General Waste Discharge Requirements for Commercial Vineyards in the North Coast Region (Vineyard Order)

Summary of Revisions to Proposed Vineyard Order and Responses to Ex Parte Communication

Introduction

On June 30, 2023, the Draft Vineyard Order and Draft Environmental Impact Report were released to the public for a 60-day comment period. Responses to comments received on the Draft Vineyard Order are located in the Final Environmental Impact Report (FEIR) Attachment B: Summary of Revisions and Response to Comments. As of the date of release of the draft, the Vineyard Order was considered a 'pending or impending proceeding,' and therefore subject to ex parte disclosure requirements[1].

Between June 2023 and March 2025, the Regional Water Board received 14 letters through ex parte communications intended for board members. These ex parte communications included input on the public process during development of the Draft Vineyard Order and input about the Proposed Vineyard Order that was released to the public on October 31, 2024. The full list of ex parte disclosures and associated communication can be found at the Regional Water Board Vineyard Program webpage[2].

The public hearing to consider adoption of the Proposed Vineyard Order and certification of the FEIR occurred on December 4, 2024. A number of ex parte communications about the Proposed Vineyard Order were submitted to the Regional Water Board ahead of the December 4th hearing. Staff developed an Errata Sheet for non-substantial changes to the Proposed Vineyard Order in response to the submitted ex parte comments. At the December 4th hearing, the Regional Water Board directed staff to develop implementation materials and continue to work with interested persons on issues raised in the hearing and in the ex parte communication. The public hearing was continued to June 12, 2025.

Between December 2024 and June 2025, staff conducted additional outreach with the regulated community and interested persons. This outreach included three farm tours

[1] An ex parte communication is a communication to a board member about a pending water board matter that occurs in the absence of other parties to the matter and without notice and opportunity for all parties to participate in the communication. For more information on the Water Board's Ex Parte Communication requirements, visit https://www.waterboards.ca.gov/laws_regulations/#exparte

[2] Visit the North Coast Water Board Vineyard Program webpage at https://www.waterboards.ca.gov/northcoast/water_issues/programs/agricultural_lands/Vineyards/

with growers, four vineyard workshops conducted in the field with growers to explain the Proposed Vineyard Order, a field tour with TAG members with environmental interests, and meetings with industry representatives and prospective Third-Party entities. Staff also responded to written ex parte communication received on the Proposed Vineyard Order between June 2023 and March 2025. Revisions to the Proposed Vineyard Order include revisions from the Errata Sheet, responses to ex parte communication, and/or were staff-initiated due to observations made in the field.

Section I of this document includes a Summary of Revisions to the Proposed Vineyard Order that was released on October 31, 2024 and considered for adoption on December 4, 2024. Section II of this document includes responses to all ex parte communication received on the Vineyard Order between August 2023 and April 2025.

All revisions to the October 31, 2024 version of the Proposed Vineyard Order can be viewed in the updated Proposed Vineyard Order released to the public on May 23, 2025. The Board will consider the updated Proposed Vineyard Order for adoption on June 12, 2025.

Table of Contents:

Section I: Summary of Revisions

The following revisions to the Proposed Vineyard Order (as released on October 31, 2024) include recommendations from the December 4, 2024 Errata Sheet, staff-initiated typographical revisions, and revisions that address comments submitted through ex parte communication. Revisions as summarized below are incorporated into an updated version of the Proposed Vineyard Order to be considered by the Regional Water Board for adoption on June 12, 2025.

1. **Schedule**

   The Proposed Vineyard Order (as released on October 31, 2024) included schedules and due dates that assumed a date of adoption in December 2024. All dates within the Proposed Vineyard Order were revised to accommodate the continuation of the public hearing to June 2025.

2. **Revisions from Errata Sheet**

   The following revisions from the December 4, 2024 Errata Sheet were included:

   - The following terms were added to Appendix I: Acronyms, Definitions, and Endnotes (beginning on p. 75 of the Order): Management Practices, Planted or Rooted Ground Cover, Initial Replanting.
   - Clarification of “Initial” Replanting in Provision 7) on p. 50 of the Order.
   - All uses of the term “Sediment Management Unit” in the Proposed Vineyard Order and its attachments were updated to “Sediment Management Area.”
   - Provision restored to address instance where an Enrollee is unable to collect Agricultural Drainage Structure samples in a given year due to unsafe conditions or lack of discharge. See Provision 4) on p. 6 of Attachment A: Monitoring and Reporting Program for Individual Enrollees and added to Provision 5) on p. 4 on Attachment B: Monitoring and Reporting Program for Enrollees in a Coalition.
   - Remove specific attribution to the Sonoma, Gold Ridge and Mendocino RCDs in the cost estimate section of the Proposed Vineyard Order. See p. 40 of the Order.

3. **Typographical**

   Staff initiated various typographical revisions for consistency, clarity, and grammar.

4. **Agricultural Drainage Structure Definition**

   - Clarification added that 20% of Agricultural Drainage Structures are calculated across all enrolled parcels, not parcel-by-parcel. See p. 6 in Attachment A and p. 4 in Attachment B.
   - Definition of Agricultural Drainage Structures was modified to remove reference to areas of overland flow or subsurface flow. Definition now

includes Seasonal Agricultural Drainage Structures, which are temporary features constructed on a recurring basis. See Agricultural Drainage Structures and Seasonal Agricultural Drainage Structures in Appendix I: Acronyms, Definitions, and Endnotes (beginning on p. 75 of the Order).

- The term "Emergency Agricultural Drainage Structures" was added to Appendix I: Acronyms, Definitions, and Endnotes (beginning on p. 75 of the Order). The term was also added to the definition of Controllable Sediment Discharge Sources.

5. **Revisions to Sediment and Erosion Control Compliance Options**

- The Sediment and Erosion Control section (including Table 5 and applicable provisions) were revised for clarity and consistency. Sediment and Erosion Control "Compliance Options" have been renamed "Option A-D". See p. 50 of Order.

- Establish "No-Till Ground Cover" (instead of a 90% planted or rooted Ground Cover description) as the higher standard which allows for Photo-Point Monitoring. Vineyards selecting this option must still reach the 90% standard, but by describing the practice that will consistently meet the standard, Enrollees who opt for this option will have similar requirements from year to year. See p. 55 of the Order.

- Manure was removed from the definition of Ground Cover. See p. 75 in Appendix I: Acronyms, Definitions, and Endnotes.

6. **Streamside Area Definitions**

- The term "Ordinary High Water Mark (OHWM)" was replaced to "waterside edge of vegetation at ground level." The purpose of establishing the Streamside Area at the waterside edge of vegetation is to identify where riparian vegetation that provides shade begins. See p. 56 of the Order and p. 8 of Attachment D: Methodologies and Procedures.

- Clarification added that maintenance on existing structures within their existing footprint are permitted in Streamside Areas. See p. 58 of the Order.

7. **Monitoring and Reporting Program Revisions**

- The Proposed Vineyard Order was revised to be consistent with the nitrate reporting requirements of the East San Joaquin Order that requires information for Enrollees in a Coalition be submitted by township and range, but not by section. See p. 23 of Attachment B: MRP for Enrollees in a Coalition.

- Added clarification that existing well monitoring data could be used for Groundwater Trend Monitoring if it satisfied all applicable requirements. See p. 16 of Attachment B: MRP for Enrollees in a Coalition.

- Added clarification that Representative Pesticide Monitoring locations be chosen to avoid signal from urban and other agricultural sources. See p. 13 of Attachment B: MRP for Enrollees in a Coalition.

Section II: Response to Comments on the Draft Vineyard Order

Comments in this section are organized by commenter in alphabetical order and order in which comment appeared in the submitted letter. Grammar, formatting, and terminology used by the commenter, and as copied by Regional Water Board staff into the 'Comment' columns of this Response to Comments were not altered or corrected.

Comments are labeled by the Comment Number indicated in Table 1 below:

Table 1: List of Commenters by Comment Number

Comment Number(s)	Commenter(s)	Letter Date
Allebach 1-6	Fred Allebach	November 30, 2024
Burr 1-6	Kimberly Burr	December 3, 2024
Chen 1-4	Christopher Chen, Ph.D.	November 22, 2024
CLSI 1-4	California Land Stewardship Institute	November 27, 2024
DCR 1	Dry Creek Rancheria Band of Pomo Indians	December 1, 2024
Furch 1-5	Rue Furch	December 3, 2024
JFW-A 1	Jackson Family Wines	November 26, 2024
JWF-B 1-5	Jackson Family Wines	February 26, 2025
MCFB 1-9	Mendocino County Farm Bureau	November 27, 2024
PRSC 1-2	Preserve Rural Sonoma County	July 20, 2024
RRK 1-36	Russian Riverkeeper	December 3, 2024
SCFB 1-5	Sonoma County Farm Bureau	March 14, 2024
Todd 1-8	Tim and Shawna Todd	December 9, 2024
WI 1-13	Wine Institute and California Association of Winegrape Growers	November 25, 2024

Comments and Responses

Comment Number	Comment	Response
Allebach 1	Put discharge standards in place that ensure that CA scientific baselines are upheld. If there are economic impacts, it is not the NCWQCB's job to account for them but it is some branch of the CA government's job to do full cost accounting. Whatever the final aggregate bottom line is, it can't be called sustainable, or reasonable, if the collective, common pool environment is progressively degraded in the name of short-term profit.	Section 13263 of the California Water Code requires that water quality control plans account for economic considerations. Water Code section 13241 in California mandates that the Regional Water Board must consider "economic considerations" when establishing water quality objectives, meaning they need to take into account the potential financial impacts of proposed regulations on businesses and communities when setting standards to protect beneficial water uses. The Regional Water Board has appropriately taken into account economic considerations in the development of the Proposed Vineyard Order, in accordance with Water Code sections 13263 and 13241. The Regional Water Board has summarized its economic considerations in the Findings Section for Cost Considerations.

Comment Number	Comment	Response
Allebach 2	The SoCo wine industry claims to be sustainable but this "sustainability" is self certifying and the industry apparently can't quantify/ certify that their sediment and pesticide discharges are sustainable. This has been an inherent weak point from the get go, along with that this policy is not triple bottom line and side-steps social equity issues of industry labor. This 2023 P-D article provides some context ttps://www.pressdemocrat.com/article/news/sonoma-mendocino-county-grapegrowers- battling-new-rules-designed-to-reduc/ "In general, the wine industry in this region really prides itself on sustainable practices, and its widespread enrollment in these (voluntary) programs," said Brenna Sullivan, an engineering geologist with the North Coast Regional Water Quality Control Board, which is developing the rules. "But we also wanted a program that would be able to effectively track if it's working," Sullivan said. "We wanted an order that assumes that everyone is doing the right thing and doing what they say they're doing." As NCWQCB technical advisory committee member McEnhill of Russian Riverkeeper said in the above-linked article, the term sustainability has turned into a PR weasel word. It has no agreed-upon meaning. The original intent of the Sustainability paradigm does mean something however, and this centers on triple bottom line, full cost accounting where the respective bottom lines of environment, economy and society all need to fully reconcile. Sustainability means cooperating to get to the middle of this Venn diagram, not the component systems fighting among each other as is business as usual	Thank you for your comment.

Comment Number	Comment	Response
Allebach 3	True sustainability give's business interests, people's interests, the interests of a healthy environment, all a seat at the table of sustainability policy. Since economy, society, and environment all have different metrics, it takes wide-ranging thinkers and well-educated people to reconcile all the interests at stake, with the goal that overall human systems will endure for 10s of 1000s of more years. It's on us, now, to not run our collective ship into the ground. Some sacrifice is called for because a program of no objective limits is the antithesis of sustainability. What's reasonable in my opinion, is that with eight billion people on earth, and a limited, finite set of natural resources, is that verifiably sustainable natural resource extraction limits be set. Unregulated natural resource consumption cannot happen. In no reasonable way is the human race in an unlimited frontier context. We are in a natural system with finite limits. To endure, we can't allow tragedy of the commons inertia (every dog for himself) to ruin the core idea of sustainability. We can't take more than can be regenerated by our natural systems or we will run all into the ground, as is happening with human-caused climate change.	Thank you for your comment.

Comment Number	Comment	Response
Allebach 4	The NCWQCB is our regional, CA state, science-based agency in charge of water quality and they need some way to measure sediment and pesticide coming off vineyards. The NCWQCB wants quantifiable measures, which is reasonable. In an overall multi-billion-dollar North Coast wine-tourism industry, it seems farfetched to me that smaller vineyards are almost broke, but the question and issue here is not to guarantee businesses of whatever size a profit. It is the government's job, as conservative economist Milton Friedman said, to act as backstop to market excesses. A market can be said to be in excess (unsustainable), if the environment is being ruined because of it, small players, big players, whatever players. It could be that the overall high-end nature of premium wine tourism pushed by economic boosters does make it harder for smaller economic fish to survive, and that larger corporate LLCs posing as “family” operations are driving up land prices and running smaller, actual family businesses out. In this case, it would be reasonable for the Farm Bureaus and Vintners Alliances to not be advocates of elite, monopolistic corporate investment money but to stand more with smaller farmers and local labor. “The industry” needs some way to separate out players so that predatory, no limits, unsustainable business practices are not being advocated for. This view fits the current trend of economic populism, of people being tired of elite, big money entities ruining everything for the little guys of the world.	Thank you for your comment.

Comment Number	Comment	Response
Allebach 5	At the end of the day, human systems need an economy where people have living wage jobs and so that goods can be generated, transported, and consumed, value can be generated and we have some currency to exist. It would be reasonable for local governments to work towards shaping a wine-tourism industry that was actually sustainable from a triple bottom line, full-cost accounting standpoint, an economy that shared the spoils and profits more equitably, and one that did not degrade the natural systems on which we are all dependent. In this regard, the solution is simple, for vineyard discharges and water quality, let the science do the talking. We all need to work off the same objective water quality ledgers and standards and agree on what metrics and measures are sustainable. If the Farm Bureau and Vintners Alliance see NCWQCB regulations as excessive, how will industry measures show us they themselves are really sustainable? Where is industry water quality data as per vineyard discharges that a scientific method can look at and independently verify? If the wine industry position is essentially political, and not scientific, that too many regulations impinge on profits, and therefore environmentally unsustainable practices must go forward, then I submit this is an unreasonable proposition. It is government's job to act as a backstop to market excesses. If government is in bed with business and there are no limits, then foxes are running the henhouse, the epitome of unsustainable. Government economic policy needs to finesse this situation, but not the NCWQCB which centers on environmental factors and metrics.	Thank you for your comment.

Comment Number	Comment	Response
Allebach 6	The NCWQCB needs to play its part and call it as they see it based on objective data. Ultimately there will need to be political solutions to vineyard discharge water quality issues, but not ones that ignore the science. Economic systems need to thrive as well. The North Bay region is one of five Mediterranean climates in the world where premium wine grapes can be grown; wine tourism is the current big horse that is pulling the regional economic cart. There is strong demand, good money to be made; there should be a way to have this work out in a triple bottom line way. Sustainability as a whole can't happen if each component system, that needs to cooperate, is locked into a zero-sum game competition with other integral bottom lines. I don't have all the answers but I do believe that a science-based approach to vineyard discharge water quality is reasonable, and that it is up to other branches of government to address the economic consequences, and that if we did have a Sustainability paradigm uber-policy, then this can all work out, but we all have to be playing the same game in good faith.	Thank you for your comment.

Comment Number	Comment	Response
Burr 1	My name is Kimberly Burr from Green Valley Creek Restoration. Green Valley Creek flows directly into the Russian River and is the creek Coho Salmon last used before the last individuals were captured and used as the basis for the hatchery program at Warm Springs dam. We love this creek and fight to protect it from the very muddy conditions from which it still suffers many years after we started this and despite the public regulatory agencies' duties and authorities to protect it. Today you are considering adopting the EIR for the development of this Vineyard permit. Continuing to work together to solve the serious problems our watersheds face is the key. Growers have put forward an argument that protecting riparian areas is some how taking farmland out of production. That has been addressed by the EIR. The other potentially significant adverse impacts that have not been addressed by the EIR are the impacts of delayed, anonymous, and aggregate reporting. You may have, upon your review of the permit, picked up on the significant delays and leniency that found their way into the this proposed permit. These approaches arguably leave the streams less protected than they were. That is to say delayed reporting, anonymity, and aggregate reporting according to a permit, allows pollution to continue and it may even get worse.Today we are finally talking about storm water runoff from vineyards--one of the last unregulated industries. This effort is important because pollution caused by the highly disruptive construction and cultivation of tens of thousands of acres of vineyards causes serious on going sedimentation of our sensitive water courses. And we must work together — this is a challenge that faces us all. The answer I think you agree... is not to hide from the problem. Thus the need for a fair and transparent permit. Our current situation requires us to pursue scientific and specific approaches. Our struggling fishery requires this and the impaired status all our creeks have needed this for a long time. Despite these photos, we should be past the days when polluted storm water was directed to the nearest creek or roadside ditch.	Thank you for your comment.

Comment Number	Comment	Response
Burr 2	Rewarding Those Who Are Doing the Right Thing. We discussed with staff some number of random inspections during the rainy period ranging from between 10-20 vineyards per rainy period. Such inspections can and should be coupled with a non regulatory response for the first non compliance event observed. This would increase protection of watercourses and be very economical. Such feasible measures must not be left on the table--- they are feasible and would protect endangered species, and go a long way to repairing our impaired water courses. Our current situation requires us to pursue such specific and scientific approaches. The benefits are that growers who have been properly controlling polluted storm water runoff will be rewarded. And others will be encouraged to follow suit. The benefits to WQ will necessarily follow and be substantial— RECOMMENDATION 1. Please add "The Regional Board staff will conduct 15 random inspections of vineyards in the Russian River and Navarro watersheds each rainy season. Observed non compliance events will be documented and non-regulatory approaches pursued for the first non compliant occurrence. Our public agencies are duty bound to protect the public's waterways. This simple additional language will be the most effective way to do it. Not doing it, would be to improperly limit your jurisdiction and your authority.	The Regional Water Board cannot commit to a definitive number of inspections in a given year in the Order. However, staff appreciate this commenter's suggestion and plan to incorporate a regular inspection schedule during the stormwater season as part of Order implementation.

