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CDPD

1195 Third Street,
Suite 210
Napa, CA
94559

Tel: 707-253-4417
Fax: 707-253-4336

www.napawatersheds.org

AGENDA

REGULAR BOARD MEETING

Thursday, March 24, 2011, 4:00 p.m.

2nd Floor Conference Room, Hall of Justice Building,
1125 Third Street, Napa CA

1. CALL TO ORDER & ROLL CALL (Chair)

Introduction of new Board Members (WICC Staff, Board)

2. APPROVAL OF ACTION MINUTES

Meeting of January 27, 2010 (Chair)

3. PUBLIC COMMENT

In this time period, anyone may comment to the Board regarding any subject over which the Board has jurisdiction, or request consideration to place an item on a future Agenda. No comments will be allowed involving any subject matter that is scheduled for discussion as part of this Agenda. Individuals will be limited to a three-minute presentation. No action will be taken by the Board as a result of any item presented at this time. (Chair)

4. UPDATES, PRESENTATIONS AND DISCUSSION:

a. Update on Board of Supervisors' Groundwater Workshop held on Monday February 14th (WICC Staff)

b. Overview of the County's Groundwater Assistance Capacity Building Grant, and presentation and discussion on an "Assessment of the Feasibility of a Collaborative Groundwater Data Gathering Effort in Napa County" by the Center for Collaborative Policy (CCP) (Dorian Fougères, CCP) (20 min)

(Cont.)

5. DISCUSSION AND POSSIBLE DIRECTION:

Discussion and possible direction to staff regarding the San Francisco Bay Regional Water Quality Control Board's development of a vineyard facilities waste discharge requirement (WDR) waiver program for the Napa River watershed to assist vineyard owner compliance with the Napa River Sediment Total Maximum Daily Load (TMDL) and request for public comments related to scope of the program's environmental review per state law (CEQA) (WICC Staff) (10 min)

6. REPORTS, UPDATES AND DISCUSSION:

Informational reports and updates for discussion, presented by staff, members of the board and invited public (WICC Staff; Board, Others) (30 min.)

- a. Update on the County's Climate Action Plan (WICC Staff)
- b. Update on \$1.2M Integrated Regional Water Management Planning (IRWMP) Grant to support water resource planning in five counties including the Putah Creek/Berryessa basin, and hiring of a consultant to develop a IRWM Plan for the region to facilitate project funding (WICC Staff/PW/Fld Dist)
- c. Report on \$400,000 awarded to the Dept. of Public Works by the CA Coastal Conservancy in support of the Zinfandel Lane Bridge fish passage project (WICC Staff, PW)
- d. Update on topics and speakers for the Napa County 2011 Watershed Symposium, planned for Thursday May 19th at the Yountville Community Center – Save the Date (WICC Staff/Napa Co RCD)
- e. Update on WICC's participation in Earth Day 2011 celebration Saturday April 23rd, (volunteers needed to help table at event) (WICC Staff)
- f. Other reports and updates (WICC Staff, Board, Public)

7. ANNOUNCEMENTS:

Informational announcements presented by staff, members of the board and public (WICC Staff; Board, Others) (10 min.)

8. **FUTURE AGENDA ITEMS** (Board; WICC Staff) (5 min.)

9. **NEXT MEETINGS** (Chair)

Regular Scheduled Board Meetings:

April 28, 2010 – 4:00 PM (*Possible postponement*)

May 26, 2010 – 4:00 PM (*Save the date*)

Location:

Hall of Justice Building, 2nd floor Conference Room, 1125 Third Street, Napa

10. **ADJOURNMENT** (Chair)

Note: If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability. Please contact Jeff Sharp at 707-259-5936, 1195 Third St., Suite 210, Napa CA 94559 to request alternative formats.





A Tradition of Stewardship
A Commitment to Service

Groundwater Workshop

February 14, 2011

Departments of Public Works and Conservation, Development & Planning

Workshop Objective:

Bring everyone to the same level of understanding about groundwater and County functions related to water resources, in preparation for a future agenda item consistent with the Board's Strategic Objective:

“Present to the Board of Supervisors for action a work plan for the development of a comprehensive county-wide policy and program for potable and recycled water.”



