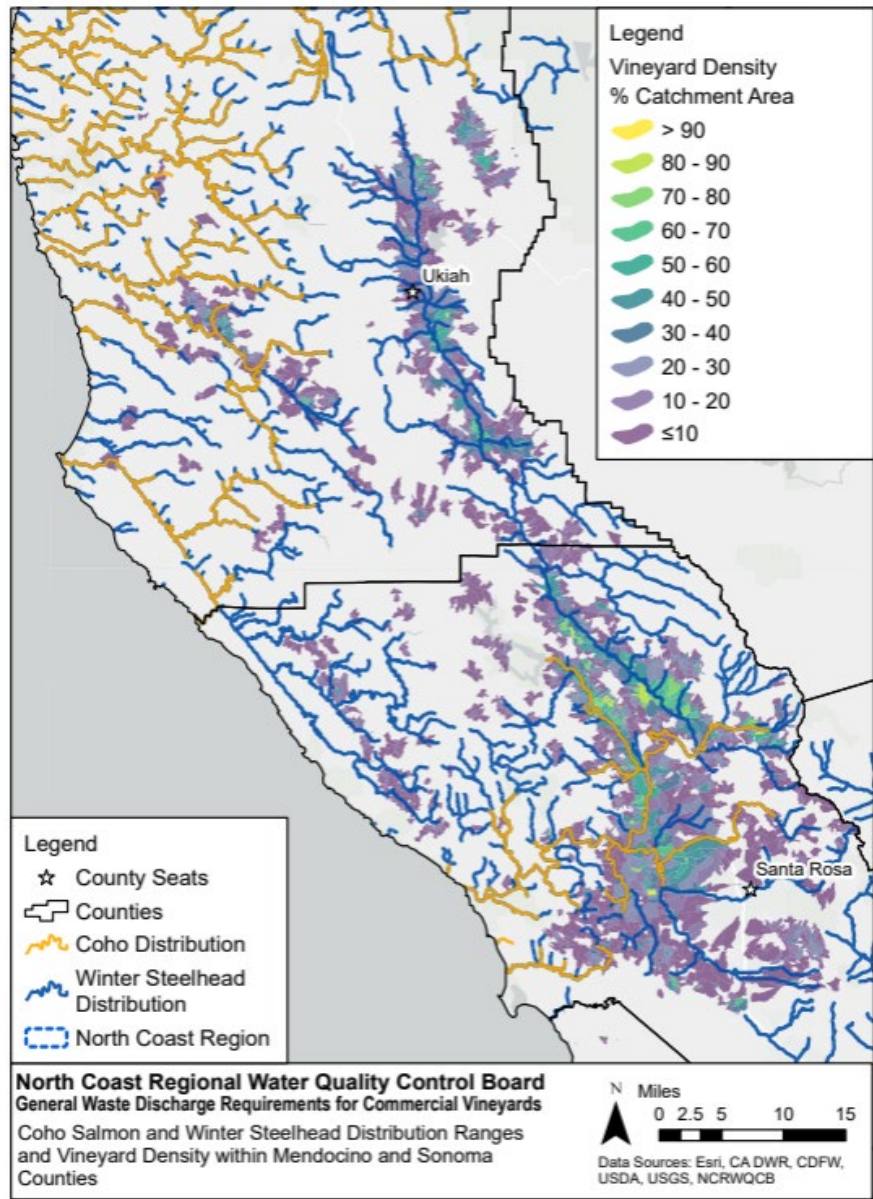
Q: How can this regulation include requirements to prevent or minimize sediment discharge in vineyards without a **Russian River TMDL that identifies and allocates pollutant loads**?

- Findings in our Sediment Implementation Policy that exposed soil is susceptible to erosion.
- Navarro River TMDL identified vineyards as one source of excess sediment due to exposed soil, rainfall driven erosion, and drainage networks.
- This Order does not identify vineyards of the **only source** of sediment, nor does it make growers responsible for all sediment discharge to watershed.
- Most vineyard owners are voluntarily implementing management practices. This Order requires MP implementation and monitoring to demonstrate effectiveness.

