

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION  
REVISED TENTATIVE ORDER NO. R2-2025-00XX**

**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 California Regional Water Quality Control Board, San Francisco Bay Region (Water Board), finds that:

**Scope of Coverage**

1. Order No. R2-2025-00XX (hereafter, Conditional Waiver) serves as a conditional waiver of waste discharge requirements (WDRs) for discharges of waste from Grazing Operations that meet the terms and conditions of this Conditional Waiver.
2. For the purposes of this Conditional Waiver, a “Grazing Operation” is defined as a facility where animals are fed or maintained on rangeland<sup>1</sup>, animals forage for a total of 45 days or more in any 12-month period, and vegetation forage growth is sustained over the lot or facility during the normal growing season. A Grazing Operation includes auxiliary appurtenances, such as roads, reservoirs, holding pens, feeding racks, etc.
3. Landowners and operators of Grazing Operations discharging or proposing to discharge waste covered by this Conditional Waiver are referred to as “Dischargers”.
4. This Conditional Waiver covers discharges of sediment, nutrients, pathogens, and mercury from Grazing Operations, and specifies measures to address erosion and to protect riparian areas. This Conditional Waiver does not apply to discharges of process wastewater, fertilizers, pesticides, or manure and wastewater discharges to land, including spray irrigation of liquid manure.
5. This Conditional Waiver regulates discharges from existing Grazing Operations in the North San Francisco Bay Region within the life of this Conditional Waiver, that meet the following criteria:
  - a. Grazing Operations encompassing 100 acres or more, located within water quality-impaired watersheds, and identified as a categorical pollutant source for a total maximum daily load (TMDL) in Chapter 7 of the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan), or

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<sup>1</sup> Rangelands are those lands on which the native vegetation (climax or natural potential plant community) is predominantly grasses, grass-like plants, forbs, or shrubs suitable for grazing or browsing use (U.S. Environmental Protection Agency, <https://www.epa.gov/agriculture/agricultural-pasture-rangeland-and-grazing>; URL as indexed on December 6, 2023).

- b. Other Grazing Operations in Napa, Sonoma, and Marin Counties that the Water Board determines need coverage under this Conditional Waiver due to threat to water quality.
6. This Conditional Waiver implements the Tomales Bay pathogens and mercury TMDLs, the Walker Creek mercury TMDL, the Lagunitas Creek sediment TMDL, the Napa River and Sonoma Creek pathogens and sediment TMDLs, and the Petaluma River bacteria TMDL, which identify improperly managed grazing as a source contributing to the pathogen, sediment, and mercury impairments. Each TMDL contains an Implementation Plan that specifies the actions necessary to protect and restore beneficial uses, and these plans are incorporated into Chapter 7 of the Basin Plan.
7. In addition to the Grazing Operations in the areas subject to the TMDLs, the Conditional Waiver covers Grazing Operations located in the Point Reyes National Seashore that do not discharge to Tomales Bay. The inclusion of these other Grazing Operations in Point Reyes National Seashore is consistent with the National Park Service's Water Quality Strategy for Managing Ranching Operations to protect water quality. A map showing the area of coverage for this Conditional Waiver is shown in Attachment A.
8. Dischargers covered under the General WDRs for Confined Animal Facilities within the San Francisco Bay Region (Order No. R2-2016-0031) do not need to apply for coverage under this Conditional Waiver. Order No. R2-2016-0031 also requires dischargers to implement management practices (MPs) to minimize discharges of sediment, pathogens, and nutrients from their grazing operations, and imposes similar monitoring and reporting requirements.
9. Dischargers enrolled under existing Grazing Waivers do not need to reapply to continue coverage under this Conditional Waiver.
10. The Water Board retains the right to issue individual WDRs to a Discharger if the Discharger fails to comply with the Conditional Waiver or if individual coverage is more appropriate to protect beneficial uses.

### **Background**

11. In 2017 and 2018, respectively, the Water Board renewed the Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Napa River and Sonoma Creek Watersheds (Resolution No. R2-2017-0043) and the Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed (Resolution No. R2-2018-0046) (existing Grazing Waivers). Both Resolutions were in effect for a five-year term and expired in 2022 and 2023, respectively. This Conditional Waiver renews and consolidates the existing Grazing Waivers and expands the scope of coverage to include Grazing Operations located within the Petaluma River watershed and the National Park Service Grazing

Operations in Point Reyes National Seashore that do not drain to Tomales Bay<sup>2</sup>.

12. Renewal of the existing Grazing Waivers is appropriate because the Water Board expects continued compliance by most enrollees, the Conditional Waiver is protective of beneficial uses, and the Conditional Waiver is in the public interest.
13. Improperly managed livestock grazing can adversely affect water quality and impair beneficial uses through the erosion, transport, and discharge of sediment into surface waters and the discharge of nutrients and pathogens from animal wastes into surface waters. In some areas of the Tomales Bay watershed, grazing activities also have the potential to cause discharges of mercury-laden sediment into waters of the state.
14. Grazing activities can also cause habitat degradation in streams and adjacent floodplains. Healthy vegetated areas adjacent to streams are critical to the maintenance of the beneficial uses of stream systems. One of the primary impacts to riparian areas<sup>3</sup> is the removal of riparian vegetation, which increases water temperatures by reducing shading and increasing heat absorption (i.e., sunlight) by streams and wetlands. Increased water temperatures degrade habitat for temperature-sensitive species, such as salmonids. Loss of riparian vegetation also reduces instream habitat used by aquatic organisms and can destabilize streambanks, leading to erosion and sedimentation.
15. Numerous watersheds throughout the San Francisco Bay Region are listed as impaired pursuant to the federal Clean Water Act section 303(d). The Clean Water Act requires states to address these impairments by developing TMDLs that examine these water quality problems, identify sources of pollutants, and specify actions that create solutions and restore beneficial uses.
16. The Basin Plan specifies implementation measures for each categorical pollutant source identified as contributing to water quality impairments. The implementation measures for Grazing Operations are incorporated into this Conditional Waiver and include evaluating operating practices, developing comprehensive site-specific pathogen and sediment control measures, developing an implementation schedule for such management measures, and submitting progress reports documenting actions undertaken.
17. This Conditional Waiver applies to approximately 145,000 acres of rangeland suitable for grazing covered by the existing Grazing Waivers and approximately 44,500 acres of grazed land in the Petaluma River watershed and western Point Reyes National

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<sup>2</sup> National Park Service Grazing Operations in Point Reyes National Seashore that drain to Tomales Bay were covered by Resolution No. R2- 2018-0046, Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed. As such, they are included in this Conditional Waiver.

<sup>3</sup> Riparian areas are defined as a vegetated ecosystem along a water body through which energy, materials, and water pass. Riparian areas characteristically have a high water table and are subject to periodic flooding and influence from the adjacent water body. These systems encompass wetlands, uplands, or some combination of these two landforms.

Seashore. Grazing Operations enrolled under the existing Grazing Waivers occupy approximately 88,000 acres with 133 enrollees in the program. Based on previous enrollment, we expect an additional 50 enrollees covering 41,000 acres in the Petaluma River watershed and western Point Reyes National Seashore. In 2026, grazing operations in Point Reyes National Seashore will change due to agreements between The Nature Conservancy and private ranchers to close six grazing operations and all dairies. Future development of a targeted grazing program for these areas by The Nature Conservancy and the National Park Service is anticipated.

18. In accordance with the requirements of the existing Grazing Waivers, enrollees have engaged in adaptive water protection strategies through implementation of management practices (MPs). These MPs include, but are not limited to, rotating herds to lessen terracing and manage forage production; retaining appropriate levels of vegetation on rangeland to filter nutrients, pathogens, and sediment; and protecting riparian areas using exclusion fencing, off-stream water sources, hardened cattle-crossings, and attractants to manage cattle access to creeks and adjacent riparian areas.
19. Since adoption of the TMDLs, the State Water Resources Control Board (State Water Board) has directed significant grant resources to assist in their implementation. These financial resources have been matched by contributions made by enrollees as well as local, State, and federal agencies and have resulted in the implementation of MPs to help enrollees achieve the requirements of the Conditional Waiver.

### **Regulatory Framework**

20. California Water Code (Water Code) section 13260(a) requires that any person discharging waste or proposing to discharge waste that could affect the quality of the waters of the state in the San Francisco Bay Region, other than into a community sewer system, must file with the Water Board a report of waste discharge (ROWD) containing such information and data as may be required by the Water Board. Water Code section 13263(a) authorizes the Water Board to issue WDRs for discharges of waste that could affect water quality within its region. Water Code section 13269 authorizes the Water Board to conditionally waive the provisions of Water Code sections 13260(a)(1) and 13263(a).

Pursuant to Water Code section 13269, the Water Board may waive the submission of ROWDs and/or issuance of WDRs for a specific discharge or type of discharge if, after a public hearing, it finds that a waiver is consistent with the Basin Plan and in the public interest.

21. Water Code section 13269 provides that waivers of WDRs shall be conditional and may be terminated at any time by the Water Board. Waivers of WDRs may not exceed five years but may be renewed.

