



May 30, 2025

Ms. Alexandra Hart, Vice Chair  
& Members of the North Coast Regional Water Quality Control Board  
5550 Skylane Blvd., Suite A  
Santa Rosa, CA 95403  
Email: NorthCoast@waterboards.ca.gov

**RE: Comments on General Waste Discharge Requirements for Commercial Vineyards in the North Coast Region, Proposed Order No. R1-2024-0056**

Vice Chair Hart,

Jackson Family Wines (JFW) appreciates the opportunity to comment on the Proposed Vineyard Order (R1-2024-0056). We recognize the amount of time and effort that went into developing the 216 pages that encompass the Proposed Order and its attachments. And we know that Regional Water Board (RWB) staff took care to simplify portions of the Irrigated Lands Regulatory Program where they could. Staff and Board members have also provided a substantial 3-year on-ramp before enrollment begins. For these elements, we are very grateful.

JFW is a family-owned business, and the environmental stewardship is a key tenet of the Jackson family ethos. The company's founder, Jess Jackson, often said "take care of the land, and it will take care of you." With this philosophy as our guide, JFW has undertaken numerous activities to protect and care for the waterways that cross our properties. We have partnered with NOAA-Fisheries, US Fish and Wildlife, California Department of Fish and Wildlife, counties, tribes, and neighbors to benefit aquatic ecosystems. With this history of partnership, and to ensure positive environmental outcomes, we submit our request for moderate changes to the Proposed Vineyard Order.

JFW agrees with and supports the letters submitted by our friends and neighbors including Wine Institute, California Association of Winegrape Growers, Sonoma County Farm Bureau, and many others. Below, we provide additional comments that are broken into three sections: (1) minor edits and clarification; (2) more substantial concerns to resolve; and (3) other substantial issues raised in other organizations' comment letters to resolve. This letter closes with a request.

~ SIMPLE CLARIFICATIONS AND EASY EDITS ~

**Attachment 1** to this letter is a table identifying items in the Proposed Order that would benefit by additional clarification. The table includes about 20 needed clarifications, and of import are the following two requests:

1. **No Agricultural Drainage Structure** – Please clarify what actions a vineyard with no agricultural drainage structures needs to take to comply with the sediment and erosion control general requirements. If there are no drainage structures to sample, is the enrollee limited to Option B or Option D? Or, does none of provisions apply?
2. **Safety** – Page 4 of the Order states that “Turbidity values in Agricultural Drainage Structures shall be monitored during a QSE from the first 2 hours of discharge which occurs during daylight hours .... either on-site or at an accredited lab.”
  - In addition to “during daylight hours” please add: “when it is safe and reasonable to do so” as is included in paragraph II. A. 7.
  - Please change “on-site” to “by the enrollee”. There are a few reasons for this request. First, a waterproof turbidity meter (after all, it will be raining) is significantly more expensive. Second, some growers may collect the samples in the field and will measure those samples at a more centralized and dry location (i.e., milk run type strategy).
  - Please clarify if an ELAP certified lab is required.

~ LARGER ISSUES TO ADDRESS ~

**Attachment 2** to this letter itemizes addition concerns in the Vineyard Permit that we hope will be resolved before adoption. Although Attachment 2 includes a couple dozen items, below we’ve called out the five most critical items for JFW:

1. **Fallowing Lands** – Landowners fallow land, usually in response to disease pressures, soil health needs, and economic and market conditions. As detailed in comment letters submitted by other organizations, several additional thousand acres of North Coast vineyards are expected to be fallowed in the near term and for several years. As an example, a landowner with 10 acres planted to Malbec and 10 acres to Chardonnay may pull out and fallow the 10 acres of Malbec vines, leaving just the Chardonnay. Consistent with the goals of the Sustainable Groundwater Management Act these acres can be put to beneficial use, including pollinator habitat, groundwater recharge, carbon sequestration, etc. These beneficial uses represent ongoing farming activities. *Please recognize in the Order and regulate separately:*

- Fallowed vineyards used for beneficial use versus fallowed lands not used for beneficial use as explained in a. and b., below.

