



CALIFORNIA FARM BUREAU FEDERATION

OFFICE OF THE GENERAL COUNSEL

2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 · PHONE (916) 561-5665 · FAX (916) 561-5691

Via Email

mnapolitano@waterboards.ca.gov

September 14, 2016

Mr. Mike Napolitano
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612-1482

Re: *California Environmental Quality Act Comments on the Draft Environmental Impact Report for the General Waste Discharge Requirements for Vineyard Discharges in the Napa River and Sonoma Creek Watersheds*

Dear Mr. Napolitano:

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, comprised of 53 county Farm Bureaus currently representing approximately 53,000 agricultural, associate, and collegiate members in 56 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.

Farm Bureau, on behalf of the Napa County Farm Bureau and the Sonoma County Farm Bureau, appreciates the opportunity to provide comments on the San Francisco Bay Regional Water Quality Control Board’s (“Regional Board”) draft Environmental Impact Report (“DEIR”) to assess the draft General Waste Discharge Requirements for Vineyard Discharges in the Napa River and Sonoma Creek Watersheds (“Vineyard WDRs”). Farm Bureau offers the following concerns and comments regarding the scope and content of the environmental analysis and environmental documentation for the draft Vineyard WDRs.

Agricultural Resources Must Be Considered During Environmental Review

Agricultural resources are an important feature of the existing environment of the state, and are protected under federal policies, such as the Farmland Protection Policy Act and National Environmental Policy Act (“NEPA”), state policies, and the California

NANCY N. McDONOUGH, GENERAL COUNSEL

ASSOCIATE COUNSEL:

CARL G. BORDEN · KAREN NORENE MILLS · CHRISTIAN C. SCHEURING · KARI E. FISHER · JACK L. RICE

Environmental Quality Act (“CEQA”). Agriculture is the number one industry in California, which is the leading agricultural state in the nation.¹ Agriculture is one of the foundations of this state’s prosperity, providing employment for one in 10 Californians and a variety and quantity of food products that both feed the nation and provide a significant source of exports.² In 1889, the state’s 14,000 farmers irrigated approximately one million acres of farmland between Stockton and Bakersfield. By 1981, the number of acres in agricultural production had risen to 9.7 million.³ More recently, the amount of agricultural land in the state has declined. From 1982 to 1992, more than a million acres of farmland were lost to other uses. Between 1994 and 1996, another 65,827 acres of irrigated farmland were lost, and this trend is expected to continue at a rate of 39,000 acres lost per year.⁴

In order to preserve agriculture and ensure a healthy farming industry, the Legislature has declared that “a sound natural resource base of soils, water, and air” must be sustained, conserved, and maintained.⁵ Prior to negatively impacting agricultural lands, decision makers must consider the impacts to the agricultural industry, the state as a whole, and “the residents of this state, each of whom is directly and indirectly affected by California agriculture.”⁶

One of the major principles of the state’s environmental and agricultural policy is to sustain the long-term productivity of the state’s agriculture by conserving and protecting the soil, water, and air that are agriculture’s basic resources.⁷ Overly expansive and duplicative regulations may conflict with this policy by leading to the conversion of agricultural lands to other uses. This conversion would add to the existing statewide conversion of substantial amounts of agricultural lands to other uses, and may conflict with adopted plans of many local governments, including cities and counties, and existing habitat conservation plans or natural community conservation plans. Such conversion will have a significant impact on the region’s environment, including the agricultural environment.⁸

¹ Food & Agr. Code, § 802(a).

² CALFED Final Programmatic EIS/EIR, July 2000, pg. 7.1-1.

³ Littleworth & Garner, California Water II (Solano Press Books 2007) p. 8.

⁴ See CA Dept. of Conservation Farmland Mapping and Monitoring Program, available at <http://www.conservation.ca.gov/dlrp/fmmp/trends/Pages/stat_summaries.aspx>. This trend does not take into consideration acreage lost due to periods of drought.

⁵ Food & Agr. Code, § 802(g).

⁶ Food & Agr. Code, § 803.

⁷ Food & Agr. Code, § 821(c).