22. The Water Board may include as a condition of a waiver of WDRs the payment of an annual fee established by the State Water Board. (Water Code section 13269 (a)(4)(A)).

23. The Water Board, in accordance with Water Code section 13269(f), has reviewed the existing Grazing Waivers at a public hearing and determined that they should not be subject to WDRs at this time and renewal through this Conditional Waiver is appropriate.

The Conditional Waiver is consistent with the Basin Plan and in the public interest.

The adoption of this Conditional Waiver is in the public interest because it:

- a. Includes conditions that are intended to reduce and prevent pollution and nuisance and protect the beneficial uses of the waters of the State;
- b. Provides a more efficient and more timely mechanism of complying with water quality objectives than other regulatory options;
- c. Provides for an efficient and effective use of limited Water Board resources allowing the Water Board to focus its limited resources to conduct field oversight, public outreach, and, where necessary, enforcement of the Conditional Waiver;
- d. Provides flexibility for Dischargers by providing an option of complying through a third-party entity; and,
- e. Enhances the beneficial uses of water and enhances the sustainability of Grazing Operations.

24. Waivers issued pursuant to Water Code section 13269 must, at a minimum, include:

- a. the performance of individual, group, or watershed-based monitoring, unless the Water Board determines that the discharges do not pose a significant threat to water quality.
- b. The monitoring requirements shall be designed to support the development and implementation of the waiver program, including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions.

This Conditional Waiver requires Dischargers to implement a Monitoring and Reporting Program (see Provision D.6) that is consistent with the monitoring requirements under Water Code section 13269. The Monitoring and Reporting Program is necessary to ensure compliance with the terms and conditions of the Conditional Waiver. The goal of the Monitoring and Reporting Program is to prevent or reduce uncontrolled waste discharges and to protect water quality. It requires regular compliance monitoring inspections and identification of further MPs needed to improve water quality (Attachment E).

25. Consistent with Water Code Section 189.7, the Water Board conducted outreach to disadvantaged communities and tribal communities regarding the potential water quality impacts of this Conditional Waiver.
26. Pursuant to Water Code section 13149.2, the Water Board reviewed readily available information and information raised to the Board by interested persons concerning anticipated water quality impacts in disadvantaged or tribal communities resulting from adoption of this Conditional Waiver. The Board also considered environmental justice concerns within the Board's authority and raised by interested persons with regard to those impacts.

The discharges from Grazing Operations covered by this Conditional Waiver will occur in the Napa River, Sonoma Creek, Petaluma River, and Tomales Bay watersheds, and Point Reyes National Seashore. There are disadvantaged communities and/or tribal communities in these areas. Improperly managed Grazing Operations can adversely affect water quality through the erosion, transport, and discharge of sediment into surface waters. This Conditional Waiver continues to require Dischargers under existing Grazing Waivers to implement MPs and requires Dischargers in the expanded area of covered Grazing Operations to begin implementing MPs. The implementation of MPs protects beneficial uses and minimizes the water quality impacts to disadvantaged communities and tribal communities.

#### **Nonpoint Source Implementation and Enforcement Policy**

27. This Conditional Waiver satisfies the State Water Board's 2004 Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program (Nonpoint Source Enforcement Policy), which requires that all nonpoint source pollution, including discharges from Grazing Operations, be regulated through WDRs, waivers of WDRs, or discharge prohibitions. Consistent with the Nonpoint Source Enforcement Policy, this Conditional Waiver requires development of, and compliance with, a nonpoint source pollution control implementation program in the form of a Ranch Water Quality Plan.
28. The Nonpoint Source Enforcement Policy encourages the Water Boards to "be as creative and efficient as possible in devising approaches to prevent or control nonpoint source pollution." This includes development of third-party programs to assist dischargers in complying with requirements of waivers of WDRs and assure the Water Board and the public that actions are being taken to reduce nonpoint source pollution. The third-party role is restricted to entities that are not actual dischargers under State Water Board/Water Board permitting and enforcement jurisdiction.
29. Because this Conditional Waiver does not authorize fertilizer or wastewater application to land, the Grazing Operations covered by this Conditional Waiver are anticipated to pose a low threat to groundwater.



### **Water Quality Control Plan for the San Francisco Bay Basin**

30. The Basin Plan is the Water Board's master water quality control planning document.<sup>4</sup> It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. TMDLs and associated implementation plans to achieve water quality objectives are also part of the Basin Plan. The Basin Plan was duly adopted by the Water Board and approved by the State Water Board, Office of Administrative Law, and U.S. Environmental Protection Agency.
31. Pursuant to the Basin Plan, the existing and potential beneficial uses of waters in the San Francisco Bay Region that could be impacted by the discharge of wastes associated with Grazing Operations within the scope of this Conditional Waiver include:
- a. Agricultural Supply
  - b. Areas of Special Biological Significance
  - c. Cold Freshwater Habitat
  - d. Estuarine Habitat
  - e. Fish Migration
  - f. Fish Spawning
  - g. Freshwater Replenishment
  - h. Industrial Service Supply
  - i. Marine Habitat
  - j. Municipal and Domestic Supply
  - k. Navigation
  - l. Non-contact Recreation
  - m. Ocean, Commercial, and Sport Fishing
  - n. Preservation of Rare and Endangered Species
  - o. Shellfish Harvesting
  - p. Warm Freshwater Habitat
  - q. Water Contact Recreation
  - r. Wildlife Habitat

Compliance with this Conditional Waiver will protect the beneficial uses listed above.

### **Antidegradation**

32. State Water Board Resolution 68-16, Statement of Policy with Respect to Maintenance of High Quality Waters in California requires existing high quality water to be maintained until it has been demonstrated that any change will be consistent with the maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water, and will not result in water quality less than that prescribed in the policies. Any activity which produces or may produce a waste and which discharges or proposes to discharge to existing high quality waters must meet

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<sup>4</sup> The Basin Plan can be found on the Water Board's website at [https://www.waterboards.ca.gov/sanfranciscobay/basin\\_planning.html](https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html).

requirements that will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.

33. This Conditional Waiver is consistent with Resolution 68-16 because it does not authorize degradation of existing high quality water. The Conditional Waiver ultimately improves water quality because it requires MPs to be implemented for existing discharges that were previously unregulated. To the extent that some degradation results, such degradation would not be significant and would be consistent with Resolution 68-16. Dischargers are required to implement MPs in an iterative manner to arrive at the best practicable treatment or control (BPTC) of the discharge to protect beneficial uses, to prevent pollution or nuisance, to address water quality impairments in the geographic area of Conditional Waiver coverage, and to maintain the highest water quality consistent with the maximum benefit to the people of the State.
34. 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. This Conditional Waiver, therefore, establishes a set of performance standards that must be achieved and an iterative planning approach that will lead to implementation of BPTC. The iterative planning approach will be implemented as two distinct processes: 1) establishment of a baseline set of universal ranch water quality management standards combined with upfront evaluation, planning and implementation of management practices to attain those goals, and 2) additional planning and implementation measures if degradation trends threaten to impair a beneficial use (i.e., water quality objectives are not being met). Taken together, these processes are considered BPTC/best efforts. The planning and implementation processes that Dischargers must follow on their ranches should lead to on-the-ground implementation of the optimal MPs to address waste discharges from Grazing Operations.

### **California Environmental Quality Act**

35. The Water Board is the lead agency for this Conditional Waiver (Project) under the California Environmental Quality Act (Pub. Res. Code § 21000 *et seq.*; CEQA).
36. This Conditional Waiver involves the renewal of the existing Grazing Waivers for existing Grazing Operations within the Napa River, Sonoma Creek, and Tomales Bay watersheds, and expands the scope of coverage to include existing operations within the Petaluma River and unenrolled Grazing Operations located in the Point Reyes National Seashore.
37. The Water Board adopted a Negative Declaration on July 18, 2008 (2008 ND), concurrent with the adoption of Resolution No. R2-2008-0054, "Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed (Tomales Bay, Lagunitas Creek, Walker Creek, and Olema Creek) in the San Francisco Bay Region." In 2013 and in 2018, the Water Board prepared addenda to the 2008 ND for existing Grazing Operations as part of the Tomales Bay Grazing Waiver



renewal.

38. The Water Board adopted a Mitigated Negative Declaration on September 14, 2011 (2011 MND), concurrent with the adoption of Resolution R2-2011-0060, "Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Napa River and Sonoma Creek Watersheds." In 2017, the Water Board prepared an addendum to the 2011 MND for existing Grazing Operations as part of the Napa-Sonoma Grazing Waiver renewal.
39. The Water Board prepared and circulated a Subsequent Negative Declaration on February 21, 2025, for public review in compliance with CEQA and its applicable regulations. The Subsequent Negative Declaration evaluates the potential environmental impacts associated with expanding the scope of coverage under the Conditional Waiver to grazing operations in the Petaluma River watershed and Point Reyes National Seashore. The Water Board adopted the Subsequent Negative Declaration under Resolution R2-2025-XXXX on July 9, 2025 (2025 Subsequent Negative Declaration), finding that the Subsequent Negative Declaration reflects the independent judgment and analysis of the Water Board and that there is no substantial evidence in the record that the project changes will have significant impacts on the environment.
40. As described in the 2008 ND, 2011 MND, the addenda to the 2008 ND and 2011 MND, and the 2025 Subsequent Negative Declaration, there is no substantial evidence that the approval of the Conditional Waiver will have a significant effect on the environment. The Water Board's decision is based on the record as a whole for the Project, which is available at the Board's offices.

