

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Rico Duazo)
MEETING DATE: September 14, 2011

ITEM: 9

SUBJECT: **Conditional Waiver of Waste Discharges Requirements for Grazing Activities in the Napa River and Sonoma Creek Watersheds** – Adoption of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act

CHRONOLOGY: The Board has not considered this item before.

DISCUSSION: The Board is the lead agency for the adoption of the Conditional Waiver of Waste Discharge Requirements for Grazing Activities in the Napa River and Sonoma Creek Watersheds (waiver of WDRs) under the California Environmental Quality Act (CEQA). For specific details regarding the waiver of WDRs, please see the Staff Report for Item 10.

Prior to considering adopting the waiver of WDRs, the Board must consider adopting the proposed Mitigated Negative Declaration, by adopting the Tentative Resolution (Appendix A). The Board can adopt the Mitigated Negative Declaration only if it finds on the basis of the whole record that there is no substantial evidence that the waiver of WDRs will have a significant effect on the environment.

A copy of the draft Mitigated Negative Declaration and supporting materials was posted on our website. Notice of its availability for public comment was published in the Press Democrat and Napa Register on June 20, 2011. Copies of the draft Mitigated Negative Declaration were also submitted to the State Clearinghouse, which distributed it for review to other State agencies.

The draft Mitigated Negative Declaration was circulated for a 36-day public review, from June 20 to July 26, 2011. During that time, Board staff received two comment letters, submitted via e-mail from Earth Defense for Environment Now/Living Rivers Council, and the Sierra Club, Napa Group. Comments contained a mix of CEQA- and waiver of WDRs-related comments. One CEQA-specific comment, besides recommending editorial changes to the draft Mitigated Negative Declaration, included concerns over Greenhouse Gas Emissions from the cattle themselves. However, the waiver of WDRs will not result in changes in the number of grazing animals in the Napa River and Sonoma Creek watersheds and, thus, will not result in significant impacts to GHG produced by cattle. For specific details regarding all comments received, please see the Response to Comments for Item 10.

The Initial Study and Mitigated Negative Declaration (Appendix B) includes changes that we made as necessary to correct errors, clarify intent, revisit impact assumptions, and/or to offer further explanation. None of these changes are substantial revisions in that these changes do not identify new impacts or a determination that mitigation measures are insufficient to reduce impacts to less than significant levels.

RECOMMEN- Adoption of the Tentative Resolution adopting the Mitigated Negative Declaration
DATION

APPENDICES: A. Tentative Resolution Adopting the Mitigated Negative Declaration
B. Initial Study and Mitigated Negative Declaration, including Environmental Checklist Form
C. June 2011 Draft Initial Study and Mitigated Negative Declaration with track changes