California Regional Water Quality Control Board
San Francisco Bay Region

RESPONSE TO WRITTEN COMMENTS

On the Draft Initial Study / Subsequent Negative Declaration and Tentative Order for a Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the North San Francisco Bay Region (Napa River, Sonoma Creek, Petaluma River, and Tomales Bay Watersheds, and all Grazing Operations in Point Reyes National Seashore)

The San Francisco Bay Regional Water Quality Control Board (Water Board) received 299 written comments within ninety-nine (99) letters regarding the CEQA Initial Study / Subsequent Negative Declaration and Tentative Order distributed for public comment on February 21, 2025. Staff organized these comments into the categories identified in Table 1. The organizations and individuals who submitted comments are listed in Table 2.

Seventy-six (76) of the ninety-nine (99) comment letters received were in support of the Tentative Order for a Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the North San Francisco Bay Region (Conditional Waiver) and nine (9) did not express support or were opposed. Eight (8) comment letters were opposed to any grazing at Point Reyes National Seashore and the remaining comment letters were undecided or wrote about a different topic.

Public comments focused largely on Point Reyes National Seashore. Of the ninety-nine (99) comment letters received, ninety-two (92) mention either Point Reyes National Seashore or Tomales Bay. Nine (9) comment letters mention the Petaluma River watershed and one (1) comment letter mentions the Sonoma Creek and Napa River watersheds.

The comments are summarized below in *italics* (paraphrased for brevity) and followed by staff responses. For the full content and context of comments, please refer to the comment letter. To request copies of the comment letters, please contact René Leclerc at (510) 622-2410 or Rene.Leclerc@waterboards.ca.gov.

Revisions to the Tentative Order are shown with ~~strikethrough~~ text for deletions and <u>underlined</u> text for additions. The Revised Tentative Order also corrects typographical errors and contains minor editorial and formatting changes to the Tentative Order distributed for public comment.

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Table 2. List of Commenters and Comment Categories

Commenter Name	Comment Categories
Organizations	
California State Department of Conservation (Erwin Sison)	3.2
Earth Island Institute – Shark Steward Project (David McGuire)	1.1
Environmental Action Committee of West Marin (Ashley Eagle-Gibbs)	1.2, 2.1, 2.3, 2.8, 2.11
Inverness Associates (Paul Chapman)	1.1
Marin Conservation League (Nona Dennis)	1.1
Resource Renewal Institute (Chance Cutrano)	1.1
Tomales Bay Foundation (Woody Elliott)	1.2, 2.7
Turtle Island Restoration Network (Ken Bouley)	1.2, 2.1, 2.3, 2.4, 2.5, 2.6, 2.8, 2.11
Watershed Alliance of Marin (Laura Chariton)	1.2, 2.1, 2.3, 2.4, 2.5,
Western Watersheds Project (Laura Cunningham)	1.4, 2.1, 2.2, 2.3, 2.5, 2.6, 2.10, 2.12, 2.13
Private Individuals	
AJ	1.2, 2.1, 2.3, 2.4, 2.5
Amber Coverdale Sumrall	1.2, 2.1, 2.3, 2.4, 2.5
Amy Allen	1.3, 2.1, 2.5, 2.6
Ana Bravo	1.2, 2.1, 2.3, 2.4, 2.5
Andea Glass	1.3
Angela Dowd	3.3
Ann Dorsey	1.2, 2.1, 2.3, 2.4, 2.5
Ann Stock	1.1
Barbara Harper	1.2, 2.1, 2.3, 2.4, 2.5
Beth Koelker	1.1
Bill Woodbridge	1.2, 2.1, 2.3, 2.4, 2.5
Bobbi Simpson	1.1
Bruce Campbell	1.2, 2.1, 2.3, 2.4, 2.5
C.B. McGuinness	1.1
Candi Ausman	1.1
Catherine Beauchamp	1.2, 2.1, 2.3, 2.4, 2.5
Chris Hamilton	1.2, 2.1
Chris Lish	1.1
Corey Barnes	1.2, 2.1, 2.3, 2.4, 2.5
Craig Orbelian	1.2, 2.1, 2.3, 2.4, 2.5
David Wimpfheimer	1.1
Deborah Filipelli	1.2, 2.1, 2.3, 2.4, 2.5

Deborah Wilson	1.2, 2.1, 2.3, 2.4, 2.5
Denise Ferry	1.1
Dennis Fischer (1 of 2)	1.1
Dennis Fischer (2 of 2)	1.3
Diane Gentile	1.2, 2.1, 2.3, 2.5
Dr. Lissa McCullough	1.1
Ed Simpson	1.2, 2.4, 2.5
Elizabeth Dodge	1.4, 2.1, 2.6, 2.10
Ellen Holmes	1.1
Ester Gonzalez	1.2, 2.1, 2.3, 2.4, 2.5
Felice Pace	3.1
Gabi Shader	1.2, 2.1, 2.3, 2.4, 2.5
George Shea	3.1
Geraldine Card	1.2, 2.1, 2.3, 2.4, 2.5
Greg Dalton	1.1
Greg Pennington	1.2, 2.1, 2.3, 2.4, 2.5
Gregory Rosas	1.2, 2.1, 2.3, 2.4, 2.5
Ilya Turoy	1.2, 2.1, 2.3, 2.4, 2.5
J. Barry Gurdin	1.2, 2.1, 2.3, 2.4, 2.5
Jacoba Dolloff	1.2, 2.1, 2.3, 2.4, 2.5
James Wilson	3.1
Jamie Green	1.2, 2.1, 2.3, 2.4, 2.5
Janet Heinle	1.2, 2.1, 2.3, 2.4, 2.5
Jeanette Leinweber	1.2, 2.1, 2.3, 2.4, 2.5
Jennifer Valentine	1.1
Jimmie Lunsford	1.2, 2.1, 2.3, 2.4, 2.5
John P Teevan III	1.2, 2.1, 2.3, 2.4, 2.5
Judith Gottesman	1.1
Kate Griffin	1.2, 2.1, 2.3, 2.4, 2.5
Kevin D	3.1
Lacey Levitt	1.1
Larry Bryson	1.4, 2.3
Laura Honda	1.2, 2.1, 2.3, 2.4, 2.5
Lonna Richmond	3.1
Marcia Orbelian	1.2, 2.1, 2.3, 2.4, 2.5
Marilyn Price	1.1
Mark Bartolini	1.1
Megan Smith	3.1
Michelle Setaro	1.2, 2.1, 2.3, 2.4, 2.5
Nancy Taylor	1.2, 2.1, 2.3, 2.4, 2.5