**a. *Fallowed Vineyards for Beneficial Use***

- The landowner will keep these fallowed vineyard lands enrolled in the Vineyard Order and pay related fees.
- The fallowed vineyard lands will comply with the requirements of the Vineyard Order, including sediment and erosion requirements, streamside requirements, roads requirements, monitoring and reporting requirements, etc.
- When the fallowed vineyard lands are reestablished in vines, the Vineyard Permit will allow the vineyard to keep its pre-fallowed footprint and will treat the property as an existing vineyard in terms of setbacks (Table 6), Appurtenant Agricultural Roads, stream crossings, and other requirements.

**b. *Fallowed Lands Not for Beneficial Use***

- The landowner un-enrolls fallowed lands from the Vineyard Order would pay permit related fees to the remaining acres planted in vines.
- The sediment and erosion requirements would only pertain to the enrolled acres and not to fallowed acres.
- The Notice of Termination includes a simple process for taking a portion of a vineyard property in-and-out of production.

- 2. Replanting Fallowed Lands Not in Beneficial Use** – Landowners will replant fallowed land in response to improving market conditions. In Sonoma County, these “replants” are conducted under a VESCO permit. Paragraph 18 on page 49 of the Proposed Order indicates that, vineyards must enroll for coverage within 30 days of being planted.

*Please confirm and clarify in the Proposed Order that:*

- The Notice of Intent includes a simple process for taking a portion of a vineyard property in-and-out of production.
- Acreage planted under a VESCO permit would not need to comply with the Proposed Vineyard Permit sediment and erosion requirements until the second year of operation as the first year of vineyard operations is covered by the VESCO requirements for sedimentation. Although the newly (re)planted vineyard will need to comply with the streamside and road requirements in the Vineyard Order.

3. **Water Quality Management Plans** – Paragraph 19 on page 15 of Attachment B (Monitoring Plan for Coalition Members) indicates that if the Coalition representative pesticide monitoring results includes a pesticide reported above the Trigger Level, all Enrollees within the HUC-12 who have applied that pesticide must develop a WQMP. Wine Institute has a more detailed explanation in their letter of the concern and the request. *Please provide and clarify:*
  - Why the first step wouldn't be for the Coalition to interview Enrollees in the HUC-12 to try to identify the vineyard is responsible (and not another land use).
  - If a landowner can demonstrate that they have applied the pesticide in question according to the label requirements and under their PCA applicators license, why they need pay for a Qualified Professional to develop a WQMP?
4. **Basis of Turbidity Benchmarks** – page 62 of the Vineyard Order states that consecutive exceedances of 250 NTU Turbidity Benchmark will trigger adaptive management. No basis is provided for the Turbidity Benchmark even though a reference is provided for the Pesticide Trigger Limit (see **endnote** 12 in Attachment A and endnote 23 in Attachment B). *Please provide and clarify in the Proposed Order:*
  - The basis for 250 NTU turbidity trigger.as was provided for the Pesticide Monitoring Constituents and Trigger Limits.
  - If no basis is possible, please include in the findings how can the Proposed Permit use a benchmark with an unknown relativity to background and natural turbidity levels in the tributaries?
5. **Safety** – It is appreciated that the Proposed Order provides multiple opportunities for landowners sampling their Agricultural Drainage Structures to meet the 250 NTU benchmark. However, there remains a concern that the Proposed Order is encouraging and requiring vineyard works to undertake hazardous activities and potentially compromise vineyard roads, exasperating the erosion issues that Order is trying to prevent. *Please provide and clarify in the Proposed Order:*
  - An analysis that justifies the risk to vineyard works and vineyard roads and why Option A cannot rely on photo point monitoring to demonstrate effectiveness.
  - The basis for the 250 NTU benchmark trigger in the tributaries of the North Coast Region.