⁸ In order to recognize the importance of agriculture and the effect of overly expansive and duplicative regulations on remaining agricultural lands, Farm Bureau requests the Regional Board add appropriate statements within the Environmental Impact Report to capture this fact. Possible statements include: “The Regional Board recognizes the importance of sustaining farmland resources and the potential burden of duplicative regulations. Every effort will be made to recognize existing local regulations and avoid rules which could overly burden farmers and ranchers.”

CEQA requires analysis of significant environmental impacts and irreversible changes resulting from proposed projects.⁹ These include unavoidable impacts; direct, indirect, and cumulative effects; irreversible and irretrievable commitment of resources; relationships between short-term uses and long-term productivity; and growth-inducing impacts to the environment. Pursuant to CEQA, the physical environment includes agricultural lands and resources. Given the national and statewide importance of agriculture and the legal requirements of environmental review, Farm Bureau urges the Regional Board to properly assess all direct and indirect effects on the agricultural environment resulting from the proposed project in its environmental analysis.¹⁰

Regulations of Waste Discharges From Irrigated Lands Must Be Feasible

In formulating regulations of waste discharges from irrigated lands, such as waste discharge requirements, the Regional Board should seek to develop the most efficient and feasible program that accomplishes water quality goals and the stated objective of the Vineyard WDRs.¹¹ Given the diverse array of geography, topography, local conditions, and agricultural commodities grown in Napa and Sonoma counties, water management and monitoring programs must be flexible and allow for necessary adaptations, both for localized areas and throughout the region. In addition to being flexible, future regulations and project alternatives must be feasible such that they are “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.”¹² All components of feasibility must be fully analyzed within the Regional Board’s environmental analysis of the regulations and its impacts to agriculture.

Scope of Regulations of Waste Discharges From Irrigated Lands

The true goal of the Vineyard WDRs is to improve water quality over time. The State Water Code and the Regional Board’s Basin Plan provide authority for the Regional Board to impose regulations on dischargers to improve water quality. Farmers are equally concerned about water quality and the environment. However, there is no need for the Regional Board to impose arbitrary restrictions on agriculture so long as farmers take necessary steps to demonstrate water quality improvement over a scientifically feasible timeline with intermediate milestones.¹³ In order to reach this goal, the primary focus of maintaining and improving water quality over time should remain. To aid in

⁹ Pursuant to CEQA, “[s]ignificant effect on the environment” means, “a substantial, or potentially substantial, adverse change in the environment.” (Pub. Resources Code, § 21068.) The CEQA Guidelines make it clear the “environment” in question encompasses, “any physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise and objects of historic or aesthetic significance.” (Pub. Resources Code, § 21060.5.)

¹⁰ Any and all adverse environmental effects on agricultural resources resulting from the project, as well as cumulative impacts that will occur over time, must be fully assessed and disclosed under CEQA, as well as avoided or mitigated as required by CEQA.

¹¹ Pub. Resources Code, § 21061.1.

¹² *Ibid.*

¹³ The agricultural community has been taking necessary steps to demonstrate water quality improvements.

reaching this goal, the Regional Board should evaluate water quality data and sediment data collected and use such data to implement and adjust management practice implementation. Further, problem areas should be identified by reviewing the respective TMDL studies, in particular the Limiting Factor Analysis and Sediment Source Analysis reports, of both the Napa River and the Sonoma Creek watersheds. The process of designing and adopting a new agricultural discharge program will take time and further collaboration between the Regional Board and agriculture will be necessary to develop a workable long term solution.

Scope of Vineyard WDRs Should Be Focused on the Problem Areas Rather Than Applicable to all Properties Regardless of Water Quality Impacts

As currently drafted, the Road Performance Standards for the Vineyard WDRs cover the entire vineyard property, not just the vineyard facility. (WDR, Provision B, p. 11.) It also covers all roads and does not prioritize the areas with high- and moderate-high-priority erosion sites, distance from surface waters, or parcel size or planted acres. As proposed, the Road Performance Standards are overly extensive and will be extremely expensive to implement. Given the concern about the financial hardship of meeting such an extensive regulation, the DEIR should provide the estimated cost per mile to assess and improve the road system to reduce road-related sediment delivery, as well as an analysis of the potential to achieve the target sediment reductions. Further, in order to adequately capture applicable costs and associated impacts versus benefits, alternatives for the Road Performance Standards must be analyzed that look at 1) the entire vineyard property, 2) the vineyard facility, and 3) areas identified as high priority erosion areas. Since the DEIR does not contain these analyses, the DEIR should be revised and recirculated.