Nina Wouk	1.2, 2.1, 2.3, 2.5
Nora Coyle	3.3
Norma Harrison	3.3
Paula Lecht	1.1
Rainey Straus	1.2, 2.1, 2.3, 2.4, 2.5
Ray Cooper	3.1
Rene Voss	1.1
Rob Hamner	1.1
Rob K	2.5
Robert Frank	1.1
Robert Raven	3.3
Roger Harris	1.1
Russell Weisz	1.2, 2.1, 2.3, 2.4, 2.5
Sally Beauford	1.1
Shannon Corbeil	1.2, 2.1, 2.3, 2.4, 2.5
Shawn Lani	1.4, 2.1, 2.6, 2.10
Siobhan Duff	1.3
Suparna Vashisht	1.2, 2.1, 2.3, 2.4, 2.5
Susan Careaga	1.2, 2.1, 2.3, 2.4, 2.5
Susan Fawcett	3.1
Susan Fischer	1.3
Susana Ives	1.2, 2.1, 2.3
Tom Baty	1.2, 2.5
Virginia Bria	1.2, 2.1, 2.3, 2.4, 2.5
Wendy Dreskin	1.2, 2.1, 2.2, 2.3, 2.5, 2.6, 2.7
Yazmin Gonzalez	1.2, 2.1, 2.3, 2.4, 2.5
Zorina Kibrick	1.1

1. COMMENTS IN SUPPORT OR OPPOSITION

Comment 1.1
Support Conditional Waiver with no recommended revisions (Earth Island Institute, Inverness Associates, Marin Conservation League, Resource Renewal Institute, 24 private citizens)

Many commenters expressed support for the Conditional Waiver as proposed, often stating that it sets consistent standards across regional grazing operations, ensures watershed protections, effectively balances water quality protection with agricultural production, and reinforces protections for coastal waters through effective monitoring and management practices. Conditional Waiver expansion to include all grazing operations at Point Reyes National Seashore, and its consistency with other agency decisions, was a recurring theme in the comments of support.

Response
Thank you for your comments in support of the Conditional Waiver.

Comment 1.2
Support Conditional Waiver with revisions (Environmental Action Committee of West Marin, Tomales Bay Foundation, Turtle Island Restoration Network, Watershed Alliance of Marin, 44 private citizens)

Many commenters expressed general support for the Conditional Waiver, with several reiterating the views presented in Comment 1.1, especially regarding expansion to all grazing operations at Point Reyes National Seashore. These commenters also recommended one or more of the revisions listed in Table 1.

Response
Thank you for your comment expressing support for the Conditional Waiver and for recommending revisions. A response to each suggested change is provided in Section 2.

Comment 1.3
Opposed to Conditional Waiver because it waives regulatory requirements for grazing operations (5 private citizens)

Five (5) commenters opposed adoption of the Conditional Waiver because adoption of a 'waiver' meant that grazing operations would receive an exemption from regulation by the Water Board.

Response
The Conditional Waiver of Waste Discharge Requirements (Conditional Waiver) is not a waiver of regulation. Like waste discharge requirements, conditional waivers are also

regulatory permits issued by the Water Board to protect water quality.

Water Code section 13269 allows the Water Board to conditionally waive the need for waste discharge requirements if the waiver is consistent with applicable state and regional water quality control plans and is in the public interest. The Conditional Waiver is consistent with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) and is in the public interest.

The Conditional Waiver waives the need for Waste Discharge Requirements (WDRs) for existing grazing operations in the North San Francisco Bay if specific conditions are met that ensure the waiver is consistent with the Basin Plan. These conditions are designed to minimize and control discharges of animal waste and sediment to waters of the state and include evaluation of operating practices; identification of comprehensive site-specific pathogen and sediment control measures; development of a schedule for the implementation of management actions; regular monitoring, and annual reporting on actions taken.

The Conditional Waiver is in the public interest because it offers a streamlined permitting approach that reduces administrative burden while maintaining regulatory requirements that are equally protective of water quality. This makes the Conditional Waiver a more appropriate and efficient permitting tool for regulating grazing operations than WDRs. This approach aligns with the State Water Resources Control Board (State Water Board) 2004 Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program, which encourages the Water Boards to "be as creative and efficient as possible in devising approaches to prevent or control nonpoint source pollution."

Additional rationale for selecting a Conditional Waiver to regulate grazing operations in the North San Francisco Bay Region is provided in Item 23 on page 5 of the Revised Tentative Order.

Comment 1.4
Opposed or not in support of Conditional Waiver because it does not provide adequate water quality protections (Western Watersheds Project, 3 private citizens)

Four (4) commenters oppose the Conditional Waiver on the basis that it does not adequately protect water quality. They recommend that the Conditional Waiver be replaced with waste discharge permits or Waste Discharge Requirements (WDRs) that include many of the recommended revisions in Table 1, or that grazing operations be regulated under the existing Confined Animal Facilities WDRs. One commenter said that all dairy and grazing operations needed to treat the contamination they create and should not be allowed to operate until that happens.

Response
Thank you for your comments and recommended revisions to the Conditional Waiver. The Conditional Waiver includes regulatory requirements that adequately and appropriately

protect water quality, as discussed in Section 2. The proposed Conditional Waiver includes enforceable conditions designed to ensure that discharges do not adversely affect water quality. These conditions encompass requirements for implementing Management Practices (MPs), monitoring, and reporting, thereby providing a structured framework for compliance.

The Conditional Waiver is subject to periodic review and renewal at least every five years as mandated by law. Water Code section 13269(f) requires a determination if renewal of the Conditional Waiver is appropriate or if the discharge in question should be subject to general or individual WDRs. This review process allows the Water Board to assess the effectiveness of the waiver and make necessary adjustments to protect water quality. For example, in this iteration of the Conditional Waiver, the Water Board included a new riparian corridor performance standard to improve water quality protection. In contrast, WDRs do not have the same review process and would therefore not be reviewed as frequently as a Conditional Waiver.

It is important to note that only four out of California's nine Regional Water Boards currently regulate grazing activities at all, and all but one of these regions relies exclusively on a Conditional Waiver as their permitting tool. These waivers are used to regulate grazing operations on both federal/public and private lands. The fourth region incorporates regulatory requirements for grazing operations as part of a larger permit consisting of Waste Discharge Requirements for nonpoint source discharges related to certain land management activities (North Coast Regional Water Quality Control Board, Order No. R1-2024-0012).

As discussed in the Response to Comment 1.3 above, the Conditional Waiver is more appropriate for grazing operations than WDRs or General WDRs crafted specifically for a different agricultural sector such as Confined Animal Facilities. Responses to other recommended revisions and more information about the Water Board's approach to regulating non-point source pollution is provided in Section 2.