~ CRIME AND PUNISHMENT ~

JFW supports and agrees with the comments submitted by **Family Winemakers of California** (FWC). FWC's letter details that when the RWB lacked the resources to conduct investigations into the sources of sedimentation to the Russian River – including natural background sources and rural roads - winegrape growers and local government took significant action to control erosion off their properties. In the nearly 20 years since the RWB has adopted their Sedimentation Policy, most of the effort to address the issue has been born – voluntarily - by landowners. It seems that the proposed Vineyard Permit is a direct result of the RWB not having the means to evaluate the benefit that voluntary efforts and regulatory mandates have had on the watershed.

Without an understanding of the volume or sources, the RWB is regulating the contributors of sediment, such as Dairies and Cannabis. Orders [R1-2024-0002](#)<sup>1</sup> and [R1-2018-11](#)<sup>2</sup> are for new road construction and for road maintenance activities and rely on photo-point monitoring (no analytical water quality sampling). Importantly, there is **no** regulatory scheme to manage sediment from existing rural and rural residential roads. Order R1-2013-0005 regulates Timber Operations on Non-Industrial Timber Management Plans, but does not have any monitoring requirements. Now it is Vineyards turn.

It appears that the RWB is not consistently regulating sediment across various sources. This is fundamentally unfair. After reading through the comment letters from California Association of Winegrape Growers, Sonoma County Farm Bureau, SAVE, and other please ask yourselves: does the punishment fit the crime?

The following questions and comments arise from the FWC letter and from the RWB's inconsistency:

1. **Cost versus Benefit** - The Proposed Vineyard Order does not include any information that justifies the costs as detailed by the FWC in their comment letter. The FWC letter argues that folks involved with the vineyard-specific voluntary programs and with VESCO have substantially more familiarity with vineyard practices than those listed under Qualified Professional (i.e., Registered Forester, Professional Engineer) in the Vineyard Order. And, the FWC demonstrates how expensive it can be to use a Professional Engineer. *Please provide and clarify in the Proposed Order:*
  - o The evidence that a “certified” SECP (Option B) provides additional water quality benefits compared to existing landowner efforts or to the “Voluntary” program (Option A) that justifies the increase in cost.

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<sup>1</sup> WDR for eligible projects including the construction, reconstruction or decommissioning of rural roads and their associated watercourse crossings

<sup>2</sup> Waiver for road management activities on County owned roads.

2. **Partnering for Success** - the FWC letter discusses the Vineyard Order's goal to incentivizes landowners to either undertake no-till cultural practices or a "Certified SECP". *Please provide and clarify in the Proposed Order or in the Resolution for Adoption:*
  - The RWB staff will work with Sonoma County and Mendocino County Farm Bureaus, along with the County Agricultural Commissioner offices, Resource Conservation Districts, University of California Agricultural and Natural Resources offices, Certified California Sustainable, Central Coast Vineyard Teams, and other as appropriate to develop an appropriate Voluntary Program for Sediment and Erosion Control (Option A).
  - The RWB will work with these same partners to develop a program to cost effectively develop a Certified SECP program (Option B) for landowners separate (as needed) from Fish Friendly Farming. And that the language in paragraph 14a on page 53 of the Proposed Order – "or an alternative methodology approved by the Executive Officer" – is adequate to meet this strategy.

~ REQUEST AND APPEAL ~

Please address the minor clarifications and edits identified in Attachment 1, particularly the two items discussed above. Also, please address the five critical items for Attachment 2 identified above (i.e., fallowed properties, basis for turbidity benchmark, safety). Finally, address the items that arise from the FWC comment letter and as described above. Correcting these items will improve the ability for enrollees to understand their obligations under the Proposed Vineyard Order.

