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Subject: Comments Proposed Vineyard Order
Date: Tuesday, December 3, 2024 3:42:50 PM
Attachments: [Screen Shot 2024-11-22 at 8.23.36 PM.png](#)
[Screen Shot 2024-11-22 at 8.25.05 PM.png](#)
[Screen Shot 2024-11-22 at 8.25.25 PM.png](#)

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Please add these to the administrative record. Thank you.

December 3, 2024

North Coast Regional Water Quality Control Board

Dear Board Members:

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.

My Recommendations go a long way to correct this looming problem. I mostly focus on Attachment B of the permit --the Monitoring and Reporting Program.

A. Background

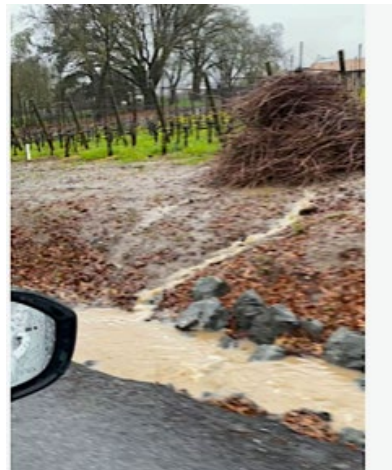


Mark West Creek. March 9, 2023





Green Valley Creek. 11/24



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.

The FOUR recommendations below will hopefully be accepted by the Board and we can work together to clean up our very beleaguered creeks and fisheries.

1. 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.

2. 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.

3. 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 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.

4. 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.

B. CONCLUSION

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.