In response to the commenter who stated that all grazing operations should treat the contamination they create or not be allowed to operate, please refer to our responses to comments 2.2 and 2.5. These responses explain how Performance Standards and Best Practicable Treatments and Controls are applied to protect water quality and how the Water Board uses a management practice approach to regulate nonpoint sources of pollution. Lastly, our response to Comment 3.1 explains the Water Board's authority in regulating the effects of land use activities on water quality, but not the land use itself.

2. COMMENTS RECOMMENDING REVISIONS

This section summarizes and responds to all the revisions requested by commenters (see Tables 1 and 2).

Comment 2.1

Require mandatory water quality sampling (Environmental Action Committee of West Marin, Turtle Island Restoration Network, Watershed Alliance of Marin, Western Watersheds Project, 45 private citizens)

Many commenters support adding a requirement where water quality sampling must be conducted to verify compliance with the Conditional Waiver. Recommended water quality sampling parameters include fecal indicator bacteria, turbidity, temperature and dissolved oxygen, although most commenters were not specific as to which parameters are needed. Some commenters state that existing water quality monitoring data at Point Reyes National Seashore consistently does not meet water quality standards, and therefore monitoring is necessary to measure progress and to guide Water Board compliance and enforcement actions. Some commenters refer to the upcoming dairy and beef cattle ranch closures at Point Reyes National Seashore and emphasize that water quality monitoring should be conducted on any planned future targeted grazing operations implemented by The Nature Conservancy and National Park Service.

Response

We agree that water quality sampling is a key component to assessing program effectiveness. The terms and conditions of the Conditional Waiver should underscore the Executive Officer's authority to require additional site-specific monitoring and reporting when necessary, particularly when the Water Board observes non-compliance that results in or contributes to water quality impacts. As a result, we have added Provision D.6.h. to the Revised Tentative Order as follows:

> Observations of non-compliance resulting in or contributing to water quality impacts may lead to additional monitoring and reporting requirements issued by the Executive Officer pursuant to Water Code section 13267 and/or progressive enforcement actions. Potential monitoring requirements may include, but are not limited to, bacteria or water chemistry sampling, evaluations of riparian vegetation composition, physical habitat assessments, biological community sampling, sediment discharge monitoring, and/or surface water temperature monitoring.

However, this is a regional permitting program designed for implementation across multiple watersheds. Site-specific water quality monitoring is not always necessary or preferred when assessing nonpoint source pollution, such as that from grazing lands, where the pollutants are dispersed across large areas (100 acres or more) and

discharge varies based on rainfall, soil type, topography, and management practices.

Need for Watershed Assessment - The primary purpose of the Conditional Waiver is to support and implement multiple Total Maximum Daily Loads (TMDLs) for sediment, pathogens, and mercury, where multiple pollutant sources have been identified within four different watersheds. For example, the Petaluma River Watershed Bacteria TMDL identified human waste, municipal stormwater, and animal waste (cattle grazing, cow dairies, horse boarding, domestic pets, and wildlife), as the primary pollutant sources. Expanding the grazing program into this watershed is a key component of the TMDL's Implementation Plan to address all sources of bacterial pollution.

Since grazing activities have the potential to have multiple adverse impacts, watershed-scale monitoring programs provide Water Board staff with a comprehensive understanding of water quality trends and help evaluate the effectiveness of management practices across the watershed for all pollutant sources. Given our limited staff resources, this approach enables us to identify areas needing further attention and determine which pollutant sources are adequately managed. It also allows for more targeted use of resources for education, outreach, MP implementation, and an informed and focused inspection and enforcement program.

Ongoing watershed-wide water quality monitoring is currently in place for the Napa River, Sonoma Creek, Tomales Bay, and Point Reyes National Seashore. These efforts have shown a continued decline in fecal coliform levels with the implementation of the grazing program. Monitoring for the Petaluma River Watershed began in January 2025.

Point Reyes National Seashore - In addition to TMDL implementation, the Conditional Waiver will expand coverage to include grazing operations within the Point Reyes National Seashore that do not discharge to Tomales Bay. Ten ranches within the Tomales Bay watershed are permitted by the National Park Service and our agency to graze in this area. We anticipate that the expanded western Park area will include 2 historical grazing ranches and various targeted grazing areas operated by the Nature Conservancy. This expansion aligns with the National Park Service's Water Quality Strategy for Managing Ranching Operations, which aims to protect water quality and includes an extensive water quality monitoring program across multiple watersheds and coastal areas.

In collaboration with Marin County Environmental Health Services and the Environmental Action Committee of West Marin, the National Park Service also conducts weekly water sampling at popular recreational sites like Drakes Beach and Drakes Estero from April through October. These efforts help monitor compliance with California's water quality standards for recreational waters.

Recent National Park Service water quality monitoring has indicated elevated levels of bacteria in certain areas, some downstream of cattle ranches and dairies, and others in locations without livestock presence, suggesting multiple sources of contamination,

including wildlife and potential human-related factors. Many sampling sites are downstream of properties with recently corrected septic system issues and/or animal operations that are in the process of closing, with most animals already removed. We understand from discussions with National Park Service staff that the National Park Service will continue this monitoring program throughout this transition and in support of the few remaining grazing operations.

Compliance verification – The Conditional Waiver is supported by a robust and enforceable framework that includes regular monitoring, mandatory reporting, and Water Board oversight. Compliance is verified by annual report reviews, site inspections, and watershed water quality monitoring data analysis.

Dischargers are required to perform site-specific monitoring including visual inspections of their operations and adjacent receiving waters at specified intervals. These inspections confirm the implementation and effectiveness of site-specific MPs designed to protect water quality. Residual Dry Matter levels must also be measured annually before fall rains and documented. Each operation must maintain detailed inspection records for a minimum of five years and submit an annual compliance report. This report must document all implemented MPs, evaluate effectiveness, and detail any corrective actions taken in response to water quality concerns. To reinforce accountability, Water Board staff conduct regular site inspections of a subset of operations each year. Refusal of site access may result in termination of waiver coverage and the imposition of Individual Waste Discharge Requirements.

The site-specific visual monitoring requirements, compliance reporting, and inspection protocols outlined in the Conditional Waiver, supported by the Water Board's broad enforcement authority and the watershed-wide water quality monitoring efforts, ensure that the Grazing Program remains an effective and adaptable approach to protecting water quality across diverse watersheds.

