Fact Sheet

San Francisco Bay Regional Water Quality Control Board

General Permit for Vineyard Properties in the Napa River and Sonoma Creek Watersheds

Overview

In July 2017, the San Francisco Bay Regional Water Quality Control Board (Water Board) adopted a water quality control permit (General Permit) for vineyard properties in the Napa River and Sonoma Creek watersheds. The General Permit regulates parcels developed to include a 5-acre-or-larger vineyard that are located in these two watersheds. All vineyard parcels subject to the General Permit – regardless of slope of the planted area - must achieve performance standards for soil erosion in the farm area, and for discharge of nutrients and pesticides. Hillslope vineyard parcels – those where the average slope of the planted area is greater than 5 percent - also must achieve performance standards for vineyard storm runoff and for sediment discharge from unpaved roads.

Specifically, the General Permit requires property owners or operators to:

1. Enroll in the General Permit;
2. Develop a farm plan to protect water quality;
3. Have the farm plan verified by a Third-Party Program or by the Water Board;
4. Implement the farm plan to achieve applicable performance standards for discharge;
5. Report annually on progress toward achievement of performance standards; and
6. Participate in a group-or-individual water-quality monitoring program.

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How do I know if my vineyard property needs to be enrolled, and if so, when?
Existing Vineyard: Owners/operators of existing vineyard properties - parcels planted to include a 5-acre-or-larger vineyard – are required to enroll by July 31, 2018.

Existing Vineyard within 2017 wildfire perimeter: Where any part of an existing vineyard property is located within the mapped perimeter of the North Bay wildfires, the Water Board has extended the deadline for enrollment by one-year to July 31, 2019[1].

New Vineyard: Owners/operators of new vineyard properties – those planted subsequent to the adoption of the General Permit in July 2017- are required to enroll one-year prior to vineyard planting or by July 31, 2018, whichever date is later.

We have posted an interactive map and spreadsheet on our website at https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/agriculture/vineyard/index.html to show the parcels we believe are subject to the General Permit and enrollment deadline. In May 2018, we plan to send correspondence to the owners of these parcels to provide notice of the General Permit.

How do I enroll in the General Permit? Is there a permit fee?
You can enroll in the General Permit electronically online at https://geotracker.waterboards.ca.gov/enoi/. Instructions for enrollment are posted on our website (at the address as listed above). Permit fees, which the State Water Board establishes, will be assessed after July 31, 2019. Thereafter, the State Water Board will assess an annual permit fee, based on planted acreage. As an example, if a fee were required today, a typical vineyard would pay $1.00-to-$1.50/planted vineyard acre/year.

What information needs to be in the farm plan, and how is it "verified"?
A farm plan documents a vineyard property's natural features, developed areas, and best management practices (BMPs) to protect water quality, as specified in Attachment A of the General Permit. Landowners who work with an approved Third-Party Program to prepare their farm plan will be in an excellent position to have their farm plans "verified," and to implement BMPs (as specified in the farm plan) to achieve applicable performance standards for discharge that are required by the General Permit.

A verified farm plan means that a Third-Party Program has coordinated a technical review of the farm plan by a "qualified professional" who has signed the farm plan, a verification form, or a letter – to indicate that upon full implementation, all applicable performance standards for sediment and storm runoff control would be achieved. Qualified professionals include California registered professionals in disciplines associated with erosion and sediment control. Examples include professional engineers, licensed geologists, or certified professionals in erosion or sediment control.

As an alternative to having the farm plan verified, the owner/operator may elect instead to submit the farm plan to the Water Board for review and approval.

[1] Owners/operators of properties outside the burn area, who experienced significant impacts, also may request this extension.

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Third-Party Programs

Third-Party Programs help vineyard owners/operators prepare and verify farm plans that satisfy requirements of the General Permit. Third-Party Programs also may qualify for grants to support farm plan development and implementation. The Water Board has approved the following Third-Party Programs, listed here in alphabetical order:

1. The California Land Stewardship Institute (Fish Friendly Farming Program);
2. The California Sustainable Winegrowing Alliance;
3. The Napa County Resource Conservation District (LandSmart Program); and
4. The Sonoma Resource Conservation District (LandSmart Program).

We strongly recommend all vineyard owners/operators consider working with an approved Third-Party Program to complete a verified farm plan. Besides providing technical and resource support, owners/operators who work with an approved Third-Party Program will be in an excellent position to achieve compliance with the General Permit, and should qualify for reduced permit fees.

When do I have to have a verified farm plan?

Existing vineyard: For most existing vineyard properties, a verified farm plan must be completed by July 31, 2020. For vineyard properties within the perimeter of the North Bay wildfires, the deadline is extended by one-year to July 31, 2021.

New vineyard: For new vineyard properties - those planted subsequent to General Permit adoption - a verified farm plan must be completed by the date of vineyard planting or by July 31, 2020, whichever date is later.

