

The logo features a stylized 'U' with a vine and leaves integrated into its structure. To the right of the 'U' is the word 'UNITED' in a serif font. Below 'UNITED' is the word 'WINEGROWERS' in a larger, bold serif font, and below that is 'for Sonoma County' in a smaller, lowercase serif font.

UNITED
WINEGROWERS
for Sonoma County

VIA EMAIL: MNapolitano@WATERBOARDS.CA.GOV

September 13, 2016

Mike Napolitano
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, California 94612

RE: General Waste Discharge Requirements (General Permit) for Vineyard Properties

Dear Mr. Napolitano:

Having reviewed the draft Environmental Impact Report (EIR), we have several concerns and believe a better alternative General Permit is achievable that works for vineyards in the Napa River and Sonoma Creek watersheds. We are in agreement with the General Permit's goal of protecting water resources and keeping those clean now and for future generations.

We find that the draft EIR:

- **Applies an inconsistent approach to staff's recommended Farm Plan.**
- **Overstates the miles of roads and impacts.**
- **Ignores important work previously done in these two watersheds.**

Inconsistent approach

One of the Project Objectives (Sonoma TMDL 2008, p. 5) is to “Avoid imposing regulatory requirements that are more stringent than necessary to meet numeric targets and attain water quality standards.”

From the Draft EIR (p.281): “Based on extensive field surveys and review of farm water quality protection plans for more than 100 Vineyard Properties including more than 10,000 acres of planted grapes, Water Board staff conclude that it is likely that almost all Vineyard Properties within the project area already have implemented effective BMPs, as needed to achieve the performance standards for vineyard surface erosion and discharge of nutrients and pesticides.”

As stated in the draft EIR (p. 276), already up to 40% of the vineyards in these two watersheds have a completed Farm Plan. “Therefore, we expect that many vineyard properties that have previously completed and implemented a farm plan, already are achieving the performance standards for discharge that would be required by the General Permit.”

Furthermore, the draft EIR concludes, from Appendix B (page 392), “5. In estimating the relative impacts, we did not consider actions to achieve the vineyard surface erosion performance standard because most sites already have achieved this standard, and also because at sites where additional BMPs may be needed (i.e. cover crops, composted mulch, vegetated buffer strips, etc.), potential impacts in all cases would be less than significant.”

With the broad voluntary implementation of the application of the code of sustainable wine growing processes among wine grape growers in the Napa River and Sonoma Creek watershed, actually the number of vineyard properties already practicing BMPs is well beyond 40%. With the progress also being made by Sonoma County’s Winegrape Commission toward their goal of 100% Sonoma Sustainable, broad scale application of the BMPs will be completed prior to the future deadlines required in the General Permit.

Given the progress demonstrated by vineyards in these two watersheds and the stated objective to minimize regulatory requirements, the approach taken is for each vineyard over 5 acres and downstream of a municipal reservoir simply to prepare a Farm Plan. Instead, much of the draft EIR focuses on construction activities. It notes “short- term erosional adjustments could occur at some BMP construction sites, which could cause eroded sediment [that] could be deposited in stream channels.” “Disturbance to existing grades and vegetation shall be limited to the actual site of the conservation project and necessary access routes.” It wanders into the use of, and impacts from, heavy equipment as well as proposing to fix problems that predate baseline conditions such as forest conversions.

Overstated numbers

The proposed General Permit overstates the mileage of hillslope vineyard roads. Previous documents identified 915 miles of unpaved roads in the Napa River watershed and 519 miles of unpaved roads in the Sonoma Creek watershed (Napa River Sediment TMDL 2009 and Sonoma Creek Sediment TMDL 2008) without identifying which were public or private, or would fall within the General Permit’s ‘property access roads to vineyard properties.’

“The General Permit requires actions to control sediment discharges and storm runoff increases from farms and roads, toward the goal of achieving 50 percent reductions in sediment delivery to channels within vineyard properties in the Napa River and Sonoma Creek watersheds as called for in the sediment TMDLs (Water Board, 2008b and 2009b)...total sediment savings from the General Permit would be \geq 33,700 metric tons per year” (DEIR, pp. 260-261).

This number is based on 109,000 acres of existing vineyard properties and 16,000 acres of future vineyard properties. Of the sediment sources, valley floor vineyards make up 2/3rds of the total 54,000 planted vineyard acreage and are credited with 10% of the savings: 3,000 metric tons per year. Hillslope vineyard properties (>5% slope) are credited with 6,700 metric tons per year. It is unclear why the calculation uses only vineyard acreage for the valley floor but uses total vineyard property acreage for hillslope sediment savings.

When it comes to roads (representing 71% of the General Permit’s sediment savings), all vineyard properties are treated alike. Average road density is 4.5 miles per square mile, which includes public roads. If 90% are unpaved, it yields 690 miles of unpaved roads, though in fact, the sediment savings shown are based on a calculation that uses 791 miles of unpaved roads (DEIR pp. 248-249).

The draft EIR makes a flawed connection, creating a new estimate for miles of unpaved roads, then assigning all of those unpaved road miles to hillslope vineyard properties.

Sediment savings from roads are a major component of the General Permit. Yet, the draft EIR states “Of the more than one hundred vineyard properties where Water Board staff have conducted site inspections and reviewed vineyard property farm plans that apply to the whole property including all unpaved roads, problem road segments were identified at only two properties, and at both sites, it was possible to substantially reduce road-related sediment delivery to channels by addressing diversion potential at crossings, minimizing hydrologic connectivity, and limiting vehicle traffic during the wet season. For these reasons, we conclude that decommissioning problem road segments and/or constructing new storm-proofed road segments will be a very uncommon compliance action” (DEIR p.196).