Comment 2.2
Establish strict numeric limit requirements on water contaminants (Western Watersheds Project, 1 private citizen)

Two commenters recommended that numeric standards be established as part of mandatory water quality sampling at grazing operations in Point Reyes National Seashore and the Golden Gate National Recreation Area. A private citizen requested that clear, measurable numeric limit requirements be established and enforced on runoff from grazing operations, specifically for E. coli, nitrogen, phosphorous, and sediment runoff. Western Watersheds Project also recommended that there be numeric standards for water temperature, dissolved oxygen, and other physical parameters as part of water quality monitoring on each ranch-lease.

Response
Because the Water Board does not require mandatory water quality sampling at grazing

operations, explained in our response to Comment 2.1, the Conditional Waiver does not contain numeric limits for water quality sampling. However, Dischargers must comply with the Conditional Waiver Discharge Prohibitions and Provisions that require compliance with water quality standards (see Sections A.2 and D.2 of the Conditional Waiver). Prohibition A.2 states that Dischargers shall not cause or contribute to exceedances of any regional, State, or federal numeric or narrative water quality standard stipulated in the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). Additionally, Provision D.2 requires Dischargers to comply with all water quality objectives in the Basin Plan. The Basin Plan includes numeric objectives for ammonia, bacteria, dissolved oxygen, temperature, and other physical parameters, as well as narrative objectives for biostimulatory substances, sediment, and settleable and suspended material. Therefore, although numeric limits are not included in the Conditional Waiver, Dischargers must comply with numeric and narrative water quality objectives in the Basin Plan. The Basin Plan is publicly available on the Water Board web site here: https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html.

Moreover, nonpoint source (NPS) pollution does not lend itself to traditional effluent limits because, by definition, NPS pollution is diffuse and arises from broad land areas rather than from a single, identifiable source like a pipe or outfall. As a result, NPS pollution can vary with weather, land use and management practices, meaning that traditional, fixed effluent limits are not an effective or practical tool for pollution control. As a result, the State Water Board's 2004 Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy) states that the most successful control of nonpoint sources is achieved by prevention or by minimizing the generation of NPS discharges. To achieve this, the NPS Policy depends on discharger implementation of management practices (MPs) to control nonpoint sources of pollution. The approach can be summarized as a three-step process: MP implementation, monitoring to ensure MP effectiveness, and adaptive management to address any deficiencies in pollution control. The Conditional Waiver is consistent with this approach.

Comment 2.3
Improve compliance measures and strengthen enforcement (Environmental Action Committee of West Marin, Turtle Island Restoration Network, Watershed Alliance of Marin, Western Watersheds Project, 42 private citizens)

Many commenters recommended strengthening the compliance and enforcement provisions in the Conditional Waiver, with most comments focused on grazing operations at Point Reyes National Seashore. Some commenters stated that Water Board enforcement was too lax and called for clearer penalties for non-compliance such as fines, mandatory herd reduction, or suspension of grazing privileges for repeated violations. Others recommended increasing Water Board inspections to verify compliance.

Response
We disagree with the comments that compliance and enforcement provisions in the

Conditional Waiver are deficient.

The Water Board verifies compliance with the Conditional Waiver through a combination of onsite inspections, review of annual monitoring reports, and evaluation of monitoring data. During inspections, Water Board staff review the Ranch Water Quality Plan, conduct a visual inspection of the grazing operation, discuss current and planned MPs with the operator, identify water quality concerns, and provide guidance and answer questions. If a grazing operation is found to be out of compliance with the Conditional Waiver, the Water Board typically applies a progressive enforcement process. First, the Water Board issues a letter identifying specific areas of noncompliance, requiring corrective actions to address the areas of non-compliance, and imposing a deadline for compliance. Water Board staff then typically conduct a follow-up inspection after the compliance deadline to ensure the discharger is in compliance with the Conditional Waiver. When necessary, the Water Board will coordinate with other agencies depending on the violation. Dischargers who fail to comply with the terms and conditions of the Conditional Waiver are subject to further enforcement actions, including but not limited to a Notice of Violation (NOV). In unresolved or severe cases, the Water Board may terminate coverage under the Conditional Waiver or impose administrative civil liabilities (ACLs). ACLs are fines that are assessed based on the nature, extent, and impact of the violation and can be up to $5,000 per day for each day the violation occurs. This compliance and enforcement framework is consistent with the State Water Board's 2004 NPS Policy and Water Quality Enforcement Policy.

Grazing Program enrollees are required to submit Annual Certifications which serve as annual monitoring reports documenting compliance with the Conditional Waiver. These reports include a certification that the grazing operation meets the conditions of the Conditional Waiver, documentation of the mitigation measures and management practices being implemented, an evaluation of the effectiveness of those practices, and records of inspections where a water quality problem was identified, as well as the corrective actions taken in response.

Providing accurate and complete information in these reports is essential. Knowingly submitting false statements or certifications may result in serious consequences, including fines or imprisonment, as specified in Water Code section 13387 and Section F of the Tentative Order.

Although not a direct indicator of Conditional Waiver compliance, the Water Board also uses water quality monitoring data to inform future compliance actions including targeting inspection locations, and more generally to assess progress in achieving TMDL objectives, which include load allocations for multiple land use activities that contribute to a watershed impairment.

Comment 2.4
Address self-reporting requirements (Turtle Island Restoration Network, 39 private citizens)

Several commenters recommended the addition or improvement of self-reporting requirements in the Conditional Waiver. No further elaboration was provided by most of the commenters. One commenter (Turtle Island Restoration Network) recommended that the Water Board eliminate their reliance on self-reporting to ensure compliance with the Conditional Waiver.

Response

Many commenters requested that self-reporting be added as an improvement to the Conditional Waiver. However, self-reporting is already a component of the terms and conditions of the Conditional Waiver. The Conditional Waiver requires two forms of self-reporting, an annual monitoring report called an Annual Certification and reporting of any spills or discharges that threaten human health or water quality within 24 hours of becoming aware of its occurrence (see Section G of the Tentative Order). A description of the Annual Certification is provided in the response to Comment 2.3.

In response to the comment from Turtle Island Restoration Network, the Water Board does not rely exclusively on self-reporting to ensure compliance with the Conditional Waiver. Compliance actions conducted by the Water Board, in addition to self-reporting requirements, are outlined in the response to Comment 2.3.

<u>**Comment 2.5**</u>
Improve requirements for Management Practices including site-specific water quality management plans (Turtle Island Restoration Network, Watershed Alliance of Marin, Western Watersheds Project, 44 private citizens)

Forty-seven (47) commenters recommended that improved or additional management practices (MPs) be included in the Conditional Waiver. Thirty-eight (38) commenters did not elaborate on this general recommendation. Five (5) commenters recommended that specific MP requirements be added to the Conditional Waiver, namely: mandatory exclusion of cattle from streams and other sensitive areas, riparian exclusion fences along waterways, a minimum 100-foot buffer zone between livestock and waterways, and wet season grazing restrictions to minimize erosion and nutrient runoff. Lastly, one commenter requested that the Conditional Waiver focus more on addressing soil compaction and hill slope erosion caused by livestock.

