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Affiliated with California Farm Bureau and American Farm Bureau Federation

November 27, 2024

Mr. Greg Guisti, Vice Chair
North Coast Regional Water Quality Control Board
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

Submitted Via Email to:

Valerie.Quinto@waterboards.ca.gov and Deidre.Wilkerson@waterboards.ca.gov

RE: Comments Regarding Proposed General Order for Waste Discharge Requirements for Commercial Vineyards in the North Coast Region

Dear Mr. Guisti:

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.

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.

Needed Clarification or Changes

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.

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.

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.

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.

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.

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.

Concerns

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.

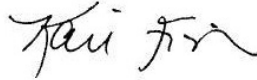
We urge staff to continue working toward establishing and updating TMDL Implementation Plans for North Coast watersheds and adequately assess which activities are contributing to nonpoint source pollution. We believe that vineyards are disproportionately bearing the burden of government policy meant 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.

Sincerely,



Estelle Clifton
MCFB President



Kari Fisher
CFBF Senior Counsel