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Via Email

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November 27, 2024

Vice Chairperson Greg Giusti and all Board Members.
North Coast Regional Water Quality Control Board 5550 Skylane Blvd.
Santa Rosa, CA 95403

RE: Comments on Order R1-2024-0056 General Waste Discharge Requirements for Commercial Vineyards in the North Coast Region

Dear Regional Board Members:

The California Land Stewardship Institute (CLSI) is a science-based nonprofit organization that works with the agricultural communities in Mendocino and Sonoma counties as well as over 10 other counties in the state. CLSI operates the Fish Friendly Farming (FFF) Certification program that provides compliance for growers under Order No. R2-2017-0033 General Waste Discharge Requirements for Vineyard Properties in the Napa River and Sonoma Creek Watersheds. The FFF program is the primary program used by growers in these areas.

Starting in 2023 CLSI worked with the Region 1 Regional Board staff on the Technical Advisory Group, to view on-farm conditions, completed FFF certifications with staff and Board members present to demonstrate how the FFF program relates to the requirements of Draft Order R1-2024-0056 and provide growers with an opportunity to discuss the new regulation with Regional Board staff.

We appreciate the revisions the Regional Board staff have made to Draft Order R1-2024-0056. However, we have identified several concerns and sections that are confusing or vague. Following the approval of the Region 2 WDR order there was significant work required to define methods and terms in the Order.

We offer the following comments and questions to improve the implementation of Order R1-2024-0056.

1. Requirement to use Ordinary High Water datum to define creek edge of Streamside Area
The Order states “A Streamside Area is defined as the area between the Ordinary High-Water Mark and where the field side edge of the Vegetated Buffer meets the Farm Area.” The order identifies Ordinary High Water (OHW) as the datum to define Riparian Vegetation Areas and refers growers to a 386-page manual from the Army Corps of Engineers (National Ordinary High Water Mark Field Delineation Manual for Rivers and Streams) to determine where this datum lies on individual waterways and ditches. We have inserted the data sheet required to do the field work to determine OHW. There are 23 geomorphic indicators and 14 vegetative indicators that are documented along each waterway. Numerous types of remote sensing data and gaging data are collected and analyzed. Use of this datum places an undue burden on growers to hire a consultant to do the field work required in the manual to make the OHW location determination. The OHW data sheet included in the manual is on the next page.

The Sonoma County Riparian Ordinance uses top of bank to define the creekside edge of riparian areas. This is a simple and easy method to determine a datum for the creekside edge of the Riparian Vegetation Area. In many creeks in the both the Russian River watershed and Navarro River watershed creeks channels are entrenched or incised into their floodplains and have vertical steep banks. In these channels the top of the bank and OHW would be the same. In other channels use of top of bank may require a larger Streamside Area then use of the OHW datum but not by a very large distance.

There is another type of channel that occurs in the Russian River watershed that OHW is not an appropriate method for. Alluvial fans occur where creeks exit the mountains and spread large size bedload – boulders and cobble in a fan on the valley floor. They have multiple channels and as streamflows cross the alluvial fan they infiltrate and only in large storms is there continuous flow from the top to the bottom of the fan where there are often wetlands. Applying the OHW datum to these channels will be very difficult for growers.

We recommend that the Order be revised to allow for use of the top of the bank as a datum for defining the creekside edge of Streamside Areas to simplify the implementation of the Streamside Area requirements.

2. Winterization practice requirements for seasonal roads in Vegetated Buffers are too limited
Seasonal roads are allowed in the Vegetated Buffer portion of the Streamside Area but are required to have 90% rooted vegetated cover by December 15 of each year. Many of these roads are in the shade of riparian trees and may not be able to grow grass cover to this level of coverage.


We recommend that the Order be revised to allow installation of straw waddles and other interception erosion control measures rather than just one form of erosion control (grass cover) for these streamside area seasonal roads to achieve the water quality purpose of the vegetated buffer.

3. Surface Water Pesticide Monitoring
Attachment B describes the requirements of the monitoring program. In section IIIB 1 the selection of locations of monitoring stations is described. One very important consideration is not included – monitoring downstream of urban areas. We have included a map from the Draft Order that shows the locations of pesticide detections in surface water over a 10 year period (2008-2018). The majority of pesticide detections in the Russian River watershed occur near urban areas. If the purpose of this monitoring is to evaluate pesticides from agricultural areas, surface water monitoring stations should not be located downstream of urban areas. Data from these stations will not be representative of agricultural runoff but instead of urban runoff.

We recommend that Section IIIB 1 be revised to recommend that surface water monitoring stations not be located downstream of urban areas.

Please accept our recommendations to improve the Order and make it clearer and easier to implement. We are happy to discuss further. Thank you.