Response

Implementation of MPs is an integral part of the Conditional Waiver terms and conditions; however, the Conditional Waiver does not require that specific MPs be universally implemented. Instead, it is the discharger's responsibility to assess their grazing operations and site conditions to select and implement appropriate MPs for their ranch. This gives the discharger flexibility in meeting the Conditional Waiver performance standards in the most effective and efficient manner for their ranch.

Grazing operations are not evaluated based on the MPs they implement, but rather on

the Conditional Waiver performance standards. Performance standards are specific, enforceable conditions that define the expected level of performance for pollution control at grazing operations. These conditions are listed in Section C of the Conditional Waiver and are expressed as water quality-based goals with implementation timelines. The performance standards focus on minimizing delivery of sediment, pathogens, mercury, and nutrients from Grazing Operations to surface waters. They include standards for manure management, animal use areas, ranch roads, erosion from legacy sediment delivery sites, and stream crossings for animals. The Conditional Waiver includes a new performance standard for riparian areas that requires grazing operations to manage riparian areas in a manner that supports essential functions that provide beneficial uses, such as sediment and pollutant filtering and woody debris recruitment. To comply with the Conditional Waiver performance standards, dischargers are required to evaluate operating practices, develop comprehensive site-specific pathogen and sediment control measures, and implement these measures according to a schedule prepared as part of a Ranch Water Quality Plan.

The performance standards are consistent with the State's Antidegradation policy (State Water Board Resolution 68-16). The Antidegradation Policy requires that any activity discharging (or proposing to discharge) waste to high quality waters must use the Best Practicable Treatment or Control (BPTC) to ensure (a) pollution or nuisance does not occur, and (b) the highest water quality is maintained, consistent with the maximum benefit to the people of California. The Conditional Waiver aligns with this policy by requiring dischargers to implement MPs in an iterative manner to arrive at the BPTC of the discharge to protect beneficial uses, prevent pollution or nuisance, address water quality impairments, and preserve high water quality consistent with the maximum benefit to the people of the State.

In response to those commenters who requested the addition of mandatory or specific MPs, the Water Board does not require certain MPs to be applied in all cases because there is no specific set of technologies, practices, or treatment devices that can be said to achieve BPTC or 'best efforts' universally in the watershed. The Conditional Waiver, therefore, relies on the performance standards that must be achieved and an iterative planning approach that will lead to implementation of the BPTC.

Site-specific knowledge possessed by grazing operators, often with assistance from rangeland management professionals from local agricultural support organizations, is applied to determine the optimal MP or set of MPs that will yield the best outcome to meet the Conditional Waiver performance standards. This approach encourages adaptive management and site-specific solutions, which are more effective for grazing operations than a one-size-fits all mandate. For example, some commenters requested that the Conditional Waiver require mandatory exclusion of cattle from streams. We agree that in some cases this is the most appropriate MP to achieve the BPTC, but another management practice may be more appropriate elsewhere, such as general exclusion but with periodic targeted, seasonal flash grazing in the riparian corridor for example.

In addition, it's important to note that California Water Code Section 13360 prohibits Water Board staff from specifying the design, location, type of construction, or particular manner of permit compliance and allows a permittee to comply in any lawful manner. In accordance with section 13360, the Conditional Waiver allows the dischargers to determine what site-specific MPs are needed to comply with the permit provisions and discharge prohibitions in an economically feasible manner.

Comment 2.6
Apply more stringent requirements to grazing operations on Federal lands (Point Reyes National Seashore and Golden Gate National Recreation Area) (Western Watersheds Project, 3 private citizens)

Commenters stated that Point Reyes National Seashore and Golden Gate National Recreation Area should have stronger rules to protect water quality than nearby private lands. The commenters asked that the Water Board create separate permits instead of grouping them with private ranch lands. They also suggested that ranchers on these public lands should be required to create detailed manure and nutrient management plans.

Response
The Water Board maintains that a single, unified Conditional Waiver for both public and private lands is the most appropriate and effective regulatory approach, and that more stringent regulation on federal land is not necessary.

The Water Board's Grazing Program was originally developed in response to TMDLs for pathogens and sediment in specific impaired watersheds in the North San Francisco Bay region. Grazing was identified as one of several nonpoint sources contributing to water quality degradation in these areas. The proposed Conditional Waiver consolidates and renews the existing Grazing Waivers while expanding coverage to grazing operations in additional high -priority areas, including the Petaluma River watershed and the western shore of Point Reyes National Seashore. The expansion of coverage is necessary to implement the Petaluma River Pathogens TMDL and to regulate grazing operations in Point Reyes National Seashore that do not discharge to Tomales Bay to extend coverage to provide equivalent water quality protection. This approach to protecting water quality from potential grazing impacts is consistent with the National Park Service's Water Quality Strategy for Managing Ranching Operations. Separate federal lease agreements also play a key role in executing these standards by requiring ranchers to follow site-specific MPs tied directly to the terms of the Conditional Waiver.

The California Water Code and Nonpoint Source Policy require that similar land uses, such as grazing, be regulated with consistent standards and expectations, regardless of whether the land is publicly or privately owned. About half of California's rangeland is privately owned, and the other half is public land, which makes many livestock producers reliant on the availability of federal grazing permits. Four of the nine Regional Water

Boards in California currently regulate grazing, and three implement their oversight with Conditional Waivers, with similar performance-based standards, for both public and private lands. Our approach aligns with statewide practices. As stated in our response to Comment 1.4, a fourth region incorporates regulatory requirements for grazing operations as part of a larger permit consisting of Waste Discharge Requirements for nonpoint source discharges related to certain land management activities (North Coast Region, Order No. R1-2024-0012)

The effectiveness of the Conditional Waiver performance standards is particularly evident in the Olema Creek Watershed (see reference in response to comment 2.7), located in the eastern portion of Point Reyes National Seashore (PRNS). Implementing the Grazing Program in this area has significantly reduced sediment and pathogen impacts by adopting site-specific MPs. (See response to comment 2.7.) Given the similar grazing conditions and ecological characteristics of the western part of PRNS, we expect comparable improvements in water quality as enrollment and compliance expand under the proposed Conditional Waiver.