### **Human Right to Water**

41. It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. (Water Code section 106.3.) This Conditional Waiver promotes that policy by requiring MPs designed to protect the Municipal and Domestic Supply beneficial use.

### **California Endangered Species Act**

42. This Conditional Waiver does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Wildlife Code §§ 2050-2097) or the federal Endangered Species Act (16 U.S. Code §§ 1531-1544). Dischargers are responsible for meeting all requirements of the applicable endangered species act.

### **Tribal Cultural Resources**

43. Tribal cultural resources are defined in the California Public Resources Code (PRC) section 21074. This Conditional Waiver does not authorize any activity adversely

impacting a tribal cultural resource. Dischargers implementing water quality improvements to meet the performance standards of this Conditional Waiver are responsible for complying with all applicable local, state, and federal laws and regulations related to the discovery and protection of tribal cultural resources and human remains, including PRC sections 5097.98 and 5097.99, and California Health and Safety Code section 7050.5.

### **Public Notice**

44. The Water Board has notified the Dischargers and all known interested agencies and persons of its intent to renew existing Grazing Waivers and to expand the scope of applicability to include watersheds newly identified as needing Conditional Waiver coverage. The Water Board circulated the Conditional Waiver for 30 days of public comment, starting on February 21, 2025. The Water Board conducted a public hearing and considered all testimony and evidence concerning this matter.

**THEREFORE, BE IT RESOLVED** that, pursuant to Water Code section 13269, WDRs are waived for discharges of waste from 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) that comply with the terms and conditions herein. To receive coverage under the Conditional Waiver, an eligible Discharger shall comply with the following terms and conditions:

### **A. DISCHARGE PROHIBITIONS**

1. The Dischargers shall not cause or contribute to conditions of pollution or nuisance as defined in Water Code section 13050.
2. The Dischargers shall not cause or contribute to exceedances of any regional, State, or federal numeric or narrative water quality standard stipulated in the Basin Plan.
3. The discharge of hazardous waste, as defined in Water Code section 13173 and California Code of Regulations, title 23 section 2521, subdivision (a), respectively, is prohibited.

### **B. RANCH WATER QUALITY PLAN (RWQP)**

1. The Discharger must prepare a RWQP that shall always be kept on site and available for review by Water Board staff upon request. The RWQP shall include, at a minimum, the following:
  - a. A ranch map, or aerial photo on a 1:12,000 scale or larger, that includes the location of pastures, roads, fence lines, streams, riparian corridors, water sources, and MPs designed to protect water quality;
  - b. Description of MP objectives, including improvements in practices to reduce fecal indicator bacteria, sediment, and mercury in local surface waters to achieve TMDL load allocations;

- c. An inventory of resources based on visual observations and/or existing reports;
  - d. An assessment of the Grazing Operations, per the checklist titled *Checklist Form for Assessing Grazing Operations* (Attachment F), identifying controllable discharge points for pathogens, nutrients, sediment, and mercury;
  - e. Identification of legacy sediment discharge points (e.g., gullies, landslides), if appropriate;
  - f. Assessment of residual dry matter as specified in the University of California's, *California Guidelines for Residual Dry Matter Management on Coastal and Foothill Annual Rangelands, Rangeland Monitoring* (2006) (Series Publication 8092);
  - g. Description of all MPs implemented at the ranch as part of Grazing Operations;
  - h. A schedule for implementation of proposed MPs to comply with the performance standards of this Conditional Waiver (Section C.1);
  - i. An implementation schedule for management of grazing activities, structural improvements, livestock management, and land treatments to comply with the Conditional Waiver performance standards;
  - j. An implementation schedule for road-related and grazing-related erosion control and prevention actions to avoid increases in erosion from existing, unstable areas (e.g., gullies, landslides) within the Grazing Operation; and
  - k. A Plan for Compliance Monitoring and Reporting that describes the measures, protocols, and associated frequencies that will be used to verify the degree to which the MPs are being implemented and are achieving the waiver conditions, and/or to provide feedback for use in modifying and updating the RWQP. Attachment E provides the Compliance and Monitoring Annual Certification (Annual Certification) template the Discharger shall use to report compliance with the Conditional Waiver to the Water Board.
2. The Attachment F checklist is intended to guide the Discharger in assessing their Grazing Operation and preparing a RWQP. Alternative checklists may be used, provided the Executive Officer approves of them in writing.
3. Resources are available to help ranchers develop a RWQP. They include guidance documents available online and assistance from rangeland professionals at Resource Conservation District offices and other agricultural support organizations. More information about these resources is provided at the Grazing Waiver web page provided in Performance Standard C.2.b below.

## **C. PERFORMANCE STANDARDS**

1. Management Practices (MPs) identified in the Ranch Water Quality Plan (RWQP) shall be implemented to achieve the following Conditional Waiver Performance Standards:

- a. Minimize delivery of **sediment, pathogens, mercury, and nutrients** from Grazing Operations to surface waters;
- b. Establish manure management operations designed to minimize runoff from entering watercourses;
- c. Manage animal use areas to minimize sediment/pathogen/nutrient runoff to watercourses;
- d. Manage riparian areas within the Grazing Operation in a manner that supports the essential functions that provide beneficial uses (e.g. sediment and pollutant filtering, woody debris recruitment, streambank stabilization, nutrient cycling and shading);
- e. Construct and maintain access and ranch roads to minimize erosion;
- f. Manage existing Grazing Operations to prevent additional erosion of legacy sediment delivery sites; and
- g. Design, implement, and manage animal crossings to minimize pathogen, sediment, and nutrient runoff into watercourses.

## 2. Implementation of Management Practices (MPs)

- a. The Discharger shall meet the Conditional Waiver Performance Standards by implementing site-specific MPs that reduce water pollution due to grazing and protect water quality. In selecting what MPs to use at the Grazing Operation, the Discharger shall take into consideration the vegetation, terrain, type of livestock, and general operating procedures. If waste discharges from a Grazing Operation continue to threaten water quality, then additional MPs shall be implemented.
- b. Resources and assistance are available to help ranchers identify water quality problems and select and implement MPs. These resources and contact information for agricultural support organizations who can provide assistance are listed on the Grazing Program web page at:  
[https://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/agriculture/](https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/agriculture/).

## D. PROVISIONS

1. The Dischargers shall implement MPs identified in the RWQP and make annual adaptive management adjustments to the RWQP to reduce fecal indicator bacteria concentrations and sediment loads in surface waters.
2. The Dischargers shall comply with all water quality objectives of the Basin Plan.
3. The Dischargers' livestock management and irrigation activities shall assure protection of all actual or designated beneficial uses of groundwater.
4. The Water Board may conduct inspections pursuant to Water Code section

13267(c). Water Board staff or its authorized representatives may investigate the property of persons subject to this Conditional Waiver to ascertain whether the purposes of the Water Code are being met and whether the Discharger is complying with the conditions of this Conditional Waiver. The following conditions apply to enrollees under this Conditional Waiver:

- a. Except in cases of an unauthorized discharge or emergency circumstances, Water Board staff will typically contact a Discharger a minimum of 72 hours prior to site inspection.
- b. Enrollees under the Conditional Waiver shall allow Water Board staff entry onto the affected property for the purposes of observing, inspecting, photographing, videotaping, measuring, and/or collecting samples or other monitoring information to document compliance or non-compliance with this Conditional Waiver.
- c. If entry or consent to access to property is unreasonably withheld, the Executive Officer may terminate the applicability of the Conditional Waiver to the Discharger withholding access, and the Discharger shall submit a ROWD to the Water Board pursuant to Water code section 13260. Failure to file a ROWD and unauthorized discharges may result in enforcement action pursuant to Water Code sections 13261 and 13385(m) respectively.

## **5. Deadlines and Compliance Schedule**

Dischargers must meet the following deadlines and compliance schedule:

- a. The RWQP shall be completed no later than one year after Conditional Waiver enrollment. Dischargers already enrolled in the existing Grazing Waivers are not required to produce a new RWQP but must make any changes necessary to keep their existing RWQP updated to reflect current conditions.
- b. Implementation schedules shall be completed and included in the RWQP no later than one year after Conditional Waiver enrollment, and shall be updated yearly thereafter, as needed.
- c. Each Discharger shall comply with the implementation timelines in the RWQP. Initial implementation of the RWQP must begin within the five-year term of the Conditional Waiver. The overall implementation of the RWQP may extend beyond five years and will be reviewed upon any renewal of this Conditional Waiver.
- d. The Plan for Compliance Monitoring and Reporting shall be completed and included in the RWQP no later than one year after Conditional Waiver enrollment. The Discharger shall submit an Annual Certification to the Water Board that certifies its Grazing Operation meets the conditions of this Conditional Waiver, documents the MPs implemented, evaluates the effectiveness of MPs, and records any inspections where a water quality problem was identified, as well as the MPs taken to correct these problems. These certifications are due to the Water Board annually by November 15. The

Annual Certification reporting period is defined as being between October 1 and September 30.