Comment Number	Comment	Response
Burr 3	Public Participation This draft permit inexplicably goes along with the notion that public participation is to be avoided. Because we are talking about a public agency duty bound to protect the public's waterways, such an approach is improper. Excluding the public as the permit does in several instances, would DECREASE protections for the creeks. It is our mutual goal to clean up these impaired waterbodies, and we need to work constructively together. Decreasing protections and going against public participation is improper. RECOMMENDATION 2. Please change the language that calls for anonymity in reporting to — reporting by: address, Operator or land owner name, and discharge point identified. For example on pages 4, 21, and 27 Attachment B. By making this change, we can all work together to clean up our impaired streams as Congress intended. We all want transparency in government and perhaps more importantly we want to protect our endangered and threatened salmon and steelhead.	See Response to Comment RR 52 in FEIR Attachment B: Summary of Revisions and Response to Comments.

Comment Number	Comment	Response
Burr 4	Reporting of Discharge Data Works The law requires a public agency to collect meaningful data that will timely inform responses to threats to water quality. A partner in this endeavor is the public for whom the public agency works. An important part of gathering data that is meaningful is the timing and amount of data collected. And the data collected by the public agency is the public's data and must be reasonably available. By looking at data we can solve the serious problems our watersheds face. In the past, dischargers have reported directly to the Regional Boards and to the the public on a quarterly basis. This approach encouraged best practices on the ground. Unfortunately, what is being proposed is to have vineyards do less reporting. Third parties must be required to monitor the discharges into creeks more than once a year and must report those results to the Regional Board in a timely manner. And such discharges should include concentrated sheet flow. RECOMMENDATION 3. Third parties must conduct sampling of discharge points a.k.a. agricultural drainage structures, and identify concentrated sheet flow runoff, during two qualifying storm events per vineyard and report exceedances to the Regional Board within a week of obtaining the results and in no event more than 4 weeks from obtaining the results.	Under the Proposed Vineyard Order, Coalitions have the option of monitoring Agricultural Drainage Structures, however the Proposed Vineyard Order retains the provision that Enrollees may monitor their own Agricultural Drainage Structures as is consistent with the self-monitoring approach to Regional Water Board waste discharge requirements. The representative monitoring components of the Proposed Vineyard Order require the Coalitions monitor streambed conditions and pesticides in surface water every five years and analyze those conditions for trends that support beneficial uses. See Attachment A and Attachment B in the Proposed Vineyard Order for a summary tables of monitoring frequency. The proposed frequency for monitoring and reporting was balanced to consider cost, staff time, and effort with meaningful water quality outcomes.

Burr 4 (cont'd)		While the frequency of monitoring and reporting has not been significantly revised, the Proposed Vineyard Order was modified to require Enrollees to conduct more timely adaptive management in response to Agricultural Drainage Structure Monitoring. This element was where the balance between time, cost, and meaningful water quality outcomes supported a more robust response. Agricultural Drainage Structure Monitoring requirements in the Draft Vineyard Order originally required Individual Enrollees to monitor all edge-of-field discharge locations. Staff revised the Proposed Vineyard Order to eliminate the edge-of-field discharge location requirement primarily due to observations made during winter vineyard field tours regarding logistical challenges of monitoring all discharge locations from a vineyard. Following the December 4, 2024, public hearing, additional revisions were made to the Proposed Vineyard Order to address concerns about the narrowed definition of Agriculture Drainage Structures proposed in the Errata Sheet. The new definition of Agricultural Drainage Structures includes Seasonal Agricultural Drainage Structures to address less permanent stormwater conveyances that have the potential to discharge sediment from stormwater to surface waters. See Agricultural Drainage Structure definition in Appendix I: Acronyms, Definitions, and Endnotes.

Comment Number	Comment	Response
Burr 5	Storm water Run-on Finally, the issue of a neighbor's storm water runoff entering another's property is a civil matter not one the Regional Board is authorized to regulate. This permit proposes that a landowner can attempt to calculate "run on" then subtract that turbidity number from their own "runoff" ….. The main problem with this as I am sure you picked up on. is that it does not stop the pollution. The pollution remains unabated. No one is responsible. This is an absurd outcome that is why the parties/landowners who are best situated to resolve the challenge, need to figure out how to actually stop the run on or pollution. The polluted discharge to the watercourse must be controlled and the incentive is to have the neighbor's work together to figure it out. RECOMMENDATION 4. The landowner from whose land stormwater has the potential to impact a stream, is responsible for controlling it. Where it is contended that an adjacent landowner is contributing or causing the pollution, the responsible land owner SHOULD be given a timeline during which a plan involving the adjacent land owner or not, is prepared and executed. Run-on issues provide a great chance to work with your neighbor and actually reduce the pollution to the creek. That is how it must be handled.	The Order does not excuse upstream dischargers of sediment from compliance with applicable regulations; however, the Order is specific to waste discharges from commercial vineyards and requires adaptive management in response to exceedances of the turbidity benchmark. Where Enrollees discount run-on, they must report the upstream land-use to the Regional Water Board as part of their Annual Compliance Report. The Regional Water Board retains the discretion to engage with upstream and adjacent land users/owners to control run-on sources and to follow-up on land use information which will be aggregated at the HUC-12 level.
Burr 6	As your staff can confirm, our creeks are in dire shape -they are all impaired for something. This despite public agencies trying to regulate big businesses for years. It is past time to provide relief to these creeks - delays and vague reporting are not a solution to the main problem we are trying to solve. You and your staff need a robust feed back loop that works for the long impaired water courses in our region. The protracted feed back outlined in the permit can be fixed by adding inspections, and timely and specific reporting. Please move to adopt the spirit and intent of the four recommendations outlined above	Thank you for your comment. Please see responses to Burr 2-4.

Comment Number	Comment	Response
Chen 1	This letter has been submitted to the Board to highlight the importance of defining the limits and expectations associated with the terms “Planted” and “Rooted” in the Proposed Order No. R1-2024-0056 (Vineyard Order) and Proposed Resolution No. R1-2024-0057. The term “planted or rooted” occurs in Table 5 on page 47 and again in paragraph 15b on page 50; the latter instance is stated in association with “Ground Cover” which is defined on page 77 under seven categories and again where the term “Planted” is used to define “Ground Cover”. Definitions starting on page 74 do not include the terms “Planted” or “Rooted”.	The December 4, 2024 Regional Water Board Meeting Agenda item included an Errata Sheet to accompany the Proposed Vineyard Order. The revisions in the Errata Sheet have been incorporated into an updated version of the Proposed Vineyard Order. Staff thank Dr. Chen for his comments and, through the December 4, 2024 Errata Sheet, incorporated the following definition into the Proposed Vineyard Order: "Planted or Rooted Ground Cover. A matrix of Ground Cover that is primarily composed of plants (e.g., grasses, forbs, legumes, vines, or other herbaceous plants) that are rooted in the ground. This term is distinguished from other types of acceptable Ground Cover under this Order such as straw and mulch, that are not rooted in the ground. See the term Ground Cover." This term now appears in Appendix I of the Proposed Vineyard Order: Acronyms, Definitions, and Endnotes.

Comment Number	Comment	Response
Chen 2	Unintended Consequences of the term “Planted” In the text of the draft, it is unclear whether distribution of seed in late summer or early fall would be classified as “Planted” Ground Cover regardless of germination success rates or timing. If Ground Cover seeds germination were required to be considered “Planted”, compliance under the Order would vary widely from year to year and depend on timely and sufficient precipitation. The timing and amount of precipitation to achieve sufficient Ground Cover seed germination to meet requirements for Ground Cover presented in this Order may not be achievable in drier years. In a situation where precipitation is insufficient, the Vineyard Order may have the unintended consequence of additional water applications in late fall, increasing the annual, per-acre water use of a given vineyard significantly.	See Response to Chen 1.

Comment Number	Comment	Response
Chen 3	The term “Planted Area” is defined on Pages 82-83 and includes the Farm Area that is planted to grapevines. The Vineyard Order should clearly state that grapevines count towards “Planted” or “Rooted” Ground Cover. Based on the terminology for “Planted Area” defined in the Order, it may be assumed that grapevines are considered “Planted or Rooted Ground Cover” and would contribute to percent coverage required by this Order. Since undervine row surface area typically accounts for more than 10% of the total surface area in a vineyard, not including grapevines would make compliance of the 90% “planted or rooted” option challenging at the least. Ground Cover would need to be planted, seeded, and/or rooted in the undervine row in a scenario where grapevines do not count as “planted or rooted Ground Cover”. Grapevine roots have been shown to contribute to soil, mechanical reinforcement and any roots can improve soil structure and/or aggregation (Bordoni et al., 2016; Logsdon, 2013). To clarify this issue, I recommend adopting one of the following outcomes: (1) If the intention of the order is not to include the grapevines as part of the terms “Planted” or “Rooted” then the text is adequate and should be kept as it is; or (2) If the intention of the order is to include the grapevines as part of the terms “Planted” or “Rooted” then the text should be modified to reflect this in Section II: Definitions beginning on page 74.	See Response to Chen 1.
Chen 4	It is my suggestion that the terms “Seeded”, “Germinated”, “Planted”, and “Rooted” be well defined and delineated in Section II: Definitions beginning on page 74 of the Proposed Vineyard Order.	See Response to Chen 1.

Comment Number	Comment	Response
CLSI 1	The California Land Stewardship Institute (CLSI) is a science-based nonprofit organization that works with the agricultural communities in Mendocino and Sonoma counties as well as over 10 other counties in the state. CLSI operates the Fish Friendly Farming (FFF) Certification program that provides compliance for growers under Order No. R2-2017-0033 General Waste Discharge Requirements for Vineyard Properties in the Napa River and Sonoma Creek Watersheds. The FFF program is the primary program used by growers in these areas. Starting in 2023 CLSI worked with the Region 1 Regional Board staff on the Technical Advisory Group, to view on-farm conditions, completed FFF certifications with staff and Board members present to demonstrate how the FFF program relates to the requirements of Draft Order R1-2024-0056 and provide growers with an opportunity to discuss the new regulation with Regional Board staff. We appreciate the revisions the Regional Board staff have made to Draft Order R1-2024-0056. However, we have identified several concerns and sections that are confusing or vague. Following the approval of the Region 2 WDR order there was significant work required to define methods and terms in the Order.	Thank you for your comment.

CLSI 2	The Order identifies Ordinary High Water (OHW) as the datum to define Riparian Vegetation Areas and refers growers to a 386-page manual from the Army Corps of Engineers (National Ordinary High Water Mark Field Delineation Manual for Rivers and Streams) to determine where this datum lies on individual waterways and ditches. We have inserted the data sheet required to do the field work to determine OHW. There are 23 geomorphic indicators and 14 vegetative indicators that are documented along each waterway. Numerous types of remote sensing data and gaging data are collected and analyzed. Use of this datum places an undue burden on growers to hire a consultant to do the field work required in the manual to make the OWH location determination. The OHW data sheet included in the manual is on the next page. The Sonoma County Riparian Ordinance uses top of bank to define the creekside edge of riparian areas. This is a simple and easy method to determine a datum for the creekside edge of the Riparian Vegetation Area. In many creeks in the both the Russian River watershed and Navarro River watershed creeks channels are entrenched or incised into their floodplains and have vertical steep banks. In these channels the top of the bank and OHW would be the same. In other channels use of top of bank may require a larger Streamside Area then use of the OHW datum but not by a very large distance. There is another type of channel that occurs in the Russian River watershed that OHW is not an appropriate method for. Alluvial fans occur where creeks exit the mountains and spread large size bedload – boulders and cobble in a fan on the valley floor. They have multiple channels and as streamflows cross the alluvial fan they infiltrate and only in large storms is there continuous flow from the top to the bottom of the fan where there are often wetlands. Applying the OHW datum to these channels will be very difficult for growers. We recommend that the Order be revised to allow for use of the top of the bank as a datum for defining the creekside edge of Streamside Areas to simplify the implementation of the Streamside Area requirements.	The use of the OHWM for delineating the water-side edge of the Streamside Area allows Enrollees to receive ‘credit’ for vegetation growing between the top of bank and the waters edge and is consistent with shade requirements in the Temperature Policy. However, staff acknowledge that referencing the Army Corps of Engineers manual for determining the Ordinary High Water Mark (OHWM) is a more formal and involved process than was intended for the Proposed Vineyard Order. Additionally, using the actual term (OHWM) itself may imply that a formal determination using a consultant is required for compliance with the Streamside Area requirements in the Proposed Vineyard Order. The purpose of using the geomorphic feature described by the OHWM for the waterside edge of the Streamside Area is that it marks the place where vegetation (thus, shade) begins. The intent is that an Enrollee would be able to use a simple definition that can be easily determined in the field. The Proposed Vineyard Order has been revised to de-couple the definition of the feature for the Order’s intent from the definition and process used by the Army Corps of Engineers. The term has been modified to “waterside edge of vegetation at ground level”. Refer to Section II.C Streamside Areas and Attachment D: Methodologies and Procedures.

Comment Number	Comment	Response
CLSI 3	Winterization practice requirements for seasonal roads in Vegetated Buffers are too limited Seasonal roads are allowed in the Vegetated Buffer portion of the Streamside Area but are required to have 90% rooted vegetated cover by December 15 of each year. Many of these roads are in the shade of riparian trees and may not be able to grow grass cover to this level of coverage. We recommend that the Order be revised to allow installation of straw waddles and other interception erosion control measures rather than just one form of erosion control (grass cover) for these streamside area seasonal roads to achieve the water quality purpose of the vegetated buffer.	The Proposed Vineyard Order does not require that ground cover on seasonal roads within a Vegetated Buffer be rooted. Refer to Provision 28 in Section II.C of the Order: "Seasonal Roads within the minimum Vegetated Buffer are to be considered part of the vegetated buffer between December 15-April 1 of each year. Enrollees shall install ground cover on these Seasonal Roads to achieve a minimum of 90 percent cover between December 15-April 1 of each year and shall manage and maintain them to minimize, control, or prevent discharges of sediment, nutrients, and pesticides to surface waters."
CLSI 4	Surface Water Pesticide Monitoring Attachment B describes the requirements of the monitoring program. In section IIIB 1 the selection of locations of monitoring stations is described. One very important consideration is not included – monitoring downstream of urban areas. We have included a map from the Draft Order that shows the locations of pesticide detections in surface water over a 10 year period (2008-2018). The majority of pesticide detections in the Russian River watershed occur near urban areas. If the purpose of this monitoring is to evaluate pesticides from agricultural areas, surface water monitoring stations should not be located downstream of urban areas. Data from these stations will not be representative of agricultural runoff but instead of urban runoff. We recommend that Section IIIB 1 be revised to recommend that surface water monitoring stations not be located downstream of urban areas.	The Proposed Vineyard Order allows the Coalition to propose monitoring locations for surface water monitoring stations. The Proposed Vineyard Order was modified to include this clarification. See Section III.B in Attachment B: MRP for Enrollees in a Coalition.

Comment Number	Comment	Response
DCR 1	Bella Cana Vineyards owned by the Dry Creek Rancheria Band of Pomo Indians is one of the first tribally owned wineries in the Unites States. Bella Cana Vineyard is fueled by the Tribe's vision to demonstrate present day vineyard practices that also celebrate the land, culture and traditions that shape the Tribe's history. Current winemaking practices embody the Alexander Valley community as well as nurture the environment. Over the years the Tribe has strived to implement water quality standards and advocate water quality regulations that will improve California's wine industry, as well as those who steward the land. We are writing to request additional time to resolve issues in the permit and the clarifications needed the General Order of Waste Discharge Requirement for Commercial Vineyards (Vineyard Order) in order to support the vision of improved water quality objectives. Although positive changes have come from previous comments to shape the Vineyard Order, the current proposal could adopt practices that would greatly hinder many vineyard owners and managers. The Dry Creek Rancheria Tribe would like to acknowledge the work done towards Vineyard Order and the North Coast Regional Water Quality Control Board time in the field to address concerns of the vineyard owners and managers. The Tribe would also like to acknowledge and support the concerns posed by the California Association of Winegrape Growers that request clarification and changes to ensure the Vineyard Order can be implemented with minimal disruptions to vineyard operations and water quality concerns.	Thank you for your comment. The December 4, 2024 public hearing for the Proposed Vineyard Order was continued to June 2025. Staff were directed by the Regional Board to continue working with interested parties to produce clarifications to the Proposed Vineyard Order and develop a Help Guide for Enrollees.

Comment Number	Comment	Response
Furch 1	We are concerned about the usual process things - including clear, actionable and timely feedback loops. I believe the coalition drafted workplans are supposed to include some triggers/milestones, but it is not clear how efficient and timely those are. Likewise, there are concerns about how the Third Party reporting of multiple properties can provide site specific incidents in a timely way so mitigations can be effective. There is currently a dearth of information around how/what the RWB/EO will be looking at when reviewing and approving program plans, i.e. how plans will be standardized to ensure program goals are met.	See Adaptive Management General Response and response to comment RR 54 in FEIR Attachment B: Summary of Revisions and Response to Comments.
Furch 2	Some attention has also been given by the TAC regarding how temperature goals will be met. There aren't any quantified goals included, as well as scientifically preferred setbacks, and/or canopies for shade. This is problematic given both the Navarro and Russian watersheds are listed as impaired for temperature (Clean Water Act 303(d)f.	See Response to RR 48 in FEIR Attachment B: Summary of Revisions and Response to Comments

Comment Number	Comment	Response
Furch 3	The current proposal creates a winterization period of December 15-April 1 of each year.1 This is not sufficient to protect water quality, does not account for climate change or the ever-more-common atmospheric river that we have seen as early as October, and will allow for potentially significant discharges into our waterways without sufficient controls in place. There does not appear to be any scientific basis for the use of the proposed winterization period. • Requirements under this proposed order are not clear when it comes to the relationship between the winterization and actions required at a Qualifying Storm Event.	See Winterization Requirements and Prohibitions General Response A in FEIR Attachment B: Summary of Revisions and Response to Comments. The dates associated with winterization activities were revised from November 15-April 1 in the Draft Vineyard Order to December 15-April 1 in the Proposed Vineyard Order in response to public comment identifying logistical challenges with achieving ground cover during harvest activities (which may occur into November), and in response to observations made during field visits based on feasibility. To account for risks to water quality from storm events occurring prior to November 15, the Proposed Order includes a requirement that Enrollees who choose the minimum ground cover shall implement management practices prior to any Qualifying Storm Event in which they do not meet ground cover standards. This language is provided in Section II.C of the Order under Sediment and Erosion Control: "16) Enrollees shall deploy or implement sediment and erosion control measures (e.g., linear sediment controls or other applicable management practices) that prevent, control, or minimize sediment discharge to surface waters prior to all Qualifying Storm Events in which they do not meet minimum Ground Cover performance standards."

