

**State of California
Regional Water Quality Control Board
North Coast Region**

Resolution No. R1-2024-0057

**Certification of Environmental Impact Report,
California Environmental Quality Act Findings of Fact,
and
Statement of Overriding Considerations**

for

**General Waste Discharge Requirements for Commercial Vineyards in the North
Coast Region**

WHEREAS, the California Regional Water Quality Control Board, North Coast Region (hereafter Regional Water Board), finds the following:

Introduction

1. The Regional Water Board prepared an Environmental Impact Report (EIR) to evaluate environmental effects from implementation of General Waste Discharge Requirements for Commercial Vineyards in the North Coast Region (Project or Vineyard Order) including implementation of reasonably foreseeable Management Practices that could be taken to comply with the Order. The Regional Water Board is the lead agency under the California Environmental Quality Act (CEQA). The EIR fulfills Regional Water Board CEQA compliance requirements for issuance of the Vineyard Order.
2. The Regional Water Board will consider adoption of the Vineyard Order to regulate non-point source discharges from vineyards planted to produce wine-grapes for commercial purposes including vineyards that are planted but not yet marketable. The purpose of the Project is to improve water quality conditions and protect and restore beneficial uses in the North Coast Region by preventing or minimizing discharges of waste from vineyards.
3. The EIR was prepared in accordance with CEQA, Public Resources Code, section 21000 et seq., as amended; and the Guidelines for Implementation of CEQA, Title 14, California Code of Regulations, section 15000 et seq (CEQA Guidelines).
4. The EIR evaluates the potential environmental impacts of the Order and two alternatives to project requirements which presented a significant impact on agricultural resources: the Offsite Restoration and the Reduced Setback Alternatives.

Public Notice and Engagement

5. In June 2022, Regional Water Board staff sent a formal notification of a decision to undertake a project and notification of consultation opportunity to the 22 California Native American tribes within the North Coast Region in compliance with AB 52 (Statutes of 2014, Chapter 532). No tribal government-initiated consultation with the Regional Water Board pursuant to AB 52.
6. On August 8, 2022, the Regional Water Board published a Notice of Preparation of an Environmental Impact Report and initiated a 45-day CEQA Scoping public comment period. An Initial Study was posted on the Regional Water Board Agricultural Lands Vineyards Program webpage.
7. On September 1, 2022, Regional Water Board staff held an in-person CEQA scoping meeting at 5550 Skylane Blvd, Suite A, Santa Rosa, CA. On September 8, 2022, Regional Water Board staff held a virtual CEQA Scoping meeting.
8. On June 29, 2023, the Regional Water Board sent the Draft EIR to and filed a Notice of Completion and Environmental Document Transmittal with the State Clearinghouse (SCH) (Cal. Code Regs., tit. 14, § 15085), initiating a 45-day (later extended to 60-day) public review and comment period for the Draft EIR (SCH No. 2022080129) from June 30 through August 30, 2023. SCH provided the Notice of Completion and Environmental Document Transmittal to state reviewing agencies.
9. On June 29, 2023, the Regional Water Board provided Notice of Availability of the Draft EIR and Draft Vineyard Order to the public and posted the documents on the Agricultural Lands Vineyards Program webpage. The public review period was from June 30, 2023, through August 30, 2023, for a 60-day public comment period.
10. On August 4, 2023, the Regional Water Board held a hybrid (in-person and virtual) informational public workshop on the Draft EIR and Draft Vineyard Order at 5550 Skylane Blvd, Suite A, Santa Rosa, CA.
11. The Regional Water Board has received and considered all timely submitted comments regarding the Draft EIR. The list of commenters, comments received on the draft EIR, and responses to all substantive comments are provided in the Final EIR, Attachment B.
12. The Final EIR reflects minor changes made in consideration of the comments received on the Draft EIR. These changes to the EIR include clarifications, corrections, and other insignificant modifications that have been identified since circulation of the Draft EIR. The changes do not result in any new significant impacts to the environment, nor do the changes result in a substantial increase in the severity of an environmental impact.