What are the Performance Standards for Discharge?

Performance standards set the level of pollutant discharge control. Regardless of slope, all vineyard parcels are required to control vineyard sediment, pesticide, and nutrient discharges. Hillslope vineyard parcels - where the average slope of the planted area is greater than 5 percent – have additional performance standards to control vineyard storm runoff, and sediment discharge from roads. Table 1 summarizes General Permit deadlines and applicable performance standards.

I already have a farm plan developed to protect water quality. What else do I need to do?

Many vineyards have farm plans developed prior to General Permit adoption. These include farm plans developed under Fish Friendly Farming, LandSmart, and other programs (e.g., the California Sustainable Winegrowing Alliance, Sustainability in Practice, etc.). Many hillslope vineyard properties also operate under county-approved erosion control plans.

Valley-floor vineyards: We expect almost all valley-floor vineyard properties that have completed and implemented a farm plan developed with the Fish Friendly Farming or LandSmart programs[2] are in an excellent position to have their farm plan verified in the near-term. It is likely almost all these valley-floor vineyard properties are achieving all

[2] We mention Fish Friendly Farming and LandSmart because Water Board staff have performed property inspections and farm plan reviews at more than 100 vineyard properties where a farm plan was completed working with these programs. We are just beginning to work with the California Sustainable Winegrowing Alliance (CSWA) to prepare farm plans that meet the conditions of the General Permit. Where owners/operators work with CSWA to complete a verified farm plan, we also are confident that they will be in an excellent position to achieve compliance with the General Permit.

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applicable performance standards for discharge specified by the permit. For these properties, besides enrolling in the General Permit and getting the farm plan verified, the remaining required actions would be limited to continued implementation of the farm plan, and complying with applicable monitoring and reporting requirements (described below).

Hillslope vineyards: Similarly, hillslope vineyard properties that have completed a farm plan working with LandSmart or Fish Friendly Farming should be in an excellent position to have their farm plans verified in the near-term. However, due to the additional performance standards for hillslope vineyard parcels, in some cases an addendum to the farm plan may be required to achieve the performance standards for discharge for vineyard storm runoff, and/or for sediment discharge from unpaved roads. At these same hillslope vineyard properties, it is likely almost all already are achieving performance standards for soil erosion in the farm area, and for discharge of nutrients and pesticides.

Permit Administration

The General Permit established three tiers as follows.

Tier 1: An owner/operator qualifies for Tier 1 if a) their farm plan has been verified; b) all applicable performance standards for discharge are achieved; and c) as applicable, the property meets performance standards for stream and riparian habitats. This requirement only applies if an "unconfined alluvial channel" traverses the property or defines a property boundary. Tier 1 benefits include reduced monitoring and reporting, and lower permit fees.

Tier 2: An owner/operator qualifies for enrollment under Tier 2 if a) they have developed a verified farm plan or Water Board-approved farm plan; or b) they are working with a Third-Party Program to develop a verified farm plan. Tier 2 benefits include reduced permit fees.

Tier 3: Those electing to develop a farm plan independently (i.e., outside a Third Party Program), must enroll in Tier 3. They must submit their farm plans to the Water Board for review and approval. Following Water Board approval of the farm plan, the owner/operator, as applicable, could move into Tier 2 or Tier 1.

In summary, Tier 1 enrollees are subject to minimal monitoring and reporting, and qualify for reduced permit fees. Tier 2 enrollees qualify for reduced permit fees. Tier 2 and 3 enrollees must submit an annual compliance form, and in most cases must conduct water quality monitoring to assess streambed sediment conditions and BMP effectiveness.

New vineyard properties developed on a ridgetop[3], on slopes > 30 percent, and/or that involve a timber conversion plan present a greater risk to water quality are required instead to obtain an individual permit from the Water Board.

[3] A Ridgetop is as defined per Sonoma County Code (Chapter 11): "A relatively flat topographic divide above divergent and descending slopes where one (1) or more of the descending slopes has a natural slope steeper than fifty (50) percent for more than fifty (50) feet in slope length."

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Table 1. Deadlines for enrollment, completion of a verified farm plan, and for achievement of performance standards for discharge.