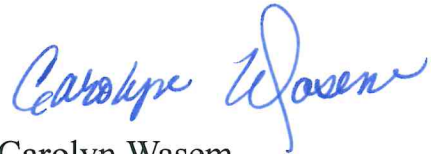
North Coast RWQCB  
R1-2024-0056  
May 30, 2025

In closing, JFW appreciates our years of collaboration with the RWB – thank you. We also will make ourselves available as clarification and/or changes to the order are considered. Our goal – as is yours – is to be protective of water resources. JFW is committed to protecting water quality for ecosystem benefits and future economic and human uses. However, if an adopted program is unclear on what we are collectively trying to solve for, i.e., the size of the problem brought on by “existing” land use practices, is so financially onerous for most landowners to comply, and places employees in harm’s way, the program will not meet with success. That would be unfortunate as it undermines our common goal of environmental stewardship.

Sincerely,



Susanne Zechiel  
VP, Environmental Regulatory  
Compliance  
*Jackson Family Wines*



Carolyn Wasem  
SVP, Governmental Relations  
& External Affairs  
*Jackson Family Wines*

Attachments enclosed

## **ATTACHMENT 1**

### **SUGGESTED EDITS FOR CLARIFICATION AND FOR READIBILITY**



## A. FINDINGS

| Paragraph | Page | Statement in the Order  | Comment on the Order  |
|-----------|------|---|---|
| C-6       | 13   | Mentions tile drains  | Please add tile drains to definition and clarify if different from subsurface drains.                                       |
| F-36      | 29   | RWB Sediment TMDL policy adopted 2004 and mentions “Sediment-related standards” | Please provide a definition for “standards” and clarify difference from “practices.” This is important for Joe/Jill Farmer. |

### Coverage Requirements

| Paragraph | Page | Statement in the Order  | Comment on the Order   |
|-----------|------|---|--|
| A-8       | 47   | eNOIs need to be updated when there is a change in property ownership, grower contact information or change in the parcels farmed by an Enrollee. | <p>Please note, on any one property, a grower will fallow vineyards. For example, on a 60-acre planted vineyard, one quarter (15 acres) to three quarters (45 acres) of the property could be taken out of production.</p> <p>Similarly, the grower may put that property back into vineyards. The enrollment form (eNOI) needs to include a process for adding in planted acres.</p>        |
| A-12      | 48   | Enrollees may terminate coverage by providing written notice.   | As mentioned above, a grower may fallow vineyards at anytime. Given permit and coalition fees are by the acre, the termination forms need to allow for unenrolling portions of a vineyard when fallowed for more than a year.  |
| A-18      | 49   | Commercial vineyards developed after July 1, 2028 must enroll for coverage within 30 days of the newly-developed vineyards being planted.         | <p>Newly planted vineyards may be re-plants of fallowed land. The enrollment forms need to address this situation.</p> <p>In Sonoma County, vineyards developed post-2028 will have a VESCO permit. Since VESCO covers the first year after planting, VESCO permitted vineyards should not enroll in R1-2024-0056 until the second year. Otherwise, double permitting the same activity.</p> |

## C. GENERAL REQUIREMENTS

### Sediment and Erosion Control

| Paragraph               | Page | Statement in the Order   | Recommendation   |
|-------------------------|------|--|--|
| C-4<br>+<br>Definitions | 50   | <p>Enrollees shall implement <i>management practices</i> to minimize, control, or prevent erosion and sediment discharges from all <b>Farm Areas</b> that are <b>Hydrologically Connected</b> to off-farm surface waters and drainages.</p> <p><b><u>DEFINITIONS</u></b></p> <p><b>Farm Area.</b> The planted area and appurtenant structures, vineyard avenues (Seasonal Roads), maintenance areas, mixing and loading sites, and appurtenant storage yards on a commercial vineyard.</p> <p><b>Hydrologically Connected.</b> Farm areas with a continuous surface flow path to a natural stream channel during a storm runoff event. Connectivity usually occurs through Agricultural Drainage Structures, drainage inlets, road ditches, gullies, and channels. A natural stream is a Water of the State.</p> <p><b>Management Practices.</b> Practices or combination of practices including, but not limited to, structural and non-structural (operational) controls that may be applied before, during and after waste producing activities to eliminate or reduce the generation of nonpoint source discharges and the introduction of pollutants into receiving waters.</p> | <p>Please consider bold/italicizing or otherwise identifying words and phrases that occur in Appendix I (Acronyms and Definitions).</p> <p>Please clarify if a property, without an agricultural drainage structure, would (or would not) be Hydrologically Connected.</p> <ul style="list-style-type: none"> <li>• If <b>not</b> Hydrologically Connected, does that mean a grower can read past paragraphs C-5 to C-21?</li> <li>• If response is: “it depends,” then this permit is getting very complicated for an ordinary grower.</li> </ul> |
| C-7 and<br>Table 5      | 51   | Provides 4 compliance options for sediment and erosion control   | <p>It is not clear what happens if there is not agricultural drainage structure. When there is no agriculture drainage structure, does that mean the only option is Option B or Option D? Or, is that none of this applies?</p> <ul style="list-style-type: none"> <li>• If response is: “it depends,” then this permit is getting very complicated for an ordinary grower.</li> </ul>   |