We recognize concerns regarding nutrient and manure management, but it is important to clarify that Manure Management Plans and Nutrient Management Plans are tools designed primarily for confined animal operations and land application of manure as fertilizer. These plans are intended to address situations where manure is collected, stored, and applied at high volumes, often near surface water or in agricultural fields. These plans are not appropriate nor effective in controlling pollutants associated with pasture-based cattle grazing.

In contrast, open pasture cattle grazing involves dispersed deposition of manure directly onto grassland. Nutrient loading and runoff risk are significantly lower in these settings when appropriate grazing management, forage/soil regenerative practices, and riparian protections are in place. The Conditional Waiver requires Ranch Water Quality Plans that identify site-specific practices to manage manure-related water quality risks, including protecting streambanks, managing stocking rates, maintaining protective forage cover, and limiting access to sensitive riparian areas.

Comment 2.7
Conduct periodic review of the Grazing Program with public accountability (Tomales Bay Foundation, 1 private citizen)

The Tomales Bay Foundation requested that the Water Board prepare a status report on the efficacy of the Grazing Program in advancing its TMDL goals for the reduction of surface water contamination. They requested that the report include a review of Conditional Waiver enrollment, compliance, and an analysis of fecal coliform data collected by the Tomales Bay Foundation to show progress toward achieving the Tomales Bay Pathogen TMDL water quality objectives. They also asked that a broken link to the bacteria monitoring map on the Water Board's Tomales Bay Pathogen TMDL web page be repaired as it is currently non-functional. Lastly, one private citizen

requested a five-year review of the Conditional Waiver's effectiveness, with opportunities for public input and adaptive management.

Response
Our thanks to the Tomales Bay Foundation for your continued commitment to protect and improve water quality in the Tomales Bay watershed and for your ongoing collaboration with the Water Board to collect water quality samples for the Tomales Bay Watershed Pathogen Monitoring Program.

The Water Board does not typically prepare progress reports containing specific enrollment and compliance metrics for individual regulatory programs such as the Grazing Program. However, Water Board staff periodically provide program updates to our board that include enrollment and compliance data, program progress in achieving TMDL objectives, and other information. A staff summary report is typically prepared as part of the board item and is available to the public. Because of the Grazing Program expansion proposed in the Tentative Order, significant upcoming changes to grazing operations at Point Reyes National Seashore, and other information relevant to program progress, we agree with the Tomales Bay Foundation that an update on Grazing Program progress is warranted. Consequently, Water Board staff will recommend that the Water Board schedule an information item to update the board and public on Conditional Waiver progress at a future board meeting within the next two years.

Because the Conditional Waiver is renewed every five years, an update on Grazing Program progress will also be provided as part of the board hearing if the Conditional Waiver is proposed for renewal. The renewal process and board hearing allow opportunities for public input and adaptive management of the Conditional Waiver requirements and its implementation.

Although it does not provide specific information about the Grazing Program in North San Francisco Bay, the California Water Boards prepare a comprehensive Annual Performance Report each year which provides a statewide overview of regulatory programs including planning efforts, program targets, compliance and enforcement metrics, and other information on regional and statewide programs. The latest California Water Boards' Annual Performance Report (2023-24) can be found online here: https://www.waterboards.ca.gov/about_us/performance_report_2324/. Annual Performance Reports provide a high-level overview of Water Board programs across the state and, as a result, do not provide enrollment and compliance information for specific Regional Water Board programs like the Grazing Program. In addition, the Water Boards, in cooperation with the California Coastal Commission, prepares a Nonpoint Source Program Implementation Plan which outlines the goals and objectives of every nonpoint source program implemented by the State and Regional Water Boards. The plan is updated every five years and includes five-year goals and objectives for the Grazing Program at the San Francisco Bay Water Board. The plan is available at the State Water Board web site: https://www.waterboards.ca.gov/water_issues/programs/nps/plans_policies.html.

The Tomales Bay Foundation also requested that the Water Board provide an analysis of the Grazing Program's progress toward meeting TMDL goals for fecal coliform in the Tomales Bay watershed. The Water Board does not evaluate the effectiveness of each action or category of actions in a TMDL implementation plan[1] independently. Rather, we periodically evaluate TMDL progress in achieving water quality objectives based on an assessment of all TMDL implementation plan actions in aggregate. The TMDL identifies six main pollutant sources for pathogens in the Tomales Bay watershed, namely agricultural runoff, faulty on-site sewage disposal systems, boat discharges, open space lands, municipal runoff, and small wastewater treatment facilities and sewage holding ponds. Consequently, the Conditional Waiver is one of several implementation actions in the Tomales Bay Pathogen TMDL aimed at reducing pathogen concentrations in the Tomales Bay watershed.

Evaluations of TMDL implementation plan progress are published periodically in Water Quality Report Cards for each TMDL the Water Board produces. Water Quality Report Cards provide an update on TMDL progress by evaluating recently collected data, published studies and other information in the years that follow TMDL adoption. Water Quality Report Cards are publicly available on the State Water Board web site. The most recent Water Quality Report Card for the Tomales Bay Pathogen TMDL was published in 2016. Given that almost 10 years have passed since the previous Water Quality Report Card, we plan to review and publish an updated Water Quality Report Card within the next two years.

In the case of the Tomales Bay Pathogen TMDL, the Tomales Bay Pathogen Monitoring Program contributes invaluable data to assess fecal coliform trends and shows a clear improvement over time. These data are evaluated annually to assess progress in achieving TMDL goals, prioritize future inspections, and make changes to the monitoring program when warranted. The Tomales Bay Foundation identified a broken link to a map of long-term bacteria monitoring on the Tomales Bay Pathogen TMDL web page. The broken link has been corrected and is now available through the web page, and here: ArcGIS Enterprise - Tomales Bay - TMDL.

Although the Water Board does not prepare reports evaluating the efficacy of individual TMDL implementation plan actions, the National Park Service and University of California examined the effects of Conditional Waiver implementation on surface water fecal coliform concentrations in the Olema Creek watershed (Lewis et al. 2019). Results demonstrated rapid and substantial water quality improvements and the efficacy of the Conditional Waiver's BPTC approach. These findings, in addition to informal feedback from ranchers and agricultural support organizations in the region, provide compelling evidence supporting the continuation of the Water Board's Grazing Program.

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[1] The implementation plan for the Tomales Bay Pathogen TMDL is in the staff report on the San Francisco Bay Regional Water Quality Control Board web site at Tomales Bay Pathogen TMDL.

Lewis, D.J, Voeller, D., Saitone, T.L., and Tate, K.W. 2019. Management scale assessment of practices to mitigate cattle microbial water quality impairments of coastal waters, Sustainability, 11 5516, MDPI Open Access Journals, web: https://www.mdpi.com/2071-1050/11/19/5516.