A Tradition of Stewardship
A Commitment to Service

Groundwater Workshop

February 14, 2011

Departments of Public Works and Conservation, Development & Planning

Agenda

- | | |
|--------------|---|
| 1:30 – 1:45* | Introduction/Overview (Don Ridenhour, Hillary Gitelman) |
| 1:45 – 3:00 | Groundwater Resources (Luhdorff & Scalmanini) |
| 3:00 – 3:15 | Sonoma County's Recent Experience (Paul Kelly) |
| 3:15 – 3:35 | County Roles & Responsibilities in Water (Phill Miller) |
| 3:35 – 4:00 | Wrap-up & Immediate Next Steps (County Staff) |

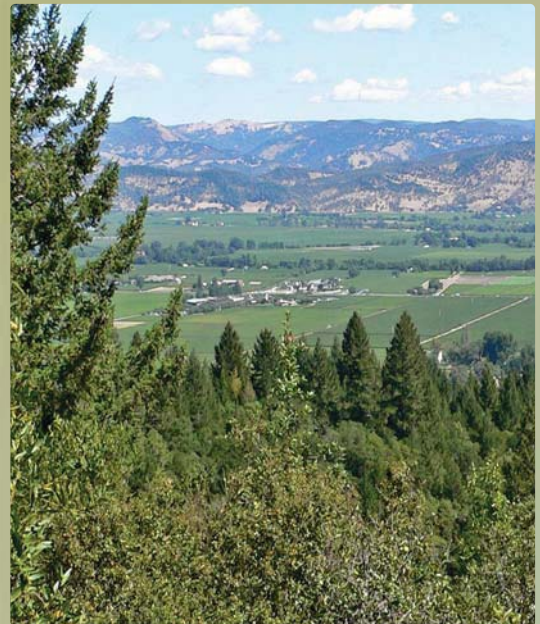
(*Timeframes are approximate and may vary depending on comments and discussion.)



Napa County Comprehensive Groundwater Monitoring Program *Executive Summary*

*Prepared for:
Napa County
Department of Public Works*

February, 2011



LUHDORFF & SCALMANINI
CONSULTING ENGINEERS



A Tradition of Stewardship
A Commitment to Service

3:35 – 4:00

Groundwater Workshop

February 14, 2011

Departments of Public Works and Conservation, Development & Planning

Wrap-up & Immediate Next Steps (County Staff)

- Pursue funding for implementation of priority monitoring & data collection recommendations & designate the WICC as the data repository
- Retain the services of “on call” hydrologists so we have the technical expertise we need available when we need it
- Establish a Community Advisory Committee to work with technical experts on revisions to the groundwater ordinance
- Aggressively defend groundwater as a County resource & actively facilitate water supply projects including recycled water & non-State Water Project supplies
- Formalize the inter-departmental working group & come back to the Board with recommendations regarding staff/resources for FY 2011/12



A Tradition of Stewardship
A Commitment to Service

Groundwater Workshop

February 14, 2011

Departments of Public Works and Conservation, Development & Planning

Documents, Presentation Handouts & Information

www.countyofnapa.org/planning/groundwater

Contacts:

Don Ridenhour, Director of Public Works

(707) 253- 4351

Don.Ridenhour@countyofnapa.org

Hillary Gitelman, Director

Conservation, Development and Planning Department

(707) 253-4417

hillary.gitelman@countyofnapa.org

Napa County Local Groundwater Assistance Grant - Capacity Building Grant

In 2000, the California Legislature passed the Local Groundwater Management Assistance Act (Assembly Bill 303) to provide funding for local public agencies to conduct groundwater studies, monitor groundwater, and carry out management activities. In December 2007, DWR received 122 applications for more than \$27.6 million in Local Groundwater Assistance (LGA) grants. Applicants were awarded grants competitively based on the scoring criteria in the Proposal Solicitation Package. Overall in 2008, the LGA Program awarded 50 grants totaling over \$10.7 million in LGA funds to 41 percent of the applicants. Eight agencies were awarded capacity building grants of \$50,000 each.

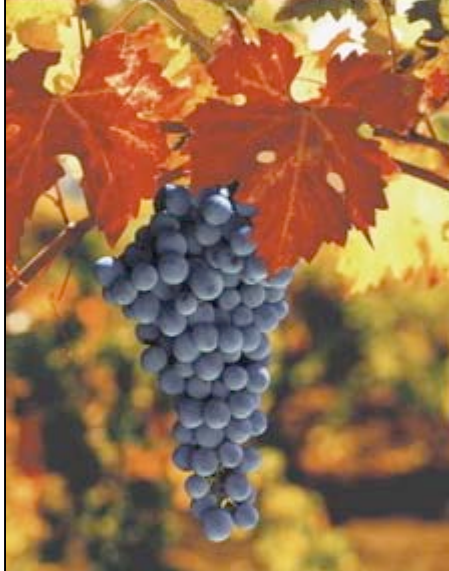
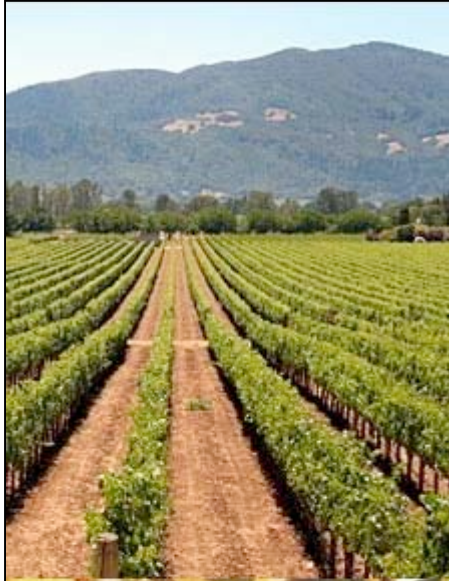
In December 2007, Napa County applied for a Local Groundwater Assistance Grant from the California Department of Water Resources and was awarded a Capacity Building Grant for \$50,000. Before any of the funds could be spent, the grant funds were frozen by the State. Partial funds were restored in September 2009 and County decided to focus on conducting a groundwater stakeholder assessment and directed the Center for Collaborative Policy (CCP) to begin working on an assessment. Fortunately, the remaining grant funds were released in May 2010 and County staff and consultants have been working diligently to finish the grant tasks by the May 2011 grant deadline.