Description of the Order

13. The Vineyard Order creates a regulatory structure to minimize discharges of waste and to prevent adverse impacts to water resources resulting from the commercial cultivation of winegrapes. The purpose of the Vineyard Order is to:

Objective #1 - Protect and restore beneficial uses and achieve water quality objectives specified in the Basin Plan for areas in the North Coast Hydrologic Region planted to vineyards by:

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1. Minimizing nitrate and pesticide discharges to groundwater.
2. Minimizing nutrient and pesticide discharges to surface water.
3. Minimizing sediment discharges to surface water.
4. Minimizing temperature impacts to surface water from loss of riparian shade.

Objective #2 - Effectively track and quantify achievement of the stated objectives over a specific, defined time schedule.

Objective #3 - Comply with the State Nonpoint Source Pollution Control Program, the State Antidegradation Policy, the precedential language in the Eastern San Joaquin Agricultural Order, the North Coast Basin Plan, and other relevant statutes and water quality plans and policies, including the Temperature Implementation Policy, the Sediment Total Maximum Daily Load (TMDL) Implementation Policy, and watershed specific TMDLs in the North Coast Hydrologic Region.

14. Key elements of the Vineyard Order include the following:

1. Sediment and Erosion Management for Surface Water Protection,
2. Streamside Management Areas for Surface Water Protection,
3. Storm-Proofing Appurtenant Agricultural roads for Surface Water Protection,
4. Irrigation and Nutrient Management for Groundwater Protection, and
5. Monitoring and Reporting Requirements.

Findings Required Under California Environmental Quality Act

15. CEQA requires that the Lead Agency (North Coast Regional Water Quality Control Board) adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Mitigation measures or alternatives are not required, however, where such changes are infeasible or where the responsibility for the project lies with some other agency. (CEQA Guidelines, § 15091, subs. (a), (b).)
16. In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an “acceptable” level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact – even if the alternative would render the impact less severe than would the proposed project as mitigated.

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There are three possible findings under Section 15091(a). The public agency must make one or more of these findings for each significant effect. The Section 15091(a) findings are:

17. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the General Waste Discharge Requirements for Commercial Vineyards Final Environmental Impact Report (NCRWQCB, 2024) (Final EIR).
18. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
19. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
20. In the Statement of Overriding Considerations found at the conclusion of these Findings, the Regional Water Board identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that adoption and implementation of the Vineyard Order would cause.
21. These Findings do not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, a full explanation of these environmental findings and conclusions are presented in the EIR and these findings hereby incorporate by reference the discussion and analysis in the EIR supporting the determination regarding the impacts of the Vineyard Order and mitigation measures designed to address those impacts. In making these findings, the Regional Water Board ratifies, adopts and incorporates in these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.
22. The Regional Water Board further adopts and incorporates all of the mitigation measures set forth in the EIR and the Mitigation Monitoring and Reporting Program (MMRP) to substantially lessen or avoid the potentially significant and significant impacts of the Vineyard Order. The Regional Water Board adopts each of the mitigation measures proposed in the EIR to reduce or eliminate significant impacts resulting from the Vineyard Order. Accordingly, in the event a mitigation measure in the EIR has inadvertently been omitted in these findings or the MMRP, such mitigation measure(s) is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMRP fails to accurately reflect the mitigation measures in the EIR due to a clerical error, the language of the policies and implementation measures, as set forth in the EIR shall control. The impact numbers and mitigation measure numbers used in these findings reflect the information contained in the EIR.

Impacts Found to be Less Than Significant or No Impact Thus Requiring No Mitigation

23. Consistent with Public Resources Code section 21002.1 and section 15128 of the State CEQA Guidelines, the EIR focused its analysis on potentially significant impacts, and limited discussion of other impacts for which it can be concluded with certainty there is no potential for significant adverse environmental impacts. State CEQA Guidelines section 15091 does not require specific findings to address environmental effects that an EIR identifies as “no impact” or a “less than significant” impact. Nevertheless, the Regional Water Board hereby finds that, based on substantial evidence in the whole of the record, the adoption of the General Order does not authorize any individual project, but it is reasonably foreseeable that Management Practices implemented in response permitted under the General Order would have either no impact or a less than significant impact to the following resource areas:

- Aesthetics
- Air Quality
- Energy
- Geology/Soils
- Greenhouse Gases
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation
- Utilities/Services System

Therefore, these impacts do not require mitigation. These issues have no potential for significant impacts and required no further environmental review or analysis beyond the discussion in the EIR. (CEQA Guidelines, § 15128.)