Comment 2.8
Make all Grazing Program documents publicly available (Environmental Action Committee of West Marin, Turtle Island Restoration Network)

The Turtle Island Restoration Network requested that water quality management plans, compliance reports, water quality testing results, and any compliance actions taken be made public, and the Environmental Action Committee of West Marin requested that all Grazing Program documents be made available online for public review. This includes all grazing program forms and documents, water quality sampling data, reports, and other data.

Response
Agricultural Program records at the Water Board are not available through an online web page at this time. The Water Board does not have the resources to make all grazing documents available online; however, we will consider this option in the future pending available resources. However, grazing Program documents are available to the public upon request. Requests for public records may be submitted to the Grazing Program manager, René Leclerc, at Rene.Leclerc@waterboards.ca.gov. Alternatively, public record requests may be submitted via email, fax, or physical mail to:

San Francisco Bay Regional Water Quality Control Board
Attention: RB2 PRA Mailbox - File Review Request
1515 Clay Street #1400, Oakland, CA 94612
Phone (510) 622-2430
Fax (510) 622-2095
Email: RB2-PRA-Request@Waterboards.ca.gov

The California State Public Records Act governs the disclosure of public records to all members of the public. Additional guidelines for making a Public Records Act request are available here:
https://www.waterboards.ca.gov/resources/public_records/public_recordsact_guidelines.pdf

Comment 2.9
Make public education part of the Conditional Waiver update (Environmental Action Committee of West Marin)

The Environmental Action Committee of West Marin recommended that public education be included as part of the Conditional Waiver update. Among other benefits, public education would address confusion by the public regarding what the word "waiver"

means and that it is not a dilution of regulatory requirements. A discussion of the Water Board's regulatory structure is also recommended.

Response
We agree with the comment and are planning a series of public outreach events, including educational workshops, if the revised tentative order is adopted. The Water Board will coordinate with agricultural support organizations in the North San Francisco Bay Region to plan and implement these workshops. These organizations include local Resource Conservation Districts, University of California Cooperative Extension, and the National Resource Conservation Service.

Comment 2.10
List coastal streams at Point Reyes National Seashore as impaired for pathogens (Western Watersheds Project, 2 private citizens)

Commenters urge the Water Board to designate all coastal streams in Point Reyes National Seashore and the North District of Golden Gate National Recreation Area as impaired due to pollution from cattle grazing. They call for expanding the Tomales Bay TMDL program to these areas, citing recent citizen and National Park Service monitoring data and observations as evidence of pathogen contamination and nutrient loading, and suggest leveraging ongoing National Park Service data collection to support these actions.

Response
The waterbodies listed as impaired by pollutant under Section 303(d) of the Clean Water Act (i.e., 303(d) List) in the San Francisco Bay Region was most recently updated in the 2024 Integrated Report | California State Water Resources Control Board. The next update for our region is scheduled for 2030**.** For data to be considered in Integrated Reports and potential impairment listings, it must be collected under an approved Quality Assurance Project Plan (QAPP) to ensure data reliability and comparability.

At the time of the 2024 assessment, no QAPP-approved data were available for western Marin County watersheds, including the coastal streams in Point Reyes National Seashore. Therefore, the data referenced by the commenter, while potentially valuable, did not meet the quality requirements necessary for a 303(d)-listing determination.

Additionally, much of the referenced data appears to be collected during storm events below both dairies (which are covered under a separate General WDR for Confined Animal Facilities) and grazing ranches, which capture worst-case conditions rather than typical ambient water quality. If storm-focused sampling dominates a dataset, it can bias the results and does not reflect chronic or representative conditions. As a result, such data are not considered appropriate for listing decisions under the Water Board's 303(d) listing methodology.

For pathogen indicators, it's important to note that the Tomales Bay Pathogens TMDL

has been effective in reducing bacterial loads, in part due to ongoing implementation of management practices under the Conditional Waiver for Grazing and General WDRs for Confined Animal Facilities and grant-funded improvements. These same regulatory tools are being applied and expanded through the updated Conditional Waiver to grazing operations in Point Reyes National Seashore. This approach allows us to move directly to implementation—addressing known issues without the time and resource demands of a formal listing and TMDL development process.

Furthermore, the National Park Service 2025 Record of Decision for the Point Reyes National Seashore General Management Plan Amendment indicates that all dairy and several beef operations are ceasing, significantly reducing controllable sources of pathogens. The remaining bacterial signal in many areas is likely from natural background sources, making a listing unnecessary. The 303(d) list is intended to identify chronic, human-caused impairments requiring long-term regulatory response, which may no longer be applicable given the scale of recent and planned land use changes.

Regarding the suggestion of nutrient impairment in Kehoe Creek and Abbotts Lagoon (below dairies), we acknowledge that aquatic vegetation overgrowth may be a concern. However, a nutrient impairment listing requires a robust weight-of-evidence approach. This includes continuous dissolved oxygen, pH, and a full nutrient suite collected monthly over summer months, along with algae observations, in a freshwater stream system, not lagoons or low-flow agricultural ditches. To date, data of this type and quality have not been submitted or assessed for these waterbodies. The Arroyo Mocho listing in the 2024 Integrated Report provides an example of the level of evidence required (see listing factsheet).

Comment 2.11
Apply the Conditional Waiver to future targeted grazing operations at Point Reyes National Seashore (Environmental Action Committee of West Marin, Turtle Island Restoration Network)

The Turtle Island Restoration Network recommended that any future targeted grazing or 'conservation' grazing at Point Reyes National Seashore have the same requirements as other grazing operations covered by the Conditional Waiver. Similarly, The Environmental Action Committee of West Marin urged the Water Board to ensure the Conditional Waiver covers future targeted grazing following the ongoing closure of several dairies and grazing operations.

Response
Existing grazing operations that convert to a targeted or conservation grazing operation in the future and meet the conditions for coverage will be subject to the Conditional Waiver in the same manner as all other operations covered by the permit's geographic scope. The Water Board may consider other regulatory mechanisms to address future grazing operations that have the potential to impact water quality but do not qualify for coverage under the Conditional Waiver.

Comment 2.12
Apply Waste Discharge Requirements to future Grazing Operations at former dairy sites within Point Reyes National Seashore (Western Watersheds Project)

Western Watersheds Project expressed concern over dairy operations that are currently closing because they may leave behind large and significant impacts to water quality, such as from chronic erosion and effects of legacy manure spreading and piling. Because of these and other risks to water quality, Western Watersheds Project recommended that future grazing operations at former dairy sites apply for waste discharge permits with stronger requirements than the Conditional Waiver.