Comment Number	Comment	Response
Furch 4	The current proposal has inefficient monitoring and reporting requirements because it fails to capture all discharges coming off a vineyard parcel and entering impaired waterways. Specifically, any discharges that result in sheetflow off a vineyard parcel will not be monitored and subsequently managed for via improved Management Practices and adaptive management despite significant known potential for pollutant laden discharge. As a result of this, enrollees, the Regional Water Board, and the public cannot possibly know that this Order will protect water quality objectives and beneficial uses will be met in a timely manner as this Order allows continued input of unknown quantity with no corrective actions.2 Nor are there effective feedback loops in place because a significant portion of vineyard discharges won't be accounted for. Thus, vineyards should be required to monitor discharge flows other than agricultural discharge structures and implement adaptive management practices designed to reduce pollutant laden discharges so that water quality objectives and beneficial uses will be met.	Agricultural Drainage Structure Turbidity Monitoring requirements in the Draft Vineyard Order originally required Individual Enrollees to monitor all edge-of-field discharge locations. Staff revised the Proposed Vineyard Order to eliminate the edge-of-field discharge location requirement primarily due to observations made during winter vineyard field tours regarding logistical challenges and feasibility of monitoring all discharge locations from a vineyard. This revision was also consistent with staff's observations that slope, ground cover, and presence of Agricultural Drainage Structures are the primary factors in a vineyard's water quality threat and complexity. In considering priorities in time, effort, and cost of compliance, there were many revisions in the Proposed Vineyard Order that were consistent with this approach to threat and complexity. See also Response to Comment Burr 4.

Comment Number	Comment	Response
Furch 5	The use of 50% groundcover requirements is inefficient to mitigate, minimize, and/or prohibit erosion and sediment laden discharges from entering our impaired waterways. This is for a few reasons: 1. “groundcover” is currently defined very broadly to anything that comes into contact with the soil surface, even things like straw that will float away and manure that will only add to the existing water quality impairments;4 2. Not all “groundcover” is deep-rooted cover crop, even though all cover crops are groundcover and as such, the known benefits of cover crops cannot be reasonably expected of all identified groundcover types; 3. there is no scientific basis or support that demonstrates how only 50% groundcover will protect water quality, reduce sediment movement, or that beneficial uses will be met as a result of this requirement; and 4. the success of a groundcover is strongly dependent on other management practices being used on site when it is not 90-100% permanent covercrop being availed of (e.g., till vs no till) and the current proposal does not address this intersection of management practices. • For example, if a vineyard heavily tills, vehicles are allowed into fields after a rain (even outside of a winterization period), and non-rooting groundcover is used, then 50% groundcover has little to no likelihood of keeping sediment on site, even on flat vineyards per numerous in-field observations. (See attached image.) While adaptive management requirements may help address this scenario, the timeline to do so is multiple years of monitoring and temporary fixes. • In-field observations show that rooted cover crop provides the best chance of holding sediment in place. Not broadly defined groundcover.	The Order requires commercial vineyards to select from and implement four basic sediment and erosion control compliance options. For Enrollees selecting minimum ground cover of 50% for slope of less than 10%, that compliance option requires turbidity monitoring of Agricultural Drainage Structures and adaptive management if the benchmark is exceeded. The 50% ground cover standard was developed using the Universal Soil Loss Equation (USLE) to determine slope and ground cover thresholds where sediment is likely to be mobilized. The Order also includes implementation of Streamside Area requirements to provide sediment and erosion control. Finally, the Order prohibits discharges of waste from commercial vineyards that cause or contribute to an exceedance of applicable water quality objectives in surface water and groundwater, adversely affect beneficial uses as defined in the Basin Plan, or cause or contribute to a condition of pollution or nuisance. See also response to Comment JFW-B 1.

Comment Number	Comment	Response
JFW-A 1	Jackson Family Wines (JFW) is a family-owned company engaged in viticulture and winemaking throughout California. As such, JFW participates in the Irrigated Lands Regulatory Programs (ILRP) in Region 3 and Region 5 as well as in the Region 2 Vineyard Permit. The company is also enrolled in Winery Waste Discharge requirements (WDRs) in Regions 1, 2, 3, and 5. Thus, JFW has significant experience interpreting and implementing water quality regulatory programs. JFW is also all too familiar with the consequences of a rushed permit adoption and the resulting confusion in year two of a permit when no one remembers what a phrase means or what is expected of the enrollee. It is particularly hard for small growers to comply with a permit that lacks clarity. Based on this experience JFW requests that the Board ask staff to address the concerns raised by the Wine Institute in their letter (attached for ease) and not adopt the Vineyard Permit on December 4, 2024. Although we are requesting additional time to resolve issues in the permit, your staff should be commended. This version of the Vineyard Permit is significantly improved and more workable than pervious iterations. Regional Board staff's time in the field, talking with farmers and viticulturists, is much appreciate. The benefit of those conversations and extra effort shows in the proposed order. As background, JFW has been deeply involved in the development of the Vineyard Permit. Over the last few years, we've participated in the Technical Advisory Group and provided regional board staff tours of our vineyards in Anderson Valley (Navarro Watershed) and in Annapolis (Gualala Watershed). The company farms over 50 properties throughout the North Coast region, including in the Navarro, Gualala, Salmon, and Russian River watersheds. In addition, we purchase fruit from dozens of small and larger growers throughout the region.	Thank you for your comments. See responses to the CAWG/Wine Institute's letter (Comments WI 1-13).

Comment Number	Comment	Response
JFW-A 1 (cont'd)	All JFW properties are duel certified to Certified California Sustainable Winegrowing (CCSW) and to Sustainability in Practice (SIP). A couple of properties are also certified to Fish Friendly Farming FFF. JFW leans heavily on the CCSW and SIP certifications though, as these programs have rigorous employee and community requirements in addition to environmental criteria. Beyond the CCSW, SIP, and FFF, the company is constantly evaluating new farming methods that improve soil heath with a goal to convert 100% of estate vineyards to regenerative agriculture. Regenerative farming rebuilds soil health, restores water balance, and increases biodiversity both below ground and above it. Cover crops are just one example. However, JFW is also increasing composting and reducing tillage between vine rows; both of which promote soil health as well as stability. As an example, JFW farms a ranch in the Russian River watershed where stormwater flows over the vineyards into drop inlets that ultimately convey water to a reservoir. Last year, even with multiple atmospheric rivers, the reservoir did not fill as it has in previous years. The reason? Regenerative Farming – not just ground cover - had so improved the water holding capacity of the soil that significantly less water ran overland. Please take this case study into consideration when reading the Wine Institute's letter.	Thank you for your comments. See responses to the CAWG/Wine Institute's letter (Comments WI 1-13).

Comment Number	Comment	Response
JFW-B 1	ISSUE: The proposed vineyard permit requires vineyards to conduct turbidity measurements in 20% of their agricultural drainage structures. Landowners can avoid turbidity measurements, per the proposed permit, by achieving 90% planted and rooted ground coverage or by implementing a certified SCEP. Due to the expense of a certified SCEP and of turbidity measurements, JFW has evaluated the ability to achieve 90% ground coverage in the North Coast Region. CONCERN: At the December 4th Board Meeting, Regional Board staff expressed their expectation that a permanent cover crop can achieve 90% planted and rooted ground coverage (per paragraph 15.b. on page 50 of the proposed order). And, if conditions are unfavorable - too cold, too dry, too wet - to achieving 90% ground cover, a landowner is required to pivot to turbidity monitoring. Ninety percent (90%) ground cover sounds good, but it is not achievable in practice.	The Proposed Vineyard Order was modified to clarify the original intent of the 90% rooted ground cover requirement. During farm tours in winter 2024, staff consistently observed that in vineyards where no-till cover crop was implemented as a cultural practice, there was a low threat of erosion and sediment discharge. The Proposed Vineyard Order was modified to incentivize this cultural practice through reduced monitoring requirements (e.g., Photo-Point Monitoring rather than Agricultural Drainage Structure Monitoring). However, instead of defining the cultural practice, the Proposed Vineyard Order described the outcome—that vineyards would need to achieve 90% planted ground cover by December 15th of each year. In practical terms, staff observed that the primary method to achieve this outcome in any given year was to employ no-till cover crop as a cultural practice. Subsequently, the Proposed Vineyard Order has been modified to instead describe the cultural practice rather than the outcome, as staff believe this will be less confusing to Enrollees. In lieu of describing the Photo-Point Monitoring option in terms of ground cover (90% planted or rooted ground cover), the Proposed Vineyard Order now requires that vineyards employ No-Till Ground Cover to qualify for Photo-Point Monitoring.

Comment Number	Comment	Response
JFW-B 1 (cont'd)		The Proposed Vineyard Order has updated the description of No-Till Ground Cover to include routine maintenance. See Section II.C of the Order for these requirements. See also the updated definition of No-Till Ground Cover in Appendix I: Acronyms, Definitions, and Endnotes.

Comment Number	Comment	Response
JFW-B 2	Please consider the following: • "Permanent" cover crop does not mean everlasting. Most permanent cover crop is replaced every three to five years because its overtaken by weeds and vertebrates. Thus, approximately a quarter (25%) of a vineyard is cultivated and reseeded every year in the late fall. • Vertebrates pests cause damage in vineyards with no till systems (see "badger" photo below). Burrows create unsafe conditions for ATVs and workers are at risk for rolling ankles. Light cultivation is required to create safe work environments and to help growers keep up the permanent cover crop. • Permanent cover crop is like any other plant, and needs water, sunshine, and warmth to grow. Our Mediterranean climate means dry summer and fall, followed by cold winter. In this climate, it is difficult for permanent cover crop to re-establish by December 15. • As Vice-Chair Giusti pointed out, drip irrigation allowed vineyards to go upslope. Rules, regulations, costs, and environmental factors have encouraged farmers move away from overhead sprinklers in place of fans for frost control. So, good or bad, it is often not possible to irrigate cover crop to keep it alive and farmers must rely wholly on environmental factors outside their control. • A farmer might spend time and money on ground cover and still get no growth. You understand that it is frustrating to put effort into cover crop, only to still be require to perform turbidity measurements. • The Agency's communication and outreach will have to overcome landowner confusion. A landowner who implements photo point monitoring during the first two years of the permit may be required to switch to turbidity measurements in the third year. I've read my share of water quality permits and, as you know by my comments, I did not catch this in the proposed order.	See Response to Comment JFW-B 1

Comment Number	Comment	Response
JFW-B 3	REQUEST: After reading through the six bullet points above, please reconsider the suggestions made on pages 4 and 5 of the November 25, 2024 ex parte comment letter submitted by California Association of Winegrape and the Wine Institute (reattached here). That letter proposed the following strategies that a landowner could choose from to qualify for photo point monitoring (and avoid turbidity monitoring and/or a certified SECP): 1. Minimum Ground Cover of 85% primarily planted and rooted between February 28 and April 1. The discharger will provide documentation in the annual compliance report of either (a) seeding groundcover by November 15 or (b) original seeding, if perennial cover crop. Photo point monitoring would be required to confirm ground cover and/or cover crop. Or 2. Minimum Ground Cover of 80% primarily planted and rooted with elimination of herbicide spraying between September 1 and February 28. Eliminating spraying will increase the presence of rooted material in the vineyard and confirmation is possible through the already required Pesticide Use Reports. Documentation in the annual compliance report either would confirm (a) seeding groundcover by November 15 or (b) original seeding, if perennial cover crop. Photo point monitoring would be required to confirm ground cover and/or cover crop.	See Response to Comment JFW-B 1. At the December 4, 2024 public hearing to consider adoption of the Proposed Vineyard Order, the Board directed staff to continue working with interested parties, but not to make revisions that decreased water quality protections. It is the perspective of staff that the proposal below would reduce water quality protection as compared to the Proposed Vineyard Order's provision that 90% Ground Cover be present between December 15-April 1 in order to qualify for Photo-Point Monitoring. It is staff's perspective based on interviewing different growers and conducting vineyard tours that February 28 is too late in the wet season to ensure a high enough standard of sediment and erosion control to justify an exemption from Agricultural Drainage Structure Monitoring.
JFW-B 4	In addition, after additional internal conversations at JFW, we've have a third strategy to the list of options: 3. Minimum Ground Cover of 90% primarily planted and rooted. However, up to 25% may be seeded by November 15. The discharger will provide documentation in the annual compliance report (a) that no more than 25% of the farm area's ground cover was reseeded that reporting year and (b) of the original seeding. Photo point monitoring would be required to confirm ground cover and/or cover crop.	See Response to Comment JFW-B 1 and JFW-B 3.

Comment Number	Comment	Response
JFW-B 5	CLOSING THOUGHTS: On January 21, 2025, Noelle Cremers from Wine Institute and Susanne Zechiel met with Regional Board staff. A second JFW employee, who farms throughout the North Coast Region and has practical experience with ground cover and sedimentation, was dragged along to that discussion. While we greatly appreciate staff making the time to discuss concerns, we were surprised that staff suggested that vineyards: plan for the worst (i.e., the need to conduct turbidity measurements) and hope for the best (achieving 90% coverage). That will not incentivize innovation. On a personal note, in November 2024, JFW employees were having exciting conversations about leveraging the Vineyard Permit to encourage innovative farming practices. One of those ideas - strategy #2, above - could result in significant reduction in chemical usage came out of those conversations. Other ideas we discussed within JFW included methods to increase the moisture holding capacity of the soil. If we're saddled with a permit that doesn't recognize the good work of farmers, there's no point to innovate. If turbidity measurements (or a certified SECP) are required no matter what, there is no point to trying to do things differently. We appreciate your time, effort, and consideration on this issue and all things related to water quality.	See Response to Comment JFW-B 1

Comment Number	Comment	Response
MCFB 1	The Mendocino County Farm Bureau (MCFB) is a non-governmental, non-profit, voluntary membership, advocacy group whose purpose is to protect and promote agricultural interests throughout the county and to find solutions to the problems facing agricultural businesses and the rural community. MCFB would like to submit the following comments on the final draft of the Proposed General Order for waste discharge for commercial vineyards in the North Coast Region (Proposed Order) as released on October 31st, 2024. The California Farm Bureau Federation ("Farm Bureau") is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home, and the rural community. Farm Bureau is California's largest farm organization, comprising 54 county Farm Bureaus currently representing more than 27,000 agricultural, associate, and collegiate members in 57 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.	Thank you for your comment.

Comment Number	Comment	Response
MCFB 2	We are writing to follow up on our initial comments made on August 30th, 2023. Since the initial draft of the Proposed Order, there have been many comments made by vineyard owners that would be affected by this order along with advocacy groups representing them. Region 1 NCRWQCB staff and board members made a significant effort to visit many North Coast vineyards to better understand the implications that compliance would have on vineyards covered under the Proposed Order. We recognize the numerous changes that have been made in response to our feedback. We appreciate those changes and the opportunity to comment on the Proposed Order before its adoption. Our hope is that our comments, and those of others, will lead to further changes and clarification before adoption. Despite the improvements, the MCFB would like to propose additional changes should be made before the proposal is adopted in its current form to achieve a smooth roll out of the Proposed Order and make compliance as efficient as possible. We also believe that the timeline is overly ambitious and that final adoption should be postponed for further analysis and engagement. We request a commitment from the California Water Board staff to engage in further public outreach with affected property owners, vineyard managers, and other stakeholders to educate on the requirements needed to effectively comply with the Vineyard Order.	Thank you for your comment. See response to comment DCR 1.
MCFB 3	The proposed Vineyard Order prohibits new appurtenant structures to be constructed within a vegetated buffer. However, there are cases where construction may be essential, such as replacing existing infrastructure or installing necessary facilities such as a pump house or water intake for water diversion. The order should include allowances when such construction is critical to vineyard operations.	The Proposed Vineyard Order was modified to include a clarification that maintenance or replacement of existing structures within their existing footprints are allowed within Streamside Areas. See page 58 of the Order.

Comment Number	Comment	Response
MCFB 4	Streamside areas are defined as being composed of two contiguous components: a Riparian Vegetation area and a vegetated buffer area in which different requirements are applied. Streamside areas begin at the Ordinary High-Water Mark and the 400-page manual "National Ordinary High Water Mark Field Delineation Manual for Rivers and Streams" is referenced. This is overly complicated and for simplicity we suggest the language be changed to top of bank to help communicate the intention with affected properties.	See Response to Comment CLSI 2.
MCFB 5	The definition for Agricultural Drainage Structures includes features that hold, inhibit, detain, and filter stormwater runoff. Features that are designed to capture and prevent the movement of sediment are not appropriate for testing and thus should be excluded from the definition of Agricultural Drainage Structures which makes them eligible for the required stormwater monitoring. Including them creates a disincentive to installing sediment capturing features as it increases the number of samples that need to be taken as they add to the total inventory of Agricultural Drainage Structures. Agricultural Drainage Structures that are eligible for sample collection should only include features that convey water, such as culvert outlets, drain tile outlets, channelized flow paths, etc.	Staff revised the definition of Agricultural Drainage Structure to remove the implication that overland or vegetated buffers are included in the definition as this was not the original intent. See the revised definition of Agricultural Drainage Structure in Appendix I: Acronyms, Definitions, and Endnotes.