General Permit requirement	Existing vineyard property* (not in wildfire perimeter) **Compliance deadline**	Existing vineyard property* (within wildfire perimeter) **Compliance deadline**	New vineyard property* **Compliance deadline**
Enrollment	July 31, 2018	July 31, 2019	Within one-year of vineyard construction or by July 31, 2018, whichever date is later
Verified farm plan	July 31, 2020	July 31, 2021	By completion of vineyard construction or by July 31, 2020, whichever date is later.
Performance standards for soil erosion in the farm area, nutrients, and pesticides	July 31, 2020	July 31, 2021	By completion of vineyard construction
Performance standard for storm runoff/bed and bank erosion (**Only applicable to hillslope vineyard parcels**)**	July 31, 2023	July 31, 2024	Within six years of completion of vineyard construction
Performance standard for storm runoff/no change in peak (**Only applicable to hillslope vineyard parcels**)**	Not applicable	Not applicable	By completion of vineyard construction
Performance standards for existing unpaved roads (**Only applicable to hillslope vineyard parcels**)**	July 31, 2027	July 31, 2028	Within ten years of completion of vineyard construction
Performance standards for all new roads (**Only applicable to hillslope vineyard parcels**)**	By completion of road construction	By completion of road construction	By completion of road construction

*Existing vineyards are those planted prior to adoption of the General Permit, which occurred on July 12, 2017. New vineyards are those planted subsequently.

**These performance standards are applicable to parcels where the average slope of the planted area of the vineyard is greater than 5 percent.

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What is an Unconfined Alluvial Channel?

Unconfined refers to the width of the valley (that is adjacent to the channel) being greater than four-times the bankfull channel width of the channel. An alluvial channel is one where the bed and banks are comprised of material transported by the channel and deposited in the alluvial channel reach. Examples of unconfined alluvial channels include: a) almost the entire length of the Napa River and Sonoma Creek; and b) their tributaries, where they exit canyons to traverse alluvial fans or valleys. Technical staff working for a Third-Party Program are available to help identify unconfined alluvial channels.

Performance Standards for Stream and Riparian Habitats

A property can attain the performance standards for stream and riparian habitat by:

1) Establishing and maintaining stream setbacks, as measured from the top of the bank, along all unconfined alluvial channels that are on average greater-than-or-equal-to 1.5 times the bankfull channel width; or
2) Implementing active-or-passive restoration measures through participation in the Rutherford Napa River Restoration, the Oakville to Oak Knoll Napa River Restoration, or the Carneros Creek Adaptive Management Plan.

Per the first criteria, technical staff working for an approved Third-Party Program would measure the average width of the stream setback perpendicular to the banks to determine whether the average width meets or exceeds the setback width required by the General Permit. To qualify for Tier 1, owners/operators of vineyard properties need to consult with a Third-Party Program, who will perform a field inspection to verify if the setback qualifies for Tier 1.

Monitoring and Reporting

Attachment E of the General Permit specifies its monitoring and reporting requirements. Tier 1 enrollees are exempt from most monitoring and reporting, and are only required to conduct BMP implementation (photo-point) monitoring. Tier 2 and 3 enrollees are required to perform BMP implementation (photo-point) monitoring, streambed monitoring to evaluate sediment conditions, BMP effectiveness monitoring, and to submit annual compliance reports to document progress towards farm plan development and attainment of the performance standards for discharge. Following enrollment, the annual compliance report is due each year by December 15.

BMP implementation monitoring and annual compliance reporting are property specific. Streambed and BMP effectiveness monitoring involve preparing and implementing a property-specific monitoring program or participating in a group-monitoring program that characterizes streambed conditions and BMP effectiveness. For group monitoring, the group can monitor a representative sample of properties/sites to characterize overall conditions. Although we cannot require participation in a group monitoring effort, we strongly recommend this option because it will yield more consistent and useful information at a lower cost.

Please note that The Napa County Farm Bureau intends to administer a Group Monitoring Program in the Napa River watershed to satisfy the BMP effectiveness and streambed monitoring requirements.

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How can I Get Additional Information?
To receive email notices about the General Permit, go to http://www.waterboards.ca.gov/resources/email_subscriptions/reg2_subscribe.shtml .

When the webpage opens, provide your name and email address, and check the box for "Vineyard Program(Napa River & Sonoma Creek)."

Additional information is available at the Water Board's website at: https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/agriculture/vineyard/index.html

Water Board Staff Contact Information

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Program lead, Jim Ponton: james.ponton@waterboards.ca.gov or at 510-622-2492.

Third-Party Programs (approved programs listed in alphabetical order):

California Land Stewardship Institute (Fish Friendly Farming Program):
Website: http://www.fishfriendlyfarming.org
Contact: Laurel Marcus: laurelm@fishfriendlyfarming.org or at 707-253-1226 ext.1

California Sustainable Winegrowing Alliance:
Website: https://www.sustainablewinegrowing.org/region-2-vineyard.php
Contact: Lisa Francioni-Hai: lfrancioni@wineinstitute.org or at 415-356-7545

Napa County RCD (LandSmart Program):
Website: http://landsmart.org/vineyard/
Contact: Frances Knapczyk, Napa County RCD: frances@naparcd.org or at 707-690-3124

Sonoma RCD (LandSmart Program):
Website: http://landsmart.org/vineyard/
Contact: Anya Starovoytov, Sonoma County RCD: astarovoytov@sonomarcd.org or at 707-569 – 1448

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