

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Mike Napolitano)
MEETING DATE: JULY 12, 2017

ITEM: 8A

SUBJECT: **Vineyard Properties in the Napa River and Sonoma Creek watersheds –**
Certification of Environmental Impact Report for General Waste Discharge
Requirements

CHRONOLOGY: The Board has not considered this item before.

DISCUSSION: The Tentative Resolution (Appendix A) would certify the Environmental Impact Report (EIR) for the General Waste Discharges Requirements (General WDRs) for Vineyard Properties located within the Napa River and Sonoma Creek watersheds that would implement the vineyard sediment TMDLs adopted by the Board. Certification of the EIR fulfills the Board's California Environmental Quality Act (CEQA) compliance requirements for issuance of the General WDRs. The Board must consider and certify the EIR before it can consider adopting the General WDRs that are the subject of Item 8B on this meeting's agenda.

The Board is the lead agency for the EIR under CEQA. We have been working on preparation of the EIR since issuance of a Notice of Preparation in July 2014. The draft EIR was circulated for a 60-day comment period beginning July 15, 2016. The Final EIR (Appendix B) reflects modifications made in response to comments received. Comments and responses to comments on the draft EIR are included as Appendix D to the EIR.

BACKGROUND: The EIR evaluates the potential environmental impacts of adoption and implementation of the proposed General WDRs for vineyard properties in the Napa River and Sonoma Creek watersheds. The General WDRs specify requirements necessary to address discharges from vineyard properties to protect and restore beneficial uses in the Napa River and Sonoma Creek watersheds. The General WDRs establish a regulatory mechanism to regulate sediment discharges, reduce erosion, and attenuate significant increases in storm runoff from existing and future vineyard properties in the Napa River and Sonoma Creek watersheds.

The EIR evaluates in detail the potential environmental impacts of four alternatives: the No Project Alternative, the proposed General WDRs, an alternative for the enrollment of vineyard properties where 10 acres or more is planted in grapevines, and an alternative for the enrollment of vineyard properties with 5 acres or more planted in grapevines throughout the Project area, except those vineyards located upstream of Kimball Canyon, Bell Canyon, Rector, Lake Hennessey, and Milliken Canyon reservoirs.

The Final EIR concludes that the preferred alternative under CEQA is the proposed General WDRs because that alternative provides the necessary balance between the protection and restoration of the environment, the watersheds' economic considerations, and the Water Board's statutory mission. The General WDRs would result in the implementation of commonly used best management practices (BMPs) and construction of structural controls (such as cover crops, erosion controls, unpaved road repair and reshaping, and stormwater runoff controls) to meet water quality requirements. Implementation of BMPs could result in short-term impacts related to construction activities (such as grading, vegetation removal, stockpiling of soils, and mobilizing heavy equipment). The Final EIR identifies mitigation measures to eliminate or substantially lessen all significant effects on the environment, where feasible. The EIR also identifies some impacts that will generate unavoidable significant effects, for which the Tentative Resolution includes a statement of overriding considerations, finding that the benefits of implementing the General WDRs outweigh the occurrence of those unavoidable effects.

This Tentative Resolution and the Final EIR form the basis for the Revised Tentative Order that is proposed for the Board's consideration under Item 8B on this month's agenda. The Revised Tentative Order is consistent with the findings in the EIR.

**RECOMEN-
DATION:**

Certify the Final Environmental Impact Report

APPENDICES:

A - Tentative Resolution

B - Final EIR available at: <http://www.waterboards.ca.gov/sanfranciscobay/>

NOTE: Final EIR Appendix D contains all draft EIR comments and responses

Appendix A:

Tentative Resolution

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

TENTATIVE RESOLUTION No. R2-2017-XXXX

**CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT FOR
GENERAL WASTE DISCHARGE REQUIREMENTS FOR VINEYARD PROPERTIES
IN THE NAPA RIVER AND SONOMA CREEK WATERSHEDS**