| Paragraph | Page | Statement in the Order   | Recommendation  |
|-----------|------|--|---|
| C-10      | 52   | Last sentence says: “At a minimum, the SECPs shall be updated every five years.” | Recommend changing to: At a minimum, the SECPs shall be reviewed every five years, and updated as needed.”  |
| C-12a     | 53   | Last sentence mentions “their Farm Evaluation”                                   | First time Farm Evaluation mentioned since the Findings section.<br><br>Recommend changing to: The Enrollee may use the map developed for the SECP for their Farm Evaluation map requirements (see Section F., Reporting Requirements below). |

### *Appurtenant Agricultural Roads*

| Paragraph | Page | Statement in the Order                                 | Recommendation   |
|-----------|------|--|--|
| C-22      | 55   | Endnote 27 has important information about inspections | Move the information in the endnote into the order language. |

### *Streamside Areas*

| Paragraph | Page | Statement in the Order   | Recommendation  |
|-----------|------|--|---|
| C-29      | 58   | <p>Streamside Areas are comprised of two parts: Riparian Vegetation Areas and Vegetated Buffers. Enrollees are to install/maintain Vegetated Buffers at the minimum widths provided in Table 6 at replant.</p> <p><b><u>DEFINITIONS</u></b><br/> <b>Vegetated Buffer.</b> A narrow, permanent strip of dense perennial vegetation (including riparian vegetation) where no crops are grown and which is established parallel to the contours of and perpendicular to the dominant slope of the land applications area for the purposes of slowing water runoff, enhancing water infiltration, trapping pollutants bound to sediment and minimizing the risk of any potential nutrients or pollutants from reaching surface waters.</p> | <p>The order states:</p> <ul style="list-style-type: none"> <li>• What should <u>not</u> occur in the Vegetated Buffer.</li> <li>• The Vegetated Buffer’s purpose</li> </ul> <p>However, it is not clear what install or maintain means.</p> <ul style="list-style-type: none"> <li>• Please clarify what install or maintain means</li> <li>• Please clarify if this is simply a filter strip (see paragraph A-13d on page 36)?</li> </ul> <p>Reference the discussion on Seasonal Roads if that is what this is addressing.</p> |

| Paragraph | Page | Statement in the Order   | Recommendation  |
|-----------|------|--|---|
| C-31b     | 58   | Existing All-Season Roads can occur within the Vegetated Buffer provided that the roads are improved/maintained through practices described in Section 1.C. Appurtenant Agricultural Roads | Please clarify that enrollee has 10 years of the date of adopted order to implement the practices (or, is it a different implementation schedule for roads within the Vegetative Buffer)? |

## D. MONITORING REQUIREMENTS

| Paragraph | Page | Statement in the Order   | Comment on the Order   |
|-----------|------|--|--|
| D- 4      | 61   | As a path to reduced monitoring frequency at gricultural drainage structures, language states “there has been zero exceedances of the 250 NTU benchmark in any monitored location> | <p>This is the first mention of 250 NTU. The findings vaguely mention a benchmark. And the full concept isn’t explained until Section E, paragraph 3a on page 62.</p> <p>It might be clearer if Section D (Monitoring Requirements) and specifically “Modification and Reduced Monitoring Provisions” (pages 61-62) were moved later in the order.</p> |