Significant or Potentially Significant Impacts Reduced to a Less than Significant Impact Through Mitigation Measures

24. Significant or potentially significant impacts prior to the application of mitigation measures have been identified in the following areas: Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Tribal Cultural Resources.

Impact Category: Biological Resources

Description of Potential Effects

The Proposed Project is expected to have a largely beneficial effect on biological

resources, including special-status species and habitat. However, there is potential for some adverse impacts to occur from construction-related effects from installation of certain Management Practices. However, this potential effect is speculative, since it cannot be known which Management Practices will be implemented and in which locations (site-specific factors are important in determining the location of Management Practices). If special-status plant or animal species were to occur within areas where construction of certain Management Practices (i.e., those involving ground disturbance) were to take place, this could result in direct impacts to those species (e.g., mortality or injury of individuals by being crushed by vehicles and/or heavy equipment or loss of an active nest or burrow). During construction of Management Practices involving ground disturbance, there would be potential for adverse effects on biological resources, including, riparian and spawning habitat, and areas covered by conservation plans, through erosion and sedimentation caused by operation of heavy construction equipment and/or accidental releases or improper management of hazardous materials used during construction (e.g., fuel, oil, lubricants, etc.). If eroded soils or leaked hazardous materials were to wash off site to riparian areas, spawning habitat, areas covered by conservation plans or sensitive natural communities adjacent to agricultural areas, this could adversely impact these biological resources.

In general, it is assumed that the majority of construction activities related to implementation of Management Practices under the Proposed Project would occur on existing vineyards. Based on the information available, construction-related effects are not likely to be substantial considering that many vineyards have already implemented Management Practices contemplated by the Proposed Project. Additionally, existing vineyards are subjected to repeated disturbance and human activities and thus any plants or animals that may be present in such areas would be accustomed to such disturbance.

Mitigation Measures

Mitigation Measure BIO-1: Avoid and Minimize Impacts on Sensitive Biological Resources

Where construction/installation or routine maintenance and repair of Management Practices could impact sensitive vegetation communities (e.g., riparian habitat or wetlands adjacent to the construction area) and special-status species, Enrollees must use the least impactful effective Management Practice to avoid impacts to such species and habitat. Where discharge, receiving water, or application limits cannot be achieved without incurring potential impacts, individual Enrollees, Coalitions, or third-party representatives must implement the following measures to reduce potential impacts to levels that are less than significant.

- 1) Avoid and minimize disturbance to areas containing special-status plant or animal species.

2) Where construction in areas that may contain sensitive biological resources cannot be avoided through the use of alternative Management Practices, conduct an assessment of habitat conditions and the potential for presence of sensitive vegetation communities or special-status plant and animal species prior to construction. This may include the hiring of a qualified biologist to identify riparian and other sensitive vegetation communities and/or habitat for special-status plant and animal species.

3) When conducting maintenance or repair on facilities such as sediment basins or other facilities that may provide habitat for species, ensure that such activities will not disturb any special-status species that may be present. If conducting maintenance or repair activities during the nesting season (generally February 1 to August 31), inspect the facilities to ensure that nesting birds are not present within or adjacent to areas where such activities will occur. If nests or young are identified in such areas, conduct the activities outside of the nesting season.

4) Where adverse effects on sensitive biological resources cannot be avoided, undertake additional CEQA review and develop a restoration or compensation plan in consultation with the California Department of Fish and Wildlife to mitigate the loss of the resources.

Mitigation Measure BIO-2: Riparian Habitat, Wetlands, and Lake and Streambed Alteration Notification Compliance

CDFW shall be notified pursuant to Fish and Game Code section 1600 et seq. for Project activities affecting lakes or streams and associated riparian habitat and shall comply with the Lake and Streambed Alteration Agreement, if issued. Enrollees shall obtain permits from the Regional Water Quality Control Board and Army Corps of Engineers pursuant to the Clean Water Act, if applicable.