FAQs about Draft Vineyard Order.

Q: What is being done about **other sources of sediment** (e.g., reservoir operations, rural roads, other land uses)?

- The Regional Board administers a variety of programs that regulate sediment discharges including (but not limited to):
 - Cannabis Cultivation
 - Dairies
 - Forest Activities/Timber
 - Roads Management
 - Municipal Stormwater



Frequently Asked Questions about Draft Vineyard Order

Q: Why isn't this regulation like the Vineyard Permit developed in **Region 2**? Why is this Draft Vineyard Order incorporating some **requirements written for Central Valley agriculture**?

- Sediment TMDLs for Sonoma Creek and Napa River
- Statewide ILRP Precedents

Statewide ILRP Precedential Requirements

In 2018, the State Water Board adopted an order modifying the Central Valley Regional Water Board Eastern San Joaquin (ESJ) Order for irrigated agriculture. Regional Water Boards were directed to revise Irrigated Lands Orders within five years to include precedential requirements.

Monitoring	Nitrogen Application and Management Practice Reporting	Groundwater Protection
Groundwater Trend Monitoring	Irrigation and Nutrient Management Plan	Establish Groundwater Protection Targets
Drinking Water Well Testing	Outreach Attendance	Establish statistical outlier methodology

Staff Update and Activities

Since Public Workshop on Draft Vineyard Order (August 3-4, 2023):

250+ comment letters on Draft Vineyard Order and DEIR

Staff conducted public outreach to contextualize comments received and develop intended revisions:

- 40+ vineyard tours
- 1:1 meetings with interested persons and commenters
- Meetings with groups representing industry and environmental perspectives
- Outreach to facilitate vineyard tours



Helicopter Tour

Staff toured Sonoma and Mendocino Counties in January for review of viticultural practices during the winter and to make landscape-scale observations.









Redwood Valley-above Lake Mendocino





Winter Vineyard Tours

Goal: “Boots-on-ground” review of viticultural practices and operations to: (1) understand logistical challenges with Draft Order requirements, (2) inform Order revisions, and (3) **produce informed regulation.**

Staff toured 40+ vineyards with the following questions:

- How do you prevent erosion and sediment discharge in your vineyard?
- How do you manage stormwater runoff? Where are your agricultural drainage structures? How do you maintain them?
- What logistical challenges do you face in your operations?
- Are you certified through a third-party sustainability program? (e.g., Fish Friendly Farming, CSWA). What have you implemented as a result?

Key Observations from Vineyard Tours

- Many requirements and prohibitions in the Draft lacked flexibility to accommodate farming practices.
 - E.g., winterization requirements and prohibitions, 75% ground cover
- Some existing practices may already be protective of water quality (e.g., regenerative practices, 100% ground cover during winter)
- Adaptive management feedback loops could be more responsive to acute issues.
- Site-specific conditions (e.g., slope) could allow for different approaches.



Observations → Change in Approach

01

Focus on higher priority elements (sediment and temperature impairments).

02

Streamline and simplify lower priority elements (e.g., statewide nitrogen requirements)

03

Focus on adaptive management requirements for higher risk sites and reduce regulatory burden for lower risk sites.

Change in Approach → Intended Revisions

01

Revisions should incorporate Board direction to consider threat and complexity.

02

Revisions should increase flexibility to account for different farming practices, different site conditions, and different climate conditions from year to year.

03

Revisions should shift monitoring focus towards adaptive management on higher-risk sites.

04

Revisions should utilize existing voluntary programs for efficiency, cost-savings, and built relationships/trust with growers (could lead to better compliance outcomes).



Intended Revisions to the Draft Order

Intended Revisions to Review

01

Sediment and
Erosion Control
Compliance
Options and
Winterization

02

Agricultural
Drainage
Structure
Sampling

03

Representative
Surface Water
Quality
Monitoring

04

Statewide
Precedential
(Nitrogen)
Revisions

05

Enrollment
Threshold

Sediment and Erosion Control Compliance Options

This revision ties minimum requirements to slope and allows enrollees to choose one of three basic compliance options to meet sediment and erosion control requirements:

- 1** Meet minimum ground cover between Dec. 15-April 1 based on slope

 - 0-10% slope: 50% ground cover.
 - Over 10% slope: 75% ground cover
- 2** Enrollment in approved voluntary program with sediment erosion and control elements.