The DEIR is Not Based on Substantial Evidence but Rather Mere Speculation

Prior to approving a project, *decision-makers* must be provided with the fullest extent of information available upon which to *base* their *decision*. This determination is based upon whether it can be fairly argued, given the substantial evidence in light of the whole record, that a project may or may not have a significant effect on the environment. “Argument, speculation, unsubstantiated opinion or narrative, or evidence...shall not constitute substantial evidence.” (Cal. Code Regs., tit. 14, § 15064(f)(5).)

The DEIR is not based on substantial evidence but rather mere speculation and uncertainty. For example, the DEIR concludes:

“The General Permit will not result in any amount of land permanently converted or committed to urban or other nonagricultural uses.” (DEIR, p. 4.)

“Even if the grower succumbs to economic pressure and is forced to sell their land or be forced out of business, the most likely possibility is that the land would be sold to another grower, resulting in a similar environmental impact.” (DEIR, p. 112)

“It is therefore highly unlikely that the General Permit would render a vineyard operation economically unviable. In the unique circumstance where the cost of BMP installation may be too great or the loss of production of displaced planted areas would make the operation unprofitable, neither scenario would permanently or irretrievably convert the affected Farmland to non-agricultural use. The land would still be available for agricultural uses and therefore implementation of BMPs would be considered a less than significant impact.” (DEIR, p. 112.)

As evidenced in the small selection of examples provided above, some of the DEIR’s conclusions are based upon speculation and uncertainty rather than substantial evidence. “Like an EIR, an initial study or negative declaration ‘must focus on impacts to the existing environment, not hypothetical situations.’ (*County of Amador v. El Dorado County Water Agency*, *supra*, 76 Cal.App.4th at p. 955, 91 Cal.Rptr.2d 66.)” (*Communities For A Better Environment v. South Coast Air Quality Management Dist.*, 48 Cal.4th 310, 322.) By speculating on what could happen, rather than on actualities, an improper environmental baseline and resulting conclusions have been drawn. (*Ibid.*, [“By comparing the proposed project to what *could* happen, rather than to what was actually happening, the District set the baseline not according to ‘established levels of a particular use,’ but by ‘merely hypothetical conditions allowable’ under the permits. (*San Joaquin Raptor Rescue Center v. County of Merced*, *supra*, 149 Cal.App.4th at p. 658, 57 Cal.Rptr.3d 663.)” emphasis original].) Mere statements of uncertainty or deflections to avoid a proper analysis regarding impacts to agricultural resources or economic impacts do not meet CEQA burdens. Therefore, the DEIR must be revised so that all conclusions are supported by substantial evidence rather than speculation.

The DEIR Improperly Shifts the Burden of Proof and Determination of Significance to the Public

When conducting environmental review pursuant to CEQA, the burden of proof is on the lead agency to show that the project won’t have an impact on the environment. (Cal. Code Regs., tit. 14, § 15064.) Under CEQA, if a project clearly will have an impact on the environment, its proponents, here the Regional Board, must identify those impacts and propose mitigations. (Cal. Code Regs., tit. 14, § 15002.) The burden of proof is *not* on the public to show that an environmental impact may occur. Further, the public does not bear the burden of determining which portions of a project will have a significant impact or effect on the environment. Rather, that is the fundamental duty of the lead agency. (Cal. Code Regs., tit. 14, § 15064.)

The determination of whether a project may have a significant effect on the environment is a critical step in the CEQA process, and one that requires professional knowledge and judgment, as described in California Code of Regulations, title 14, section 15064. The determination should be based on information and evidence in the record and, to the extent feasible, on scientific and factual data. (*Ibid.*) This determination is made prior to and separate from the development of mitigation measures for the project.