Impact Category: Cultural Resources

Description of Potential Effects

Many of the activities that could occur under the Proposed Project would have no potential to adversely affect historical resources and/or unique archaeological resources. For example, reasonably foreseeable management practices such as applying less fertilizer, applying pesticides in accordance with label instructions, minimizing tillage and bare soils, etc., would not affect cultural resources. However, construction/installation of management practices that would involve new ground disturbance and excavation could potentially cause damage to, disrupt, or otherwise adversely affect historical resources and unique archaeological resources if they are present. By disturbing subsurface soils (particularly those soils that have previously been undisturbed), these activities could result in the loss of integrity of cultural deposits, loss of information, and the alteration of a site setting. Although the majority of Proposed Project activities are expected to occur within existing vineyards (i.e., where soils have generally been repeatedly disturbed), it is possible that some management practices could be

installed adjacent to existing vineyards. For example, sediment basins could be installed on the periphery of existing vineyards in areas where previous soil disturbance has not occurred. Likewise, certain management practices that are installed within vineyards could involve excavation to a depth of soil that has not previously been disturbed (e.g., a sediment basin or vegetated swale could require excavation to five feet deep, whereas prior tilling/ground disturbance has only occurred to two feet deep). These types of activities would have the potential to adversely affect buried historic or pre-historic archaeological resources that may be within such previously undisturbed soils.

Mitigation Measures

Mitigation Measure CUL-1: Cultural Resources Inventory, Evaluation of Resources for Significance, and Implementation of Avoidance and/or Minimization Measures.

For proposed actions or management practices that involve modifications to previously undisturbed soils (i.e., below the levels of current agricultural practices, or in areas that have not previously been cultivated or developed) or a structure that may qualify as a historical resource, the following steps must be taken to avoid and/or reduce potential impacts on significant cultural resources including human remains:

The Enrollee must retain an archaeologist who meets the U.S. Secretary of Interior's professional standards as an archaeologist to conduct a records search at the regional Information Center of the California Historical Resources Information System (CHRIS). The record search must determine if cultural resources have previously been identified in the proposed disturbance area and whether the proposed disturbance area has previously been subject to archaeological pedestrian survey.

The professional archaeologist must contact the NAHC to request a search of the Sacred Lands files and a list of tribes with a traditional and cultural affiliation with the proposed disturbance area. The archaeologist must contact the tribes identified by the NAHC to request information about sites and resources that may not have been identified during the record search process, including Tribal Cultural Resources (TCRs), and whether the tribes have any concerns about the proposed action.

If a pedestrian survey has not previously been conducted on the property, a survey must be conducted by a qualified archaeologist. All identified archaeological sites and historic buildings and structures must be recorded on California Department of Parks and Recreation 523 Site Record forms. A Historic Resources Identification Report must be prepared to document the findings of the study; the report must be submitted to the Regional Water Board and the CHRIS Information Center. If the property has been subject to previous study, additional survey is not required if no cultural resources, including TCRs, were

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identified during the study and the age and adequacy of the report are considered sufficient by the consulting archaeologist for the purposes of the present project. The report from the previous survey can then be used to satisfy the CEQA requirements for historical resources. If the property has been subject to previous survey and a cultural resource has been identified within the proposed disturbance area, a qualified archaeologist must conduct a pedestrian survey to assess the current condition of the resource relative to the proposed action.

If cultural resources are identified either by the record search or pedestrian survey, the qualified archaeologist must evaluate the significance of archaeological resources, per the State Water Board Resources Control Board guidelines¹² (2019). Note that buildings that would be impacted by the proposed action would require evaluation for CRHR eligibility by a qualified architectural historian. If the cultural resource(s) are determined to be historical resource(s) (i.e., listed or eligible for listing in the CRHR), the enrollee or third party, in coordination with the qualified archaeologist, must avoid impacting the resource(s) to the extent feasible. This would include relocating or redesigning proposed management practice(s) such as to avoid the resource or leaving structures in place in setback areas or otherwise preserving structure(s) that are listed or eligible for listing. If the historical resource(s) cannot be completely avoided, the qualified archaeologist must develop and implement a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource(s) that may be impacted by the proposed activity. The data recovery plan must be prepared and submitted to the Regional Water Board for approval, and the data recovery plan must be approved by Regional Water Board prior to any excavation taking place that may impact the resource(s). Regional Water Board must ensure that data recovery plans for Native American archaeological sites have the opportunity be reviewed by consulting tribes. Archaeological sites known to contain human remains must be treated in accordance with the provisions of Section 7050.5 of the Health and Safety Code. For any artifacts removed during project excavation or testing, the professional archaeologist must provide for the curation of such artifact(s). For structure(s) evaluated as a historical resource(s) that cannot be avoided, reconstruction of the structure(s) at an off- site location, consistent with the Secretary of the Interior's Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, may be an appropriate minimization measure that may be implemented in addition to, or as part of, the data recovery plan.