## ATTACHMENT B – MONITORING AND REPORTING REQUIREMENT

### *Agricultural Drainage Structure Monitoring Requirements*

| Paragraph              | Page | Statement in the Order   | Comment on the Order  |
|------------------------|------|--|---|
| II. A. 3<br>(Attach B) | 4    | Endnote 3 indicates calibration logs should be kept with the instrument and submitted with the Annual Water Quality Monitoring Report as required in Section VII. D.                                       | There is no Section VII.D in Attachment B. There is no direction anywhere else in Attachment B for the enrollee to submit these logs.<br><br>Suggest changing language so that the Enrollee must maintain the calibration records onsite for a period of time.  |
| II. A. 3<br>(Attach B) | 4    | “Turbidity values in Agricultural Drainage Structures shall be monitored during a QSE from the first 2 hours of discharge which occurs during daylight hours .... either on-site or at an accredited lab.” | <ul style="list-style-type: none"> <li>• In addition to “during daylight hours” please add: “when it is safe and reasonable to do so” as include in paragraph II. A. 7.</li> <li>• Please change “on-site” to “by the enrollee”. There’s a few reasons for this request. First, a waterproof turbidity meter (after all, it will be raining) is significantly more expensive. Second, some growers may collect the samples in the field and will measure those samples at a more centralized location (i.e., milk run type strategy) in a dry location.</li> <li>• Please clarify if by accredited lab, you mean ELAP certified lab.</li> </ul> |
| II.A.4                 | 4    | Use the current version of the SWAMP Quality Assurance Third-Party Plan with a <a href="#">link provided in the endnotes</a> .   | Looking at the webpage provided, it is not clear which of the 24+ documents is the appropriate reference. Please provide clearer direction.   |
| IV.A.2.i               | 18   | The Farm Evaluation should include Agricultural Drainage Structure Sampling Location (if applicable).  | Please clarify that this needs to be added to the Vineyard Map and is (or is not) a separate map.   |

## **ATTACHMENT 2**

### **SUGGESTED CHANGES FOR ACCURACY AND FOR IMPROVED WATER QUALITY BENEFITS**

## A. FINDINGS

pages 1 to 45

| Paragraph | Page | Statement in the Order   | Comment on the Order   |
|-----------|------|--|--|
| G-7       | 34   | SWRCB ILRP fees of \$1.50 per acre   | Note that this will increase over time   |
| Table 4a  | 42   | <p>The table shows estimated cost for on-farm MONITORING activities: agricultural drainage structure monitoring (\$120 per structure), photo-point monitoring (\$10 per photo), drinking water supply well monitoring (\$110-320 per well).</p> <p>Also shows cost estimate for off-farm coalition MONITORING activities: representative pesticide monitoring (\$0.01 per acre), tributary streambed monitoring (\$0.59 per acre), groundwater trend monitoring (\$0.06 per acre) for a total of \$0.66 per acre or <b>\$42,900</b> across the 65,000-acre region.</p> | <ul style="list-style-type: none"> <li>The cost estimates does not indicate the average number of drainage structures per 100 acres. A 100-acre vineyard may have several structures.</li> <li>As more land is fallowed, the \$42,900 will be spread over fewer acres. So, the cost per acre will likely increase.</li> <li>It's unlikely that a multi-watershed area will only cost \$42,900 a year.</li> </ul>   |
| Table 4b  | 43   | <p>The table shows the estimated cost for the Coalition to conduct REPORTING activities, including annual compliance report (\$0.38 per acre), annual water quality monitoring report (\$0.38 per acre), and trend monitoring report (\$0.38 per acre). This totals \$1.14 per acre, or <b>\$74,100 a year</b> for reporting.</p>  | <p>As mentioned above, as more land is fallowed, the \$74,100 reporting fees will be spread over a smaller base.</p> <p>These costs do <b>not</b> include the administrative cost of running a coalition. In the Central Coast, <a href="#">administrative fees</a> are \$1.01 per acre.</p> <p>For a 100-acre farm:</p> <ul style="list-style-type: none"> <li>\$150 for SWRCB ILRP fees</li> <li>\$101 administration fees to coalition</li> <li>\$600 for monitoring 5 ag drainage structures</li> <li>\$215 for drinking water well monitoring</li> <li>\$66 for representative coalition monitoring</li> <li>\$114 coalition representative reporting fees</li> </ul> <p>= \$1246 for the 100-acre farm<br/>         = 12.46 per acre<br/>         = \$4.15 per ton harvested</p> |