The draft EIR (p.159) concludes construction involving roads on hillslope vineyard properties “constitutes the largest linear set of construction actions to be undertaken to comply with the General Permit in the Project area. Up to 800 miles of unpaved roads occur on hillslope Vineyard Properties that could be enrolled in the General Permit.” But, there are not 800 miles of unpaved roads on hillslope Vineyard Properties.

“BMPs that may be employed on unpaved roads, by design, will disperse storm runoff that is concentrated by the roads, and as a result, also will enhance infiltration of runoff into soils by reducing runoff velocity, volume, and peak at a given location, and/or by increasing the hillslope length over which the runoff travels, and therefore, contributing to local increases in groundwater recharge. These beneficial effects on groundwater recharge would be very large in scale, because up to 200 miles (see Discussion of Impact 8.4a) of unpaved roads could be treated to disperse runoff at hillslope vineyard properties that would be enrolled in the General Permit” (DEIR p. 258). The number of 200 miles is 25% of the 800 number to fix the half of 50% of roads now hydrologically connected but again not solely hillslope vineyard properties.

Key numbers in the draft EIR illustrate the limited role that vineyards actually play in contributing sediment in these two watersheds. For example:

- Total vineyard acreage enrolled is 54,000 acres of the 380,000 acres in the Project Area. Planted acreage is 59,000. The difference of 5,000 acres is in the Napa River watershed which has 45,000 acres of planted vineyards – 28,400 acres less than 5% slope and 16,800 acres over 5% slope but downstream of Municipal Reservoirs there are 26,800 acres less than 5% slope (2/3rds) and 13,100 acres over 5% slope or 40,000 acres total. See Table B-1. A similar distribution (over/under 5% slope) is assumed for the Sonoma Creek watershed, with its total of 14,000 planted vineyard acreage. In both watersheds, less than 18,000 acres of the 380,000 are hillslope vineyards (4.7%).
- The draft EIR’s Table 10-1 (page 283) is titled ‘Napa River Watershed,’ however, the Project Area used (592 square miles) includes both the Napa River and Sonoma Creek watersheds. The footnote in Table 10-1 lists different acreage numbers for hillslope and downstream vineyards than shown in the table and should be corrected.

- It would be helpful to have in one place the numbers for the combined Project Area and have those detailed for each watershed. In some places the Vineyard Property acreage is 162,000 (Vineyard Properties constitute about 162,000 acres, or 40 percent of the total land area in the Napa River and Sonoma Creek watersheds page 331 of 487) or 133,000, in others 131,500, and elsewhere 109,000. Also clarity is needed whether or not the tidal areas are included or excluded. It is noted that fish are unable to use the Napa River watershed downstream of Soda Creek for spawning which reduces the Project Area from 380,000 to 250,500 acres (drainage area of Napa River at Soda Creek plus Sonoma Creek's) (DEIR p. 249).

Ignoring important previous work done in these watersheds

Credit is given to the role Municipal Reservoirs play as keepers of sediment. Additionally "There are 28 dams in the Napa River watershed with individual water storage capacities greater than 28 acre-feet⁵ (3.4x10⁴ m³) (DSOD 2000). The total storage capacity of these 28 dams is 43,800 acre-feet (5.4x10⁷ m³), which is approximately 30 percent of the average annual runoff of 148,000 acre-feet (1.82x10⁸ m³) (as measured at the US Geological Survey [USGS] Napa River gage at Napa). Seventy-one percent of the total reservoir storage in the watershed is in Conn Creek Reservoir (Lake Hennessey), which was built in 1948. Other significant dams include Rector Creek, Bell Canyon, and Milliken dams, which along with Conn Creek Dam provide over 91 percent of the total reservoir storage in the watershed. All of these dams are located on the tributary streams along the eastern side of the watershed, and effectively block every major east side tributary between St. Helena and Napa, except Soda Creek."

Earlier work in these watersheds shows that "based upon the literature for other reservoirs, plus the estimates cited above, nearly 100% of the coarse load and perhaps 10-60% of the fine load is expected to be trapped in the numerous small stock ponds and irrigation ponds distributed throughout the watershed that are directly connected to the drainage network."

From the Napa River Sediment TMDL and Habitat Enhancement Plan September, 2009, the first page begins with "ACKNOWLEDGEMENTS Martin Trso, working as a contractor to the University of California at Berkeley (UCB), Department of Earth and Planetary Sciences, was the lead investigator for the sediment source analysis presented herein (Chapter 3)." In the draft EIR, no reference is included, no credit given, no mention made to any of the lead investigator's work. As requested in our earlier scoping comments dated August 14, 2014, "It too would be a benefit to the preparers of the EIR and the public to be able to access all the background materials and studies done by Trso and others for the TMDL reports." The draft EIR includes reference to a new work, Napolitano, 2016 on page 195 in footnote 40, but that one is not then cited in the list of References on pages 204-5. Access to it and all references would be helpful.

Conclusion

For the record, once again we cite an earlier TMDL: “For the considerable potential benefits to the public in terms of ecosystem functions, aesthetics, recreation, and water quality, we conclude that at least 75 percent of the cost of these actions will be paid for with public funds.” Instead of implementing a whole new, more costly approach, let’s build on what has worked – like the Farm Plan – that has shown positive results, at a fraction of the costs.

On behalf of the Board of Directors of United Winegrowers for Sonoma County,

Sincerely,



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