Provisions must be made by the Enrollee for the accidental discovery of historical or unique archaeological resources during construction of applicable management practices, pursuant to CEQA Guidelines 15064.5(f). If cultural resources are uncovered during construction, work must immediately cease within 50 feet of the finds and the materials must be evaluated by a qualified archaeologist. If the finds are determined to be a historical or unique

archaeological resource, avoidance measures or appropriate mitigation (e.g., data recovery, documentation, and curation) must be implemented.

Mitigation Measure CUL-3: Comply with State Laws Pertaining to the Discovery of Human Remains.

If human remains are discovered during construction, the requirements of Health and Safety Code Section 7050.5 must be followed. Potentially damaging excavation must halt on the construction site within a minimum radius of 100 feet of the remains, and the county coroner must be notified. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, the NAHC must be contacted by phone within 24 hours of making that determination (California Health and Safety Code Section 7050[c]). Pursuant to the provisions of Public Resources Code Section 5097.98, the NAHC must identify a most likely descendent (MLD). The MLD designated by NAHC must have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. The enrollee must work with the MLD to ensure that the remains are removed to a protected location and treated with dignity and respect. Ground disturbing activities must not resume until these requirements are met.

Impact Category: Geology and Soils

Description of Potential Effects

Construction/installation of reasonably foreseeable management practices that involve ground disturbance could potentially destroy a unique paleontological resource or site or unique geologic feature. The majority of Management Practices under the Proposed Project would occur within existing vineyards and agricultural roads. In general, these areas are subject to repeated disturbance and thus the likely disturbance of unique paleontological resources or site or unique geologic feature has already occurred.

Mitigation Measures

Mitigation Measure GEO-1: Comply with State Laws Pertaining to the Discovery of Paleontological Resources during Land Disturbance Activities

If any items of paleontological interest are discovered during construction of management practices or other activities (e.g., installation of monitoring wells), work must be immediately suspended within 50 feet of the discovery site, or to the extent needed to protect the site. Discovered paleontological resources must be evaluated by a qualified paleontologist who meets the Society for Vertebrate Paleontology's professional requirements. If it is determined that the activities could damage a unique paleontological resource, mitigation must be implemented in accordance with Public Resources Code Section 21083.2 and

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Section 15126.4 of the State CEQA Guidelines. If avoidance is not feasible, the paleontologist must develop a treatment plan in consultation with the Regional Water Board. Work must not be resumed until authorization is received from the Regional Water Board and any recommendations received from the qualified paleontologist are implemented.

Impact Category: Hazards and Hazardous Materials

Description of Potential Effects

Construction/installation of certain reasonably foreseeable Management Practices under the Vineyard Order would likely use hazardous materials, such as fuel, oil, lubricant, and other materials commonly used in construction equipment. These materials could be stored on site for the duration of construction activities and may need to be transported to an appropriate disposal facility at the end of, or during, construction. It is possible that these hazardous materials could leak from construction equipment or spill from storage containers, which, in the absence of appropriate countermeasures, could create a significant hazard to the public or the environment.

Numerous hazardous materials contamination/cleanup sites exist in the North Coast Region in proximity to vineyards. In general, such sites would not be expected to occur on vineyards; however, it is possible that hazardous materials contamination could be located on vineyards under the Proposed Project. In such situations, Proposed Project activities (e.g., construction/installation of Management Practices involving excavation) could potentially encounter contaminated soils or materials, which could expose construction workers, the public, or the environment to significant hazards.

Mitigation Measures

Mitigation Measure HAZ-1: Hazardous Materials Spill Prevention, Control, and Counter-Measures for Land Disturbance Activities

Enrollees or their contractors must maintain/implement the following: A list of hazardous materials present on site during construction, to be updated as needed along with product safety data sheets and other information regarding storage, application, transportation, and disposal requirements; A hazardous materials communication plan, which lists contacts for emergency services, hazardous materials spill response agencies, and wildlife agencies, as well as protocols for communication in the event of a spill; Standards for secondary containment of hazardous materials stored on site; Spill response procedures based on product and quantity. The procedures must include spill response/clean-up materials to be used, location of such materials within the construction site, and disposal protocols.

