

# VINEYARD ORDER ISSUES REVIEW GUIDE

## PROJECT OVERVIEW

*Objective:* Adoption of General Waste Discharge Requirements (WDRs) for Commercial Vineyards in the North Coast Region by late 2024.

## REVISION CATEGORIES AND ISSUES

### Introduction

The purpose of this Review Guide is to facilitate conversation with interested parties. The content represents an initial synthesis of comments received during the 60 day public comment period (June 30, 2023-August 30, 2023) for the Draft Vineyard Order ([Draft General Waste Discharge Requirements for Commercial Vineyards in the North Coast Region](#)). Several hundred written and verbal comments were received and aggregated into 10 categories. Staff are seeking feedback and clarification from commenters and interested parties both individually and in focus groups to inform development of prospective revisions to the Draft Vineyard Order. This briefing paper lists revision categories accompanied by context statements and a description of associated issues to inform discussions. Staff are actively setting up meetings to include virtual and in-person office options as well as field trips/tours.

### Definitions/Table of Contents/Organization

**Context:** Staff are reviewing term definitions in the Draft Order which may be unclear or need a definition. The table of contents and organization of the Draft Order are being reviewed for usefulness and clarity.

**Issues:** Terms needing definitions: critical planting area; linear sediment control; heavy equipment; gully; sufficient riparian vegetation. Terms and phrases which may be unclear: agricultural drainage structures; requirements for design of civil engineering works; replaced stream crossing.

### Scope of Order

**Context:** Staff are reviewing the overall structure and scope of the Draft Order.

**Issues:** Achievement of stated objectives in timely manner; additional permitting needs that may be triggered by grower compliance actions; enforceability; Order structure and consistency with Ag Orders in other regions; absence of a Russian River TMDL; accuracy of estimated Order/MRP compliance costs.

## **Enrollment Threshold**

Context: Staff are reviewing which vineyards should be required to enroll in the Draft Order and whether there should be an acreage exemption in addition to the proposed geographic exemption. Analysis suggests the area of land planted to vineyards of less than 5 acres on unique assessor's parcels constitutes ~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 Draft Order requires enrollment of all commercial vineyards located within the Big-Navarro-Garcia, Gualala-Salmon, and Russian HUC-8 watersheds. The Draft Order includes the provision that the Executive Officer may require enrollment of a commercial vineyard outside the aforementioned areas.

Issues: The overall impact (cost, time, and effort) of compliance with the Draft Order may be more significant to small farms. The impact of developing an understanding of requirements, training, and reporting generally do not vary significantly as a function of vineyard acreage.

## **Erosion and Sediment Control**

Context: Staff are reviewing how the Erosion and Sediment Control requirements may account for differences in vineyard water quality threat and complexity, varied agricultural practices, and existing local ordinances. Staff are reviewing the voluntary water quality protections reportedly implemented by most vineyards through programs such as CSWA, Fish Friendly Farming, Lodi Rules, and SIP.

Issues: Winterization schedule, minimum requirements, site-specific agricultural and management practices, erosion potential as a function of slope, and currently implemented water quality-based management practices.

## **Streamside Areas**

Context: Staff are reviewing which parameters should govern streamside area setback widths and how streamside area requirements compare to other regional and local regulations. Staff are considering how streamside areas should be managed to protect water quality.

Issues: Loss of productive land with streamside area setbacks, allowed activities, requirements and prohibitions within streamside areas need clarification, consistency with riparian requirements in other regulatory programs.

## **Monitoring**

Context: Staff are reviewing how monitoring requirements may account for differences in vineyard water quality threat and complexity. Considerations include whether the water quality monitoring parameters and scale/frequency of monitoring are appropriate.

Issues: Water quality threat from sediment discharges associated with vineyard erosion is in part a function of ground slope gradient and slope length, farming style, ground cover density, soil erodibility, and rainfall intensity, duration, and frequency. The agricultural drainage structure count is debatable; therefore, the associated level of time, cost, and effort for monitoring is debatable. Access to sample agricultural drainage structures and logistics/coordination of sampling events. Frequency and location of monitoring for water quality parameters. Relevant water quality parameters. Cost, validity, and usefulness of representative/watershed level monitoring for sediment and pesticides. Consideration of other sources of sediment, nutrients, and pesticides. Lab capacity for monitoring program. Notification requirements of drinking water well testing results.

## **Reporting**

Context: Staff are reviewing whether the reporting requirements which include annual farm evaluations, irrigation and nutrient management, and groundwater and surface water monitoring are appropriate. Considerations include how water quality and management practice data may be aggregated, and what discretion (if any) should the Regional Board apply to statewide precedents.

Issues: Nutrient use is relatively low in vineyards as compared to farming systems in the Central Valley. The State Board plans to reconvene the Ag Expert panel which may recommend changes to the statewide precedential requirements. Anonymity/aggregation options in reporting monitoring results and management practices. Public access to data.

## **Adaptive Management**

Context: Staff are considering how and when vineyards may respond to acute and chronic water quality exceedances.

Issues: Schedule, requirements, professional certifications, benchmarks, triggers.

## **Compliance Timelines**

Context: The Draft Order provides a schedule for the following: enrollment, completion of road improvements, submittal of workplans, and implementation of monitoring requirements. Staff are reviewing whether the schedule should vary based on a vineyard's threat to water quality and whether the proposed schedule currently balances cost and water quality protection.

Issues: Timeline for enrollment and establishing Third-Party programs. Timeline for compliance with road-related requirements. Interim benchmarks to help measure progress towards water quality goals and ensure timely implementation of mitigation measures. Timeline of adaptive management triggers and action. Economic impact and

logistics of compliance timelines.

### **Third-Party Program**

Context: Staff are reviewing current expectations of a Third-Party Group/Coalition and the potential relationship to existing voluntary programs (e.g., Fish Friendly Farming, CSWA, Lodi Rules, SIP). Staff are considering what resources may be needed by growers or existing entities to establish a Third-Party Group/Coalition to administer the Vineyard Order.

Issues: Multiple existing voluntary programs with differing approaches, governance, cost, creation and launch of Third-Party Group/Coalition, reporting of management practice data from Third-Party Group(s).