WHEREAS, the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board), finds that:

1. The Water Board prepared an Environmental Impact Report (EIR) to evaluate the environmental effects of reasonably foreseeable actions that could be taken to comply with the General Waste Discharge Requirements (WDRs) and identified mitigation measures to reduce potentially significant impacts. The Water Board is the lead agency under the California Environmental Quality Act (CEQA). The EIR is intended to fulfill the Water Board's CEQA compliance requirements for issuance of WDRs;
2. The Water Board will consider adoption of the WDRs to implement sediment total maximum daily loads (TMDLs) adopted by the Water Board for the Napa River and Sonoma Creek watersheds. The purpose of the WDRs is to reduce discharges of sediment, storm runoff, and other pollutants from vineyard properties located in the Napa River and Sonoma Creek watersheds. Vineyard properties, including farmed areas and unpaved road networks, have been identified as significant sources of fine sediment discharges to the Napa River, Sonoma Creek, and their tributaries;
3. The EIR was prepared in accordance with CEQA, Public Resources Code, section 21000 *et seq.*, as amended; and the Guidelines for Implementation of CEQA, Title 14, California Code of Regulations, section 15000 *et seq.*;
4. This EIR evaluates in detail the potential environmental impacts of four alternatives: the No Project Alternative, the Proposed Project, and two reduced or more limited geographic scope alternatives;
5. On July 14, 2016, the draft EIR and Notice of Completion were transmitted to the State Clearinghouse (SCH No. 2014072013) and copies were independently mailed to all agencies and persons known to be interested in this matter, thus initiating a 30-day public review and comment period;
6. On July 14, 2016, the Water Board provided public notice of the draft EIR to the public, responsible agencies, trustee agencies, and other interested persons for a comment period starting July 15, 2016. On July 26, 2016, the Water Board held a public meeting at the Napa Library to discuss the scope of the proposed WDRs and answer questions. The public comment period for the draft EIR was extended through September 14, 2016, at the request of interested parties;
7. On July 15, 2016, the Water Board provided to the public, responsible agencies, trustee agencies, and other interested persons, tentative WDRs (Water Code §§ 13260 *et seq.*) for discharges from

vineyard properties in the Napa River and Sonoma Creek Watersheds. The tentative WDRs (Tentative Order) incorporated the CEQA findings of the EIR;

8. On June 15, 2017, the Water Board provided to the public, responsible agencies, trustee agencies, and other interested persons, a Revised Tentative Order (Water Code §§ 13260 *et seq.*). The Revised Tentative Order incorporates the CEQA findings of the EIR;
9. The Water Board has received and considered comments on the draft EIR, and the responses to comments are reflected in the Final EIR, Appendix D;
10. The Final EIR reflects the comments received as well as some additional changes initiated by the Water Board. These changes include clarifications, amplifications, and corrections that have been identified since publication of the draft EIR. No significant new information has been added to the document. The Final EIR and the record of proceedings are available at the Water Board's offices;
11. The Water Board finds that on the basis of the whole record, the project as described in the Revised Tentative Order substantially lessens all significant effects on the environment where feasible or has determined that any remaining significant effects on the environmental are acceptable due to overriding concerns;
12. The EIR reflects the independent judgment and analysis of the Water Board;
13. The Water Board considered all testimony and evidence at a public hearing held July 12, 2017, in Oakland, and good cause was found to certify the EIR; and
14. In accordance with Title 14 of the California Code of Regulations, section 15094, the Water Board will file a Notice of Determination with the State Clearinghouse within five working days from the certification of the EIR.

NOW, THEREFORE BE IT RESOLVED that the Water Board hereby certifies the Environmental Impact Report for the Project.

I, Bruce H. Wolfe, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on July 12, 2017.

Bruce H. Wolfe
Executive Officer

Appendix B:

Final EIR

Available at:

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/vineyard/FinalEIR%20Complete%20170630.pdf