Initially staff had planned to use grant funds to conduct a stakeholder assessment, determine areas lacking groundwater data, update the monitoring database, establish monitoring protocols and begin public outreach. When the grant was delayed, the County decided to hire Luhdorff and Scalmanini Consulting Engineers (LSCE) to develop a comprehensive groundwater monitoring program consistent with action items included in the Conservation Element of the General Plan and the Board's strategic objectives. After LSCE finished the bulk of their work, some grant funds were used to fund LSCE to prepare an executive summary of their report and to conduct a workshop for the Napa County Board of Supervisors and the public.

Grant Funded Accomplishments:

- CCP stakeholder assessment "Assessment of the Feasibility of a Collaborative Groundwater Data Gathering Effort in Napa County, California" completed in August 2010;
- LSCE Executive Summary "Napa County Comprehensive Groundwater Monitoring Program Executive Summary" completed in February 2011;
- LSCE PowerPoint presentation for the Board workshop and future public outreach;
- Staff review and comment on CCP and LSCE data and reports;
- Collaboration and comment on the California Statewide Groundwater Elevation Monitoring (CASGEM);
- LSCE Presentation at the Napa County Board of Supervisors Groundwater Workshop;
- CCP presentation to the WICC Board of Directors.

Staff continues to work on the grant and complete all tasks before the grant deadline of May 15, 2011.



Assessment of the
Feasibility of a
Collaborative
Groundwater Data
Gathering Effort in
Napa County, California

*Findings, Conclusions, and
Recommendations*

FINAL
REPORT

August 2010

Prepared by
**Center for Collaborative Policy
California State University, Sacramento**



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Executive Summary

Napa County has one of the most productive agricultural economies in northern California, and historically has identified agriculture as the most appropriate use of groundwater. Since the mid-1990s several issues have drawn attention to this implicit allocation of groundwater, including the continued growth of several small cities; a multiple-year drought; continued and in some cases intensified vineyard development; rural development; and emerging markets for ecofriendly wines. Most visibly the Milliken-Sarco-Tulocay region and some other areas have experienced groundwater shortages.

In 2008 the County decided to develop a proactive, inclusive, broadly supported approach to understanding the region's groundwater, and to managing groundwater in unincorporated areas if the information and analyses supported such efforts. In addition to commissioning technical studies in accord with the 2008 Napa County General Plan, the County asked the Center for Collaborative Policy (CCP), CSUS, to conduct a neutral, third-party assessment of public support for a voluntary groundwater monitoring program.¹ Between February and May 2010, the CCP team conducted 15 interviews with 34 people, seven of these as group interviews. The CCP team sought to interview stakeholders who represented the range of groundwater interests in the County, including representatives of winegrape growers, vintners, rural residents, property rights organizations, environmental organizations, municipalities, and public agencies. Major topics for the interviews included people's concerns about groundwater, experiences with collaboration in the County, willingness to participate in voluntary monitoring, and desired technical and other information.

This report presents the interview findings; a series of conclusions about whether current conditions in the county would support the convening of a collaborative data gathering process; and a series of professional recommendations about whether and how the County should convene a collaborative data gathering effort. This report is a product of the Center for Collaborative Policy, CSUS, and does not represent the views or recommendations of the County of Napa.

A. Key Findings

Interviewees raised several major issues, each of which includes additional sub-issues.

- A majority of interviewees expressed concern that groundwater was being extracted at unsustainable rates. At the same time, a majority of interviewees stressed the county's geographical and geological diversity and complexity, and the need for regionally-specific information.
- Several interviewees expressed concern about the viability of groundwater supplying cities, and the potential for urban use and rural residential use to diminish the groundwater available for agriculture.