 - Programs approved through RFQ process. Includes in-field audits and minimum requirements.
- 3** Develop, implement, and submit Sediment Erosion and Control Plan (SECP).

 - Submitted directly to Regional Water Board for review and approval.

Winterization Requirements Revisions

Remove some winterization prohibitions

- **Revision:** Winterization prohibitions have been removed, except for new development and re-plant activities. Date range is consistent with VESCO
- **Rationale:** Considers public comment and field tour observations that prohibitions were inflexible and incompatible with many critical practices.

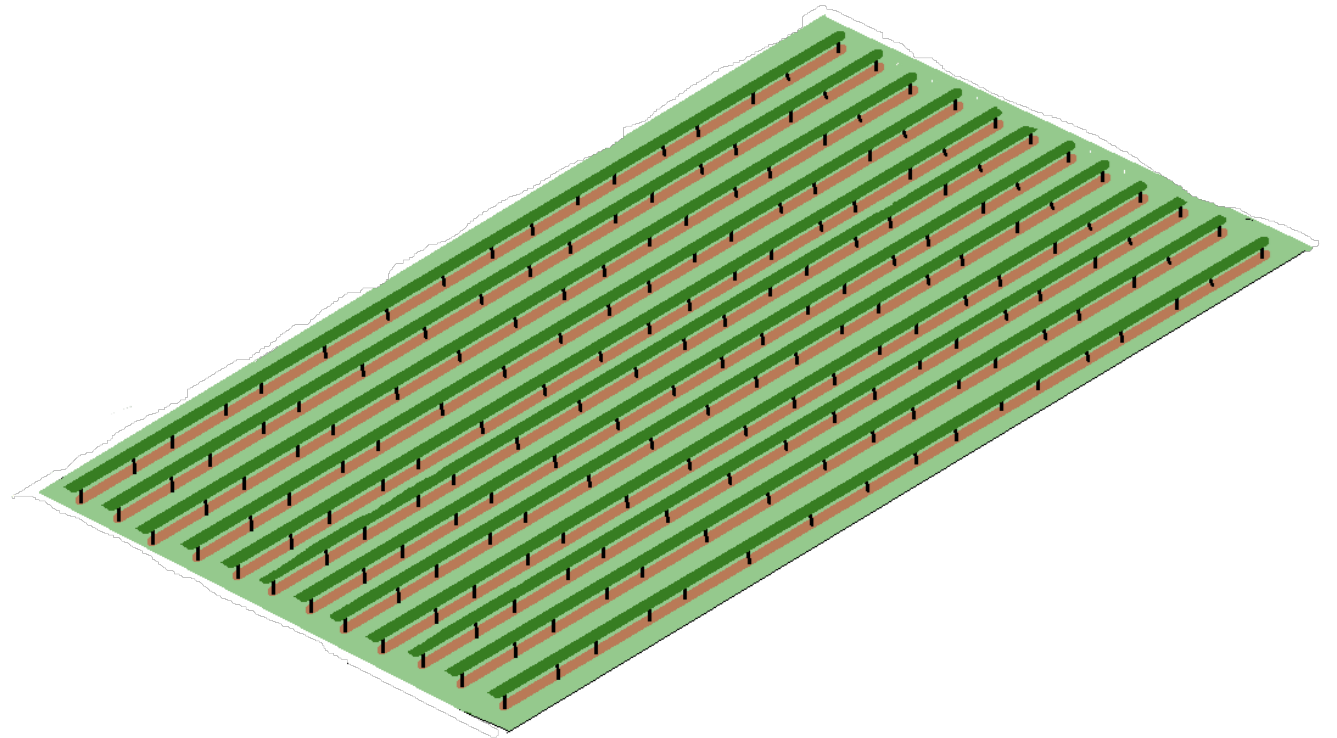
Temporary Sediment and Erosion Control Measures

- **Revision:** Enrollees may access vineyard for critical needs during saturated soil conditions but must fix damage.
- **Revision:** If choosing minimum ground cover as compliance option and not meeting it prior to QSE, Enrollees must install temporary erosion and sediment control measures. Must have them accessible and installed prior to QSE.