| Paragraph | Page | Statement in the Order   | Comment on the Order  |
|-----------|------|--|---|
|           |      |  | In the current economy, the farmer will not be able to pass this increase in cost to the winery.  |
| G-22      | 43   | Estimate the cost of a SECP developed by a Qualified Professional as \$5,000 to \$10,000 | <p>Based on prior experience from engineering firms and an RCD these estimated costs are unlikely. Please see costs provided by Wine Institute previously.</p> <p>Lastly, there is a dearth of qualified professionals that are both qualified professionals and are familiar with vineyards. It's not like you can have a registered forester come onto a vineyard and cost effectively review, recommend, and certify a plan.</p> |

### **Coverage Requirements**

pages 46 to 49

| Paragraph | Page | Statement in the Order  | Comment on the Order  |
|-----------|------|---|---|
| A-18      | 49   | Commercial vineyards developed after July 1, 2028 must enroll for coverage within 30 days of the newly-developed vineyards being planted. | <p>In Sonoma County these vineyards developed in 2028 will also have a VESCO permit. Since VESCO covers the first year after planting, VESCO permitted vineyards should not enroll in R1-2024-0056 until the second year. Otherwise, double permitting the same activity.</p> <p>Please clarify the handling of fallowed vineyards and distinguish between (a) vineyards fallowed for beneficial uses, consistent with the goals of SGMA and (b) lands fallowed. Lands fallowed for beneficial use should be treated as ongoing agriculture, stay enrolled in the Vineyard Order, and comply with the permit's requirements. Lands fallowed for non beneficial reasons should be able to easily unenroll/enroll into the Order.</p> |



## B. GENERAL REQUIREMENTS

### *Sediment and Erosion Control*

pages 50 to 55 of Order

| Paragraph                        | Page      | Statement in the Order  | Comment on the Order   |
|----------------------------------|-----------|---|--|
| C-7 and Table 5                  | 51        | Provides 4 compliance options for sediment and erosion control  | Consider adding VESCO approved plans to the list of options. VESCO plans includes sediment and erosion control non-structural (operational) management practices through the first year of operations. An option could be expanding VESCO plans into the fifth year and requiring review/update of those plans in the 5 <sup>th</sup> year. <ul style="list-style-type: none"> <li>This VESCO option is key if a property is partially planted and partially fallowed. When those fallowed lands are brought back into production, the grower can rely on both the VESCO approvals and their existing SECP for compliance with R1-2023-0056 – rather than having to pay for *both* VESCO review and updated SECP.</li> </ul> |
| C-11 & pages 6-7 of Attachment C | 52        | With regards to Option A, Voluntary Programs to meet erosion and sediment control requirements, Attachment C describes the elements of these programs: <ul style="list-style-type: none"> <li>Erosion and Sediment Control Standards</li> <li>Sediment and Erosion Control Plan</li> <li>On-Farm Audits</li> <li>Remedial Actions and Schedule of Implementation</li> </ul> | No information provided to explain why a certified SECP (Option B) provides more water quality protection than Option A.<br><br>Whereas Option A includes oversight by programs and auditors that are familiar with vineyards and with erosion control practices, Option B turns this over to register foresters?  |
| C-14                             | 53        | Enrollees who choose Compliance Option B shall complete and continuously implement a SECP that meets all applicable Option A requirements above. In addition, the Certified SECP must meet the following additional standards   | Please add “or an alternate approved by the Executive Officer” after “meet the following additional standards” in paragraph 14, not just in paragraph 14a.   |
| C-12 and C-15                    | 52 and 54 | “Vineyard Map: The map(s) for the SECP shall include all applicable Sediment Management Areas..... The map(s) shall include... and boundaries of Sediment Management Areas;...”   | There is no information in the findings to explain the 10-acre limit. If it’s all the same soil, same farming practices, same varietal, same rootstock, same everything.... What is the purpose of a 10-acre limit?  |