## 6. Compliance Monitoring and Reporting

- a. Each Discharger shall conduct visual inspections of the Grazing Operation to verify that MPs identified in the RWQP have been implemented and that Conditional Waiver Performance Standards are being met.
- b. Each Discharger shall, in addition to inspecting the Grazing Operation, visually inspect the closest receiving water, upstream and downstream of the Grazing Operation, to monitor any change in water quality resulting from facility operations. These inspections are needed to determine the effectiveness of MPs.
- c. Inspections shall occur twice during the dry season and at least monthly during the rainy season, preferably before and after a forecasted storm event. One of the dry season inspections shall be conducted in the month of September, prior to the beginning of the rainy season, and shall encompass the entire area of the Grazing Operation to verify MP implementation and readiness for the rainy season. A Discharger is not required to perform inspections during dangerous weather conditions or when a storm begins after scheduled facility operating hours.
- d. Pre-storm inspections of the entire Grazing Operation shall ensure that appropriate MPs are properly installed and maintained. Post-storm inspections shall be conducted to evaluate whether MPs have functioned adequately and whether additional MPs or maintenance work is needed.
- e. The Discharger shall maintain records of inspections, monitoring observations, and any response taken to eliminate potential sources of sediment, nutrients, pathogens, and mercury from the Grazing Operation for the term of this Conditional Waiver (minimum of five years). If a water quality problem is found during an inspection, the Discharger shall record the nature of the problem, the MPs taken to correct it, and report it in the Annual Certification document, as described in Provision 5.d.
- f. The Discharger shall measure and record measurements of Residual Dry Matter prior to fall rains as specified in the *University of California 2006, California Guidelines for Residual Dry Matter Management on Coastal and Foothill Annual Rangelands, Rangeland Monitoring Series Publication 8092*. These measurements shall be included in the Annual Certification document, as described in Provision 5.d. If minimum Residual Dry Matter targets are not met, the Discharger shall provide an explanation for not meeting the targets in the Annual Certification document.
- g. Pursuant to Water Code sections 13267 and 13269, water quality monitoring and reporting of waste discharged must be performed on a site-specific or watershed basis. The Discharger may do so individually or in cooperation with other similar Dischargers in the watershed. If a Third-Party Program is



developed, the entity providing the third-party role shall be subject to approval by the Executive Officer.

- h. 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.

#### **E. PERMIT REOPENING, REVISION, REVOCATION, TERMINATION, REISSUANCE AND SEVERABILITY**

1. The Water Board will review this Conditional Waiver periodically and may revise requirements when necessary for reasons including, but not limited to, adoption of more stringent applicable water quality standards in the Basin Plan or changes in State plans, policies, or regulations that would affect the requirements for the discharges.
2. The Executive Officer may, at any time, terminate coverage under this Conditional Waiver as to a particular Discharger where:
  - a. The Discharger fails to comply with this Conditional Waiver;
  - b. Termination is in the public interest;
  - c. The activities could adversely affect beneficial uses of waters of the State; or
  - d. The Executive Officer determines, based on changes to the Discharger's facility, that coverage under WDRs is more appropriate.
3. In the event of closure or change in land use of the Discharger's Grazing Operation, the Discharger shall file a Notice of Termination (Attachment G) that explains the extent of the change in operation, measures taken to close and/or change the operation, and owner/operator contact information.
4. Water Board staff shall review the Notice of Termination and determine its appropriateness. The review may include a field staff inspection to verify project completion and water quality protection. The Executive Officer shall notify the Discharger regarding approval or disapproval of the Notice of Termination.
5. In the event of any change in control or ownership of the Grazing Operation, the Discharger shall notify the Executive Officer in writing at least 30 days in advance of such a change. The notice shall include a Notice of Termination from the existing Discharger, the date on which responsibilities under this Conditional Waiver will transfer, and the contact information of the succeeding Discharger. The succeeding Discharger must submit a Notice of Intent to the Water Board to obtain coverage under this Conditional Waiver.

6. The provisions of this Conditional Waiver are severable, and if any provision of this Conditional Waiver, or the application of any such provision of this Conditional Waiver, to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Conditional Waiver shall not be affected thereby.

## **F. ENFORCEMENT**

1. A Discharger who fails to comply with the terms and conditions of this Conditional Waiver is subject to an enforcement action, including but not limited to, administrative civil liabilities. The Executive Officer reserves the right to terminate a Discharger's coverage under this Conditional Waiver, and the Water Board may impose individual WDRs after proper notice and hearing (Water Code section 13263(a)).
2. Water Code section 13387, subdivision (e) provides that any person who knowingly makes any false statement, representation, or certification in any record, report, plan, notice to comply, or other document filed with a Regional Water Board or the State Water Board, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required under division 7 of the Water Code shall be punished by a fine of not more than \$25,000, or by imprisonment in state prison for not more than two years (four years for a second conviction), or by both.

## **G. REQUIRED REPORTS AND NOTICES**

1. The Discharger shall submit an Annual Certification (Attachment E) to the Water Board that certifies whether its facility meets the conditions of the Conditional Waiver, documents any required mitigation measures and MPs implemented, evaluates the effectiveness of MPs, and records any inspections where a water quality problem was identified, as well as the MPs taken to correct these problems. The Annual Certification is due November 15 annually.
2. The Discharger shall report any spills or discharges that threaten human health or water quality within 24 hours of becoming aware of its occurrence. The incident shall be reported to the Water Board and to the California Office of Emergency Services (CalOES). The Discharger shall leave a message on the Water Board's spill hot-line at 510-622-2369. The message shall include the time, date, and place of the discharge. CalOES is operational 24 hours a day at 800-852-7550. A written report shall be submitted to the Water Board office within five business days of the Discharger becoming aware of the incident. The written submission shall contain:
  - a. The approximate date, time, and location of the discharge;
  - b. A description of the noncompliance event and its cause;
  - c. The rate, volume, and duration of the discharge;
  - d. The period of noncompliance, including dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to

continue; and

- e. The steps taken to correct discharge and/or a time schedule and a plan to implement corrective actions necessary to prevent the recurrence of such discharges.

## H. APPLICATION REQUIREMENTS

1. To be eligible for coverage under this Conditional Waiver, a discharger conducting Grazing Operations must be a landowner or operator conducting Grazing Operations in the Tomales Bay, Petaluma River, Sonoma Creek, or Napa River watersheds, or on National Park Service land within Point Reyes National Seashore, and the Grazing Operation either:
  - a. Encompasses an area of 100 acres or more, or
  - b. Is identified by Water Board staff as posing a threat to water quality.

A Discharger meeting the above conditions shall submit a completed Notice of Intent (NOI, Attachment C) as well as documentation that demonstrates how the Discharger is satisfying, or intends to satisfy, all the conditions of this Conditional Waiver. If a Discharger previously submitted a completed NOI and is covered by the existing Grazing Waivers, the Discharger does not need to submit a new NOI to continue coverage under this Conditional Waiver if there have been no changes in the Grazing Operations identified in the NOI.

The Discharger shall send the NOI to the Water Board no later than **February 15, 2026**, to the following address or email:

San Francisco Bay Regional Water Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612  
ATTN: Grazing Program  
Email: [R2GrazingWaiver@waterboards.ca.gov](mailto:R2GrazingWaiver@waterboards.ca.gov)

2. **Notice of Non-Applicability.** A person conducting Grazing Operations that meet any of the following conditions excluding them from coverage under the Conditional Waiver must submit a Notice of Non-Applicability (Attachment D):
  - a. The Grazing Operation encompasses an area smaller than 100 acres and does not pose a threat to water quality. These Grazing Operations are still expected to implement MPs for their facilities. The Regional Water Board may require such Grazing Operations to obtain coverage under this Conditional Waiver or under individual WDRs on a case-by-case basis if the Regional Water Board finds the Grazing Operation may have adverse impacts on water quality.
  - b. The Discharger operates a confined animal facility in conjunction with its Grazing Operation that is covered under existing General WDRs for Confined Animal Facilities (Order No. R2-2016-0031).

A Discharger who meets any of the conditions above and who has not previously filed a Notice of Non-Applicability shall submit such notice by **February 15, 2026**.

**This Conditional Waiver is effective on July 9, 2025, and expires on July 9, 2030.**

I, Eileen White, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of the 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) adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on July 9, 2025.