Scenario #1

20-acre flat (<5%) vineyard with no agricultural drainage structures. 8ft vine rows with 3ft strip spray occurring over the winter. Cultural practices include tilling every other row beginning in April.

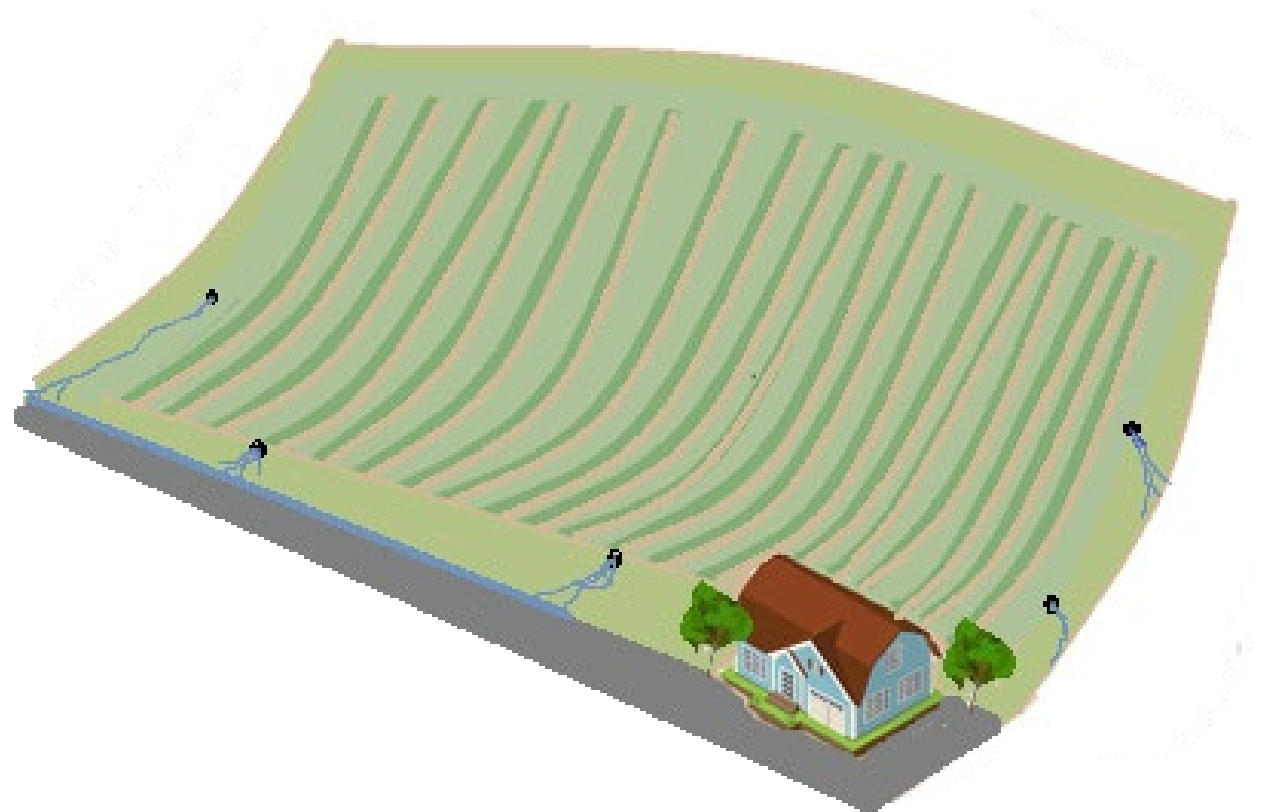
1. What would be required of an Enrollee to satisfy baseline requirements of the Order?
2. How would the Order address areas of erosion and excess sediment discharge in the vineyard upon enrollment? And over time?