Comment Number	Comment	Response
MCFB 6	The sediment and erosion control compliance options allow for either a Sediment and Erosion Control Plan (SECP) or a level of minimum ground cover between December 15-April 1st. The 90% planted or rooted minimum ground cover that is required to be established by December 15th to allow for the Implementation Standard for Photo Point Monitoring, instead of Agricultural Drainage Structure Monitoring, is too difficult to achieve in the average timeframe following harvest. As currently proposed, this will make photo point monitoring not a viable option. We would prefer the threshold for planted or rooted ground cover be lowered to a reasonable level, such as 75%. We also request that the time period for establishing cover be adjusted to February 1st through April 1st provided that an enrollee can provide documentation that measures were taken, such as seeding, earlier in the season to meet the requirement.	Under the Proposed Order, Photo-Point monitoring is currently permitted in limited circumstances where there is an expectation that certain heightened requirements (certified SECP or No-Till Practices/90% rooted ground cover) would result in little to no exceedances of the turbidity benchmark were Agricultural Drainage Structure Monitoring conducted. Staff acknowledge that it may be difficult for many vineyard operators who implement annual cover crops or till their vineyard to achieve 90% rooted ground cover by December 15th. However, staff observed that in vineyards that implemented no-till practices, this 90% ground cover standard could consistently be achieved from year to year. The original intent of the 90% ground cover option was to incentivize practices that are expected to consistently produce good water quality outcomes. Rooted ground cover may be superior in retaining sediment and preventing erosion when compared to other types of ground cover (i.e. straw) that could get mobilized during a storm event. Permanent ground cover, as employed in No-Till Ground Cover does not have the seeding and irrigation demands that annual cover crops may have in order to meet the 90% by December 15th standard.

Comment Number	Comment	Response
MCFB 6 (cont'd)		The Proposed Vineyard Order was modified to redefine the 90% ground cover option for Photo-Point monitoring as a No-Till Practices option for Photo-Point Monitoring. The purpose of this revision is to reduce potential confusion among Enrollees who may attempt to meet the standard in a given year but may not be employing the practices that consistently meet that standard. It is not staff's intent that, based on meeting the 90% standard or not, an Enrollee would be required to toggle between Agricultural Drainage Structure Monitoring and Photo-Point Monitoring from year to year. Staff's intent was that the Enrollee would have consistent Management Practice Effectiveness Monitoring requirements based on the consistent employment of practices to meet the 90% ground cover standard.
MCFB 7	The MCFB suggests additional language regarding the monitoring requirements for vineyards that do not have any drainage structures. In the absence of drainage structures, are enrollees only required to meet the minimum ground cover requirements of 50% on slopes less than 10% and 70% for slopes more than 10%? Clarification would be appreciated.	If the Enrollee has no Agricultural Drainage Structures on their property, then there are none to monitor. Enrollees in this situation would still be allowed to select a Sediment and Erosion Control Compliance Option of their choosing.

Comment Number	Comment	Response
MCFB 8	The Proposed Order asks for unnecessary details required on groundwater wells to be submitted as part of the Groundwater Trend Monitoring such as GPS coordinates, California state well number (if known), total well depth, top and bottom depths of well casing perforations, a copy of the well drillers log (if applicable), and well seal information. This level of data collection seems excessive and extends beyond what is necessary to protect groundwater quality. GPS coordinates and an address should be sufficient to identify the wells being tested and the corresponding monitoring reports as a part of the Groundwater Trend Monitoring.	The well information required in Groundwater Trend Monitoring are consistent with the East San Joaquin precedential requirements, which the Regional Water Board is directed to include in its agricultural orders. Note that this information is not required for Drinking Water Well sampling.

Comment Number	Comment	Response
MCFB 9	Even with the improvements incorporated into the final draft of the Proposed Order, we have many concerns, especially regarding the cost of implementation. We believe that the cost estimates for compliance, monitoring, and implementing management practices are underestimated. The vineyard industry in the North Coast is suffering through low grape prices and other unfavorable market conditions. This is being compounded with implementation costs from various other water regulatory programs, such as SGMA and water right fee increases. The low market returns, taxes, fees, and costs for compliance are constantly increasing, making it difficult for average producers to operate and maintain a profitable farm business. Economic pressures often lead to further consolidation of farms or conversion of agricultural lands. This shift in land use poses a significant and unacceptable risk to water quality, with consequences that may be both irreversible and far-reaching. We urge staff to continue working toward establishing and updating TMDL Implementation Plans for North Coast watersheds and adequately assess which activities are contributing to nonpoint source pollution. We believe that vineyards are disproportionately bearing the burden of government policy meant to reduce sedimentation while other activities, which are not being regulated, are contributing substantially more to the problem. We hope that after a few years of monitoring, if it is demonstrated that enrolled vineyards are meeting the objectives of sediment reduction, that pathways are developed for enrollees to apply for and be granted conditional waivers.	The Proposed Vineyard Order allows modifications to monitoring schedules and/or frequencies in cases where: (1) the Enrollee or Coalition has demonstrated overall compliance with requirements of the Order; and (2) monitoring data indicate that the Enrollee or group of Enrollees are not causing, contributing to, or threatening an exceedance of applicable water quality objectives or a condition or pollution or nuisance; or unreasonably affecting applicable beneficial uses. See "Modifications and Reduced Monitoring Provisions" in Section II.D of the Proposed Vineyard Order

Comment Number	Comment	Response
PRSC 1	Preserve Rural Sonoma County is submitting these comments in regards to our concern over lack of public transparency and community engagement during the Vineyard Order Drafting Process. Preserve Rural Sonoma County works to protect the rural character of Sonoma County from the urbanization and commercialization of agricultural and rural lands. We represent over 3,000 concerned residents from throughout the County. Historically, the State of California has been less than responsive when it comes to reconciling the different positions of regulated industries and taking into consideration our underserved communities. This failure has lead to a variety of environmental harms that impact our community's ability to fully enjoy our public resources, while further perpetuating the idea that industry's opinions, perceived harms, and economic considerations are more important than the public's. The State Water Resources Control Board (SWB) adopted a Racial Equity Resolution and subsequently a Racial Equity Action Plan in 2021. The North Coast Regional Water Quality Control Board (RWB) followed suit by adopting their resolution in 2023 and are currently in the drafting phase of a related action plan. These are steps in the right direction and crucial acknowledgments are made; however, the recent Draft Vineyard Order process is a prime example of continuing deficiencies that must be rectified for the RWB to fulfill its commitments We have noted deficiencies around meaningful engagement of BIPOC and other communities that will be impacted by any permitting language. From TAG involvement and community based outreach, to public education and noticing of speaking opportunities, more could have been done to ensure that members of the public and underserved communities were aware of and given opportunity to engage throughout this process. Though some efforts were made, groups within the North Coast Region like the NAACP, local BIPOC community groups, and the public were largely left unaware.	Thank you for your comments. In July 2024 when this letter was received, Regional Water Board staff examined outreach conducted as part of Order development, including TAG member representation of environmental justice and community-focused perspectives, and concluded that additional outreach was warranted. In August 2024, staff produced outreach materials in Spanish and released information on the Draft Vineyard Order to media outlets including four Spanish-language newspapers and two radio stations in Sonoma and Mendocino Counties. In September 2024, staff distributed outreach materials throughout Sonoma and Mendocino Counties including at farmworker housing, community centers, libraries, post offices, and retail spaces. Staff also met with leaders in BIPOC communities and attended three outreach events targeted at Spanish speakers.

Comment Number	Comment	Response
PRSC 2	It is really unreasonable to expect individual community groups to actively seek out and sign up for specific RWB meeting notices and engagement opportunities. This means that underserved communities missed out on opportunities to provide meaningful comment and input on the draft vineyard order. It is important that these and other impacted communities have more opportunities to learn about these important issues before October's proposed draft release so informed input can still be provided via oral comment. The more the community is involved in this and other processes, the broader the impact analysis and support for associated protections there will be. Decisions regarding public resources impacting health, and well being must be more representative of all communities impacted by the decisions. It Is critical to ensure that all communities be part of the solution. Our waterways are an important public resource and all deserve to have their voices heard when it comes to ensuring their protection. Industry cannot continue to be allowed to negatively impact our shared resources while community voices are omitted from the decision making process. Thank you for the opportunity to provide comments.	See Response to PRSC 1.

Comment Number	Comment	Response
RRK 1	In recent decades, vineyards have exploded in the North Coast Region with high concentrations throughout the Russian, Gualala, and Navarro Watersheds. Until now, there has been no regulatory method in place to address the negative environmental impacts of these vineyards on our regional watersheds despite being a primary pollutant contributor. As our region continues to deal with a multitude of new demands, from extreme drought and floods to increased temperatures and loss of critical habitat, it is vital that manageable water quality impairments be addressed so that our waterways and impacted species have a chance at resiliency. Our overmanaged riparian systems need their environmental functions returned so that beneficial uses and our most sensitive salmonid species are restored. To do this, a strong and transparent water quality monitoring and reporting program is necessary to inform effective adaptive management practices, ensure interim measures are met, and to protect all beneficial uses. By adopting a strong permit program for vineyards, the most prolific agricultural industry in the Russian River Watershed, the RWB will help ensure that vineyard discharges are not continuing to contribute to ongoing pollutant impairments and harms. While we are largely in support of the program currently proposed by RWB Staff, we still have some concerns, including but not limited to, ensuring effective feedback mechanisms are in place.	Thank you, comment is noted.

Comment Number	Comment	Response
RRK 2	Summary of Main Issues: 1. The RWB maintains the 250NTU benchmark for determining effectiveness of management practices. 2. All Photo-Point Monitoring must be submitted to the RWB as part of the Annual Compliance Report. 3. Certified SECPs drafted by Qualified Professionals must have an established monitoring baseline and subsequent representative monitoring of Agricultural Drainage Structures (less than required of non-certified SECPs) to demonstrate effectiveness and overall Order compliance. 4. Certified SECPs include an inspection by the Qualified Professional during the winterization period. 5. There is a prohibition against driving on saturated soils unless some limited exception applies (e.g., unscheduled well or water pump maintenance).	Thank you, comment is noted.

Comment Number	Comment	Response
RRK 3	The North Coast Region is Home to Federally and State Listed Species that are Sensitive to Sediment and Temperature Impairments. The Russian River Watershed is unique in its ability to support an expansive combination of rural, urban, agricultural, recreational, and environmental needs in a modern California. Today, the watershed encompasses 1,500 square miles of forests, agricultural lands, and urban areas within Sonoma and Mendocino Counties, of which, about 95% of lands remain privately owned. The watershed consists of the Russian River's 110 mile-long mainstem, an estimated 238 creeks, streams, and tributaries, and a network of interconnected groundwaters. These waterways are a vital resource to the continued well-being of the North Coast and San Francisco Bay Area Nature Regions as they are responsible for providing: water for over 600,000 area residents and numerous agricultural uses; a favorite tourist and summer escape for over a million people each year; and key habitat for thirty-four species of fish, including three federally listed salmonid species, birds, plants, and mammals alike. Though smaller in scale, the Navarro and Gualala River watersheds are similarly home to several endangered species, including coho and chinook salmon, and steelhead trout. Historically, these and other watersheds in the North Coast Region supported robust salmonid populations, due to the presence of cool, clean waters for spawning and juvenile rearing. However, sedimentation and warmer water temperatures caused by vineyard management practices (e.g., tilling, vegetation removal), and now exacerbated by climate change, threaten their survival. Coho and chinook salmon, in particular, are listed as endangered in the region, with only a few remaining populations. Extensive conservation efforts are ongoing, including habitat restoration projects and fish passage improvements, but these efforts cannot be successful without changes in land management that result in water quality improvements necessary to support the recovery of salmonid and other sensitive specie populations	Thank you, comment is noted.

Comment Number	Comment	Response
RRK 4	Key Salmonid Habitat within the North Coast Region has been Negatively Impacted by the Vineyard Industry's Unregulated Non-Point Source Pollutants, like Sediment and Temperature, for Decades. Despite numerous beneficial uses, the Russian, Navarro, and Gualala River Watersheds are continually plagued by water quality issues with algal blooms, polluted runoff, high water temperatures, pesticides, high turbidity, altered streambed compositions, and other impairments. In dryer periods these water quality issues and their negative impacts are further exasperated due to increased pollutant concentrations. In fact, the majority of waters in the North Coast are 303(d) listed for temperature, sediment, and pesticide impairments, amongst others; and have been for decades. This puts our important natural, cultural, human, and tribal resources at risk for permanent degradation and possibly extinction if significant changes in land disturbance are not made soon. While some watersheds, like the Navarro, have sediment and other TMDLs in place meant to address some of these harms, the Russian River Watershed does not. However, as vineyards are one of the last unregulated industries in the North Coast Region,2 this proposed Order has the potential to play a significant role in addressing ongoing sediment, temperature, and other impairments throughout the region. Sediment impairments caused by poor land management practices that increase erosion have had a significant negative impact on the region's salmon populations, particularly coho and chinook salmon, because they are heavily reliant on clean, oxygen-rich water for spawning and juvenile rearing. Excess sediment can smother salmon eggs and reduce their chances of survival. Fine particles in the water can also clog the gills of fish, impairing their ability to breathe and increasing stress levels. Additionally, sedimentation can degrade critical habitat features, such as gravel beds, that are essential for reproduction.	Thank you, comment is noted.

Comment Number	Comment	Response
RRK 4 (cont'd)	When these habitats are covered by sediment, adult salmon struggle to find suitable places to lay their eggs, and juvenile fish have fewer areas to take refuge from predators or strong currents. The turbidity caused by sedimentation also reduces the amount of sunlight reaching aquatic plants, disrupting the food web and further diminishing the overall health of a river ecosystem. Similarly, warmer waters caused by loss of riparian refugia, climate change, and over prescribed water supply can increase metabolic stress for salmon, impairing their ability to grow, reproduce, and migrate effectively. Elevated temperatures also reduce dissolved oxygen levels, making it harder for fish to breathe and increasing their vulnerability to disease. For salmon, particularly during critical life stages like spawning and early development, temperature increases can lead to reduced egg viability, slower growth rates in juveniles, and higher mortality rates. In extreme cases, high water temperatures can cause fish to migrate prematurely, leaving them exposed to predators or unsuitable conditions downstream. These cumulative impacts have contributed to the decline of salmon populations, already threatened by climate change, overfishing, and habitat loss. These negative impacts have contributed directly to the decline of salmon populations in the North Coast. Effective temperature and sediment management and habitat restoration is essential for salmonid population survival and restoration, yet regulatory frameworks to do so have largely not been implemented at any level of effectiveness.	Thank you for your comment.

Comment Number	Comment	Response
RRK 5	The Non-Point Source Policy and Regional Water Board Duties Require Effective Feedback Mechanisms are Adopted and that the Adopted Program is Likely to Achieve Water Quality Objectives and Beneficial Use Protections. *The commenter lists and describes the 5 key elements from the NonPoint Source Policy.*	Thank you, comment is noted.
RRK 6	A Strong Order Must be Adopted to Protect Water Quality Resources from the Adverse Effects of Non-point Source Water Pollution, So that Negatively Impacted Resources are Preserved, Enhanced, and Restored. In conclusion, adopting a strong vineyard permitting order is essential to protect water quality resources in the North Coast from the adverse effects of non-point source water pollution. Vineyards, if not properly managed to protect water quality, can contribute to sediment runoff, nutrient leaching, and pesticide contamination, all of which degrade water quality and harm aquatic ecosystems, including critical salmonid populations. By implementing a comprehensive permitting system, vineyard operations can be required to adopt sustainable practices that minimize environmental impacts, such as erosion control, responsible pesticide use, and improved irrigation techniques. This approach would not only safeguard the integrity of water resources but also help preserve, enhance, and restore the health of aquatic habitats that are vital for both biodiversity and local communities. A well-enforced vineyard permitting order, with strong adaptive management and effective feedback loops, represents a proactive and necessary step toward balancing agricultural growth with environmental stewardship, ensuring that the watershed's water quality is protected for future generations.	Thank you, comment is noted.

Comment Number	Comment	Response
RRK 7	Establishing a set Numeric Threshold to Determine Effectiveness of Management Practices is in Furtherance of RWB Duties and Preservation of the North Coast's most Sensitive Beneficial Uses. be used as an initial benchmark for measuring effectiveness of management practices and subsequent adaptive management measures. Turbidity, measured in NTU, is a critical water quality parameter that can significantly affect salmonid species when found at high levels and is an effective measure to determine sediment pollution because it directly reflects the concentration of suspended particles in the water. Further, monitoring turbidity provides a quantifiable metric to track sediment levels in real-time, making it easier to assess whether water quality is improving or deteriorating due to sediment runoff. Therefore, turbidity is a useful, readily measurable indicator of sediment pollution coming off a vineyard property that can effectively help guide both immediate adaptive management actions and long-term restoration strategies. Establishing a set numeric turbidity threshold to assess the effectiveness of management practices is a crucial step in protecting sensitive salmonid species in the North Coast. By setting a scientifically supported NTU limit, the RWB can more effectively gauge whether current vineyard management practices are reducing sedimentation and improving water clarity to levels that are conducive to salmon health, our most sensitive beneficial use. Adoption of a 250NTU threshold provides a clear benchmark for evaluating the success of sediment and erosion control measures, stormwater management, and riparian habitat restoration efforts. It also allows for targeted interventions when turbidity levels exceed the set limit, ensuring that corrective actions can be implemented in a timely manner. Therefore, a defined NTU threshold ensures that management practices are continually refined based on measurable outcomes, directly contributing to the protection and recovery of salmon populations in the watershed which is required by NPS Policy Element #4.	The 250 NTU benchmark is used to drive adaptive management on farm. It is relevant to determining compliance with water quality objectives, but is not designed as an effluent limitation or numeric limit and the Proposed Vineyard Order retains this approach as is consistent with other Nonpoint Source programs. The benchmark of 250 NTUs is consistent with the adaptive management benchmark used in the Construction General Permit. See also Adaptive Management General Response and Response to Comment Prat 20 in FEIR Attachment B: Summary of Revisions and Response to Comments.

Comment Number	Comment	Response
RRK 7 (cont'd)	However, we do believe that stronger protections are ultimately necessary to protect our most sensitive salmonid species that have historically called our region home. As demonstrated by studies demonstrating how turbidity more than 50 NTU can cause significant impacts to salmonid health and survivability, it is important that the RWB have a program in place to eliminate sediment impairments and achieve water quality that is protective of all beneficial uses, including our most sensitive and endangered ones. Because high turbidity levels can smother salmon eggs, decreasing hatching success and survival rates of juvenile fish, clog gills, impairing breathing and increasing stress, reduces foraging success, and increases disease vulnerability, it is key to salmonid restoration that an effectiveness feedback loop be tied to eventual species recovery.	

