EARTH DEFENSE FOR THE ENVIRONMENT NOW ** LIVING RIVERS COUNCIL
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Mission Statement: To conserve, protect and defend earth's deep ecology and biodiversity for a sustainable future and high quality of life for all. We will accomplish this through education, advocacy and science.

July 26, 2011

California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612
Rico Duazo
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Re**: INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR GRAZING OPERATIONS IN THE NAPA RIVER AND SONOMA CREEK WATERSHEDS**

Earth Defense for the Environment Now, EDEN, and *Living Rivers Council, LRC,* are two nonprofit based organizations that have focused on the health of the Napa River for 9 years. Our members are dedicated to the recovery of the health of the Napa River which is listed as an impaired water body for sediment, nutrients and pathogens.

EDEN and LRC have submitted additional biological monitoring data to the Water Board, WB, to further list the Napa River for temperature and flow impairments.

The health of the Napa River is declining due to continued pollution and water diversions which are often times unregulated.

1. A. PROJECT DESCRIPTION:

CEQA requires full public disclosure of documents yet the waiver program excludes public review for the Ranch Water Quality Plans. Ranch Water Quality Plans must be made part of the public record.
What (Best) Management Practices criteria will be used to judge the adequacy of the Ranch Water Quality Plans?
Over grazing is common in horse and cattle operations. What criteria will be used to determine over grazing to prevent and reduce sediment and pathogen pollution?

2. IX. Hydrology and Water Quality:
Inspections of water quality should use an objective numeric basis for the success or failure of the program. The monitoring of the Napa River will not adequately pin point the individual grazing sources of pollution and should be in individual stream basins.

Pollution from cattle grazing around class II and III streams will flow into the class I streams thereby polluting spawning gravels and impacting all beneficial uses of the waters of the State. Class II and III streams must be included under this waiver. **Are class II and III streams included in this waiver program? If the answer is no then please explain why they are not included.**

3. VII. Greenhouse Gas Emissions:
Greenhouse Gas emissions are considered in the waiver program for only heavy equipment. It should also include the impacts made by the GHG produced by the cattle themselves.

We need the strongest most reliable programs to reduce sediment in Bay area streams because these watersheds are in steady poor water quality decline.

Thank You,

Chris Malan
EDEN and LRC
Manager
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EDEN/LRC Advisory Chair

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July 26, 2011

Re: *Public Review:* Mitigated Negative Declaration for Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Napa River and Sonoma Creek Watersheds

Dear Mr. Rico Duazo:

On behalf of Napa Group of the Redwood Chapter of the Sierra Club we are providing comments on the June 2011 Draft Mitigated Negative Declaration for Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Napa River and Sonoma Creek Watersheds. Our primary comment notes the MND does not include overgrazing as a potential issue for sediment, pathogen, and nutrient TMDLs. There are also editorial comments, and a thorough edit of the MND is needed.

Thank you for the opportunity to comment on this important program and the related CEQA.

Yours very truly,

Roger Hartwell
Nancy Tamarisk, Chair

Napa Sierra Club

Page 5, paragraph 6, line 5: "rate" should be "rare"
Page 17, paragraph 3, line 3: delete first "during"
Page 18, d), paragraph 1, line 3: "zoning should be "zoned"
NOTE: This MND has many editorial errors that make reading it distracting and sometimes difficult to understand. The document needs to re-edited before the final version.
Page 28, **b) Result in substantial soil erosion or loss of topsoil.** Negative effects from overgrazing have been well documented (White et al. 1983, EBMUD 2001, USEPA. 2002, Friends of Sycamore Valley 2003, Horman & McCutcheon 2005, Cary & Silburn 2006). Overgrazing is a potentially large threat to increase erosion because this ill-advised practice may continue for years, yet the potential for overgrazing is not addressed in the MND. When overgrazing occurs in some locally managed east bay watersheds, practices are changed, land is rested (EBMUD 2001), or the break from correct management is noted for later action (Friends of Sycamore Valley 2003). Raindrops striking bare ground (such as results from overgrazing) is a large contributing cause of soil erosion and sedimentation (Ellison 1945); overgrazing may bring about small areas, pastures, or acres of bare ground. If, as stated on page 39 "The purpose of the waiver of WDRs is to reduce sedimentation in streams" then overgrazing must be included in the discussion of ranch activities. The level of CEQA would not change from restrictions on overgrazing, and the impact on geology and biological resources would be reduced.
The ranch plan must recognize the potential effects of overgrazing and include Management Practices (MP) that work to prevent it and the subsequent erosion that occurs. Target amounts of residual dry matter (RDM) or inches of cover that will prevent fall erosion before grass re-grows should be included in all ranch plans. These targets, if met, will not only prevent erosion, but will increase filtration of runoff from non-point sources (i.e., cattle dung and wildlife or feral animal feces), reduce sedimentation (EPA 2002) and sustain the ranch as a viable business.
Page 33, **Background**, paragraph 1, line 1: delete one of the two "current/currently"
Page 43, Table 2: the lettered items should be in the active voice. The fact that they "may" be done is established in the opening paragraph (**Policy CON-47**). Items a, b, d, e, f, g, h , & i should begin "Monitor," "Address," "Support," "Ensure," "Ensure," "Address," "Amend," and "Develop," respectively. Note: There is no "c" as the table is mis-lettered.
Page 43, Table 2, g) "Addressed effects related to past and current mining, grazing **(*including overgrazing and livestock distribution problems leading to bare ground*)**, and other activities to the extent feasible." ***Progress will be photo-documented.*** (Bolded italicized wording should be added as regular text).
Page 63, **Cost Estimates:** To reduce overgrazing in affected areas will temporarily reduce herd size and grazing pressure, and allow less Animal Unit Months (AUMs) per pasture. This cost difference will be offset by improved overall long-term pasture health and the quality of feed as invasive weeds (opportunistic plants which colonize bare ground) are out-competed by better forage. Cattle distribution management problems may also be addressed through herd rotation and other Holistic Resource Management strategies. Such strategies may require increased costs for additional herd management or include costs for items such as molasses barrels for drawing cattle into less used areas.

Citations

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East Bay Municipal Utility District. 2001. Range Resource Management Plan. EMBUD, Orinda, CA. 98pp.

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Ellison, W. D. 1945. Some effects of raindrops and surface-flow on soil erosion and infiltration. Trans. Amer. Geophys. Union, Vol 26, No III.

Friends of Sycamore Valley. 2003. Hydrologic erosion damage at SVOS-N (Sycamore Valley Open Space - North), EBRPD Grazing Policy Violations Report. East Bay Regional Park District.

Horman, J. & J. McCutcheon. 2005. Negative Effects of Livestock Grazing Riparian Areas. LS-2-05, Ohio State Univ.

USEPA. 2000. National Water Quality Inventory: 2000 Report to Congress Executive Summary, Office of Water, Washington, DC 20460. [Online] Available at http://www.epa.gov/305b.

White, R. K., R. W. VanKeuren, L. B. Owens, W. M. Edwards, and R. H. Miller. 1983. Effects of livestock pasturing on non-point surface runoff. Project Summary, Robert S. Kerr Environmental Research Laboratory, Ada, Oklahoma. EPA- 600/S2-83-011. 6p.