Sincerely,



Laurel Marcus
Science Director



Keith Horn
President, Board of Directors

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Box 1. Data sheet (page 1) for recording the physical evidence used for OHWM identification. (Data sheet reproduced from USACE 2022, 1).

Print Form Save As E-mail

U.S. Army Corps of Engineers (USACE) RAPID ORDINARY HIGH WATER MARK (OHWM) FIELD IDENTIFICATION DATA SHEET The proponent agency is Headquarters USACE CECW-CO-R.		From Approved - OMB No. 0710-OHWM Expires: xx-xx-xxxx
AGENCY DISCLOSURE NOTICE The public reporting burden for this collection of information, 0710-OHWM, is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil . Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.		
Project ID #:	Site Name:	Date and Time:
Location (lat/long):		Investigator(s):
Step 1 Site overview from remote and online resources Check boxes for online resources used to evaluate site: <input type="checkbox"/> gage data <input type="checkbox"/> LIDAR <input type="checkbox"/> geologic maps <input type="checkbox"/> climatic data <input type="checkbox"/> satellite imagery <input type="checkbox"/> land use maps <input type="checkbox"/> aerial photos <input type="checkbox"/> topographic maps <input type="checkbox"/> Other: _____		Describe land use and flow conditions from online resources. Were there any recent extreme events (floods or drought)?
Step 2 Site conditions during field assessment. First look for changes in channel shape, depositional and erosional features, and changes in vegetation and sediment type, size, density, and distribution. Make note of natural or anthropogenic disturbances that would affect flow and channel form, such as bridges, riprap, landslides, rockfalls, etc.		
Step 3 Check the boxes next to the indicators used to identify the location of the OHWM. OHWM is at a transition point, therefore some indicators that are used to determine location may be just below and above the OHWM. From the drop-down menu next to each indicator, select the appropriate location of the indicator by selecting either just below 'b', at 'x', or just above 'a' the OHWM. Go to page 2 to describe overall rationale for location of OHWM, write any additional observations, and to attach a photo log.		
Geomorphic indicators		
<input type="checkbox"/> Break in slope: <input type="checkbox"/> on the bank: <input type="checkbox"/> undercut bank: <input type="checkbox"/> valley bottom: <input type="checkbox"/> Other: _____ <input type="checkbox"/> Shalving: <input type="checkbox"/> shelf at top of bank: <input type="checkbox"/> natural levees: <input type="checkbox"/> man-made berms or levees: <input type="checkbox"/> other berms: _____	<input type="checkbox"/> Channel bar: <input type="checkbox"/> shelving (berms) on bar: <input type="checkbox"/> unvegetated: <input type="checkbox"/> vegetation transition (go to veg. indicators) <input type="checkbox"/> sediment transition (go to sed. indicators) <input type="checkbox"/> upper limit of deposition on bar: <input type="checkbox"/> Instream bedforms and other bedload transport evidence: deposition bedload indicators (e.g., imbricated clasts, gravel sheets, etc.) <input type="checkbox"/> bedforms (e.g., pools, riffles, steps, etc.):	<input type="checkbox"/> erosional bedload indicators (e.g., obstacle marks, scour, smoothing, etc.) <input type="checkbox"/> Secondary channels: Sediment indicators <input type="checkbox"/> Soil development: <input type="checkbox"/> Changes in character of soil: <input type="checkbox"/> Mudcracks: <input type="checkbox"/> Changes in particle-sized distribution: <input type="checkbox"/> transition from _____ to _____ <input type="checkbox"/> upper limit of sand-sized particles <input type="checkbox"/> silt deposits:
Vegetation Indicators		
<input type="checkbox"/> Change in vegetation type and/or density: Check the appropriate boxes and select the general vegetation change (e.g., graminoids to woody shrubs). Describe the vegetation transition looking from the middle of the channel, up the banks, and into the floodplain. <input type="checkbox"/> vegetation absent to: <input type="checkbox"/> moss to:	<input type="checkbox"/> forbs to: <input type="checkbox"/> graminoids to: <input type="checkbox"/> woody shrubs to: <input type="checkbox"/> deciduous trees to: <input type="checkbox"/> coniferous trees to: <input type="checkbox"/> Vegetation matted down and/or bent:	<input type="checkbox"/> Exposed roots below intact soil layer: Ancillary indicators <input type="checkbox"/> Wracking/presence of organic litter: <input type="checkbox"/> Presence of large wood: <input type="checkbox"/> Leaf litter disturbed or washed away: <input type="checkbox"/> Water staining: <input type="checkbox"/> Weathered clasts or bedrock:
Other observed indicators? Describe:		