Comment Number	Comment	Response
RRK 8	As such, we request that the RWB include in this order a clear plan to ramp adaptive management triggers to at least 50 NTU, down from 250 NTU.3 This would most easily be done by establishing a pre-determined re-opening date for the WDR so that the most recent Best Available Science and Technology can be integrated into an updated WDR. Further, because regional resources are limited, it is important that this review be built into the WDR itself so that this does not become a one-and-done permitting program with no effectiveness review for decades like other regional programs are currently suffering from. There must be a clear plan to ensure that all beneficial uses will be protected from further harms caused by vineyard practices, and it is reasonable to set a timeline that helps achieve that goal. There are management practices available to vineyards that will help reduce sediment laden runoff from entering our waterways. In addition to this established timeline, we request that there be continued innovation around how incentives can be used to achieve 50 NTU without sacrificing the need for continued verification and enforcement to ensure the incentivized conditions continue to be met. We request that the RWB include a timeline for requiring future measurable turbidity reductions that aim to meet a water quality level that is protective of all beneficial uses. Lastly, while the RWB is currently proposing 250NTU for effectiveness monitoring and will likely receive substantial pushback on this numeric by vineyard industry, it is important that the RWB consider the importance of critical habitat needs and its related beneficial uses when considering the state Antidegradation Policy, as it is not just the vineyard industry that benefits from regional waterways. Rather, the continued degradation and sediment listing of our waters is also negatively impacting the state commercial fishing industry and is impactful to our robust recreational economy, neither of which is consistent with maximum benefit to the people of the State.	See Response to RRK 7.

Comment Number	Comment	Response
RRK 8 (cont'd)	Due to known and ongoing sediment impairments, risk to our sensitive ecosystems, conformity with other discharge programs, and available management practices, we will not support any vineyard program that allows for a higher benchmark.	
RRK 9	Recommendation: Add language to the Proposed Order stating that the Program will be reopened by a set date so that updates can be made to reflect most recent Best Available Science and Technology.	The Regional Water Board retains the discretion to re-open and update all Orders.
RRK 10	Adopting Timely and Effective Feedback Loops to Inform Adaptive Management Practices is Key to Complying with the State NPS Policy and Achieving the Protection of Beneficial Uses We strongly support the inclusion of an effective feedback loop mechanism that results in actions that will immediately address an observed issue via adaptive management measures. This iterative process, with effective monitoring, reporting, and necessitated corrective actions is absolutely necessary to ensuring there is a "high likelihood the [management practice(s)] will be successful"—i.e., that the Proposed Order will achieve water-quality objectives and protect beneficial uses. However, we do strongly encourage that the RWB require any monitoring due to an adaptive management action be reported the month after any QSE occurs. Any other timeline would equate to an unnecessary delay and cause impediment to the RWB's ability to ensure effective feedback loops and informed actions are occurring in accordance with the NPS Policy. Timely reporting is also necessary to ensure that enforcement actions are not happening more than a year after the event and harmful discharges are allowed to continue for that entire period.	See Adaptive Management General Response in FEIR Attachment B: Summary of Revisions and Response to Comments. The Proposed Vineyard Order was modified to require Enrollees to implement Temporary Sediment Controls in response to each Agricultural Drainage Structure turbidity benchmark exceedance. This response must be made prior to the next QSE and the Enrollee must continue monitoring each QSE and performing adaptive management until there are no further exceedances of the 250 NTU benchmark. See also Section II.A (Management Practice Effectiveness Monitoring) in Attachment B: MRP for Enrollees in a Coalition for details.

Comment Number	Comment	Response
RRK 11	Providing Compliance Options that are Based on Effective Feedback Loops and Incentivize Adoption of Known Best Practices and Solutions in a Timely Manner are Key to Addressing the Negative Impacts of Vineyard Pollutant Discharges. Certified Sediment and Erosion Control Plans ("SECPs") must establish a monitoring baseline and require some representative monitoring of Agricultural Discharge Structures to establish Order compliance and determine effectiveness. Because the requirements for a Certified SECP are currently vague and have no proven basis for achieving 250NTU, it is important that the RWB expand the proposed incentive so that effectiveness is measurable and readily apparent to the RWB and public via objective monitoring results. To do this and due to the nature of an SECP, it is important that an initial baseline monitoring event occurs so that an effective SECP can be drafted based on a clear, data-driven understanding of the current conditions at a specific site. By assessing factors such as soil composition, erosion rates, sediment transport, and existing water quality levels, baseline monitoring helps identify the most critical areas of vulnerability and the sources of sedimentation. This information is crucial for designing targeted erosion control measures, selecting appropriate vegetation for stabilization, and setting realistic goals for reducing sediment runoff. Additionally, baseline monitoring serves as a benchmark for future comparisons, enabling the RWB and enrollees to track progress, adjust methods as needed, and ensure that erosion control efforts are achieving the desired outcomes.	Adaptive Management in vineyards with a certified SECP is driven by the professional expertise of the Qualified Professional. The Proposed Vineyard Order requires that the SECP be re-certified by the Qualified Professional every five years. This re-certification process includes a field visit. Other Water Boards regulatory programs such as the Construction General Permit and the Industrial General Permit also rely on the use of Qualified Professionals to review best management practices and drive adaptive management. The Proposed Vineyard Order retains the provision that reserves the right to require any Enrollee to conduct Agricultural Drainage Structure Monitoring regardless of their chosen compliance option.

Comment Number	Comment	Response
RRK 12	Recommendation #1: Implementation Standard for Photo-point Monitoring: The Enrollee shall develop and implement a SECP that is certified and signed by a Qualified Professional. The Certified SECP shall be re-certified every five years, which shall include an on-site visit inspection by the Qualified Professional between December 15th and April 1st.	The Proposed Vineyard Order contains the requirement that certified SECPs be re-certified by a Qualified Professional every five years. This re-certification requires an on-site inspection by the Qualified Professional. The Proposed Vineyard Order retains the requirement for this on-site inspection as part of re-certification to occur at the professional judgement of the Qualified Professional. See Section II.C of the Proposed Vineyard Order for SECP requirements.
RRK 13	Recommendation #2: Add the following language at Proposed Order, pg. 49 ¶ 12(h). Establish Baseline and Periodic Effectiveness Monitoring (Certified SECP Only): A monitoring baseline shall be established during the first implementation year of a Certified SECP via representative Agricultural Drainage Structure Monitoring. From that point forward, representative Agricultural Drainage Structure Monitoring shall occur every 5 years to provide an objective measure of effectiveness in meeting 250 NTU. Monitoring results shall be appended to the Certified SECP	See Response to RRK 10.

RRK 14	Proposed Streamside Areas are insufficient to protect water quality as they do not ensure that important environmental functions are restored. Streamside Areas play a crucial role in maintaining the health of aquatic ecosystems, and the space required within this zone for native plant establishment is essential for both water quality and temperature regulation. In order for these important environmental functions to prosper though, there must be sufficient space for diverse native vegetation to grow and become established, so that these important communities can help stabilize streambanks, reduce erosion, and ultimately help reduce both temperature and sediment impairments. As such, it is important that the vegetated buffer widths be re-evaluated so that they are based in science and what is actually necessary to protect sensitive waterways from the negative impacts of temperature increases, nitrogen, pesticide, and sediment run-off. For several years now, the EPA, other regulatory agencies, and scientists have known and been able to demonstrate that buffers over 150 feet in width are necessary to consistently prevent pollutants from entering waterways.4 It is also important to point out that ephemeral and intermittent streams both provide critical habitat to some of our most sensitive beneficial uses and act as conduits for pollutants to other waterways. Thus, it is important that these streams are given more protections than in the Proposed Order. The buffer zone should not include any areas within the active channel of a stream and should be measured from the top of bank for streams. As such, we request that all Streamside Area widths be expanded in accordance with the best available science. We further recommend that the RWB consider adding an additional management tier to the order such that those vineyard properties that have more than a 10% slope within 100 feet of a waterway be required to implement a wider vegetated buffer to protect water quality. A wider setback for these property types is reasonable because it is well-established that higher sloped properties are more prone to increased erosion due to increased flow velocity running down the slope unless sufficient management practices are in place.	See Response to Comment RR 38 in FEIR Attachment B: Summary of Revisions and Response to Comments

Comment Number	Comment	Response
RRK 14 (cont'd)	Requiring an increased setback for properties with this type of characteristic would help ensure that flow velocity has time to reduce and settle before reaching a waterway. We do support the inclusion of a vegetated buffer for hydrologically connected undesignated channels as this will further help capture pollutants before entering any above ground drainage structures and other non-NHD designated channels.	

Comment Number	Comment	Response
RRK 15	Both lawful and unlawful fire management activities are increasing throughout the region and should be considered for incorporation into this Proposed Order. We recognize the importance of fire fuel management practices and support this work within the Streamside Management Area so long as clear boundaries are in place to prevent abuses. There must be necessary noticing, permitting, and oversight requirements that ensure that native riparian vegetation and important canopy is not removed for any reason other than necessary permitted fuel management and done in a pre-determined manner with clear limitations. We have frequently observed huge clear-cutting incidents within the North Coast Region under the guise of fire protection, but it is really done to make way for new stream crossings, expand new plantings, construct new roads, and other self-serving reasons that are not related to actual fire management. This then results in increased erosion and contamination of our waterways.	Thank you for your comment.
RRK 16	Recommendation #1: Add language to noting that all necessary regulatory permits are required for any fire management within the Streamside Area.	See Response to Comment RR 33 in FEIR Attachment B: Summary of Revisions and Response to Comments

Comment Number	Comment	Response
RRK 17	Recommendation #2: Add language (to the Offsite Riparian Restoration Alternative) to establish noticing requirements, images of proposed management area, description of proposed management action, a statement as to why there are no available alternatives, and images of work once completed. There must be effective enforcement action to deter any abuses.	The Order as written delegates the authority to approve a Riparian Vegetation Area Restoration Proposal to the Executive Officer. The proposal must consider the following in site selection and restoration design: watercourse type, dimension of restoration area, type and quantity of each category of vegetation to be reestablished (i.e., tree, shrub, forb (non-woody herbaceous plant) and/or grasses); and adequate compensation for the temperature impacts from loss of riparian buffers including shade and discharge of sediment. The Riparian Vegetation Area Restoration Alternative is considered by Regional Water Board staff to provide a reasonable approach to compliance with the water quality objective for temperature. Riparian shade is achieved sooner and in a larger quantity than through natural succession and compliance with Riparian Vegetation minimum widths. The comment does not provide a rationale for requiring noticing.

Comment Number	Comment	Response
RRK 18	Reporting Requirements Must Provide the Regional Water Board with Information Necessary to Ensure and Verify Implementation of Proper Management Practices, and Not Hinder or Unnecessarily Delay Compliance and Enforcement Actions by the Regional Water Board. Under the NPS Policy, the RWB must have effective feedback loops and related requirements in place to evaluate whether the Proposed Order is working. This means that an order must "describe the measures, protocols, and associated frequencies that will be used to verify the degree to which the [management practices] are being properly implemented and are achieving the program's objectives, and/or to provide feedback for use in adaptive management." That is, the Proposed Order must do more than report what management practices are at work; it must also allow the RWB, enrollees, and the public to determine "whether and when additional or different [management practices] or [management practice] implementation measures must be used, or other actions taken," to ensure that water quality objectives are met. In effect, this means that sufficient monitoring data needs captured and subsequently reported to the RWB so that necessary determinations can be made. The RWB must not unnecessarily delegate its authority and duty to protect and to prevent adverse impacts by allowing program requirements that are insufficient to show compliance or by introducing unnecessary delays that hinders efforts to protect beneficial uses and determine effectiveness. This generally means that all required monitoring and reporting must be available for public review so that individuals can ascertain whether, where, and by whom surface and ground waters are being polluted. It also means that the permit should require sufficient interim measures, progress updates, and enforcement actions that the public is informed and assured that improvements to water quality are going to be achieved. These efforts must be clearly documented, as well as the responses to each, especially when related to an exceedance.	See Response to Comment RR 52 in FEIR Attachment B: Summary of Revisions and Response to Comments.

Comment Number	Comment	Response
RRK 19	Photo-point monitoring results must be shared with the RWB as part of the Annual Compliance Report in order to comply with NPS Policy Key Element #4. NPS Policy Key Element 4 mandates that an NPS control implementation plan must "include sufficient feedback mechanisms" for the RWB, enrollees, and the public to "determine whether the program is achieving its stated purpose,"5 and all monitoring programs should be reproducible and provide a permanent and documented record that is available to the public. This feedback mechanism helps the RWB identify in a timely manner where additional adaptive measures, program changes, and possibly enforcement actions, are needed. As such, it is important that the RWB require monitoring sufficient to assure that management practices are properly applied and are effective in attaining and maintaining water quality standards. Under the Proposed Order, photo-point monitoring is currently permitted in limited circumstances where there is an expectation that certain heightened requirements will result in little to no turbidity readings. However, the RWB only requires individual enrollees that avail themselves of the 90% cover crop option to submit any of the monitoring photos and instead, allows those part of coalitions to maintain all photos on-site and only available to the RWB upon specific request. First, this is an unreasonable reporting discrepancy between individual and coalition based enrollees. Second, this omission presents a significant hurdle to the RWB and the public in being able to identify whether 90% coverage is actually being met and the incentive is operating as intended with little to no water quality impacts. With modern-day technology, the RWB can easily run submitted photos through AI programs to confirm 90% coverage compliance is being met of all electees in mere minutes. If issues are flagged, RWB staff can do additional reviews and reach out to individual enrollees or coalitions for next steps. This would provide an immediate and extremely effective feedback loop to the RWB while ensuring that the 90% covercrop incentive is being complied with and acting as intended.	See Response to JFW B-1. Because the Photo-Point Monitoring requirements have been revised to a practice-based standard (No-Till Ground Cover) rather than a ground cover percentage, Enrollees will be better incentivized to manage their vineyard in a way that consistently achieves the standard. The Regional Water Board does not have staff available to audit individual photographs and has opted instead for a similar reporting approach to Farm Evaluations and Irrigation and Nutrient Management Plans for Enrollees in a Coalition.

Comment Number	Comment	Response
RRK 19 (cont'd)	As such, we request that the RWB require all photo-point monitoring results, regardless of enrollee type, be submitted to the RWB as part of the Annual Compliance Report.	
RRK 20	Due to the significant reduction in monitoring requirements provided to enrollees that choose to implement 90% rooted covercrop, it is important that a pre-season compliance showing be made or severe consequences for failure to comply upon inspection of Annual Compliance Reports occur As currently drafted, the Proposed Order does not require that enrollees availing themselves of the 90% rooted covercrop option demonstrate their compliance pre-winterization period. Instead, the RWB simply trusts that necessary requirements are being met which unfortunately opens up room for potential abuses and errors. Because the incentive is so big, it is paramount that all requirements are being met so that the expected outcome and Order compliance are guaranteed to occur. While this oversight can be minimal in nature, it must occur to ensure all regulatory requirements are being met. Further, once the RWB has established our recommended effective feedback mechanisms to determine compliance with the Order, we suggest that the RWB clarify and/or remove the need to also monitor each QSE at Agricultural Drainage Structures and provide that no linear sediment controls are necessary outside of the winterization period. This will help further incentivize the best known management practice for protecting water quality—permanent, rooted covercrop with no-till.	The Proposed Vineyard Order was modified to clarify that the original intent of the 90% ground cover requirement was to describe and incentivize no-till cultural practices. See Response to JFW-B 1.

Comment Number	Comment	Response
RRK 21	The Navarro River Watershed has a Sediment TMDL that allocates an 80% load reduction to vineyards and there is no clear showing as to whether requirements of the Proposed Order will comply. it appears that at no other point in the Proposed Order, the EIR, or other supplemental documents issued for this permitting program, is the relationship between this TMDL requirement and the Proposed Order been established or discussed. While the Proposed Order purportedly is meant to help fulfill the TMDL's requirement of an 80% sediment load reduction from vineyards, there is nothing that shows whether this has been calculated to be true or to what extent the requirement may be met. The Navarro is not subject to different program requirements under this Proposed Order and there is no alternate regulatory program that would otherwise address vineyard sediment discharges to meet the necessitated 80% load reduction. As such, it is paramount that the RWB address this issue and potentially establish a plan to necessitate additional measures within the Navarro Watershed so that the 80% load reduction is met.	The Navarro River Total Maximum Daily Loads for Temperature and Sediment identified conservation practices such as cover crops, contouring, filter strips and sediment traps as effective erosion and sediment controls for vineyards. It also indicates that implementation and monitoring measures for temperature and sediment should contain provisions for ensuring that the load allocations in the TMDLs will in fact be achieved. These provisions may be non-regulatory, regulatory, or incentive-based, consistent with applicable laws and programs, including the 2004 Nonpoint Source Enforcement and Implementation Policy (NPS Policy). The Order is consistent with the NPS Policy and TMDL Implementation Policy Statement for Sediment Impaired Receiving Waters in the North Coast Region by requiring Enrollees to inventory sediment discharge sites on commercial vineyards, implement sediment and erosion control management practices, monitor management practice effectiveness, and implement adaptive management as a response to monitoring.