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Signature  
Eileen White, Executive Officer

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Date

**Attachments:**

- Attachment A:** Conditional Waiver Area Map
- Attachment B:** CEQA Draft Initial Study and Subsequent Negative Declaration
- Attachment C:** Notice of Intent
- Attachment D:** Notice of Non-Applicability
- Attachment E:** Compliance and Monitoring Annual Certification Template
- Attachment F:** Checklist Form for Assessing Grazing Operations
- Attachment G:** Notice of Termination



Attachment A - Conditional Waiver Area Map



**DRAFT INITIAL STUDY AND  
SUBSEQUENT NEGATIVE DECLARATION**

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)

PREPARED BY:

**California Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street, Suite 1400  
Oakland, CA 94612**

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**DRAFT INITIAL STUDY / SUBSEQUENT NEGATIVE DECLARATION**  
*pursuant to the California Environmental Quality Act, as amended*

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**A. PROJECT DESCRIPTION**

- 1. Project title:** 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)
- 2. Lead agency name & address:** California Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street, Suite 1400  
Oakland, CA 94612
- 3. Contact person & phone number:** René Leclerc, Engineering Geologist  
(510) 622-2410  
Rene.Leclerc@waterboards.ca.gov
- 4. Project location:** North San Francisco Bay Region
- 5. Project sponsor's name & address:** California Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street, Suite 1400  
Oakland, CA 94612
- 6. General plan designation:** Not Applicable
- 7. Zoning:** Not Applicable
- 8. Description of project:**

**Background of Previously Approved Project**

The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the master water quality control planning document for the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board). The Basin Plan designates beneficial uses for surface waters and groundwater in the San Francisco Bay region, establishes water quality objectives for the reasonable protection of the beneficial uses, and includes an implementation plan for achieving the water quality objectives.

Many watersheds throughout the San Francisco Bay region contain levels of pollutants that exceed water quality standards and are listed as impaired pursuant to section 303(d) of the federal Clean Water Act. Section 303(d) requires states to address these impairments by developing Total Maximum Daily Loads (TMDLs) that examine these water quality problems, identify sources of pollutants, and specify actions that create solutions and restore beneficial

uses. Several TMDLs identify improperly managed grazing activities<sup>1</sup> as a source of pollutants, including the Tomales Bay Pathogens TMDL, the Tomales Bay Mercury TMDL, the Walker Creek Mercury TMDL, the Lagunitas Creek Sediment TMDL, the Napa River and Sonoma Creek Pathogen TMDLs, the Napa River and Sonoma Creek Sediment TMDLs, and the Petaluma River Bacteria TMDL.

Improperly managed grazing activities can adversely affect water quality and impair beneficial uses through the erosion, transport, and discharge of sediment into surface waters and the discharge of nutrients and pathogens from animal wastes into surface waters. In some areas of the Tomales Bay watershed, grazing activities may also have the potential to cause discharges of mercury-laden sediment into waters of the state. Grazing activities can also cause habitat degradation in streams and adjacent floodplains. Healthy vegetated areas adjacent to streams are critical to the maintenance of the beneficial uses of stream systems. One of the primary impacts to riparian areas is the removal of riparian vegetation, which increases water temperatures by reducing shading and increasing heat absorption (i.e., sunlight) by streams and wetlands. Increased water temperatures degrade habitat for temperature-sensitive species, such as salmonids. Loss of riparian vegetation also reduces instream habitat used by aquatic organisms and can destabilize streambanks, leading to erosion and sediment pollution.

In 2008, the Water Board adopted the Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed (Tomales Bay, Lagunitas Creek, Walker Creek, and Olema Creek) (Resolution R2-2008-0054) (Tomales Bay Grazing Waiver). The Water Board adopted a Negative Declaration for the Tomales Bay Grazing Waiver on July 18, 2008 (2008 ND) (Resolution No. R2-2008-0053). The Water Board renewed the Tomales Bay Grazing Waiver in 2013 and 2018 and prepared an addendum to the 2008 ND for each renewal.

In 2011, the Water Board adopted the Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Napa River and Sonoma Creek Watersheds (Resolution No. R2-2011-0060) (Napa and Sonoma Grazing Waiver) (together with the Tomales Bay Grazing Waiver, existing Grazing Waivers). The Water Board adopted a Mitigated Negative Declaration for the Napa and Sonoma Grazing Waiver on September 14, 2011 (2011 MND) (Resolution R2-2011-0059). The Water Board renewed the Napa and Sonoma Grazing Waiver in 2017 and prepared an addendum to the 2011 MND for the renewal. The Napa and Sonoma Grazing Waiver expired in 2022 and the Tomales Bay Grazing Waiver in 2023.

The existing Grazing Waivers established conditions for grazing operations<sup>2</sup> to minimize and control discharges of animal waste and sediment runoff, including evaluation of operating practices; identification of comprehensive site-specific pathogen and sediment control measures; development of a schedule for the implementation of management actions; and,

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<sup>1</sup> The terminology used in the TMDLs varies and includes grazing lands, grazing lands/operations, rangelands, grazed lands, and grazing.

<sup>2</sup> Grazing operation is defined as a facility where animals are fed or maintained on rangeland, animals forage for a total of 45 days or more in any 12-month period, and vegetation growth is sustained over the lot or facility during the normal growing season. A Grazing Operation includes auxiliary appurtenances such as roads, reservoirs, holding pens, feeding racks, etc.

annual reporting on actions taken. The existing Grazing Waivers also implemented TMDLs for the Tomales Bay, Napa River, and Sonoma Creek watersheds.

*Proposed Changes to the Approved Project*

The proposed Conditional Waiver of Waste Discharge Requirements (WDRs) for North San Francisco Bay Grazing Operations (Conditional Waiver), would consolidate and renew the existing Grazing Waivers and expand the scope of coverage to include existing grazing operations within the Petaluma River watershed and grazing operations within the Point Reyes National Seashore that do not discharge to Tomales Bay (estimated to be approximately 44,500 acres). The expansion of coverage is necessary to implement the Petaluma River Pathogens TMDL and is consistent with the National Park Service's Water Quality Strategy for Managing Ranching Operations to protect water quality. The Conditional Waiver also implements a new riparian corridor performance standard to improve water quality protection and provides updates to resources for ranch water quality planning and implementation of management practices (MPs); these minor changes do not require changes to the environmental analyses in the 2008 ND or the 2011 MND. The grazing program scope expansion for the two new areas is the focus of this environmental analysis.

When changes are proposed to a project that is subject to further discretionary approval, the lead agency must determine what, if any, subsequent environmental review is needed. When an environmental document has been prepared for a project, a subsequent environmental impact report (EIR) may not be prepared unless one of the following conditions are met:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.<sup>3</sup>

The consolidation of the existing Grazing Waivers will not result in any new or substantially more severe impacts or new mitigation measures. The potential environmental impacts of the existing Grazing Waivers were analyzed in the 2008 ND, 2011 MND, and the addenda to those documents, and are not affected by the consolidation; the consolidation of the Grazing Waivers is a change to increase administrative efficiency and does not require additional environmental review. The expanded scope of coverage for grazing operations and the other minor changes do not involve new significant environmental impacts, a substantial increase in the severity of previously identified significant effects, or new mitigation measures that were previously found to be infeasible. Under these circumstances, the Water Board may prepare a subsequent negative declaration, an addendum to the 2008 ND and 2011 MND, or no further documentation.<sup>4</sup>

The Water Board has chosen to prepare this Subsequent Negative Declaration to supplement the environmental analyses in the 2008 ND and 2011 MND. The 2008 ND, 2011 MND, and their respective addenda are available at the following web site, and are incorporated herein: [https://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/agriculture/](https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/agriculture/). This Subsequent Negative Declaration makes the changes and additions necessary to address the change in the scope of coverage under the Conditional Waiver and other minor changes and does not include a discussion of potential impacts covered in the 2008 ND, 2011 MND, or their addenda. The Subsequent Negative Declaration is subject to the notice and public review requirements under CEQA Guidelines section 15072.

The expansion of the scope of coverage under the Conditional Waiver is consistent with the State Water Resources Control Board's *2004 Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* which requires that all sources of nonpoint source pollution be regulated through WDRs, waivers of WDRs, or prohibitions. A conditional waiver of WDRs is limited to a five-year term, which allows for regular review to determine whether the covered discharge should be covered by WDRs. The Water Board can rescind the Conditional Waiver and issue individual or general WDRs at any time if it determines that WDRs are more appropriate to protect beneficial uses.

## **9. Setting and surrounding land uses:**

The Conditional Waiver will expand grazing coverage to existing grazing operations in the Petaluma River watershed and watersheds within Point Reyes National Seashore that drain to the Pacific Ocean. The Petaluma River watershed and Point Reyes National Seashore are in the northern part of the San Francisco Bay region. The Petaluma River watershed is located in southern Sonoma County and a portion of northeastern Marin County, and Point Reyes

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<sup>3</sup> CEQA Guidelines section 15162. The CEQA Guidelines are codified in chapter 3 of division 6 of title 14 of the California Code of Regulations.

<sup>4</sup> CEQA Guidelines section 15162, subdivision (b).