¹ The Center for Collaborative Policy, a branch of California State University Sacramento, provides neutral third-party facilitation and mediation services to public agencies in California. See <http://www.csus.edu/ccp> for more information.

- Several interviewees expressed strong concern about government involvement in groundwater, including impacts on private property rights and business viability. At the same time, several interviewees recognized groundwater's legal status as a private property right, yet felt that, in areas with identifiable basins and basin interconnections, groundwater was geologically and in practice a common pool resource, with one user's actions directly impacting the ability of others to derive benefit from the same resource.
- Several interviewees recognized the potential for recycled water to reduce demands on groundwater, and supported exploring its use in the county. At the same time, almost all expressed concerns about regulatory, technical, and economic details, and the role of the County in supporting its use.
- Numerous interviewees felt that the drawing down of groundwater could noticeably reduce streamflows, and thus threaten aquatic and riparian habitat, stimulate creekbank erosion, and weaken fish populations.
- A few interviewees expressed concern about the scientific and technical expertise needed to address groundwater issues, and suggested that the Public Works Department would be the most appropriate institutional locus for addressing the associated water supply, infrastructure, and flood control issues.
- Almost all interviewees emphasized that existing information about groundwater is geographically patchy. Almost all interviewees identified what they considered critical information needs, and the report documents these suggestions.
- Several interviewees criticized the lack of access to relevant County information, at the same time as several expressed concern about confidentiality and how gathered information would be used.
- Interviewees provided numerous examples of successful collaborative efforts in Napa County, variously led by public agencies or non-profit organizations or private citizens.

Interviewees also shared their perspectives on collaboration, including specific recommendations for any such process.

- Almost all interviewees were open to considering participation in a voluntary monitoring program, but only if several conditions were met, including safeguarding the confidentiality of information. A few interviewees emphasized that they would actively oppose any collaborative data gathering efforts.
- Interviewees held divergent views of who should convene a process, but agreed that any new effort must have a clear purpose, executive commitment, and transparency.
- A majority of interviewees felt that the work needed to be reframed to include a broader vision of inclusion and benefit for everyone in the county.
- Almost all interviewees stressed that any effort must be tailored to regionally-specific conditions, rather than treating the county as homogeneous.

Interviewees also provided feedback on communication and engagement strategies. They emphasized that any effort should work through existing stakeholder networks, develop

consistent messaging for use in all forums, and build a strong, proactive relationship with the media. They also emphasized the importance of an inclusive process that brought conflicting perspectives and all major institutions in the water delivery system together, and then established a framework for productive conversations.

B. Conclusions

The findings form the basis of several conclusions about whether current conditions in the county would support the convening of a collaborative data gathering process. Accordingly, the conclusions are organized around a series of “conditions for collaboration”, each of which can be viewed as a best practice.

- Clear desired outcomes: Best practices in collaborative public policy involve engaging participants in work that is genuinely desired by the convening party. At this time the general purpose of a groundwater data gathering process seems clear: to establish a commonly accepted foundation of information that can be used to decide whether additional efforts are needed to safeguard the County’s groundwater resources. However, it remains to be clarified what issues would be included, what questions are trying to be answered, what data would be collected and analyzed (and the corresponding rationale), and how this would feed into a larger decision-making process. This condition is met, but would need continued attention during design if the County did convene an effort.
- Political leadership and commitment: Best practices in collaborative public policy involve securing adequate political support and pressure for initiating a process. At present this condition is not met, and a few interviewees directly oppose any collaborative data gathering. At the same time, almost all interviewees stated they would participate in such an effort if it would clearly address the serious concerns they raised. Therefore, this condition appears to have a good chance of being met if careful attention is paid to understanding the major concerns people have, and ensuring that these will be appropriately addressed in any effort.
- Economic resources: Best practices in collaborative public policy involve securing the economic resources needed to professionally convene a group, educate participants, generate and analyze options, negotiate an agreement, and establish a framework for implementation. The condition appears unmet. It is closely tied to political support, and would need to be addressed before convening a process.
- Opportunities to create shared value: Best practices in collaborative public policy involve identifying and taking advantage of opportunities for stakeholders to do work that has not just individual but shared value. In this regard a significant opportunity exists for stakeholders, including local government, to jointly establish a commonly accepted foundation of scientific data and information that can inform public deliberation and political decision-making. This condition is met.
- Primary Parties: Best practices in collaborative public policy involve several issues concerning key stakeholders and the relationships between them. These include confirming that primary parties are identifiable and have legitimate spokespersons. These also include identifying incentives for participation, establishing a relative balance of power among the parties, and confirming that key parties will participate.

Collectively, these conditions help to ensure that the entire system is represented in the process, that primary parties represent their constituents' interests, and that participants are able to have productive conversations and negotiations. Individually and overall, these conditions about primary parties are met.