Response
We disagree that future grazing operations at former dairies within Point Reyes National Seashore will require waste discharge permits with stronger requirements than the Conditional Waiver. Dairies closing at Point Reyes National Seashore must meet the requirements of their Final Lease and Wind Down Agreements, available online here: https://www.nps.gov/pore/getinvolved/planning-gmp-amendment-leases-permits.htm. These agreements establish the lessee's obligations for winding down dairy operations and include requirements for cleanup and restoration of the premises to ensure water quality protection following dairy closure. These requirements include addressing manure waste and erosion sites resulting from dairy operations and closure activities, in addition to compliance with all Water Board regulations. The Lessee's wind down activities are subject to inspection and approval by the National Park Service. In addition, as part of the General Waste Discharge Requirements (WDRs) for Confined Animal Facilities within the San Francisco Bay Region (Order No. R2-2016-0031), the Water Board requires that closing dairies submit a Notice of Termination (NOT) letter explaining the measures taken to close the operation. The WDRs require that all manure and waste-impacted soil be disposed of in a manner that will not pose a threat to surface water or groundwater quality or create a condition of nuisance. Please see Section F of the WDRs for a complete list of dairy closure requirements. Prior to NOT approval, the Water Board typically conducts a NOT inspection to verify project completion and water quality protection. Because of these requirements, water quality issues associated with closed dairy operations will not be an "ongoing legacy problem."

Comment 2.13
Reassess the Subsequent Negative Declaration findings (Western Watersheds Project)

The commenter states that a Negative Declaration under the California Environmental Quality Act (CEQA) is inappropriate due to ongoing water pollution from grazing operations and the lack of quantitative evidence that proposed management measures will address these issues. They also call for lifting any past or proposed waivers, citing significant new information in the 2025 revised Record of Decision for Point Reyes National Seashore, which warrants reassessment of previous findings and the current

proposed waiver. The new information includes the closure of 12 ranching operations following litigation and settlement, the introduction of new management zones, and the transfer of one lease to The Nature Conservancy, with only a limited number of grazing operations continuing.

Response

We appreciate the commenter's concerns regarding water quality impacts associated with grazing activities in Point Reyes National Seashore and the surrounding areas. However, the assertion that a Negative Declaration is inappropriate under CEQA is based on a misunderstanding of the nature and purpose of the environmental review being conducted.

The project evaluated under CEQA is the update and expansion of the Conditional Waiver of Waste Discharge Requirements for Grazing Operations, a regulatory permitting program designed to improve water quality conditions by establishing clear requirements, monitoring, and management practices for grazing operations. The Negative Declaration does not assert that grazing activities have no impact on the environment. Rather, it concludes that the project itself, the revised and expanded regulatory program, will not result in significant environmental effects. The Conditional Waiver aims to address and mitigate existing water quality impacts from grazing activities; it does not authorize the grazing activities themselves.

This revised Conditional Waiver renews and replaces the previous waivers and represents a comprehensive effort to strengthen oversight. Since 2008, grazing operations within the Tomales Bay Watershed have been regulated under a Conditional Waiver. This revised Conditional Waiver extends that regulatory coverage to include previously unregulated grazing parcels within Point Reyes National Seashore, thereby expanding protections and improving watershed management.

The commenter references recent planning developments and ranch closures described in the 2025 revised Record of Decision for Point Reyes National Seashore. While this information is relevant for understanding the evolving land use in the area and included in the description of the environmental setting for Point Reyes National Seashore in the Draft Initial Study and Subsequent Negative Declaration, it does not alter the Water Board's CEQA findings. In fact, the changes identified in the Record of Decision, such as the closure of 6 dairies and 6 beef cattle operations, the introduction of new management zones, and reduced grazing scope, support the conclusion that environmental conditions, including water quality, are likely to improve. These developments reinforce the value of expanding the regulatory program to encompass the entire area, rather than indicating a need to withdraw or delay the permit update. If the Conditional Waiver is not expanded to include the new areas in Point Reyes National Seashore, grazing operations will continue to operate without the Conditional Waiver requirements that address impacts to water quality.

In summary, the Water Board's CEQA analysis appropriately evaluates the impacts of

implementing a regulatory framework intended to improve water quality through better oversight and management of grazing operations based on the baseline physical conditions. The CEQA baseline conditions are normally the existing environmental conditions and may also include projected future conditions that are supported by reliable projections. (Cal. Code Regs., tit. 14, §§ 15063(d), 15125(a).) The grazing activities themselves and the projected future changes that will reduce grazing operations in the Point Reyes National Seashore are part of the CEQA baseline. Using this baseline, the draft Subsequent Negative Declaration appropriately concludes that the changes in the Conditional Waiver will have a less than significant impact on the environment. The Conditional Waiver is a critical step toward addressing existing water quality concerns in Point Reyes National Seashore and beyond.

3.0 OTHER COMMENTS

Comment 3.1
Prohibit or reduce grazing operations (8 private citizens)

Six commenters expressed that there should be no grazing operations at Point Reyes National Seashore or that all existing grazing operations should be permanently closed. One commenter stated that grazing at Point Reyes National Seashore should be reduced to the absolute minimum necessary to manage vegetation. One commenter from Petaluma stated that decades of cattle and poultry farming have severely polluted groundwater and damaged ecosystems and that the environment would be better off without grazing animals.

Response
The Water Board does not regulate the type of land use that can be conducted on a parcel of land. This authority generally lies with local governments and, in the case of Point Reyes National Seashore, the National Park Service. The Water Board does, however, regulate water quality threats that arise from various land use activities. The Water Board's authority focuses on ensuring that land uses (e.g., agriculture, urban development, construction, or forestry) do not degrade water quality in rivers, lakes, wetlands, or groundwater. In other words, the Water Board regulates the effects of land use activities on water quality, but not the land use itself.

Comment 3.2
Follow existing regulations regarding geothermal, gas and oil wells

The Geologic Energy Management Division of the California State Department of Conservation reviewed oil, gas and geothermal well records within the project boundary and found no records of known oil or gas wells. Their letter summarizes existing regulations and landowner responsibilities regarding active and abandoned wells, and the statutory authority of the Geologic Energy Management Division over oil, gas and geothermal wells.

Response
Comment noted, thank you for your comment.

Comment 3.3
Miscellaneous Comments (4 private citizens)

Four commenters provided comments that did not fall into any other category. Three comment letters were very brief and made statements including 'Protect Public Lands and Water!', 'Do the right thing', and 'Please vote on behalf of the planet and all living creatures.' A fourth commenter shared her care for the environment at Point Reyes

National Seashore and described her sadness about family ranches being shut down and its effects on people and businesses.

Response
Comments noted, thank you for your comments.