National Seashore is in western Marin County. The Petaluma River drains into the northwestern part of San Pablo Bay and the watershed is approximately 19 miles long and 13 miles wide, encompassing approximately 146 square miles (378 square kilometers). The Petaluma valley trends northwest from San Pablo Bay and is bounded by upland areas of the Coast Ranges. Mountainous or hilly upland areas comprise 56 percent of the watershed, with 33 percent valley areas and 11 percent salt marsh adjacent to San Pablo Bay. Land uses in the Petaluma River watershed consist of residential, commercial, and industrial land uses along the valley floor where the City of Petaluma is the largest population center. Agriculture and open space are the predominant land use in upland and mountainous areas. All grazing operations are expected to be in predominantly rural areas that are dominated by agriculture.

Point Reyes National Seashore (Seashore) is in coastal Marin County, north of San Francisco. The Seashore is approximately 71,055 acres in size, consisting of coastal beaches, cliffs, and lagoons, with inland coastal uplands, grasslands, and forested areas. The National Park Service manages the land primarily for recreation as well as dairy and livestock grazing operations. Recent agreements between The Nature Conservancy and private ranchers will result in the closure of 6 grazing operations and all dairies at the Seashore. Future development of a targeted grazing program within these areas by The Nature Conservancy and the National Park Service is anticipated.

**10. Other public agencies whose approval is required:**

No other public agency approvals are required.

**11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

There are three Native American tribes in the project area that have requested notification of projects under Public Resources Code section 21080.3.1: the Federated Indians of Graton Rancheria (FIGR), Mishewal-Wappo Tribe of Alexander Valley, and Yocha Dehe Wintun Nation. The FIGR requested consultation pursuant to Public Resources Code section 21080.3.1. The Water Board and FIGR held an initial meeting on August 22, 2023, to discuss the project and plan for further consultations regarding the Initial Study and proposed impact determination. As part of the consultation, the Water Board had further correspondence with FIGR from May 1, 2024, through August 2024 and held a follow-up meeting on September 3, 2024. Tribal consultation with FIGR concluded on February 14, 2025, and no significant impacts on Tribal Cultural Resources were identified.

## B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

### Existing Environmental Conditions

There is an estimated 31,500 acres of grazed rangeland in the Petaluma River watershed, and it is estimated that 45 existing grazing operations will enroll in the Conditional Waiver after implementation. Grazing operations are mainly located in upland areas surrounding the Petaluma Valley. There are 12 beef cattle operations covering approximately 13,000 acres of grazing land within Point Reyes National Seashore (Seashore) that do not drain to Tomales Bay. Grazing operations are located mainly in the northwestern part of the Seashore, area around Drakes Estero and Pierce Point Road. In 2026, grazing operations in the Seashore will change due to recent agreements between The Nature Conservancy and private ranchers to close 6 grazing operations and all dairies. Future development of a targeted grazing program for these areas by The Nature Conservancy and the National Park Service is anticipated.

Grazing operations in the Petaluma River watershed and at the Seashore allow livestock to graze on naturally available forage, typically consisting of grasses, forbs, and shrubs. Management practices (MPs) including road maintenance, fencing, distributed water sources, pasture rotation, and maintaining appropriate herd size for available forage all contribute to a well-managed grazing operation that is protective of water quality and beneficial uses. We anticipate that MPs are not uniformly applied to protect water quality across all grazing operations. Potential environmental impacts resulting from inadequate MP implementation include hillslope erosion and gullying due to overgrazing, bacteria loading to streams due to unrestricted livestock access, and road surface erosion resulting from inadequate road maintenance.

### Potential Environmental Effects

Like the existing Grazing Waivers, the Conditional Waiver will establish conditions for grazing operations to minimize and control discharges of animal waste and sediment runoff, including evaluation of operating practices; identification of comprehensive site-specific pathogen and sediment control measures; development of a schedule for the implementation of management actions; and annual reporting on actions taken. As a result, Conditional Waiver implementation in the Petaluma River watershed and within the Seashore will result in the reduction of erosion, sedimentation, and pathogens; in the improvement of water quality; and the promotion of sustainable grazing.

The project and its reasonably foreseeable methods of compliance would not have any significant adverse impacts on the environment; hence, there are no physical, biological, social and/or economic factors that might be affected by the proposed project or compliance with it. See the checklist on the following pages for more details.

## C. LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

[X] I find that the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

[ ] I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the

project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

- [ ] I find that the proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- [ ] I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- [ ] I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an **earlier EIR or NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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Signature

Eileen White, Executive Officer

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Date

## **D. EVALUATION OF ENVIRONMENTAL EFFECTS**

The Environmental Checklist and discussion that follows is based on sample questions provided in the CEQA Guidelines (Appendix G) which focus on various individual concerns within 20 different broad environmental categories, such as air quality, cultural resources, land use, and traffic (and arranged in alphabetical order). The Guidelines also provide specific direction and guidance for preparing responses to the Environmental Checklist. Each question in the Checklist essentially requires a “yes” or “no” reply as to whether the project will have a potentially significant environmental impact of a certain type, followed by responses to the questions in each major environmental heading that include information and/or discussion that supports that determination. The Checklist table provides, in addition to a clear “yes” reply and a clear “no” reply, two possible “in-between” replies, including one that is equivalent to “yes, but with changes to the project that the proponent and the Lead Agency have agreed to, no”, and another “no” reply that requires a greater degree of discussion, supported by citations and analysis of existing conditions, threshold(s) of significance used and project effects than required for a simple “no” reply. Each possible answer to the questions in the Checklist, and the different type of discussion required is discussed below:

Potentially Significant Impact. Checked if a discussion of the existing setting (including relevant regulations or policies pertaining to the subject) and project characteristics with regard to the environmental topic demonstrates, based on substantial evidence, supporting information, previously prepared and adopted environmental documents, and specific criteria or thresholds used to assess significance, that the project will have a potentially significant impact of the type described in the question.

Less Than Significant With Mitigation. Checked if the discussion of existing conditions and specific project characteristics, also adequately supported with citations of relevant research or documents, determine that the project clearly will or is likely to have particular physical impacts that will exceed the given threshold or criteria by which significance is determined, but that with the incorporation of clearly defined mitigation measures into the project, that the project applicant or proponent has agreed to, such impacts will be avoided or reduced to less-than-significant levels.

Less Than Significant Impact. Checked if a more detailed discussion of existing conditions and specific project features, also citing relevant information, reports, or studies, demonstrates that, while some effects may be discernible with regard to the individual environmental topic of the question, the effect would not exceed a threshold of significance which has been established by the Lead or a Responsible Agency. The discussion may note that due to the evidence that a given impact would not occur or would be less than significant, no mitigation measures are required.

No Impact. Checked if brief statements (one or two sentences) or cited reference materials (maps, reports or studies) clearly show that the type of impact could not be reasonably expected to occur due to the specific characteristics of the project or its location (e.g. the project falls outside the nearest fault rupture zone, or is several hundred feet from a 100-year flood zone, and relevant citations are provided). The referenced sources or information may also show that the impact simply does not apply to projects like the one involved. A response to the question may also be “No Impact” with a brief explanation that the basis of adequately supported project-specific factors or general standards (e.g., the project will not expose sensitive receptors to pollutants,

based on a basic screening of the specific project).

## ENVIRONMENTAL CHECKLIST:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>I. AESTHETICS</b> – Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

### *Background:*

Existing grazing operations in the expanded scope of coverage under the Conditional Waiver would generally be in rural areas. These lands are visible from roads and neighboring properties and may also be partially visible from open space areas. Ranchlands tend to consist of large open, grassland areas. Trees may be present, particularly along riparian corridors. Ranch structures typically include one or more residences, barns, equipment sheds, fences, watering areas, roads, and road crossings.

### *Discussion of Impacts:*

#### **a) Have a substantial adverse effect on a scenic vista?**

**Less Than Significant Impact:** Facilities constructed to comply with the Conditional Waiver would typically be small in scale and construction of buildings

would not be required. Fences would be low, typically less than 6 feet high, and would be constructed of materials like existing ranch fencing and would therefore blend in with the existing landscape.

Conditional Waiver implementation may require minor grading that could result in temporary clearing of land followed by revegetation. Grading and road erosion control activities would be short-term and could result in minor, temporary impacts to views in some places. Exposed soils would be visible along with earth-moving equipment. However, bare areas would be replanted to blend into the landscape within weeks or months after construction is complete and vegetation becomes established. Therefore, the impacts to scenic vistas would be less than significant.

**b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

**Less Than Significant Impact:** Highway 37 is a state scenic highway located along the southern boundary of the Petaluma River watershed. There are no state scenic highways in the Point Reyes National Seashore area of expansion. Permit compliance and pollution prevention actions associated with the Conditional Waiver may affect land adjacent to Highway 37; however, these actions would typically be small in scale. While some unique trees, rock outcroppings, or historic buildings may be present on some ranchlands, these features would be recorded in the individual Ranch Water Quality Plans and construction in these areas would be avoided. As such, compliance actions such as fence construction, road maintenance, or water pump installation would not require changes to trees, rock outcroppings, or historic buildings that could substantially damage scenic resources within these corridors. Therefore, the proposed project would not result in significant impacts to scenic resources.