C. Judgment and Recommendations

The findings and resulting conclusions about conditions for collaboration provide the foundation for a series of professional recommendations about whether and how the County should convene a collaborative data gathering effort. As mentioned earlier this report is a product of the Center for Collaborative Policy, CSUS, and does not represent the views or recommendations of the County of Napa.

With regard to an overarching judgment, conditions are favorable for the County to proceed to develop a collaborative data gathering effort. **However, the County should not do this if it cannot first secure political support for the effort, and secure the economic resources necessary to see the effort done well and to completion.** After a reconnaissance period of weeks or months, the County must respond affirmatively to both these conditions before it starts a formal design process and then brings people to the table. If the County does not meet these conditions yet still convenes a collaborative effort, the County faces a high risk of stimulating open conflict between already tense parties, creating widespread mistrust of its capacity to lead and implement policy, and eroding remaining chances that parties work together.

If the County has met all the conditions for collaboration and decides to develop a data gathering effort, the following recommendations apply.

1. Convene a Groundwater Resources Information Advisory Committee (GRIAC). This committee would guide the synthesis of existing information and establish a framework for a county-wide data gathering effort that is built around regional joint fact-finding teams (see Recommendation 3). It would also develop a confidentiality protocol; help the County convene the different regional teams during the second year and then coordinate, support, and track their activities; develop a communication and education plan; and during the fifth year oversee a synthesis and assessment of regional data and analyses, and the subsequent public involvement process.
2. Synthesize existing information, assess the resource, identify critical regional information needs, and develop a data gathering framework. To provide a foundation for the work of the regional joint fact-finding teams, the GRIAC would lead the development of an independently-reviewed synthesis study and framework for data gathering. The County would support this effort by assigning staff to organize and analyze the information to which it has exclusive access. The GRIAC would hire an independent consultant to research and then synthesize the range of existing information, focusing on an assessment of the status and trends of groundwater resources in different regions of the county, and critical information needs for each of these regions. The consultant would also propose a framework for data gathering that would set a minimum requirement for data gathering

efforts. The GRIAC would chose an appropriate consultant and approve the final documents by consensus.²

3. Convene and support regional joint fact-finding teams. Each team's major role would involve designing and implementing a regional strategy for voluntarily gathering data. Careful attention would be given to collecting and storing data in ways that protect the confidentiality of individual users. At the end of each year, each of the teams would submit an annual report to the GRIAC, including data sets, analyses, and overall progress. The teams would also support the GRIAC communication effort as described in the committee's plan. They would also make decisions by consensus about the substance and process of their data gathering effort.
4. Synthesize findings-to-date, assess the resource, and involve the public in developing a vision and next steps. Following three years of data gathering by the regional joint fact-finding teams, the GRIAC would lead the production of a second, independently-reviewed synthesis of information from the past five years, and assessment of the status and trends of groundwater resources in different regions of the county. The GRIAC would then lead an inclusive public involvement process to develop a vision for the use of groundwater resources in Napa County, and associated next steps. Next, based on the countywide vision and the second synthesis document, the GRIAC would develop a publicly-reviewed proposal for how to address outstanding groundwater issues in the different parts of the county, and submit this to the Board of Supervisors for approval and implementation.
5. Develop and implement an ongoing communication and education plan. In its first year the GRIAC would develop and begin to implement a communication and education plan. The communication portion of the plan would keep people throughout the county and its regions informed of the GRIAC's efforts and deliberations, while the education portion of the plan would help people better understand and engage in discussions about groundwater issues. Following their formation, the regional teams would help to refine messages and educational components for regionally-specific audiences. The plan would also include standing mechanisms for the public to provide input.

² Making decisions by consensus requires that each party in an effort agrees to support a decision, whether minimally or wholeheartedly. In practice this requires ensuring balanced representation and participation, achieving mutual understanding, developing inclusive solutions, and sharing responsibility for all aspects of a process.



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Acting Secretary for
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>

Edmund G. Brown, Jr.
Governor

Notice Date: March 8, 2011

NOTICE OF PUBLIC WORKSHOP/ CALIFORNIA ENVIRONMENTAL QUALITY ACT SCOPING MEETING

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR VINEYARD FACILITIES IN THE NAPA RIVER AND SONOMA CREEK WATERSHEDS

Thursday, April 14, 2011
6:00 PM- 8:00 PM
Napa Main Library Community Meeting Room
580 Coombs Street
Napa, CA 94559.

NOTICE IS HEREBY GIVEN that San Francisco Bay Regional Water Quality Control Board (Water Board) staff will hold a public workshop/California Environmental Quality Act (CEQA) scoping meeting to seek public input regarding the scope, content, and potential environmental impacts of a conditional waiver of waste discharge requirements for vineyard facilities in the Napa River and Sonoma Creek watersheds. The location and time of the meeting is provided above.