| Paragraph | Page | Statement in the Order   | Comment on the Order  |
|-----------|------|--|---|
|           |      | <p>The certified SECP A Sediment Management Area is not to exceed 10 acres.</p> <p><b><u>DEFINITIONS</u></b></p> <p><b>Sediment Management Area.</b> A Sediment Management Area is each contiguous planted vineyard area not separated by streams, all-season roads, non-planted areas, or parcel boundaries and not to exceed 10 acres. For contiguous vineyard areas which exceed 10 acres, Enrollees may delineate each 10-acre Sediment Management Area in a manner consistent with their farming operation. Enrollees must delineate Sediment Management Areas such that all planted areas, vineyard avenues (Seasonal Roads) and areas appurtenant to the commercial vineyard (e.g., appurtenant structures, maintenance areas, storage yards, mixing and loading sites) on an enrolled parcel are included in a Sediment Management Area. Sediment Management Areas are only applicable for Enrollees who choose to implement Ground Cover as a Sediment and Erosion Control Compliance Option.</p> |   |
| C-20b     | 55   | <p>With regards to Option D Requirements: No-Till Cover:</p> <p>No mechanical soil disturbance or herbicidal application in either the interrow or undervine areas as a regular, seasonal, or recurring cultural practice except for that which is necessary for periodic maintenance of the No-Till Ground Cover (i.e., gopher damage, control of invasive weeds, etc.). Areas of soil disturbance for periodic maintenance must be re-vegetated between December 15-April 1 of each year.</p>  | <p>This lacks clarity.</p> <p>As part of on-going farming practices, the following is required between the rows and under the vine:</p> <ul style="list-style-type: none"> <li>• No tilling</li> <li>• No mechanical disturbance</li> <li>• No herbicides</li> </ul> <p>Some herbicide and disturbance is allowed for “periodic” maintenance and everything needs to be re-vegetated by Dec 15.</p> |

## E. ADAPTIVE MANAGEMENT

pages 62 - 64

| Paragraph | Page | Statement in the Order   | Comment on the Order  |
|-----------|------|--|---|
| E-3a      | 62   | <p>Consecutive exceedances of 250 NTU turbidity benchmark as Described in Attachment A and Attachment B will trigger adaptive management.</p> <p>Adaptive management includes the development of a Water Quality Management Plan (WQMP) to be submitted to the Regional Board and submit annual updates.</p> | <p>The basis and source of the Pesticide Monitoring Constituent and Trigger Limits are provided in endnote 12 in Attachment A and endnote 23 in Attachment B.</p> <p>However, there is no similar reference or basis provided for the 250 NTU turbidity trigger. Please provide the basis or explain why no basis provided.</p> <p>It seems unfair to require a landowner to undertake the cost of a WQMP if there is no basis for 250 NTU.</p> |

## ATTACHMENT B – MONITORING AND REPORTING REQUIREMENT

### *Agricultural Drainage Structure Monitoring Requirements*

| Paragraph          | Page | Statement in the Order   | Comment on the Order   |
|--------------------|------|--|--|
| II.A.12 to II.A.15 | 6    | Provides method to address run-on to property that may be impacting turbidity values | <ul style="list-style-type: none"> <li>• Appreciate that this methodology is provided.</li> <li>• If a landowner has all the documentation that demonstrates run-on issues, why is a Qualified Professional needed?</li> <li>• Should “demonstration” in the third line be “determination”?</li> </ul> |