Scenario #2

20-acre hilly vineyard (slope >10%) with 5 agricultural drainage structures. 8ft vine rows with 3ft strip spray occurring over the winter.

1. What would be required of an Enrollee to satisfy baseline requirements of the Order?
2. How would the Order address areas of erosion and excess sediment discharge in the vineyard upon enrollment? And over time?



Ag Drainage Structure Sampling



Agricultural drainages structures are 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 which commingle with surface run-off.

Ag Drainage Structure Sampling Revisions

More Responsive Adaptive Management

- Requires more timely response to benchmark exceedances with temporary repairs and monitoring during next storm. Retain iterative structure and schedule of adaptive management.

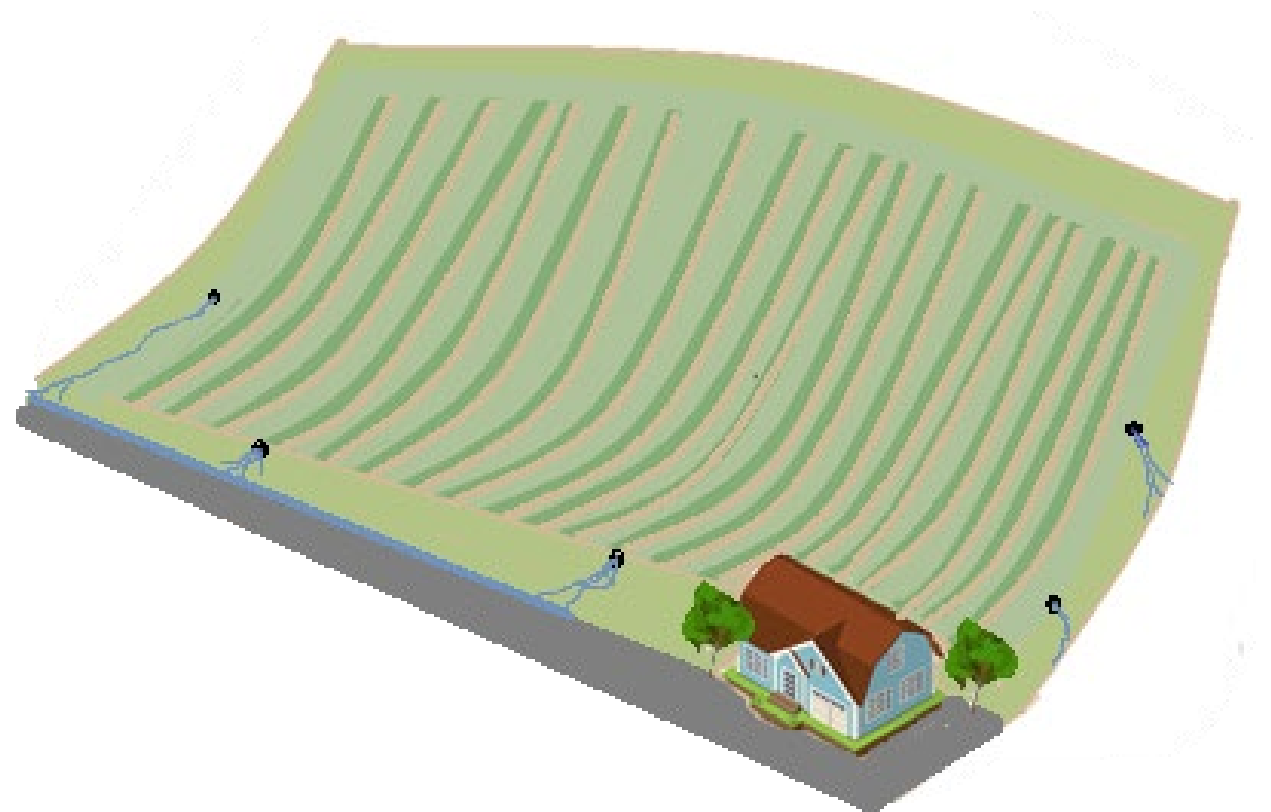
Offsite Run-on Protocols

- Specifies how to discount run-on sources from ag drainage sampling. Removes requirement that an enrollee wait four years in the event of offsite stormwater run-on that creates erosion that causes benchmark exceedance.