RRK 22	Insufficient surface water monitoring parameters prevents the RWB from understanding whether the Proposed Order's requirements are effective in meeting the programmatic goals. The proposed order is missing several parameters that must be given further consideration for the RWB to determine permit effectiveness as necessitated by NPS Policy Key Element #4. Temperature – Waters in the proposed application area are listed as impaired on the Clean Water Act 303(d) list for temperature. Listed salmonids as well as other aquatic species that inhabit these rivers and their tributaries are dependent on protective water quality objectives for temperature for survival. The North Coast Region's Temperature Policy, the Basin Plan, and the NPS Policy all require that temperature objectives be addressed in WDRs. Optimal and lethal limits for temperature for salmonids and other aquatic species are well documented yet, this Proposed Order does not require monitoring to determine effectiveness and inform responses to proposed mitigation measures. The Proposed Order lacks sufficient requirements and enforcement measures to ensure necessary restoration and protection of the Streamside Area. Restoration of the this area is important for several reasons: a healthy canopy cover helps keep solar radiation from heating surface waters (i.e., necessary to protect COLD, SPWN, RARE beneficial uses); wide vegetated buffers and riparian vegetated areas filter fine sediment, pesticides, herbicides and other toxins from surface waters; essential habitat and food sources for terrestrial species (WLD beneficial use) are provided; and they help maintain essential fluvial geomorphic functions. Although succession planting is often recommended, planting native trees is essential as our climate is rapidly heating. Riparian vegetated areas have been identified as vital climate adaptation tools. Solar radiation is the primary factor affecting summer stream temperatures and riparian vegetated areas with adequate shade canopy are the most effective means of preventing lethal water temperatures for salmonids, especially when in their juvenile stages. Adequate stream flow, deep pool habitats, and protective refugia, all supported by healthy Streamside Areas, are also essential to preventing high water temperatures.	See Response to Comment RR 48 in FEIR Attachment B: Summary of Revisions and Response to Comments

Comment Number	Comment	Response
RRK 22 (cont'd)	To ensure temperatures are being effectively addressed under this Proposed Order, there must be temperature monitoring in place. This monitoring is particular important when considered in conjunction with alternative riparian compliance plans, as there does not appear to be any restriction on how these alternative compliances plans may or may not concentrate in themselves in certain areas of a HUC-8 (e.g., all in the lower portions with no temperature improvements upstream).	
RRK 23	Dissolved Oxygen – There are several waterbodies in the proposed application area that are also listed as impaired for low dissolved oxygen. Listed salmonids as well as other aquatic species that inhabit these rivers and their tributaries are dependent on protective water quality objectives for dissolved oxygen for survival. Optimal and lethal limits for dissolved oxygen for salmonids and other aquatic species are well documented, yet this Proposed Order does not require monitoring for dissolved oxygen, let alone require mitigation measures that will help protect against resulting harms. The TMDL for the Navarro River watershed, included under this Proposed Order, requires: "At a minimum, waters shall contain 7.0 mg/L at all times. Ninety percent of the sample collected in any year must contain at least 7.5 mg/L. Fifty percent of the monthly means in any calendar year shall contain at least 10.0 mg/L."6 Yet, dissolved oxygen is not mentioned in the CEQA documents nor the WDR. As dissolved oxygen levels are temperature dependent and dissolved oxygen levels in a creek determine the health and survival of aquatic species, it is important this key parameter is not omitted. The RWB's own policies support the need for inclusion: "401 certifications, NPDES permits, waste discharge requirements, or waivers of waste discharge requirements issued by the RWB set conditions to address concerns associated with temperature factors such as reduction in shade [e.g., dissolved oxygen], changes in cross sectional configuration, temporary dewatering impacts, and/or sediment deliveries."	See Response to Comment RR 50 in FEIR Attachment B: Summary of Revisions and Response to Comments.

Comment Number	Comment	Response
RRK 24	Pesticides –We generally support the proposed process for pesticide testing. However, it is important that the permitting program and proposed monitoring schedule be able to capture operational changes across new ownership and management changes so that no monitoring loopholes are created in these circumstances. Further, because pesticides accumulate in sediment and are known to disrupt fish reproduction, cause species death, and can negatively impact human health it is important that all pesticides and soil additives utilized by vineyards are incorporated into this permit.8 For this reason, we recommend the following pesticides be added to the monitoring list as they are in the top 5 of applied pesticides for our region and are known to have significant impact on health: 1. 4-nonylphenol, formaldehyde resin, propoxylated and 2. 1,3 dichloropropene.9 We also recommend monitoring and reporting be expanded to include copper which is commonly used by vineyards to address bacteria and fungi growths, which means it falls within the proposed pesticide definition. As one of the few deterrents available to organic certified vineyards, it is important that copper be monitored for to ensure our waters are drinkable and safe for all beneficial uses. Copper in high enough concentrations is known to impact fertility, damage red blood cells, and reduce the blood's oxygen carrying capacity.	Comment is noted. Staff worked with the CA Department of Pesticide Regulation (CDPR) Surface Water Protection Program to develop recommendations to the Proposed Vineyard Order based on pesticide use in vineyards in Sonoma and Mendocino Counties and relative threat to water quality. See Representative Pesticide Monitoring General Response B in the FEIR Attachment B: Summary of Revisions and Response to Comments.

Comment Number	Comment	Response
RRK 25	Appurtenant Roads are Known Sources of Sediment Pollutants within a Vineyard and Must be Addressed in a Timely Manner with Quantifiable Milestones Designed to Measure Progress Towards Reaching the Specified Requirements. Existing roads should not be grandfathered into this Proposed Order as they are a known contributor to water quality impairment. Existing seasonal roadways should not be grandfathered into Vegetated Buffer areas due to their significant contribution to sedimentation and complete lack of functional benefit to controlling such sedimentation. Seasonal roads rarely have proper erosion control measures, are frequently compacted throughout the year, and instead act like conveyor belts for runoff. Allowing these roads to remain within a Vegetated Buffer, no matter their location within that buffer or if it fills the complete required vegetated width, only takes away from the entire purpose of having such areas—to help slow and settle sediment laden waters. While the Proposed Order will require things like linear sediment controls during QSEs, there is no requirement that these controls be frequently cleaned out and unclogged throughout a season, and as such, are more subject to failure.10 As we continue to experience more extreme rain events sediment movement will continue to increase, and these linear controls will be easily overrun by run-off. Further, because the 90% cover requirement during the winterization period does not have to be rooted, it is unlikely such cover will result in meaningful protections to water quality. In fact, there is a chance that the placement of straw and mulch on these roads will merely result the materials being washed directly into our waterways instead of preventing erosion. Recommendation: The RWB should require that existing seasonal roadways, that would otherwise be within a Vegetated Buffer width, be moved upon replant.	The Proposed Vineyard Order requires regular maintenance and repair of management practices, which includes any non-planted ground cover on Seasonal Roads. Refer to the following provisions in Section II.C of the Proposed Vineyard Order: "All management practices shall be properly designed, installed, maintained, and promptly repaired. Maintenance of management practices shall include periodic inspection during the winter to confirm their effectiveness and to repair them if needed." This provision would include management practices such as linear sediment controls and any ground cover that is not rooted (i.e., straw).

Comment Number	Comment	Response
RRK 26	Requirements for existing appurtenant road segments must include interim benchmarks to ensure the RWB has sufficient oversight over this part of the Proposed Order and the public is reasonably assured such requirements will be met by the deadline. We have known for many years now that a large source of fine sediment discharges from vineyard properties stem from the extensive use of appurtenant agricultural roadways, unmaintained culverts and drains, and poorly designed pathways. These roadways are also known to help convey harmful pollutant discharges containing elevated pesticide, oil, and nutrient levels to our waters. Vineyard roads frequently act to channel water flows further increasing rates of road erosion themselves through rutting and sheer volume, while vineyard avenues may be contoured to guide flow straight down a slope, picking up any disturbed sediment along the way. As many vineyard roads are hydrologically connected or designed to slope towards our water bodies, these pollutants are being directed straight to our waters without mitigation measures sufficient to address the harms caused. For appurtenant roads that have longer compliance timelines, it is important that the RWB implement specific interim measures, preferably precise numeric limits, that can be used to accurately demonstrate implementation and long-term goal progress. These interim measures help provide necessary feedback mechanisms to the RWB to ensure that the program is working as intended and that water quality goals will be achieved in a timely manner. Without these measures, the RWB has no real way to determine effectiveness of the permit and ensure improvements are being made progressively. There is no way for the RWB to determine there is a “high likelihood” of attaining water-quality objectives without interim measures demonstrating and supporting that progress. Recommendation: Existing commercial vineyards should not be allowed to wait a decade to show any level of road compliance under this Order.	See Response to Comment Burr-2 in FEIR Attachment B: Summary of Revisions and Response to Comments. The Proposed Vineyard Order was modified to include a requirement that road sections must be prioritized by threat to water quality.

Comment Number	Comment	Response
RRK 26 (cont'd)	Rather, the RWB must include specific interim measures and progress reports that demonstrate clear effort by the enrollee to improve roadways and implement best practices on their properties over the entire compliance period such that dischargers can readily show they are on track to meet all requirements within the set period, while also making targeted progress along the way. Without such a requirement, few if any protective measures will be put in place until year 10, and then either extensions will be asked for or enrollees will simply not be in compliance with little concern for actual recourse and penalty. The RWB cannot allow a known cause of significant pollutants to persist and continue to impair water quality for an entire decade without some measurable progress. Further, by failing to include interim measures and progress, it is difficult for the RWB to identify specific pollutant sources via sampling and fulfill NPS Policy Key Element #4's "feedback mechanism" requirements. Dischargers should also be required to include in their Annual Compliance Reports all measures taken to improve roadways and photo-point monitoring during QSE to demonstrate progress and effectiveness. One example of interim measures is the use of a phased approach with the higher risk roads near creeks and drainages, as well as those on steep slopes, being prioritized first within a property. For example, the 20% of roadways deemed highest risk must be addressed within the first two years. The next 20% within the next two years and so on until all roadways are addressed within the 10-year period. Although costs are always raised as a factor by vineyards, that does not mean they are more beneficial than our environmental and human health needs and should not be required to invest in their operations such that they are good stewards of our finite and already severely degraded resources—it is not their right to continue impairing our waters. The cost to our environment is continually compounding and the negative impacts will continue to get worse.	

Comment Number	Comment	Response
RRK 27	As currently proposed, commercial vineyards developed on an existing Appurtenant Agricultural Road network are allowed 10 years from enrollment to comply with related road requirements. We request the RWB reconsider this proposed timeframe because it, in effect, completely discounts any management efforts made prior to that by prior vineyard owners. This is problematic for two reasons: 1. If a vineyard plans to sell in less than 10 years, it could be disincentivized to do necessary improvements under the Proposed Order—especially since no interim benchmarks are currently required; and 2. It potentially allows up to 20 years for certain roads to properly managed and come into compliance with this Proposed Order. As such, the RWB should establish some formula for determining compliance timelines for new commercial vineyards where existing road networks exist. We would suggest that this formula equate to some total time period since this Proposed Order was first applicable, plus two to three years to allow for the new commercial vineyard to complete what has already been started. This alternate method would provide incentive for existing enrollees to stay on track with management practices because it may impact eventual buyer interest.	See Response to Comment Burr 2 in FEIR Attachment B: Summary of Revisions and Response to Comments. The Proposed Vineyard Order already includes a requirement that road sections must be prioritized by threat to water quality. Newly-developed commercial vineyards must meet all requirements of the Proposed Vineyard Order (including road requirements) upon enrollment.

Comment Number	Comment	Response
RRK 28	Ultimately, all sheet flow, run-on, and pollutant filled discharges will enter our waterways and continue to contribute to existing impairments unless actively addressed, regardless of where the pollutants source from. As such, we ask the RWB and Staff to ensure that review of any run-on situations also consider how an enrollee's own management practices and/or specific property characteristics exacerbates the potential for increased erosion on-site. For example, if the enrollee has bare dirt on that property edge, the enrollee's property begins to naturally slope more at that location, or the enrollee has historically failed to maintain some feature of their property or farming area in that location, they should not be able to discount any increased erosion caused by a neighbor when they have practices available to reduce those harms on-site. We also ask the RWB to consider how enrollees can be incentivized to address run-on onsite via their own management practices with no discount process, especially in situations where the originating parcel cannot otherwise be required to address the discharges via another permitting or regulatory program. Affected vineyard properties taking responsibility for run-on is the best way to ensure long-term water quality improvements are made and ongoing sources of impairment are addressed. Without management for run-on situations, our waterways will continue to experience significant sediment discharges and ongoing impairment.	See Response to Comment Burr 5.

RRK 29	Ensuring public access to data is important for the successful implementation and oversight of the Proposed Order. The public has the right to know what is happening in their local environment, especially when it involves potential impacts to water quality and public health. Key Element 4 mandates that a NPS control implementation plan "include sufficient feedback mechanisms" in order for the RWB, enrollees, and the public to "determine whether the program is achieving its stated purpose"11 and that all monitoring programs should be reproducible and provide a permanent and documented record that is available to the public. The RWB has the ability to provide transparent access to third party plans, voluntary programs, monitoring locations, collected monitoring data, exemption details, adaptive measures implemented, and other key permitting details that are necessary to demonstrate the order is effective. Ongoing public outreach and transparency is critical for permit success and providing information in a publicly accessible database is crucial to furthering that need. By limiting public access, anonymizing monitoring data, and aggregating data, the RWB is limiting the public's ability to determine permit effectiveness, while also limiting its own ability to ensure order compliance in any informed manner. We request that the RWB include all approved documents, guidelines, contractors, and related program plans to the RWB website along with the approved programs list. This will help ensure public transparency and oversight of approved programs that are largely being trusted by the RWB to implement and enforce interim compliance under this Proposed Order. By making publicly available, there will be additional layers of accountability added to any adopted program. We also request that the RWB reconsider the requirement that coalitions include a governance structure comprising of enrollees as this appears to create a significant conflict of interest by essentially allowing enrollees to guide the requirements they are also meant to be subjected to. There does not appear to be any controls or oversight mechanisms in place to ensure concerns arising from these conflicts of interest do not hinder and/or go against the RWB and its duties to protect water quality.	All information (e.g., workplans, responses to RFQs and RFPs, Enrollee submittals, etc) that are submitted to the Regional Water Board as part of Order requirements are public records and will either be available on GeoTracker, on the Vineyards Program webpage, or by request to applicable Regional Water Board staff. The Coalitions do not guide requirements of the Order or determine whether individual vineyards are in compliance with Order requirements. The role of Coalitions is to report Enrollee information to the Regional Water Board including Annual Compliance Report information, results of Agricultural Drainage Structure Monitoring, and whether the Enrollee has completed their reporting and is in good standing with the Coalition.

Comment Number	Comment	Response
RRK 29 (cont'd)	The RWB cannot abdicate its enforcement and oversight authority to those it is meant to regulate. Due to this significant concern, we ask that the RWB impose additional checks on approved coalition third parties. One such recommendation is to impose not insignificant consequences for a coalition's failure to comply with any RWB request in a timely manner and/or if a coalition attempts to prevent complete transparency with the RWB. Then in relation to Voluntary Sediment Control Programs, we request that the RWB establish a process for calculating and subsequently sharing on its website statistics on reported management practice effectiveness. We also request that additional parameters be added for remedial actions and implementation schedule, as these are currently vague. For example, Attachment C notes that there are consequences are triggered for loss of good standing, but there is no inclination as to what those consequences are. It is also not clear how long proposed implementation schedules may be.	

RRK 30	Non-point source pollution is regularly identified and reported as the leading cause of today's water quality issues, with harmful effects on drinking water supplies, recreation, fisheries and wildlife. With such prolific and widespread impact to the beneficial uses of our waterways and local groundwater supplies, it is important that all impacted communities are not only made aware of the potential harms, but also given a voice in the solution-building process. In the North Coast Region there are many agricultural ventures, including vineyard properties, where workers live and get their water from the property they are working on. This can create an imbalance in power over workers that may not want to speak up for more health protections out of fear or concern for their jobs despite significant water quality concerns and infringement on the basic human right to clean water.12 In relation to this order in particular, is the importance of ensuring that those that are reliant on groundwater wells on a vineyard property are provided access to clean and safe water. This means access to clean waters that are free from harmful pesticides and harmful nitrogen levels, but also timely and efficient notice of when those waters are deemed harmful to human health. For noticing requirements, it is important that those put at risk are given notice within 24 hours, if not earlier, so they can decide what is best for them as users of that water. It is also important that any noticing to users of the water be done in a way that is clear and understandable, be it in the form of bi-lingual postings, orally in their native language, or some other manner. The same is true for all noticing requirements under this Proposed Order when human health may be impacted. Further, it is a also important that the discharger have clear requirements on what to do when exceedances harmful to human health are observed. As presented, especially in relation to groundwater monitoring, there does not seem to be a clear direction of course when exceedances are observed. Without clear direction under these circumstances, there is a stronger likelihood that users will either have to make do without clean and safe water access at their place of work or home, or put themselves in harm's way by using the water anyway.	See Response to RR 27 in FEIR Attachment B: Summary of Revisions and Response to Comments

Comment Number	Comment	Response
RRK 30 (cont'd)	These basic requirements do not appear to be part of the Proposed Order and are vital to protecting public health and also for fostering trust within the community.	
RRK 31	Recommendation: Agricultural Drainage Structure. Natural or manmade features that carry, collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat, or filter stormwater runoff, including detention and retention basins, overland flow paths, pipes, channels, and the inlets and outlets to these features. These can include vineyard tile drains and similar subsurface drainage structures. They do not include drainage alteration for private roads and driveways, dams, reservoirs, lakes, ponds, and structures. These features may also be classified as Class IV watercourses that do not support native aquatic species and are manmade, provide established domestic, agricultural, hydroelectric supply, or other beneficial use. Due to the sheer scale of sheetflow that may runoff a vineyard property, it is important that such instances are captured within the Agricultural Drainage Structure definition and are not excluded from this permitting structure. Further, inclusion of sheetflow runoff will help increase the RWB's certainty that the Proposed Order will further water quality objectives and help achieve the permitting program's purpose.	Agricultural Drainage Structure Monitoring requirements in the Draft Vineyard Order originally required Individual Enrollees to monitor all edge-of-field discharge locations. Staff revised the Proposed Vineyard Order to eliminate the edge-of-field discharge location requirement primarily due to observations made during winter vineyard field tours regarding logistical challenges and feasibility of monitoring all discharge locations from a vineyard. However, following the December 4, 2024 public hearing, additional revisions were made to the Proposed Vineyard Order to address concerns about the narrowed definition of Agriculture Drainage Structures proposed in the Errata Sheet. The new definition of Agricultural Drainage Structures includes Seasonal Agricultural Drainage Structures to address less permanent stormwater conveyances that have the potential to discharge sediment from stormwater to surface waters. See Agricultural Drainage Structure definition in Appendix I: Acronyms, Definitions, and Endnotes. To address temporary constructed features that are drain areas of the vineyard in a given storm event, the term "Emergency Agricultural Drainage Structures" has been included as a CSDS in the Order which must be prioritized for repair (See Section II.C).