PROJECT TITLE

Conditional Waiver of Waste Discharge Requirements for Vineyard Facilities in the Napa River and Sonoma Creek Watersheds (Vineyard Waiver).

PROJECT DESCRIPTION

Water Board staff intends to recommend that the Water Board adopts a Vineyard Waiver to set conditions requiring vineyard owners and/or their designated operators to implement effective management practices to control discharges of pollutants from vineyard facilities. The conditions of the proposed Vineyard Waiver would include performance standards for the discharge of sediment, nutrients, excessive storm runoff, pesticides, pathogens, and heat (human-caused effects on channel or riparian conditions that may cause increases to stream temperature). The conditions would require vineyard owners and operators to:

1. Enroll in the Vineyard Waiver program by submitting a Notice of Intent form, stating their intent to comply with the conditions of the Vineyard Waiver;
2. Develop a farm water quality management plan (Farm Plan) that addresses, at a minimum, erosion control, attenuation of increases in peak runoff, roads, pesticide and fertilizer applications, and sediment delivery sites such as gullies, rills, and landslides;
3. Implement and maintain management practices in accordance with the Farm Plan to meet the performance standards;
4. Conduct compliance monitoring and undertake corrective action as necessary; and
5. Report annually on the status of their current and anticipated management practices.

The implementation plans for the Napa River and Sonoma Creek Sediment Total Maximum Daily Loads (TMDLs) identified a Vineyard Waiver as a regulatory mechanism to achieve sediment load allocations

Preserving, enhancing, and restoring the San Francisco Bay Area's waters for over 60 years

specified in the TMDLs. More information about the [Vineyard Waiver](#) (*click to follow link*) is available on the Water Board's website.

MEETING PURPOSE AND FORMAT

Water Board staff is starting the process of developing, and proposing for Water Board adoption, the Vineyard Waiver. The Water Board, acting as "lead agency," plans to complete an environmental review process, as required by CEQA, prior to the adoption. The environmental review requires an initial review of the project and its potential environmental effects.

Scoping helps the Water Board identify the range of actions, alternatives, mitigation measures, and potential significant environmental effects to be analyzed. Scoping meetings provide participants with a forum for early public input regarding environmental information that the Water Board should consider.

Water Board staff will first hold a public workshop where staff will provide a description of the Vineyard Waiver development process and its schedule, present an overview of the regulatory and technical issues associated with vineyard facilities, and discuss key elements of the proposed Vineyard Waiver. Immediately following the workshop, staff will hold open a public scoping meeting pursuant to CEQA on this project. At this time, staff will discuss and take comments on the project and its potential environmental impacts.

For additional information, please contact Tina Low at (510) 622-5682 or via email at TLow@waterboards.ca.gov.



Conditional Waiver of Waste Discharge Requirements for Vineyard Facilities in the Napa River and Sonoma Creek Watersheds

Staff Contact: Tina Low, Water Resources Control Engineer,
TLow@waterboards.ca.gov / (510) 622-5682

Introduction

To address water quality and habitat impairment in the Napa River and Sonoma Creek, the San Francisco Bay Regional Water Quality Control Board (Water Board) has adopted several Total Maximum Daily Loads (TMDLs) for these watersheds. These TMDLs were adopted as amendments to the San Francisco Bay Basin Water Quality Control Plan (Basin Plan) and include (*hyperlinks provided below, use Control key + click to follow link*):

- [Napa River Sediment TMDL in 2009](#)
- [Sonoma Creek Sediment TMDL in 2008](#)
- [Napa River Pathogens TMDL in 2006](#)
- [Sonoma Creek Pathogens TMDL in 2006](#)

Water Board staff is also currently developing TMDLs for nutrients in these watersheds.

The implementation plans for the sediment TMDLs identified consideration of a conditional waiver of Waste Discharge Requirements for vineyard facilities in the Napa River and Sonoma Creek watersheds (hereto referred to as the “Vineyard Waiver”) as a regulatory mechanism to achieve the sediment load allocations specified in the TMDLs. In addition, this Vineyard Waiver is being considered by the Water Board pursuant to the requirements of the *Plan for California’s Nonpoint Source Pollution Control Program* (NPS Program Plan) and the *Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Implementation and Enforcement Policy). Per the NPS Program Plan and the NPS Implementation and Enforcement Policy, all current and proposed nonpoint source (NPS) discharges must be regulated under Waste Discharge Requirements (WDRs), waivers of WDRs, or a basin plan prohibition, or some combination of these mechanisms.

