A Tradition of Stewardship
A Commitment to Service

Board of Supervisors

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Keith Caldwell
Chairman

December 18, 2012

Sandi Potter
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

RE: Conditional Waiver of Waste Discharge Requirements Comments

Dear Ms. Potter,

Thank you for the opportunity to comment on the Draft Conditional Waiver of Waste Discharge for Vineyard Properties in Napa County and related Mitigated Negative Declaration. The County appreciates the Water Board's efforts to develop a strategy for reducing excessive sediment runoff and other pollutant discharges into the Napa River. The Waiver will supplement the County's existing regulatory requirements and policies related to new and replanted vineyards as well as numerous conservation and stewardship efforts carried out on the part of non-governmental entities and private landowners that address the objectives and goals outlined in the Napa River Sediment Reduction and Habitat Enhancement Plan (TMDL).

Napa County and its agricultural community have long been at the forefront of implementing resource conservation practices that have reduced sediment inputs to streams and improved water quality in the Napa River watershed. In 1991, the County enacted the Conservation Regulations, which require engineered erosion control plans for new and replanted hillside vineyards and preclude development near streams. In 2008, the County updated its General Plan and adopted policies to avoid increases in peak runoff and soil loss from new hillside vineyards, and provided for increased attention to wetlands, oak woodlands, and other sensitive resources.

Today, there are approximately 44,000 acres of vineyard in the Napa River Watershed and approximately 17,000 acres are on hillsides. A significant portion of these hillside vineyards have been developed with the guidance of engineered erosion control plans, and/or are applying current effective sediment reduction and water quality related best management

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practices. This long-standing and locally administered program is well recognized and has become the culture of our nationally awarded agricultural industry.

The County, local agencies, non-governmental organizations and private landowners have and will undertake numerous conservation efforts in the Napa River watershed that address the goals and specific actions prescribed in the TMDL. In particular, significant commitment on the part of local government and private landowners has been demonstrated to be successful in conducting major in-channel mainstem erosion control and habitat enhancement projects along many miles of the Napa River (e.g., Rutherford Dust Restoration project, Napa River Flood project, Napa Creek Flood project, St. Helena Flood project, as well as others). These projects have served as models from which similar environmental stewardship and restoration efforts across the nation have followed.

Currently plans are underway to restore an additional 9-mile section of the Napa River, extending from Oakville Cross Road to Oak Knoll Avenue. Directly addressing specific TMDL actions to reduce fish passage impediments in the river system, local agencies continue to work together to remove fish migration barriers. A recent example of this pro-active approach is the renovation of the County's historic Zinfandel Lane Bridge. That project alone significantly improved the migration passage of chinook and steelhead to over 60 miles of suitable upstream habitat in the upper reaches of the watershed.

These projects, coupled with the County's conservation policies, are among many past and ongoing conservation efforts that are improving the overall water quality and habitat value of the Napa River and its tributaries. Targeted out-migration fisheries monitoring over the past four years has provided empirical evidence of a vibrant native fishery within watershed. It appears the river system is supporting a stable and healthy population of steelhead and a relatively small and fluctuating population of Chinook (Napa County RCD 2012 Steelhead and Salmon Monitoring Report), indicating that fisheries habitat conditions within the watershed are improving. The County believes that this and other types of resource monitoring are very important to track the effectiveness of TMDL implementation actions and other conservation efforts. We hope the Water Board will continue to support the County in its efforts to undertake and account for actions that improve water quality, enhance the health of the native fish community, and improve the aesthetic and recreational values of the river and its tributaries.

We believe the Waiver program will be most effective if it acknowledges and builds from the successful conservation policies and stewardship efforts already in place, limits requirements on replanted and valley floor vineyards, and allows hillside vineyard owners sufficient flexibility to meet new requirements in a variety of ways that are suited to site-specific characteristics and challenges. If crafted appropriately, the Waiver will provide clear direction and delineate appropriate responsibilities among and between the landowner and Water Board staff. The Waiver should not overly burden responsible landowners who demonstrate progress towards meeting the TMDL. Rather, the Waiver would be most effective if it focused its

requirements on the improvement of existing problematic roads on private lands, which are listed as the greatest sources of sediment in the TMDL. County programs to address private roads are limited unless the roads are accessory to vineyard development, and we believe the Road Management Element of the Waiver program will have the greatest quantitative benefit on sediment loading reduction in the watershed. We encourage the Water Board to ensure adequate State and local resources are made available to realize the goals and requirements of that element.

Please don't hesitate to contact myself or Brian Bordona on our staff if you have any questions about these comments.

Regards,

Keith Caldwell, Chairman
Napa County Board of Supervisors

cc: Nancy Watt, County CEO
Minh Tran, County Counsel
Hillary Gitelman/Brian Bordona