The CEQA Guidelines set forth the following definition for significant effect:

“Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.”

(Cal. Code Regs., tit. 14, § 15382.) According to Public Resources Code section 21083 and CEQA Guidelines section 15065, if any of the following impacts would result from a proposed project, the project is considered to have a significant effect on the environment:

The project has the potential to substantially degrade the quality of the environment...

The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

The project has possible environmental effects which are individually limited but cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of reasonably foreseeable probable future projects.

The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

In determining whether a project will have a significant environmental effect, the lead agency must consider the “whole of the action,” which includes all discretionary approvals by governmental agencies, ministerial actions as well as discretionary actions, and all constituent parts of a project. (Cal. Code Regs., tit. 14, §§ 15003(h), 15378.)

As currently drafted, the DEIR improperly shifts the burden of proof and determination of significant impacts or effects to the public. For example, the conclusion that the Vineyard WDRs will not permanently convert agricultural lands to other uses is based

solely on the DEIR's speculative conclusion that any farm operations that are forced out of operation due to the costs of complying with the Vineyard WDRs will not result in the conversion of agricultural lands because the land would be sold to other growers (and would never be sold to a developer or someone who would take the land out of agricultural production). (See DEIR, p. 112.) This conclusion is very speculative and is not supported by any evidence. Additionally, the DEIR states that CEQA scoping comments did not provide additional specific information regarding how the costs of compliance may be high, thus prompting the Regional Board to conclude that "compliance with the General Permit at Vineyard Properties would have a less than significant impact." (DEIR, p. 111.) It is the Regional Board's burden, rather than the public's burden to investigate and determine if there is a possible impact. Thus, the public did not have the burden to produce all evidence regarding potential high costs. "CEQA places the burden of environmental investigation on government rather than the public," and if "the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record." (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.) The agency may not "hide behind its own failure to gather relevant data." (*Ibid.*)

Therefore, the DEIR needs to be revised because the current conclusions that the costs to comply with the General Permit will not be high, or that no land will be taken out of agricultural production are speculative and incorrectly and improperly shift the burden of identifying significant environmental impacts from the lead agency to the public in direct violation of CEQA. (Cal. Code Regs., tit. 14, § 15064.)

Specific Environmental Concerns That Are Not Properly Analyzed in the Regional Board's Environmental Impact Report

Upon review of the DEIR, Farm Bureau has identified several specific concerns relating to agricultural resources that are not fully or properly analyzed in the environmental review, as follows:¹⁴

1. **Accurate and Complete Analysis of All Impacts:** The impact analysis must not be limited to direct impacts from the regulations. The analysis should consider all direct, indirect, and reasonably foreseeable cumulative impacts.
2. **A Full Range of Alternatives Must be Examined:** The Regional Board shall identify and rigorously examine all reasonable alternatives for the project.¹⁵ The range of alternatives must be feasible and must avoid or substantially lessen the project's significant environmental effects¹⁶ "even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly."¹⁷ A feasible alternative is one that is "capable of being accomplished in a

¹⁴ Note: this list is not exhaustive.

¹⁵ 40 C.F.R. §§ 1500.2 subd. (e), 1501.2 subd. (c), 1502.1, 1502.14 subd. (a), 1502.15 subd. (d).

¹⁶ Pub. Resources Code, §§ 21002, 21001.1(a), 21100(b)(4), 21150.

¹⁷ Cal. Code Regs., tit. 14, § 15126.6, subd. (b), *emphasis added*.

successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.”¹⁸ Additional alternatives that were not but should be analyzed within the DEIR include:

- (a) The DEIR should fully consider the project as proposed in the draft 2012 Conditional Waiver (Conditional Waiver of Waste Discharge Requirements For Discharges From Vineyard Properties in the Napa River and Sonoma Creek Watersheds, Tentative Order 2012-XXX). The draft 2012 Conditional Waiver covered the following vineyards:
- i) Contains a **Vineyard Facility** with a **Slope** less than 5 percent located on one or more parcels totaling 40 acres or more, where 5 or more acres are a planted vineyard; or
 - ii) Contains a **Vineyard Facility** with a **Slope** of 5 percent or greater located on one or more parcels totaling 20 acres or more, where 5 or more acres are a planted vineyard; or
 - iii) Is identified by Water Board staff as discharging or proposing to discharge waste that could affect water quality and the Water Board staff finds that regulation of such vineyard through this Conditional Waiver will result in compliance with applicable water quality standards, such that regulation through individual or general WDRs is not necessary.¹⁹