**c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

**Less Than Significant Impact:** As described above, the Conditional Waiver would be implemented on grazing land in rural areas. The visual character of the area is generally open, and grassland is the dominant vegetation. The project could result in local changes in vegetation due to an increase in riparian vegetation and minor changes in topography to modify steep slopes or re-construct eroding roads. Implementation of grazing management practices, such as those described in Part B (Environmental Factors Potentially Affected), would generally result in small-scale, temporary alteration in views and would not result in the degradation or change in the visual character of ranchland. Therefore, the impacts to scenic resources would be less than significant.

**d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?**

**No Impact.** The project would not include any lighting or structures; MP implementation is not expected to require either temporary or permanent lighting.



Therefore, it would have no impact on light or glare.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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## II. AGRICULTURE AND FORESTRY

**RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- |  |  |  |  |   |
|--|--|--|--|---|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?   |  |  |  | X |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   |  |  |  | X |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? |  |  |  | X |
| d) Resulting in the loss of forest land or conversion of forest land to non-forest use?  |  |  |  | X |
| e) Involve other changes in the existing environment which, due to their location or   |  |  |  | X |

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

*Background:*

The implementation of grazing management practices in the Petaluma River watershed and Point Reyes National Seashore as required by the Conditional Waiver will result in the reduction of erosion, sedimentation, and pathogens; in the improvement of water quality; and the promotion of sustainable grazing. Conditional Waiver implementation is consistent with the National Park Service's General Management Plan Amendment and Water Quality Strategy for Managing Ranching Operations, and with agricultural preservation goals and policies in the Marin Countywide Plan and Sonoma County's Policy and Goals for Reduction of Soil Erosion (Sonoma County General Plan). These plans encourage and support farms and ranches seeking to implement programs that increase the sustainability of resources, conserve energy, and protect water and soil (refer to Section XI, Land Use and Planning).

*Discussion of Impacts:*

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

**No Impact:** The project will not result in the conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural use.

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

**No Impact:** The project will not affect existing agricultural zoning or any aspect of a Williamson Act contract.

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?**

**No Impact:** The project will not cause rezoning of forest land or timberland.

- d) Result in the loss of forest land or conversion of forest land to non-forest use?**

**No Impact:** The project would not result in any direct loss of forest land.

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or**

**conversion of forest land to non-forest use?**

**No Impact:** The project would not result in conversion of Farmland to non-agricultural use.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY</b> -- Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

**Background:**

The Petaluma River watershed and Point Reyes National Seashore are in the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). State and national standards for air quality pollutants are identified in the BAAQMD 2017 Clean Air Plan. The 2017 Clean Air Plan provides a regional strategy to protect public health and protect the climate. To protect public health, the plan describes how BAAQMD will continue making progress toward attaining all state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities.

BAAQMD has also developed CEQA Air Quality Guidelines that establish significance thresholds for evaluating new projects and plans and provide guidance for evaluating air quality impacts of projects and plans. The Air Quality Guidelines are non-binding recommendations but provide procedures and significance thresholds for evaluating potential construction-related impacts during the environmental review process consistent with CEQA requirements.

The 2007 Marin Countywide Plan discusses air quality and incorporates BAAQMD guidelines and national and state air quality standards. The plan identifies several goals to improve air quality which are consistent with BAAQMD guidelines, including reduction of vehicle-generated pollutants, public outreach and education,

and adaptation to climate change. The Sonoma County 2020 General Plan update is currently in preparation and could not be reviewed for this analysis.

*Discussion of Impacts:*

**a) Conflict with or obstruct implementation of the applicable air quality plan?**

**No Impact:** A project would conflict with or obstruct implementation of the regional air quality plans if it would be inconsistent with the growth assumptions, in terms of population, employment or regional growth in vehicle miles traveled. The growth assumptions used for the regional air quality plans are based upon the growth assumptions provided in local general plans. The Conditional Waiver would have a less than significant impact on any of the growth assumptions made in the preparation of the clean air plans and would not obstruct implementation of any of the proposed control measures contained in these plans.

Implementation of grazing management actions as required by the Conditional Waiver would not result in new land uses that would generate a significant increase in traffic or other operational air emissions. Temporary increases in traffic could occur at individual grazing operations during construction and installation of management practices to comply with the requirements of the Conditional Waiver; however, these impacts are expected to be limited in numbers and types of vehicles used, miles driven, duration, and air resultant emissions.

**b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?**

**Less Than Significant Impact:** Implementation of the Conditional Waiver could result in minor construction that would be small in scale and limited to shallow excavation for minor road repairs, grading, and installation of fence posts, etc. As such, engine emissions from the temporary operation of construction vehicles and equipment would be both short-term and localized and will not violate any air quality standard. The project would not result in a cumulatively considerable net increase of any criteria pollutant and would be a less than significant impact.

**c) Expose sensitive receptors to substantial pollutant concentrations?**

**Less Than Significant Impact:** Grazing operations regulated by the Conditional Waiver are in rural areas, away from schools, hospitals, and other sensitive land uses. Residential uses in agriculturally zoned districts are very low density, typically only a few residences on each of the parcels. Minor construction and/or earth moving undertaken to comply with the proposed project could result in increases in particulates in the air in the immediate area of grading and construction but would not expose sensitive receptors, likely to be located substantial distances from ranchlands.

**d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?**

**Less Than Significant Impact:** The BAAQMD defines public exposure to offensive

odors as a potentially significant impact. In general, the types of land uses that pose potential odor problems include refineries, chemical plants, wastewater treatment plants, landfills, composting facilities, and transfer stations. No such uses are proposed by the Conditional Waiver.

Residential uses in agriculturally zoned districts are generally of very low density, consisting of only a few residences on each of the parcels. In areas where rural agriculture zone transitions to more dense residential zones, odors may be noticeable to more people than in typical rural areas but would be infrequent and not affect a substantial number of people. Diesel engines would be used for some construction equipment and the odors generated would be variable, depending on the location and duration of use, but would not affect a substantial number of people. Odors from livestock manure on grazing lands would be distributed across the landscape at densities that would not result in excessive odors. Consequently, the impact of the project regarding odors is less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES --</b>				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X



### *Background:*

The Petaluma River watershed supports a wide diversity of plant and animal species, including a high number of special status species and sensitive natural communities. Plant communities include mixed evergreen forests, oak woodlands and savanna, native and nonnative grasslands, chaparral, riparian scrub, and woodland. Tidal marshes in the southern part of the watershed have diminished significantly since European colonization, due to infill and levee construction for various land uses. Efforts to reverse these trends and restore areas of tidal marsh have been implemented by multiple local, state, and federal stakeholders. The Petaluma River watershed maintains a variety of marine, estuarine, and freshwater fish species and provides habitat for several aquatic species of concern, including steelhead trout (*Oncorhynchus mykiss*), Chinook salmon (*Oncorhynchus tshawytscha*), and California freshwater shrimp (*Syncaris pacifica*).

Areas of Point Reyes National Seashore that do not drain to Tomales Bay are characterized by a rich diversity of plant and wildlife species. This includes about 50% of North America's bird species, many of which utilize the extensive areas of coastal tidal mudflats and marshes along the Pacific Ocean, Abbots Lagoon, and Drakes Estero. Plant communities are also very diverse, ranging from ocean, shoreline, estuarine, grassland and upland forest habitats. Three distinct herds of Tule elk also occupy the park, mainly in the Pierce Point Elk Reserve at the north end of the park, and are managed by the National Park Service.

It is possible that to comply with the Conditional Waiver, specific projects involving construction, the installation of water wells and associated water routing, piping and storage tanks, property fencing, road rehabilitation, and cattle crossings could potentially affect biological resources directly or indirectly through habitat modifications. However, as discussed below, required compliance with the Conditional Waiver's riparian corridor performance standard, and existing local, state, and federal regulations result in these activities having a less than significant impact to biological resources.

### *Regulatory Background:*

Projects that would be implemented under the Conditional Waiver may be subject to the laws and regulations listed below.

#### **Federal Endangered Species Act**

Section 9 of the federal Endangered Species Act (ESA) protects listed wildlife species from take, defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct." (16 U.S.C. § 1532(19).) If a project could result in take of a federally listed species, either a habitat conservation plan (HCP) and incidental take permit under ESA Section 10(a) or a federal interagency consultation under ESA Section 7 is required. Under the ESA, U.S. Fish and Wildlife Service has jurisdiction over all terrestrial and plant species, as well as freshwater fish species and a few marine mammals.