Mitigation Measure HAZ-2: Review Proximity to Existing Known Hazardous Materials Cleanup Sites and Conduct an Environmental Site Assessment if Proposed Activity is Located on or in Close Proximity to an Area of Hazardous Materials Contamination

Enrollees proposing construction/installation of Management Practices involving excavation or ground disturbance must evaluate the proximity of proposed Management Practices to existing known hazardous material cleanup sites. Prior to final design, Enrollees, or their contractors, must review the planned Management Practice facility footprint in relation to records of hazardous materials sites in the State Water Board's GeoTracker database and the California Department of Toxic Substances Control's EnviroStor database.

If the proposed Management Practice is located on or within 100 feet of a documented hazardous material contamination site, for which cleanup activities have not been completed or been successful, the enrollee or its contractor must commission a Phase I environmental site assessment (ESA) to more fully characterize the past land uses and potential for soil and/or groundwater contamination to occur at or in close proximity to the site.

If the Phase I ESA demonstrates a reasonable likelihood that contamination remains within the Management Practice area of disturbance, the enrollee or its contractor must commission a Phase II ESA, including soils testing, to characterize the extent of the contamination and develop ways to avoid the contaminated areas during Management Practice facility design and construction. The enrollee and/or its contractor must follow all recommendations of the Phase II ESA and, to the extent feasible, design the Management Practice to avoid areas of contamination. In the event that it is not feasible to avoid all areas of contamination, the enrollee and/or its contractor must follow all applicable laws regarding management of hazardous materials and wastes. This includes proper disposal of any contaminated soil in a hazardous waste landfill and ensuring that workers are provided with adequate personal protective equipment to prevent unsafe exposure.

Impact Category: Hydrology and Water Quality

Description of Potential Effects

Many of the reasonably foreseeable Management Practices that vineyards may implement to comply with the Vineyard Order would involve construction activities/ground disturbance. Specifically, storm-proofing agricultural roads, upgrading culverts, and construction/maintenance of sediment retention basins would involve some amount of ground disturbance and construction activity. Likewise, establishment of vegetative buffers could require removal of existing vines, tilling, and planting of new vegetation. These activities could loosen soils and allow for erosion and off-site discharge of sediments to occur if proper precautions are not taken (e.g., a precipitation event washing away loose soils/sediments to nearby waterbodies). The construction activities also may

involve use of heavy construction equipment, which may use hazardous materials (e.g., fuel, oil, lubricant, etc.) in its operation. Hazardous materials may be stored on site during construction of individual Management Practices and transported off site or disposed of following completion of construction. If such materials were to spill or leak from equipment, it could result in adverse impacts on surface water and groundwater quality, including adverse effects on beneficial uses and potential violation of water quality standards.

Mitigation Measures

Mitigation Measure HWQ-1: Implement Construction Best Management Practices for Erosion Control

Where construction of Management Practices would not be subject to a local ordinance, vineyards must implement the following measures during construction of Management Practices, or must implement alternative measures that are demonstrated to be equally or more effective:

- Implement practices to prevent erosion of exposed soil and stockpiles, including watering for dust control, establishing perimeter silt fences, and/or placing fiber rolls.
- Minimize soil disturbance areas.
- Implement practices to maintain water quality, including silt fences, stabilized construction entrances, and storm drain inlet protection. Where feasible, limit construction to dry periods.
- Revegetate disturbed areas.
- The performance standard for these erosion control measures is to use the best practicable treatment and control (BPTC). These measures may be included in Attachment B, as appropriate.