The Vineyard Waiver would require that effective management practices be implemented to control human-caused discharges of pollutants to waters of the state including:

- Sediment
- Erosive forces (that cause excessive erosion and sedimentation)

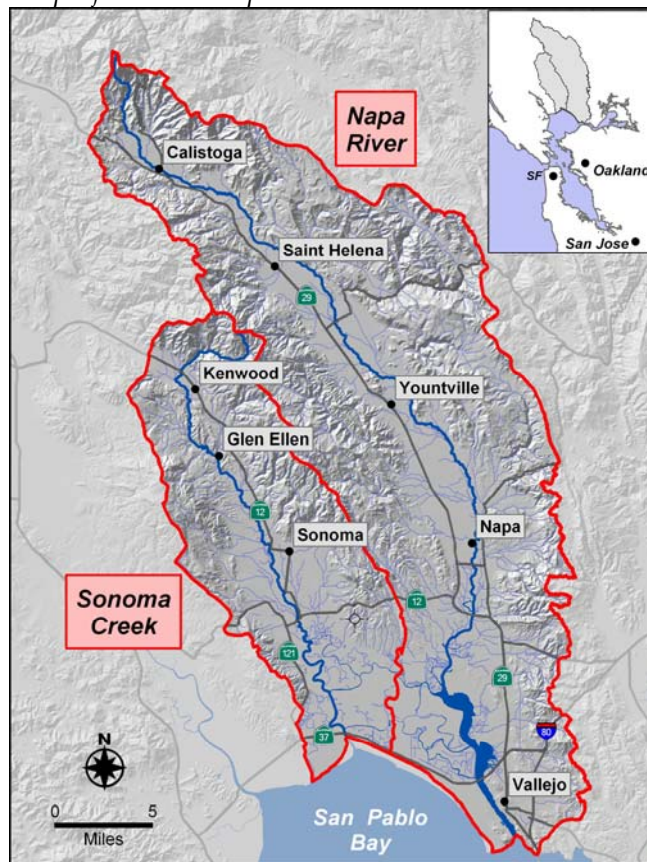
- Heat (human-caused effects on channel or riparian conditions that may cause increases to stream temperature)
- Nutrients
- Pesticides
- Pathogens

The Vineyard Waiver is needed to achieve water quality to support attainment of beneficial uses and water quality objectives.

Project Location

The project would regulate discharges from vineyard facilities throughout the Napa River watershed in Napa County, and throughout the Sonoma Creek watershed in Sonoma County. The Napa River and Sonoma Creek watersheds are shown in Figures 1.

Figure 1. Location of the project is the Napa River and Sonoma Creek watersheds



Project Objectives

The Vineyard Waiver is consistent with the mission of the Water Board and the requirements of the federal Clean Water Act and California's Water Code (CWC). The objectives of the Vineyard Waiver are to:

- Set requirements to ensure that discharges from vineyard facilities do not cause or contribute to conditions of pollution or nuisance as defined in Section 13050 of the CWC, and do not cause or contribute to exceedances of any state or federal numeric or narrative water quality standard, or TMDL.
- Protect Beneficial Uses designated in the Basin Plan for Napa River and Sonoma Creek, including cold water fish spawning and migration, and habitat for rare and endangered species, specifically anadromous fish species.
- Require that vineyard facility owners and/or their designated operators implement effective measures to control human-caused discharges of pollutants including but not limited to, sediment, nutrients, pesticides, erosive forces from excessive storm runoff, heat, and pathogens from vineyard facilities to waters of the state.
- Comply with California's NPS Program Plan and NPS Enforcement and Implementation Policy.

Project Description

The conditions of the proposed Vineyard Waiver include performance standards for the discharge of pollutants including sediment, nutrients, excessive storm runoff, pesticides, pathogens, and heat. The conditions would require vineyard owners and operators to:

- Enroll with the Water Board by submitting a Notice of Intent;
- Develop a farm water quality management plan (Farm Plan) that addresses, at a minimum, erosion control, attenuation of increases in peak runoff, erosion and concentration of flow from roads, pesticide and fertilizer application, and sediment delivery sites such as gullies, rills, and landslides;
- Implement and maintain management practices in accordance with the Farm Plan to meet the performance standards; and
- Conduct compliance monitoring and undertake corrective action as necessary; and
- Report annually on the status of their current and anticipated management practices.

For purposes of this Vineyard Waiver, the term vineyard facility includes the physical features of a vineyard , such as land, crops, drainage systems, roads, reservoirs, diversion structures/equipment, etc., that are established or maintained for the purpose of growing wine grapes. Vineyard operations are tasks or actions conducted to establish, maintain and/or manage vineyard facilities including chemical applications, and management of features such as streams and riparian areas, roads, and drainage systems.