Given that the Technical Advisory Committee concluded that the eligibility criteria “captures an estimated 85 percent of vineyard parcels and cultivated acres in the Napa River and Sonoma Creek watersheds and takes into consideration parcel size, vineyard size, slope, geology, and soil erosion potential,” the 2012 Conditional Waiver eligibility criteria is a viable alternative that captures the goals of the Vineyard WDRs.²⁰ Thus, the DEIR should fully consider and analyze the eligibility criteria from the 2012 Conditional Waiver as an alternative.

- (b) Mean Annual Sediment Delivery (tons/yr) by sediment source should be estimated for each alternative in a similar manner as shown in Tables 3 and 4 of the Initial Study. (See Initial Study, p. 18.)

3. **All Impacts to Agricultural Resources Must be Fully Mitigated:** All feasible mitigation measures that are analyzed in the environmental review documents need to address the impacts to agricultural resources, must be fully described, and must mitigate for the impacts. A project of this magnitude has the potential to negatively impact agricultural lands, leading to the conversion of significant amounts of

¹⁸ See Pub. Resources Code, § 21061.1; Cal. Code Regs., tit. 14, § 15364.

¹⁹ Conditional Waiver of Waste Discharge Requirements For Discharges From Vineyard Properties in the Napa River and Sonoma Creek Watersheds, Tentative Order 2012-XXX, p. 2.

²⁰ See *id.* p. 6.

agricultural land to non-agricultural use.²¹ Rather than including mitigation measures, the DEIR concludes that the “General Permit will not result in any amount of land permanently converted or committed to urban or other nonagricultural uses.” (DEIR, p. 4.) This statement is speculative and is not supported by substantial evidence. For example, land along farm roads may need to be utilized in a different manner (non-farming manner) in order to prevent sediment/erosion and stormwater runoff, establish stream setbacks, and/or be taken out of production in order to comply with the Vineyard WDRs.

4. **Social and Economic Impacts Must be Analyzed Under CEQA:**²² Although impacts that are solely economic in nature do not constitute “significant effects on the environment,” economic or social impacts that will or have the potential to cause a physical change should be considered.²³ The term “significant effect on the environment” is defined in section 21068 of CEQA as “a substantial or potentially substantial adverse change in the environment.”²⁴ This focus on physical changes is further reinforced by Sections 21100 and 21151.²⁵ Despite the implication of these sections, CEQA does not focus exclusively on physical changes, and it is not exclusively physical in concern.²⁶ Thus, in certain situations such as the adoption of an expansive regulatory irrigated lands discharge program, economic and social effects of the project must be used to determine the significant effects on the environment.²⁷ A cumulative effect of environmental regulations can be the loss of some farmland either by regulatory restrictions or by the compliance cost burden casualty. The loss of farmland is unquestionably an environmental impact,

²¹ The Regional Board should consult with applicable county and local governments to assess local agricultural mitigation measures. For example, San Joaquin County and Yolo County have adopted ordinances to preserve agricultural land through the use of agricultural easements for agricultural land lost to development. San Joaquin County requires a 1:1 mitigation ratio for any “General Plan amendment that changes the designation of any land from an agricultural to a nonagricultural use” or any “Zoning Reclassification that changes the permitted use from agriculture to a nonagricultural use, regardless of the General Plan designation.” (*San Joaquin County General Plan*, Section 9-1080.3(a)-(c).) Yolo County requires a 1:1 mitigation ratio for any “conversion or change from agricultural use to a predominantly non-agricultural use...” (*Yolo County General Plan*, Section 8-2.2416(3).)

²² CEQA requires analysis of a proposed project’s potential impacts to agriculture, but social and economic changes are not considered environmental impacts in and of themselves under CEQA, although they may be used to determine whether a physical change is significant or not. CEQA also permits discussion of social and economic changes that would result from a change in the physical environment and could in turn lead to additional changes in the physical environment. (Cal. Code Regs., tit. 14, § 15064 subd. (f)).

