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Agriculture & Natural Resources



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**To:** Sandi Potter  
**From:** Rhonda Smith, Viticulture Advisor, and David Lewis, Watershed Management Advisor  
**Date:** February 1, 2013  
**Subject:** Suggestions for revisions to the language to improve clarity in the draft conditional waiver (cw) for waste discharge requirements in the Napa River and Sonoma Creek watersheds

Modifying specific terms in the draft conditional waiver will enhance clarity.

1. Insert the word “facility” after the term “vineyard” in all locations of the document in which “vineyard facility” as defined by the draft conditional waiver is implied or assumed.

For grape growers and allied industry members, the term “vineyard” refers to a planting of grapevines, in an area that includes an undefined and varied amount of land surrounding the planting. The physical features included in a “vineyard facility” as defined in the draft conditional waiver do not correspond to the perception of a vineyard by most stakeholders. As a result, the undefined term “vineyard” in the cw will often not be perceived in the manner intended. To improve clarity, consider replacing the word “vineyard” – in each location in which it occurs - with “vineyard facility” when “vineyard” is not associated by context with a vineyard facility.

2. Add narrative to the document that improves the clarity of the term “slope”.

Slope determines eligibility for coverage under the draft cw. Because it is defined in the cw as “The inclination of the terrain calculated in accordance with the methodology set forth in county agricultural or land use regulation of the applicable county” there are assumptions associated with slope by stakeholders when attempting to ascertain eligibility of coverage. Misinterpretation and confusion related to eligibility of coverage often result. Maintaining the link to county-based regulations associated with slope is critical; however an attempt must be made to clarify waiver language in all locations in the draft that are not synchronized with county-based regulations.

3. Assuming that approved third party technical assistance groups will play a key role in assisting landowners/operators to determine their eligibility for coverage under the cw, such groups will need to receive initial training in the form of a workshop or field-based exercise as a condition of the approval process.

It is critical that assistance group staff can appropriately interpret the eligibility for coverage under the waiver in situations which present multiple options. It is also important across different assistance groups that eligibility determination is accurate and consistent.

4. The use of “and” between implementation and effectiveness will help to differentiate implementation monitoring from effectiveness monitoring in finding 38.
5. In finding 39 which agencies are envisioned as the “..local governments with scientific expertise and the ability to work with private property owners...” to conduct the in-channel effectiveness monitoring?