Impact Category: Tribal Cultural Resources Impact

Description of Potential Effects

Construction/installation of reasonably foreseeable management practices that involve ground disturbance (e.g., sediment basins, vegetated filter strips, etc.) could potentially uncover buried Tribal Cultural Resources. It is assumed that the majority of management practices and other activities (e.g., installation of new monitoring wells) under the Proposed Project would occur within existing vineyards. In general, these areas are subject to repeated disturbance (e.g., tilling) and thus Proposed Project activities disturbing the top soil layers in these areas would not be expected to uncover any buried TCRs or other cultural resources. As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Vineyard Order that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Mitigation Measures

Mitigation Measures: CUL-1 and CUL-3 described previously

Impact Category: Agriculture and Forestry

Description of Potential Effects

The Vineyard Order would require commercial vineyards to implement Streamside Area setbacks from planted areas (including vineyard avenues and seasonal agricultural roads) based on the type of waterbody or implement an Offsite Riparian Restoration Alternative. Setback requirements under the Vineyard Order may result in conversion of Important Farmland or land covered under Williamson Act contracts to non-agricultural use. Approximately 300 acres of Important Farmland and 200 acres of land in Williamson Act contracts currently planted to vineyards could potentially be taken out of production due to the setback requirements. Given the approximately 65,000 acres of Important Farmland in Mendocino and Sonoma County within the North Coast Region, this equates to a potential conversion of less than one percent of Important Farmland and land in Williamson Act contracts currently planted to vineyards. While land could be taken out of production under the Vineyard Order due to the Streamside Area setback requirements, it is important to note that it would be converted to riparian vegetation (which is generally considered beneficial for water quality and the ecosystem) and not urban land uses.

Findings

Through Resolution No. R1-2014-0006 Amending the Water Quality Control Plan for the North Coast Region to include the Policy for the Implementation of the Water Quality Objectives for Temperature, and Action Plans to Address Temperature Impairments in the Mattole, Navarro, and Eel River Watersheds, the Regional Water Board made CEQA findings under California Code of Regulations, title 14, section 15091 (a)(3) that certain compliance measures such as riparian buffers as having a potentially significant and unavoidable impact on agricultural resources from conversion of Important Farmland to a non-agricultural use and/or a conflict with Williamson Act contracts, and adopted a statement of overriding considerations pursuant to California Code of Regulations, title 14, section 15093. no feasible mitigation was identified to reduce these adverse effects.

The majority of agricultural land conversion would occur to allow natural succession of riparian vegetation to provide shade, reduce discharges of sediment, pesticides, and nutrients to surface waters, and reduce stream bank erosion. As compliance with setbacks is tied to development of a new vineyard, or the replanting of an existing vineyard, the potential conversion of agricultural land to non-agricultural use would not be expected to occur immediately after Order adoption or all at the same time; rather, the period of conversion may

extend for 20 to 30 years after Order adoption. No feasible mitigation was identified to reduce or avoid the potential conversion of Important Farmland and land in Williamson Act Contracts to a non-agricultural use. Therefore, this impact is significant and unavoidable. This impact is overridden by project benefits as set forth in this statement of overriding consideration.

Alternatives

The Regional Water Board considered alternative methods for reducing potentially significant impacts associated with the setback requirements analyzing Reduced Streamside Area Setback and Offsite Riparian Restoration alternatives (the Alternatives Analysis Chapter of the EIR).

The Reduced Setback Alternative (50 percent reduction in setbacks) would reduce but not eliminate the environmental impact to Agricultural Resources, and it would not achieve some of the Proposed Project's water quality protections. The Reduced Setback Alternative would not achieve the same level of reductions in sediment discharges and temperature impacts compared to the Proposed Project and would not fully comply with Riparian Management provisions of the Regional Water Board's Policy for the Implementation of the Water Quality Objectives for Temperature (Temperature Implementation Policy) to implement site-specific potential effective shade.

The Offsite Riparian Restoration Alternative would reduce but not eliminate the environmental impact to Agricultural Resources. In this alternative, commercial vineyards would be given the option to mitigate the difference in area available for natural succession of riparian vegetation between existing conditions and proposed requirements. Mitigation would be accomplished through restoration and protection of riparian vegetation at another location within the same sub-watershed. Mitigation sites would have to be in a location not already subject to waste discharge requirements or another regulatory action. The Proposed Project was changed to incorporate the Offsite Riparian Restoration Alternative, called the "Riparian Vegetation Area Restoration Alternative" in the Order.

While the flexibility of Streamside Area setback compliance options could be helpful for some existing vineyards, it is not possible to predict with any certainty whether the considered alternatives would sufficiently mitigate the agricultural land conversion that could occur under the Proposed Project. The alternatives considered would not be sufficient to reduce the impact to Agricultural Resources to less than significant.