Comment Number	Comment	Response
RRK 32	Recommendation for Ground Cover definition: Ground Cover. Ground cover refers to the following practices: … (7) Temporary ~~Effective~~ soil cover includes mulching, straw mulching, plant residues or other suitable materials produced off site to the land surface. Mulching is used on bare, exposed soil surfaces that are deemed to be potential critical erosion areas. In most cases, mulch will consist of grain straw residue, but may include wood chips, leaves, composted yard waste, etc. (NRCS Conservation Practice Standards 201643). Ground cover can also be considered all materials in contact with the soil surface that will not float or wash away during a QSE. This mainly consists of rock fragments, portions of live vegetation including basal area and plant leaves that touch the soil, plants and plantlike organisms, such as ~~manure~~, mosses, algae, ferns, fungi, duff, plant litter, crop residue, applied materials, including, mulch, and manufactured erosion control products.	Thank you for your comment. The Proposed Vineyard Order was revised to remove manure from the definition of Ground Cover.
RRK 33	Any requested time extension and proposed time schedule to meet compliance must be reasonable and in good-faith with explicit limits on how many requests can be made successively before enforcement action becomes necessary. Extension requests may not be allowed as a delay tactic, especially when there are significant lead times built into the Proposed Order already.	There is no authority granted in the Water Code to limit extension requests. The proposed Vineyard Order does not include limits on extension requests.

Comment Number	Comment	Response
RRK 34	We propose the addition of the following prohibitions: Recommendation #1: Due to the high potential and risk of sediment discharge from areas already deemed unstable, winterization period or not, we make the following suggestion. “Re-planting of enrolled commercial vineyards between November 15 and April 1 of each year is prohibited. Re-planting commercial vineyards on Unstable Areas is prohibited. New Agricultural Drainage Structures that discharge onto unstable slopes, earthen fills, or directly to a waterbody are prohibited.”	The proposed language provided in this recommendation removes the exception for replanting onto Unstable Areas under the direction of a Qualified Professional. Otherwise, the recommendation appears to be consistent with Provision 7 in Section II.B of the Proposed Vineyard Order. Unstable Areas show evidence of mass downslope movement such as debris flow, landslides, rockfall, and hummock hill slopes with undrained depressions upslope. Repair of unstable areas to facilitate land development is a common practice and local agency codes include standard requirements for grading and drainage projects. The Proposed Vineyard Order was revised to require compliance with local agency grading and drainage permitting requirements.

RRK 35	Recommendation #2: Add to “Prohibitions” a limitation on all soil disturbing activities at least 5 days before a QSE is forecasted to occur. Once that QSE occurs, no soil disturbing activities can be permitted until the winterization period has completed and until soil saturation has completely dissipated following a QSE outside of the typical winterization period. Modern weather forecasting is widely regarded as reliable and provides a reasonable basis for informing on property activities related to soil disturbances. Vineyard managers already rely on these same forecasts for determining other aspects of their work, like determining necessary water allocations.	The Regional Water Board received many written comments on the Draft Vineyard Order that raised concern over inflexible prohibitions on winter activities, particularly the prohibition on equipment operation during saturated soil conditions. Commenters provided examples of cultural practices that may conflict with winterization requirements, prohibitions, and dates. These examples included, but were not limited to spreading compost, harvest activities, existing no-till practices, and critical needs such as repair. Commenters pointed out cases where winterization requirements and prohibitions may inadvertently preclude practices which may be used to improve soil health in the vineyard. In response to these comments, the Proposed Vineyard Order was modified to eliminate date-based prohibitions during saturated soil conditions and instead require Enrollees to prioritize the implementation of management practices to address soil disturbance or erosion in the vineyard due to farming activities conducted under saturated soil conditions. Specifically, Provision 6 in Section II.C of the Proposed Vineyard Order addresses this commenters concern: "Soil disturbance caused by wet season operations in vineyards during saturated soil conditions shall be prioritized for management practice implementation and/or repair and have necessary erosion control applied as soon as is feasible and prior to a forecasted Qualifying Storm Event."

Comment Number	Comment	Response
RRK 36	Recommendation #3: Add to “Prohibitions” a limitation of vehicle use on seasonal roads that are saturated or may otherwise be prone to rutting. Limited exceptions for things like unscheduled maintenance needs so long as reasonable precautionary measures are taken to avoid rutting would be acceptable. This protects against road damage that may be caused by vehicles and reduces the chance of increased erosion and sediment run-off. It is important that staff recognize that while many agricultural roads may be “seasonal” by definition, they are actually used the majority of the year and due to their long-term nature are extremely compacted. As these areas have a high frequency of use, are often used for worker parking in winter (e.g., for pruning), and have not typically been treated with ground cover or vegetation, these roads act more like a water conveyor in storms and take longer to saturate.	See Response to RRK 35.

Comment Number	Comment	Response
SCFB 1	The Sonoma County Farm Bureau has been deeply involved in the Technical Advisory Committee for the Region 1 Draft Vineyard Order and in various discussions regarding the draft permit. We have participated in public workshops and have submitted written and oral public comments. We are committed to working with Regional Board Staff and all stakeholders to ensure that the regulations and expectations are appropriate, sustainable, reasonable, and financially obtainable. In August, we hosted on-site tours for your staff on various vineyards in Sonoma County so that they may garner an understanding of vineyard management practices and discuss the vision of the Order directly with those whom the regulation will affect. While the staff had various goals for understanding vineyard operations for the sake of drafting the Order, our goal was to convey the differences in operations in terms of location, topography, and layout, and to express our concern for the negative implications that overly prescriptive mandates will have not only on the business owners but on the health of the land and sustainability of the vineyard itself. We are grateful that you, the North Coast Regional Water Quality Board, delayed the adoption of the 2023 draft order and directed staff to spend more time in discovery to better understand the variables in vineyard production, the current sustainability programs that are followed and what they entail, and the overall practices implemented. The original draft order was cumbersome and overly prescriptive, and we felt that more understanding of our current landscape would help improve the draft order.	Thank you for your comment. In addition to the farm tours in August 2023, the Sonoma County Farm Bureau helped organize multiple farm tours in the winter and spring of 2023.

Comment Number	Comment	Response
SCFB 2	At Region 1 staff's request, Sonoma and Mendocino County Farm Bureaus coordinated a meeting with vineyard owners and operators on February 7th in Cloverdale. During this meeting, Region 1 staff conveyed some of the ways they have made changes to the draft vineyard order, but still had several questions about active vineyard management practices, current regulatory expectations, parameters around already heavily regulated pesticide applications, and other areas of discovery that seemed to be immature for the stage of the process they proclaim to be in. This has created additional angst and concern for the current timeline that has been conveyed. Sonoma County Farm Bureau remains committed to serving as a resource. While we intend to host more tours for staff in the coming months, we are not confident that an effective, appropriate, sustainable, and reasonable Order will be devised and ready for implementation by the end of October based on the discussions and questions asked by staff at the February 7th meeting. We are also concerned that a draft will be submitted as final without further comment prior to your consideration for adoption.	The public hearing to consider adoption of the Proposed Vineyard Order was moved to December 4, 2024 and continued to June 2025. The continuance allowed for further engagement with interested parties and clarifications and refinement to the Proposed Vineyard Order.

Comment Number	Comment	Response
SCFB 3	There are still very concerning areas that, to our knowledge, remain in the Draft Vineyard Order. One of the most concerning is the financial burden and responsibility of collecting water quality data, namely sediment, of an entire watershed borne solely by vineyard owners. With the influence of a myriad of watershed properties and uses, it is hardly appropriate to bestow regulations solely on a small subset of properties, specifically vineyard property owners. It would seem most appropriate for the Regional Board to adopt a vineyard order with tailored monitoring while the Regional Board collects the necessary data to develop a TMDL for the Russian River. After the completion of a TMDL, the vineyard order can be revisited to implement the TMDL recommendations applicable to vineyards. Furthermore, the emphasis on and requirement for turbidity monitoring lacks proper application for the purpose and, like sediment, puts the burden on vineyard landowners/operators to monitor an entire watershed of varying contributing factors.	See Russian River TMDL General Response in FEIR Attachment B: Summary of Revisions and Response to Comments.

Comment Number	Comment	Response
SCFB 4	The initial intent of this letter is to communicate our concern about the timing of implementation of the impending Vineyard Order in Region 1 based on the need for more communication and learning. However, we would be remiss if we did not convey our confusion about why this permit is not more aligned with the existing Region 2 Vineyard Order. While we understand that some additional requirements are needed to comply with the East San Joaquin Order, the Region 2 Vineyard Order approach is more effective at reducing sediment loading and is preferred by growers. It emphasizes and implies best management practices based on existing third-party sustainability certification programs (i.e. Fish Friendly Farming Certified Program, Certified California Sustainable Winegrowing, Sustainability in Practice, Lodi Rules, etc.) that are tailored to each location, making these programs most effective. It begs the question as to why staff, who has minimal vineyard management experience, is so compelled to disregard the continuous improvements that have been done for decades and instead create more regulations and mandates that, under the current structure, will not necessarily exhibit positive results except to collect data that is desired while being funded by a subset, albeit a small percentage, of the region.	There were multiple revisions to the Draft Vineyard Order which increased alignment with the Region 2 Vineyard Permit. These included an acreage-based enrollment threshold and options to use Voluntary Programs and Qualified Professionals for sediment and erosion control compliance. See Existing Voluntary Program General Response, Acreage-Based Enrollment Threshold General Response, and Sediment and Erosion Control General Response in FEIR Attachment B: Summary of Revisions and Response to Comments.
SCFB 5	Having worked with Regional Board members and staff for many years on the dairy permit, one thing was clear: a carrot, not a stick, approach was always a win-win. Landowners and managers in agriculture are motivated to protect natural resources for the benefit of the environment and their businesses; there is no incentive to degrade our land or natural resources. It has also been made clear that the parameter of the regulatory body is to ensure compliance without directing how to comply, as anything else would increase the risk of liability for the government agency. The current approach of the Region 1 Vineyard Order is overly prescriptive and increases the agency's liability under the current direction.	Thank you for your comment, see response to SCFB 4.

Comment Number	Comment	Response
Todd 1	Dear Vice-Chair Gregory Giusti and Board Members of the Regional Water Quality Control Board, Thank you for the time and commitment you have given to the discussion and continuing development of the Region 1 Vineyard permit. Once again, we were present for the most recent hearing on December 4, 2024 and appreciate your attention to the continued modifications before adopting this multi-sectioned proposed permit. We remain concerned on how the permit will transpire and be implemented. Our family are generational farmers in both Sonoma and Mendocino counties and take very seriously how our land and its water sources are being sustained for the environment and future. Our stewardship is demonstrated through management practices and farm plans with the Fish Friendly Farming program on all of our ranches, some for over twenty years.	Thank you for your comment.
Todd 2	Document Size. This very long document needs to be streamlined for ease and understanding of what is required of vineyard owners. There were many explanatory graphs presented during the hearing and appreciated for gaining knowledge on the revisions and requirements. Something such as a simple flow sheet and minimal pages (10) of direction for us to follow may be more feasible for explanation and direction. This would allow for ease of comprehending what will be required and how to collect data for reporting. Having a basic outline addressing the varying topography of vineyards, slope percentage, cover crop or not, etc. for the requirements would be welcoming. Another consideration would be the submission process. We hope for it to not be lengthy or difficult to decipher whether it is individually or through a coalition. Our time is best spent in the vineyard as farmers.	Staff developed a Vineyard Order Enrollee Help Guide in response to Board direction that incorporated many of this commenter's concerns.

Comment Number	Comment	Response
Todd 3	Cost. Always to be determined, but with lagging revenues in the industry as Mr. David Kolbolt presented at the hearing, vineyards are struggling as a commodity. This has been ongoing for several years now and predicted for a minimum of two more years. Hiring manpower of any kind to meet permit requirements such as third-party engineers or paying to be part of a coalition puts a strain on budgets. Honestly, the manpower availability is slim in general. Region 1 has many acres of ground to cover for review and inspection for compliance. In Mendocino County it has recently been regulated that we will be paying approx. $40 an acre for groundwater management. Mr. Glen McGourty addressed this in his public comment. We hope that an additional groundwater fee will not be duplicated in the Region 1 permit for those of us already paying. We will continue with our farming practices of natural and seeded cover crop, but this expense comes with rising costs. Let us also keep in mind that labor in general will see a cost of living raise with the mandated minimum wage increase effective January 1, 2025.	During the winter and spring of 2025, staff met with potential Coalition and Third-Party entities to scope the availability of existing groundwater data for groundwater trend monitoring.

Comment Number	Comment	Response
Todd 4	Coalition. It is being assumed that a coalition will step up and assist us in the process. To think that the local Farm Bureau Agencies or California Land Stewardship Institute would take this on is just that: "an assumption". It is understood that no one will step up until the permit has been adopted, but we will need assistance for this permit. What will transpire if agencies do not form a coalition? We do realize that the Sonoma County Farm Bureau already participates in Region 2, yet now a different permit is being defined for the northern part of their county and asking them to take that on is once again an assumption. The implementation schedule has factored in several years of time which includes the approval of a coalition and this is appreciated. We hope that our rotation with the Fish Friendly Farming program coincides with the permit requirements.	Comment is noted. Over the course of the Winter and Spring 2025, staff met with both the Sonoma and Mendocino County Farm Bureaus to scope both their interest and concerns in filling the Coalition role. Staff note that the Proposed Vineyard Order (as is consistent with Irrigated Lands Regulatory Orders) incentivizes Coalition participation through State Water Board fees. Thus, staff agree with this commenter that the option of enrolling in a Coalition would result in cost and efficiency benefits for Enrollees and would also help successful implementation of the Proposed Vineyard Order. Implementation dates in the Proposed Order reflect the time necessary for a Coalition to form and expand administrative capabilities. Staff also met with the Fish Friendly Farming Program to discuss its potential role(s) in implementation of the Proposed Vineyard Order.
Todd 5	Sample Location. Who is deciding where we take our sample of water from? Will multiple samples come from one vineyard location? Will someone be doing a site visit and guiding on how to manage our own personal vineyard location to meet the permit requirements? These answers may have been presented, but it feels uncertain as to how this will all come about. Defining parameters are part of the education we will need.	The Proposed Vineyard Order includes guidance for Enrollees on determining locations for Agricultural Drainage Structure Monitoring (See Section III of Attachment A to the Proposed Vineyard Order, or Section II of Attachment B to the Proposed Vineyard Order). See also the Vineyard Order Enrollee Help Guide for a simple explanation regarding Agricultural Drainage Structure Monitoring.

Comment Number	Comment	Response
Todd 6	Testing Facility. We do have concerns on who will be able to provide water testing in a sufficient time frame. We do have one provider in Mendocino County, but has anyone verified they could meet the needs? Water tests can take time and are not inexpensive. From experience when there is a large group of people requiring valuable test results in a short amount of time it can be inaccessible. It was not that long ago that we all scrambled for smoke taint testing and it was a fiasco.	See Representative Pesticide Monitoring General Response C in FEIR Attachment B: Summary of Revisions and Response to Comments.
Todd 7	Training and Education. We are confident that plenty of time will be allowed and many courses offered for those to be trained. There are not many experts to assist us as mentioned in the hearing and if a certification of the vineyard owner can be offered that would be ideal. Gaining knowledge about the requirements and reporting will be a learning experience from both sides. May we suggest something similar for our flow meter monitoring and maintenance?. We took a course for Flow Meter Water Certification in order to report for our Water Rights. This has served us well.	Staff appreciate this suggestion. The Proposed Vineyard Order requires that Enrollees attend one outreach and education event each year that is focused on compliance with Order requirements. Many Coalitions in Irrigated Lands Orders offer this service to their Enrollee members.

Comment Number	Comment	Response
Todd 8	Offsite Restoration Alternative. Pertaining to the EIR. We were not clear on what this actually means if the vineyard footprint remains the same. If a definition or example of what is considered an offsite restoration alternative could be provided to us here individually, that would be most helpful.	In lieu of meeting Streamside Area horizontal width requirements, Enrollees may choose to restore and protect native riparian vegetation at another location within the same sub-watershed (HUC-12). The proposed Restoration Area shall be placed into a conservation easement with sufficient financial resources to fund 20 years of riparian vegetation maintenance and replacement of vegetation that does not survive. Requirements to use this option are given in Section II.C of the Proposed Vineyard Order under "Streamside Area Requirements." Staff note that this option may not be available to all Enrollees due to the availability of land for restoration purposes. For more information on the North Coast Water Board's Restoration Program, visit this page: https://www.waterboards.ca.gov/northcoast/water_issues/programs/Restoration/#:~:text=Restoration%20projects%20in%20the%20North%20Coast%20Region%20typically%20include%2C%20but,habitat%20improvements%2C%20accelerated%20recruitment%20of

Comment Number	Comment	Response
WI 1	We are writing to provide additional comments on the North Coast Regional Water Quality Control Board's proposed General Order for Waste Discharge Requirements for Commercial Vineyards (Vineyard Order). Our members own and manage significant acreage within the North Coast region and will be tasked with implementing what is proposed in the Vineyard Order. We appreciate the opportunity to provide further comments and make recommendations on changes to the Vineyard Order that will improve the clarity of the Vineyard Order, simplify its implementation for vineyard managers, and ensure water quality objectives are met. Wine Institute is a public policy advocacy group representing approximately 1,000 California wineries and affiliated organizations responsible for 85 percent of the nation's wine production. The California Association of Winegrape Growers (CAWG) is the only statewide organization dedicated exclusively to protecting and promoting the interests of California winegrape growers, representing approximately 800 grower and associate members statewide. California's wine industry contributes $73 billion to the state's economy, employs 422,000 Californians, and pays $7.9 billion in federal, state, and local taxes. In addition to the economic value that California winegrape growers and wineries create, our members are committed to sustainability. In 2003, Wine Institute and CAWG formed the California Sustainable Winegrowing Alliance (CSWA) to promote the benefits of sustainable winegrowing practices, enlist industry commitment and assist in implementation of the Sustainable Winegrowing Program. Today CSWA manages the largest third-party sustainable wine program in the U.S., Certified California Sustainable Winegrowing (CCSW). CCSW currently certifies 45 percent of California winegrape acreage and 90 percent of wine produced in California comes from a CCSW certified winery. Additionally, when other sustainability certification programs are included, approximately 60 percent of all California vineyard acres are certified sustainable. Despite these improvements, the current proposal should not be adopted in its current form.	Thank you for your comment.