The specific management practices that individual vineyard owners/operators would implement would be determined by the process of developing the Farm Plan. The Farm Plan would include:

- Comprehensive inventory and assessment of natural resources;
- Inventory of agricultural land uses;
- Identification of existing land management practices;
- Identification of potential pollutant sources;
- Assessment of the effectiveness of existing management practices; and
- Identification of new management practices, if necessary.

Individual vineyard owners/operators will choose the management practices necessary and most effective for their facility. Farm Plans may be developed in cooperation with local Resource Conservation Districts (RCD), Natural Resources Conservation Service (NRCS), and UC Extension. Farm Plans would not routinely be submitted to the Water Board, but instead would be retained at the individual facility and be made available to Water Board staff upon site inspection.

Protection of Sensitive Communities

In order to avoid potential project-specific impacts to sensitive natural communities, compliance actions are excluded from the following sensitive natural communities of limited distribution:

- Coast Redwood alliance
- Ponderosa Pine alliance
- Tanbark Oak alliance
- Oregon White Oak alliance
- Canyon Live Oak alliance
- Foothill Mesic Non-Serpentine Chaparral alliance
- Coyote Brush-California Sage Brush Not Formally Defined (NFD) Super alliance
- Serpentine Grasslands NFD Super alliance
- Wet Meadow Grasses NFD Super alliance
- Other native grasslands (including purple needlegrass grassland, one-sided bluegrass grassland, and creeping ryegrass grassland)

Should any of these sensitive natural communities be identified during development of the Farm Plan on a property that also contains a vineyard facility, a condition of the Vineyard Waiver would specify that management practices and/or structures to control runoff and/or human-caused pollutant delivery to channels, as needed to achieve specified performance standards, cannot be installed or built within any of these defined sensitive natural communities. On such properties, necessary control actions should occur preferably within the vineyard footprint, or if this is infeasible, in other areas where potential environmental impacts to other natural communities are avoided.

Reasonably Foreseeable Compliance Actions

The CEQA project is the discretionary action of the Water Board to consider adoption of the proposed Vineyard Waiver. While the Water Board would not directly undertake

any actions that could physically change the environment, adoption of the proposed Vineyard Waiver would result in future actions by dischargers to comply with these regulatory requirements, which may result in physical changes to the environment. The environmental impacts of such physical changes are evaluated below, to the extent that they are reasonably foreseeable. Future actions that may arise from the Vineyard Waiver that are speculative in nature do not require environmental evaluation under CEQA.

POSSIBLE ACTION-CATEGORY	EXAMPLE MANAGEMENT MEASURES	POTENTIAL ENVIRONMENTAL CHANGE OR IMPACT
Vegetative measures to protect soil and prevent erosion	Vineyard erosion control measures such as planting cover crops and installing buffer and filter strips. Temporary, seasonal erosion and sediment control measures include straw mulch, jute netting, and erosion control blankets.	Earthmoving and/or minor construction
Drainage control measures	Construction of diversion ditches, underground drainage systems, installation/repair of energy dissipaters at outlets	Earthmoving, alteration of hydrology
Storm runoff peak and volume control	Constructing detention basins to attenuate peak flows, and reducing directly connected surface area by directing flow to vegetated areas.	Earthmoving, minor construction, waste handling and disposal, alteration of hydrology
Road-erosion control and prevention projects	<p>Improve road drainage to prevent concentrated road runoff by recontouring roads (e.g., waterbars, outsloped roads) or installing ditch relief culverts.</p> <p>Repair or replace poorly functioning road and stream crossings.</p> <p>Decommission roads that are no longer needed.</p> <p>Reduce road erosion by</p>	Earthmoving, construction

POSSIBLE ACTION-CATEGORY	EXAMPLE MANAGEMENT MEASURES	POTENTIAL ENVIRONMENTAL CHANGE OR IMPACT
	treating roads and cut or fill banks with erosion-resistant treatment such as grading, hydromulch, or gravel. Reduce road-related erosion by re-contouring cut or fill banks.	
Gully and landslide erosion control and prevention	Stabilize and repair gullies and landslides by re-contouring slopes to remove debris and/or stabilize slopes, and by re-enforcing unstable areas with vegetative measures, structural stabilization, or grade stabilization structures.	Earthmoving, minor construction, waste handling/disposal, biotechnical engineering
Stream habitat enhancement actions	Restoration projects to enhance vegetation, form and function of the stream. Restoration of floodplain area or proper channel dimensions. Installation of large woody debris for fish habitat	Earthmoving, minor construction, biotechnical engineering, enhanced vegetative cover
Riparian habitat enhancement	Increase riparian corridor, creation/restoration of floodplains	Enhanced vegetation cover

These examples are not intended to be exhaustive or exclusive. As discussed above, even in cases where some physical changes are foreseeable, the exact nature of these changes is often speculative pending specific project proposals that will be ultimately put forth by those subject to requirements of the Vineyard Waiver.

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