Findings Regarding Certification of the Final EIR

25. The Regional Water Board finds that on the basis of the whole record, the Project as described in the Order, with implementation of the mitigation measures described in the Final EIR and MMRP, would result in significant effects on the environment
26. The Final EIR was presented to the Regional Water Board, and the Regional Water Board reviewed and considered the information contained in the Final EIR prior to

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adopting the Order.

27. The Final EIR has been completed in compliance with CEQA.
28. The Final EIR, findings herein, and MMRP, reflect the independent judgment and analysis of the Regional Water Board.
29. The Regional Water Board considered all testimony and evidence at a public hearing and good cause was found to certify the Final EIR.
30. The Final EIR and the record of proceedings are available at the Regional Water Board's office and webpage, or by request.
31. In accordance with Title 14 of the California Code of Regulations, section 15094, the Regional Water Board will file a Notice of Determination with the State Clearinghouse within five working days after deciding to adopt the Order.

Statement of Overriding Considerations

32. Pursuant to the requirements of CEQA (Pub. Resources Code §§ 21002, 21002.1, 21081) and State CEQA Guidelines (Cal. Code Regs., tit. 14 § 15093), the Regional Water Board finds that adoption of the Vineyard Order, whose potential environmental impacts have been evaluated in the Final EIR, and as indicated in the above findings, will result in the occurrence of significant effects which are not avoided or substantially lessened, as described in the above findings. These significant effects include:
 - Conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (collectively, Important Farmland) to nonagricultural use
 - Conflict with existing zoning for agricultural use, or a Williamson Act contract
33. Pursuant to Public Resources Code Section 21081(b), specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects. The specific reasons to support this approval, given the potential for significant unavoidable adverse impacts, are based on the following.

Social and Economic Benefits

34. The water quality improvements expected to occur in waters throughout the North Coast Region as a result of implementing the Vineyard Order are expected to create social and economic benefits for residents of the State. Although these benefits are difficult to quantify, they include (1) reduced water supply treatment costs associated with improvements in water quality for irrigation and drinking water uses; (2) increase soil productivity from reduced erosion and improved soil conditions; and (3) water quality improvement in support of a healthy and viable salmonid fishery.

**Consistency with NPS Policy and State Water Board Resolution 68-16
(Antidegradation Policy)**

35. Waste discharges from vineyard operations have the potential to affect surface and groundwater quality. Most waterbodies within the winegrape growing region of the North Coast are impaired for sediment and temperature in part from waste discharges from vineyard operations. State policy and law requires that the Regional Water Board institute requirements that will implement Water Quality Control Plans (California Water Code Sections 13260, 13269), the State Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy) and applicable antidegradation requirements (State Water Board Resolution 68-16). The Vineyard Order is a necessary component of the Regional Water Boards efforts to be consistent with State policy and law through its regulation of discharges from vineyard operations to surface waters and groundwater. The adoption of the Vineyard Order will ensure that the regulation of discharges to surface water and groundwater from vineyard operations is implemented. Improvements in surface water and groundwater quality will occur, whereas failure to adopt the Vineyard Order will result in continued degradation of surface water and groundwater quality, since no water quality control program would be in place for vineyard operations. After balancing the above benefits of the Vineyard Order against its unavoidable environmental risks, the specific economic, legal, and social benefits of the proposal outweigh the unavoidable adverse environmental effects, and these adverse environmental effects are considered acceptable, consistent with the Vineyard Order approval contained in Regional Water Board Order No. R1-2024-0056.
36. Accordingly, the Regional Water Board concludes that the Vineyard Order benefits outweigh and override its unavoidable significant impacts for the reasons detailed above. The Regional Water Board reached this decision after having done all of the following: (1) adopted all feasible mitigation measures, (2) rejected alternatives that do not fully meet the Project objectives or are infeasible, (3) recognized all significant, unavoidable impacts, and (4) balanced the benefits of the Project against its significant and unavoidable impacts.

THEREFORE, be it resolved that the Regional Water Board hereby certifies the Environmental Impact Report with a Statement of Overriding Considerations for the Project.

I, Valerie Quinto, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, North Coast Region, on December 4, 2024.

Valerie Quinto
Executive Officer