

Tomales Bay Association

P.O. Box 369



Pt. Reyes Station, California 94956



17 June 2008

To: Staff and Board Members
Bruce H. Wolfe, Executive Officer
San Francisco Bay RWQCB
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: Proposed Resolution Number R2-2008
Tentative Waiver Of Waste Discharge Requirements For Grazing Operations in the Tomales Bay Watershed (Tomales Bay, Lagunitas Creek, Walker Creek and Olema Creek)

Dear Staff and Members of the Board

We are writing to voice our concerns and suggestions regarding the waiver proposal.

While we applaud the board for finally taking action with regard to reducing the sediment and pathogen loading that continues to make Tomales Bay an impaired water body, we are deeply concerned that it will be insufficient to actually improve water quality, and most importantly that the board will not have adequate enforcement for recalcitrant operators.

As you may be aware, the County of Marin has recently revised its general plan, the Marin Countywide Plan (CWP). While the new CWP touts itself as being more protective of the environment than its predecessor, it in fact reduces the County's oversight of all agricultural activities, and greatly decreases protections for the Stream Conservation Area (SCA) on agricultural lands. In effect, there is no longer any county process for conversion of agricultural lands or intensity of use on those lands. Furthermore, while the CWP calls for protection of SCAs, there is no nexus for determining whether or not the SCA is in fact being respected.

As riparian buffer zones are integral to filtering and providing a biological buffer for pathogens and other undesirable water contaminants, the relaxation of monitoring and requirements for buffer zone protections by the County of Marin will seriously undermine the RWQCB proposal for a waiver of water quality requirements for grazing because there is now one less agency (the County of Marin) participating in protections meant to remedy water quality degradation and minimize soil erosion.

The requirement that ranchers have a water quality plan and a facility map, and a requirement of at least visual inspection of their operations in relation to implementation of the plan, seems less meaningful when the County of Marin no longer involves itself in determining appropriate land use practices.

The implementation of RWQCB standards for a waiver under which there is a minimum delivery of pathogens into streams is undermined in a county that has little inclination to apply common sense environmental requirements on agricultural parcels, and puts undue burden and responsibility upon the RWQCB in maintaining the water quality goals that it is mandated to monitor and maintain.

We therefore believe the RWQCB needs to engage a two prong approach:

1. Increase RWQCB's own enforcement capability while working with ranchers to improve conditions on their parcels. As long as parcel owners demonstrate that they are continuing to work toward improving conditions on their properties and implement best management practices, including maintaining or improving riparian zones, then enforcement will be relatively benign and unnecessary. On the other hand, recalcitrant operators ought to have to pay for the additional involvement of RWQCB staff to ensure the implementation of the standards.
2. Instruct the County of Marin that its CWP is insufficient and that it needs to undergo emergency revision of its plan, and also needs to address the issues through implementation of more specific protections under its development code with respect to riparian zones on agricultural parcels.

In closing, we applaud the board for taking this action and its commitment to working with ranchers in order to improve conditions on agricultural lands in order to improve water quality condition within the Tomales Bay Watershed.

Thank you for this opportunity to comment.



Kenneth J. Fox, TBA President

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