Comment Number	Comment	Response
WI 1 (cont'd)	Several necessary changes remain to clarify permit requirements and ensure that vineyard owners and managers understand what is requested of them to achieve compliance. For example, we are currently working with the State Water Resources Control Board (State Board) and numerous Regional Water Quality Control Boards on implementation of the statewide General Order for Winery Waste (Winery Order). The State Board adopted the Winery Order without including important clarifying edits that were recommended during the rulemaking process, which has led to challenges. There are numerous elements in the Winery Order that are unclear, which has resulted in significant time for both wineries and State Board staff to try to determine what the language intended. We urge you to make clarifying changes to the Vineyard Order prior to adoption to save time for all parties once the Vineyard Order is adopted.	

Comment Number	Comment	Response
WI 2	Sediment Management Unit: The proposed Vineyard Order includes a definition for “sediment management area,” however it does not define “sediment management unit” and refers to sediment management units in three places in the Vineyard Order (pages 48 and 50). It is unclear if sediment management units are meant to be the same as sediment management areas or if they are a meant to be a subset of sediment management areas. We recommend clarifying the difference between the two references.	The Proposed Vineyard Order had used the two terms “Sediment Management Area” and “Sediment Management Unit” interchangeably. Any instance of the term “Sediment Management Unit” in the Order is a typographical error. All uses of the term “Sediment Management Unit” in the Proposed Vineyard Order and its attachments have been updated to “Sediment Management Area.” (pp. 48,50 of Order; p. 6 of Attachment A: MRP for Individual Enrollees; p. 6 of Attachment B: MRP for Enrollees in a Coalition; and p.1 of Attachment D: Methodologies and Procedures).

Comment Number	Comment	Response
WI 3	Management Practices: The proposed Vineyard Order makes numerous references to management practices but does not include a definitive definition. We appreciate that the proposed Vineyard Order does not mandate specific practices, and instead allows vineyard managers to choose management practices that best work in their specific situations. However, we would appreciate clarification on how to apply the management practices in the CEQA document as well as clarification that the management practices are not limited to what's included in the CEQA document. Specifically, the definition of Ground Disturbing Management Practices includes "watering for dust control, establishing perimeter silt fences, and/or placing fiber rolls," none of which seem to be ground disturbing activities. The proposed Vineyard Order requires compliance with all mitigation measures in Attachment E during construction of ground disturbing management practices. Item HWQ-1 in Attachment E includes the following mitigation measures: "Implement practices to prevent erosion of exposed soil and stockpiles, including watering for dust control, establishing perimeter silt fences, and/or placing fiber rolls" (emphasis added). It appears that the proposed Vineyard Order will require vineyard managers and their employees to follow the mitigation measures in Attachment E when they are watering for dust control and the mitigation measure in Attachment E is the same as the activity. We would recommend that the definition of Ground Disturbing Management Practices exclude those items that are also mitigation measures included in Attachment E.	The Proposed Vineyard Order was modified through the Errata Sheet released as part of the December 4, 2024 Board hearing to add the following term to Appendix I: Acronyms, Definitions, and Endnotes (beginning on p. 75 of the Order): "Management Practices. Practices or combination of practices including, but not limited to, structural and non-structural (operational) controls that may be applied before, during and after waste producing activities to eliminate or reduce the generation of nonpoint source discharges and the introduction of pollutants into receiving waters." This revision is reflected in the current version of the Proposed Vineyard Order.

Comment Number	Comment	Response
WI 4	Vegetated Buffers: The proposed Vineyard Order prohibits certain activities within vegetated buffers but allows existing structures to remain. We appreciate the allowance for existing structures, however if a pump house that is currently located within a vegetated buffer needs to be rebuilt, it is unclear if that activity would be allowed. We request clarification that rebuilding existing pump houses be allowed, as those structures need to be located near points of diversion. Further, there may be other existing structures that should be allowed to be repaired or rebuilt and we request a grandfathering in of existing structures that need repair.	The Proposed Vineyard Order was modified to include a clarification that maintenance or replacement of existing structures within their existing footprints are allowed within Streamside Areas.
WI 5	It is unclear what monitoring is required for vineyards without agricultural drainage structures. If a vineyard does not have any agricultural drainage structures to sample, what monitoring is required? Does a vineyard without any agricultural drainage structures achieve compliance if it meets the thresholds of: • 50% Ground Cover on slopes less than 10%, or • 75% Ground Cover for slopes over 10%, or • Develop and implement a Sediment and Erosion Control Plan (SECP) either individually or through an approved Voluntary Sediment Control Program (Voluntary Program) Additional clarification of monitoring requirements for vineyards without agricultural drainage structures would be appreciated. The proposed Vineyard Order would also benefit from clarity around whether drainage structures that are used exclusively for groundwater removal are excluded from the definition of agricultural drainage structure.	Vineyards that do not have any Agricultural Drainage Structures will not conduct Agricultural Drainage Structure Monitoring as they have no structures to monitor. During winter farm tours in 2024, staff observed that slope, ground cover, and presence of Agricultural Drainage Structures are the primary factors in a vineyard's water quality threat and complexity. The intent of the Agricultural Drainage Structure Monitoring was to sample turbidity in stormwater runoff. A structure that exclusively drains sub-surface water is not included in the definition.

Comment Number	Comment	Response
WI 6	It is unclear to us why “filter stormwater runoff” is included in the definition of agricultural drainage structure. This would seem to include buffer strips in the definition of agricultural drainage structures. Features that filter stormwater runoff are unlikely to be channelized, which would make collecting runoff to conduct turbidity monitoring extremely difficult. We recommend excluding “filter stormwater runoff” from the definition of agricultural drainage structure.	Staff revised the definition of Agricultural Drainage Structure to remove the implication that overland or vegetated buffers are included in the definition as this was not the original intent. See the revised definition of Agricultural Drainage Structure in Appendix I: Acronyms, Definitions, and Endnotes.

Comment Number	Comment	Response
WI 7	The proposed Vineyard Order requires turbidity monitoring of agricultural drainage structures unless a vineyard has a certified Sediment and Erosion Control Plan (SECP) or meets the 90 percent planted or rooted ground cover requirement by December 15. However, in drought years with limited qualifying storm events (QSE) how is monitoring compliance determined for QSEs that occur prior to December 15 if the ground cover requirement is not yet in place? How do enrollees or a coalition determine which locations need to be monitored prior to December 15? We believe that it will be extremely difficult for vineyards to meet a 90 percent planted and rooted ground cover requirement by December 15 due to temperature requirements for germination as discussed further below. Thus, additional clarification is needed around when and where monitoring is required.	The Draft Vineyard Order had included a provision that addressed Enrollee requirements if the Enrollee is unable to collect Agricultural Drainage Structure samples in a given year due to unsafe conditions or lack of discharge. This provision was not intended to be removed and has been restored in the Proposed Vineyard Order. The original language has been modified slightly to be consistent with revisions in the Proposed Vineyard Order (e.g., modifying the term “Discharger” to “Enrollee.”) The following language should be added to Provision 4) on p. 4 of Attachment A: Monitoring and Reporting Program for Individual Enrollees and added to Provision 5) on p. 4 on Attachment B: Monitoring and Reporting Program for Enrollees in a Coalition: If an Enrollee is unable to collect samples in any given year due to lack of discharge or unsafe conditions, the Enrollee shall include in the submittal of their annual Agricultural Drainage Structure Turbidity Monitoring results documentation explaining why the sampling did not occur. Documentation may include, but may not be limited to weather reports, photographs of unsafe conditions, or other written explanation."

WI 8	We appreciate the inclusion of photo point monitoring as a possible option for vineyards who either create a SECP certified by a qualified professional or meet the 90 percent ground cover requirements. However, the requirements for meeting the 90 percent ground cover are so steep that it is likely not an option that can actually be utilized by vineyard owners or managers. The climate on the North Coast is not generally warm enough for plants to germinate and produce significant cover by December. As a result, vineyards with annual cover crops would not be able to meet the 90 percent planted or rooted groundcover requirements to be eligible for photo point monitoring. This will force vineyard managers to irrigate in October and November, while it is still warm enough for germination. This seems like an unforced error for achieving water conservation. Moreover, even with irrigation, enough growth is unlikely to occur by December 15 to meet the 90 percent standard. Our conclusion regarding the inability to achieve the proposed 90 percent threshold is supported by a study conducted by E.B. Brennan et al.1 of rye and legume-rye cover crop mixtures for vegetable production on California's Central Coast (Hollister and Salinas). In the study, seed mixes were planted in early November and irrigated with sprinklers during the week following seeding. Measurements of ground cover were taken 35 to 43 days after planting and ground coverage ranged from 29 to 54 percent depending on the seed mix. The ground cover in the study didn't reach 90 percent cover until approximately 60 days after planting. While this study was not in vineyards, it clearly documents the challenge that any grower would face in meeting the 90 percent planted and rooted ground cover standard to be eligible for photo point monitoring. While we appreciate the clarification that the 90 percent requirement is for "ground cover that must be primarily comprised of planted or rooted material," even with the distinction that the standard is primarily made up of planted or rooted material, it seems unlikely that vineyards could meet that standard not only due to limited germination early in the season, but also due to limitations around equipment for seeding beyond typical vineyard avenue spacing.	Under the Proposed Order, Photo-Point monitoring is currently permitted in limited circumstances where there is an expectation that certain heightened requirements (certified SECP or No-Till Practices/90% rooted ground cover) would result in little to no exceedances of the turbidity benchmark were Agricultural Drainage Structure Monitoring be conducted. Staff acknowledge that it may be difficult for many vineyard operators who implement annual cover crops or till their vineyard to achieve 90% rooted ground cover by December 15th. However, staff observed that in vineyards that implemented no-till practices, this 90% ground cover standard could consistently be achieved from year to year. The original intent of the 90% ground cover option was to incentivize practices that are expected to consistently produce good water quality outcomes. Rooted ground cover may be superior in retaining sediment and preventing erosion when compared to other types of ground cover (i.e. straw) that could get mobilized during a storm event. Permanent ground cover, as employed in No-Till Ground Cover does not have the seeding and irrigation demands that annual cover crops may have in order to meet the 90% by December 15th standard.

Comment Number	Comment	Response
WI 9 (cont'd)	Instead, we recommend a menu approach that achieves the high standard intended for photo point monitoring eligibility but is realistically achievable for vineyards. We recommend the following: (*The letter included a table. Please refer to the CAWG/Wine Institute letter to view the table.)* Please note that the reduced herbicide alternative has several benefits in addition to less chemical usage. This alternative results in fewer tractor passes, so less soil compaction occurs, as well as lower greenhouse gas emissions from diesel. It is important to recognize that these recommended compliance options are a very high standard and will be a challenge for many vineyards to implement. We recognized the intent of the proposed Vineyard Order to limit photo point monitoring to only those meeting high standards for ground cover and believe that our alternative options also meet these high standards.	The Proposed Vineyard Order was modified to redefine the 90% ground cover option for Photo-Point monitoring as a No-Till Ground Cover option for Photo-Point Monitoring. The purpose of this revision is to reduce potential confusion among Enrollees who may attempt to meet the standard in a given year, but may not be employing the practices that consistently meet that standard. It is not staff's intent that, based on meeting the 90% standard or not, an Enrollee would be required to toggle between Agricultural Drainage Structure Monitoring and Photo-Point Monitoring from year to year. Staff's intent was that the Enrollee would have consistent Management Practice Effectiveness Monitoring requirements based on the consistent employment of practices to meet the 90% ground cover standard.

WI 9	We appreciate the inclusion of voluntary programs as an option for vineyard compliance with the proposed Vineyard Order. We have a number of questions that would benefit from additional clarity within the Vineyard Order. It is unclear who is responsible for verifying if the SECP is completed. Is that done during the audit, or is it expected to happen during a separate process? Is the Regional Board expecting voluntary programs to provide additional workshops or technical assistance for growers choosing to complete a SECP, or is the normal process a voluntary program provides for vineyards participating in their programs all that is required? Most vineyard sustainability certification programs have specific requirements for sediment and erosion control included, however it is unclear if they would meet the standards required in the proposed Vineyard Order.It is important that the standards being audited are clear. For example, auditors are not guiding growers on how to implement specific practices, instead they are simply documenting whether a specific practice has been completed or the necessary paperwork is on file. We request clarity about what is the responsibility of the voluntary program as compared to the responsibilities of the enrollee.	In the winter of 2025, staff met individually with the CSWA, FFF, and SIP Certified programs to clarify these questions. In general, if an Enrollee chooses to use a Voluntary Program to develop a SECP, the Enrollee works with the Voluntary Program to determine SECP completion. It is the responsibility of the Enrollee to report the implementation status of their SECP and the audit by the Voluntary Program confirms that practices identified for implementation in the SECP are being implemented. As part of Order implementation and during the Voluntary Program RFQ process, staff plan to work with potential Voluntary Programs to identify programmatic changes necessary to meet standards in the Order. It is the intention of the Proposed Vineyard Order that the standard implementation of sediment and erosion control management practices required through a Voluntary Program would provide commensurate water quality protection as the minimum ground cover standard (i.e., 50% ground cover on slopes less than 10% and 75% ground cover on slopes greater than 10%). This commensurate protection can be achieved through management practices other than ground cover (such as filter strips, vegetated buffers, sediment catchment basins, linear sediment controls, etc.) and the Voluntary Program should require a standard across all vineyards that meets this commensurate protection.

Comment Number	Comment	Response
WI 9 (cont'd)		It is the responsibility of the Voluntary Program to operate and maintain its program consistent with the conditions approved by the Regional Water Board through the RFQ process. It is the responsibility of the Enrollee to implement the SECP and ensure compliance with all aspects of the Proposed Vineyard Order.
WI 10	Some vineyards may decide to conduct photo point monitoring as their monitoring system and gain eligibility through the use of a SECP certified by a qualified professional. Given that vineyards are established for at least 20-years, it seems odd to require recertification of a SECP every five years. Developing a certified SECP will be costly, especially given that licensed professionals typically charge between $250-350 per hour and a site visit to some vineyards could easily require eight hours, meaning development of the entire plan is likely to be over 40 hours (i.e., over the $10,000 estimated in the cost section of the Vineyard Order). As an alternative approach, we recommend that the vineyard owner and/or manager sign an affidavit certifying that they have reviewed the plan to ensure nothing has changed and that they will continue to implement the plan as originally drafted. The Regional Board could require that this affidavit be submitted either individually or to the third party every five years. We also recommend the same review process for non-certified SECPs.	The Proposed Vineyard Order requires implementation of management practices and Management Practice Effectiveness Monitoring to confirm the efficacy of those practices and to trigger adaptive management when they are not effective. Enrollees who are implementing practices at a lower implementation standard must conduct Agricultural Drainage Structure Monitoring to confirm their practices are effective. For Enrollees who are implementing their sediment and erosion control at a higher implementation standard (i.e., a SECP certified by a Qualified Professional) the oversight by a Qualified Professional is the mechanism that triggers adaptive management in the vineyard. Therefore, it is important that oversight by a Qualified Professional occur at a regular interval to account for changes to conditions within the vineyard due to various reasons (i.e., climate variability or replanting activities).

Comment Number	Comment	Response
WI 11	Sonoma County has a strong program in place to limit sediment and erosion from new and replanted vineyards in its Vineyard and Orchard Site Development Ordinance (VESCO). We request that engineered plans developed by new and replanted vineyards be recognized as SECPs for parcels that have completed VESCO plans. Sonoma County is currently in the early stages of updating the best management practices document for VESCO and could incorporate references to the North Coast Region's Basin Plan to ensure that it would meet the standards required by the Regional Board. Additionally, we request that the prohibitions for activities involved with planting and replanting vineyards more closely match the allowances under VESCO. There are planting activities that can occur during the winter period that do not pose significant risks to water quality. VESCO currently allows final planting work and final replanting work to occur between October 1 and April 30. We request including the definitions of final planting work4 and final replanting work5 within the proposed Vineyard Order and allow those activities over the winter. This will ensure that vineyard owners and managers can complete their planned planting and replanting activities in a timely manner.	The Proposed Vineyard Order does not identify specific programs that would qualify as a Sediment and Erosion Control Plan certified by a Qualified Professional. Instead, it relies on the definition of a Qualified Professional (see Appendix I: Acronyms, Definitions, and Endnotes) to delineate the implementation standard of a SECP. If VESCO plans are certified by a Qualified Professional and meet the requirements for a certified SECP as given in the Proposed Vineyard Order, they may be used to fulfill those requirements. Staff concur with the suggestion to increase consistency with replant definitions between the Proposed Vineyard Order and VESCO. The Proposed Vineyard Order was modified through the December 4, 2024 Errata Sheet in the following ways: Add the word "Initial" and remove hyphenation from the term "re-planting" in Provision 7) on p.46 of the Order. Provision 7) should now read: "Initial Replanting of enrolled commercial vineyards between November 15 and April 1 of each year is prohibited. Replanting commercial vineyards on Unstable Areas is prohibited unless repaired under the direction of a Qualified Professional. New Agricultural Drainage Structures that discharge onto unstable slopes, earthen fills, or directly to a waterbody are prohibited."

Comment Number	Comment	Response
WI 12	Courts have agreed with decisions by the Central Valley Regional Water Quality Control Board (Region 5) and State Board allowing water quality coalitions to anonymize grower information required by Irrigated Lands Regulatory Programs to be submitted to third-party water quality coalitions before submitting it to the Regional Board6. We support the allowance of third-party coalitions to anonymize grower information prior to submitting it to the Regional Board and appreciate the inclusion in Attachment B of anonymous Enrollee IDs. However, we would request clarification regarding the inclusion of Township, Range, and Section (TRS) in the annual submittal of management practice data by third-party coalitions. The inclusion of TRS is likely to provide detailed information that could allow the public to identify specific vineyards. Data submitted to Region 5 by water quality coalitions anonymizes TRS information and we would request that the proposed Vineyard Order be clarified to allow this7	The Proposed Vineyard Order was revised to be consistent with the nitrate reporting requirements of the East San Joaquin Order that requires information be submitted by township and range, but not by section.
WI 13	We request that the Regional Board develop a flow chart to assist vineyard owners and managers in understanding the specific requirements that are applicable to their vineyards. For, example we sincerely appreciate the exclusion from enrollment, monitoring, and reporting for vineyards outside of the Big-Navarro-Garcia, Gualala-Salmon, and Russian River watersheds and for all vineyards that don’t exceed five acres. However, those exclusions are buried within the document and would be more obvious on a simple flow chart.	Staff developed a Vineyard Order Enrollee Help Guide in response to Board direction that incorporated many of this commenter's concerns.