²³ Cal. Code Regs., tit. 14, §§ 15064(e), 15131.

²⁴ Pub. Resources Code, § 21068.

²⁵ Discussion following Cal. Code Regs., tit. 14, § 15131.

²⁶ *Ibid.*

²⁷ *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal. App. 3d 151, 170, [“The lead agency shall consider the secondary or indirect environmental consequences of economic and social changes. . . economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment.”].

although its magnitude may be hard to predict.²⁸ The DEIR should, in the very least, estimate the percentage of the potentially productive land barred from cultivation and the dollar value of the vineyard owners' or operators' cost for the WDRs compliance. Such figures, when added to those from other regulations, will give the public a proper scope of potential and cumulative impacts and an initial estimate of the amount of farmland that would be lost.

Anticipated program implementation costs to the agricultural community include, but are not limited to, increases in potential fees, management practice implementation, monitoring costs, report preparation, and cost for education, preparation of Farm Water Quality Plans²⁹, road improvements³⁰ and erosion control, as well as other costs. Given that the impacts of water quality regulations frequently take years to materialize, the DEIR should be revised to analyze the economic costs and impacts within a dynamic framework taking into account the projected changes in the economic situation *over time*.

5. **Impact of Reduced Sediment in San Pablo Bay Should be Addressed:** As seen from the nearly 40% decrease in suspended sediment in San Pablo Bay that began in 1999, reduced sediment results in the increased clarity of water, triggering excessive phytoplankton growth, which in turn can lead to fish kills due to deprivation of dissolved oxygen. The decrease in sediment will also hinder natural maintenance and restoration of the bayside wetlands. This is particularly troublesome in view of the predicted sea level rise.³¹ Although the reduced sediment input from Napa River and Sonoma Creek may have little overall impact on San Francisco Bay as a whole, it could have a locally significant impact in the northern half of San Pablo Bay. The potential impact of the reduced sediment should, therefore, be addressed within the DEIR and its alternatives analysis.

6. **The Definition of Vineyard Property is Excessive:** The Vineyard WDRs define "vineyard property" as the vineyard facility and all adjacent owned parcels and roads. Such an expansive definition appears to be excessive for the goals the Vineyard WDRs are trying to achieve, and is one of the factors that could lead to high costs resulting in the conversion agricultural lands to non-agricultural lands.

²⁸ Section 3.3 of the DEIR discusses these cost concerns obliquely and reiterates that economics cannot be permitted to bear as heavily on CEQA determinations as physical environmental effects. However, in the agricultural industry concerns about economics are often inextricably linked to concerns about being unable to afford to maintain the farmland, leading to its ultimate conversion to non-farmland, thus warranting an extensive environmental review analysis.

²⁹ The Vineyard WDRs would require dischargers to prepare a Farm Water Quality Protection Plan for (at a minimum) all vineyard blocks, lanes, and avenues. This document has many components and requirements, which will be highly time and cost intensive for farmers to prepare.

³⁰ The Vineyard WDRs mandate making significant changes to the current road situation in the project region; the current roads running through these vineyards are largely "farm roads," which are unpaved. To alter these roads would be very time and cost intensive to the vineyard owners.

³¹ David H. Schoellhamer, USGS, "Suspended Sediment in the Bay: Past a Tipping Point," in "The Pulse of the Estuary 2009" (Jay Davis, Editor), San Francisco Estuary Institute, Oakland, CA., 2009.

Comment Letter re Vineyard WDRs DEIR

September 14, 2016

Page 11

Thank you for the opportunity to provide our comments. We look forward to further involvement and discussion with the Regional Board on the development of regulations concerning waste discharges from vineyard properties in the Napa River and Sonoma Creek watersheds.

Sincerely,

A handwritten signature in black ink, appearing to read "Kari E. Fisher". The signature is fluid and cursive, with the first name "Kari" being more prominent than the last name "Fisher".

Kari E. Fisher
Associate Counsel

KEF/pkh