Ag Drainage Structure Monitoring Scenario

20-acre hilly vineyard (slope >10%) with 5 agricultural drainage structures. Offsite run-on flows into one of the ag drainage structure inlets.

1. What would be required of an Enrollee to satisfy agricultural drainage sampling requirements of the Order?
2. What would happen if one of the ag drainage structures exceeded 250 NTUs?



Ag Drainage Structure Monitoring Exemption

Enrollees may opt to become exempt from monitoring ag drainage structures through meeting one of the following requirements:

1

Meet qualifying ground cover percentage between Dec. 15-April 1

- More robust ground cover requirements than minimum compliance option (e.g., 90%)

2

Sediment Erosion and Control Plan certified by Qualified Professional

- Certified SECP demonstrates commensurate water quality protection.

Representative Monitoring Revision

Eliminate Continuous Turbidity Monitoring

- Continuous turbidity monitoring element eliminated as a requirement of the Third-Party Group monitoring program.

Enrollment Revision

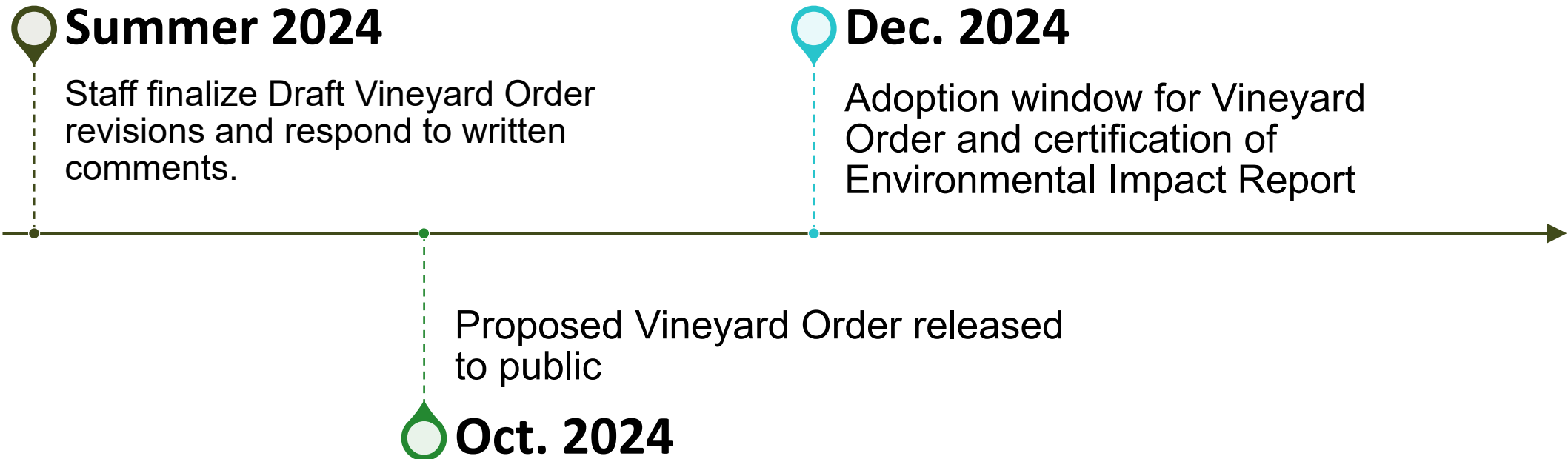
5-acre Threshold Exemption

- Enrollees with combined holdings in identified HUC-8s not exceeding 5 acres exempt from enrollment.

Statewide Precedential Requirements Revisions

In Draft	Rationale for Revision	Intended Revisions
<p>Draft Order designates Priority 1 groundwater basins as ‘high vulnerability.’</p>	<p>Certifying Nitrogen plans introduces time, cost, and complexity. Farming systems are different in Central Valley/Central Coast</p>	<p>Delay determination of ‘high vulnerability’ groundwater basins. This delays Nitrogen reporting certification requirement and Groundwater Protection Targets.</p>

Schedule



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