#### **Migratory Bird Treaty Act**

The Migratory Bird Treaty Act (MBTA) implements a series of international treaties to protect migratory birds. The MBTA authorizes the Secretary of the Interior to

regulate the taking of migratory birds, providing that it shall be unlawful, except as permitted by regulations, “to pursue, take, or kill any migratory bird, or any part, nest or egg of any such bird.” (16 U.S.C. § 703.) This prohibition includes both direct and indirect acts, although harassment and habitat modification are not included unless they result in the direct loss of birds, nests, or eggs. In addition to the MBTA, Fish and Game Code section 3513 states the following: “It is unlawful to take or possess any migratory nongame bird as designated in the federal Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.) before January 1, 2017, any additional migratory nongame bird that may be designated in that federal act after that date, or any part of a migratory nongame bird described in this section, except as provided by rules and regulations adopted by the United States Secretary of the Interior under that federal act before January 1, 2017, or subsequent rules or regulations adopted pursuant to that federal act, unless those rules or regulations are inconsistent with this code.”

#### **Clean Water Act, Section 404**

The Clean Water Act (CWA) is the primary federal law protecting the quality of the nation’s surface waters, including lakes, rivers, and coastal wetlands. Waters of the U.S. are areas subject to federal jurisdiction pursuant to CWA Section 404. CWA Section 404 regulates the discharge of dredged and fill materials into waters of the United States. Applicants must obtain a permit from the U.S. Army Corps of Engineers (USACE) for discharges of dredged or fill material into waters of the United States, including jurisdictional wetlands, before proceeding with a proposed activity.

#### **Clean Water Act, Section 401**

Under Section 401 of the Clean Water Act, a federal agency may not issue a federal license or permit to conduct any activity that may result in the discharge of a pollutant into waters of the U.S. unless the state issues a certification verifying compliance with existing water quality requirements or waives the certification requirement. The Section 401 certification must set forth limitations and requirements necessary to assure that the applicant will comply with applicable effluent limitations of the Clean Water Act and any other appropriate state requirements.

#### **California Endangered Species Act**

The California Endangered Species Act (CESA) prohibits the take of any species of wildlife designated as endangered, threatened, or candidate species. (Fish and Game Code, § 2080.) The Fish and Game Code (Fish and Game Code, §§ 2062 and 2067, respectively) defines “endangered” and “threatened” species as follows:

- Endangered species: A native species or subspecies of bird, mammal, fish, amphibian, reptile, or plant that is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.
- Threatened species: A native species or subspecies of bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species

in the foreseeable future in the absence of special protection and management efforts.

The California Fish and Game Commission is responsible for listing species under CESA, and the California Department of Fish and Wildlife (CDFW) implements CESA by enforcing the act and issuing permits. Under Section 2081 of the Fish and Game Code, an incidental take permit from CDFW is required for projects that could result in the “take” of a species that is state-listed as threatened or endangered, or that is a candidate for listing.

#### **Fish and Game Code Safe Harbor Agreements**

Fish and Game Code sections 2089.2 through 2089.26 allow CDFW to authorize incidental take of a species listed as endangered, threatened, candidate, or a rare plant, through a Safe Harbor Agreement (SHA) if implementation of the agreement is reasonably expected to provide a net conservation benefit to the species, among other provisions. SHAs are intended to encourage landowners to voluntarily manage their lands to benefit CESA-listed species without subjecting those landowners to additional regulatory restrictions as a result of their conservation efforts. In addition, at the end of the agreement period, participants may return the enrolled property to the baseline conditions that existed at the beginning of the SHA.

#### **Fish and Game Code Designated Fully Protected Species**

Fish and Game Code sections 3511, 4700, 5050, and 5515 designate birds, mammals, reptiles and amphibians, and fish, respectively, as fully protected species. Take and possession of fully protected species are prohibited under the Fish and Game Code and may not be authorized by the CDFW, except in limited circumstances.

#### **California Native Plant Protection Act**

The Native Plant Protection Act (NPPA) of 1977 (Fish and Game Code, §§ 1900–1913) is intended to preserve, protect, and enhance endangered or rare native plants in the state. The California Fish and Game Commission has authority to designate native plants as rare under NPPA and as endangered plants under both NPPA and CESA. CDFW enforces NPPA and exercises related permitting authority by regulation, as well as through regulations governing CDFW’s incidental take permitting program under CESA. (California Code of Regulations, title 14, §§ 783.0–783.8 and 786.9.) Also similar to CESA, take and possession of native rare and endangered plants protected under the NPPA is prohibited, except as authorized by law.

#### **California Fish and Game Code Section 1600**

Fish and Game Code section 1602 states that it is unlawful for any entity to “substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake” without first notifying CDFW of that activity. If CDFW determines and informs the entity that the activity will not substantially adversely affect any existing fish or wildlife resources, the entity may commence the activity. If CDFW determines that the activity may substantially adversely affect an existing fish or wildlife resource, the entity may be

required to obtain a Streambed Alteration Agreement before the entity may conduct the activity or activities described in the notification. (Fish and Game Code, § 1602.) The streambed alteration agreement must include measures to protect the affected fish and wildlife and associated riparian resources.

### **Porter-Cologne Water Quality Control Act**

The State Water Board works in coordination with the nine regional water quality control boards protect waters of the state under the Clean Water Act and the Porter-Cologne Water Quality Control Act (Porter-Cologne Act) (Water Code, § 13000 et seq.). The San Francisco Bay Water Quality Control Board establishes water quality standards for the San Francisco Bay Basin and issues waste discharge requirements under the Porter-Cologne Act. Waste discharge requirements must be protective of beneficial uses, including uses of water that support aquatic and wildlife habitats (including habitats for rare, endangered, and threatened species).

The Water Board's authority to regulate discharges of waste that could affect the quality of waters of the state under the Porter-Cologne Act is broader than the regulatory authority of the discharge of pollutants to waters of the U.S. under the CWA. If USACE determines that only non-federal waters are present for a project carried out to comply with the Conditional Waiver, then no federal CWA permit would be required; however, the project would still require WDRs from the Water Board for impacts to waters of the state.

### **State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State**

The State Water Board adopted the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Dredged or Fill Procedures) for inclusion in the forthcoming Water Quality Control Plan for Inland Surface Waters and Enclosed Bays and Estuaries and Ocean Waters of California. The Dredged or Fill Procedures consist of four major elements: (1) a wetland definition; (2) a framework for determining whether a feature that meets the wetland definition is a water of the state; (3) wetland delineation procedures; and (4) procedures for the submittal, review, and approval of applications for water quality certifications and waste discharge requirements for dredged or fill activities.

### *Discussion of Impacts:*

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

**Less Than Significant Impact:** The Conditional Waiver is designed to benefit, enhance, restore, and protect biological resources, including fish, wildlife, and rare and endangered species. Specific projects proposed to comply with the Conditional Waiver that could affect sensitive species would be subject to existing local, state, and federal regulations. Government agencies tasked with protecting sensitive/special status species include the County, California Department of Fish and Wildlife, the California Water Boards, the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. Projects proposed to comply with the Conditional Waiver that could affect sensitive/special status species would be subject to review

and approval by these agencies. These agencies would either not approve compliance projects with a significant adverse impact on sensitive/special status species or would require mitigation measures to reduce impacts to less-than-significant levels.

Consequently, compliance with existing regulations would result in a less than significant impact on sensitive/special status species and it is reasonable to expect that the grazing operations will comply with the regulations. For example, for projects that fill Clean Water Act 404 wetlands, the Army Corps of Engineers explicitly conditions its permits to require that impacts to federally listed species be less than significant. Similarly, impacts to special status species resulting from instream construction projects in waters of the state must be less than significant for permit approval by the California Department of Fish and Wildlife Lake and under the Streambed Alteration Program.

**b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

**Less Than Significant Impact:** As indicated in section IV a), above, the Conditional Waiver is designed to benefit biological resources, particularly riparian habitat, and other sensitive natural communities. The Conditional Waiver requires enrollees to meet a performance standard for riparian areas that protects water quality and maintains their essential functions supporting beneficial uses. In addition, compliance projects proposed to comply with the Conditional Waiver that involve grading or construction in the riparian corridor are subject to review and/or approval by the County, California Department of Fish and Wildlife, the California Water Boards, the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. Projects proposed to comply with the Conditional Waiver that could adversely affect a riparian habitat or other sensitive natural community would be subject to review and approval by these agencies. These agencies would either not approve compliance projects with a significant adverse impact on sensitive/special status species or would require mitigation measures to reduce impacts to less-than-significant levels. Consequently, these types of projects would have a less than significant impact.

**c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

**Less Than Significant Impact:** Adverse impacts on wetlands would not be significant. Proposed grazing management actions/projects that could have the potential to disturb wetlands would be subject to the Water Board's review and approval under the Porter-Cologne Water Quality Control Act.

The Water Board must, consistent with the Basin Plan, require mitigation measures to avoid, minimize, and mitigate impacts to less-than-significant levels. As specified in the Basin Plan, the Water Board uses the USEPA Section 404(b)(1) Guidelines for dredge and fill material in determining the circumstances under which the filling of wetlands may be permitted. This policy requires that avoidance and minimization

be demonstrated prior to consideration of compensatory mitigation.

Landowners and operators that apply for permits from the Water Board are required to specify conditions to reduce impacts to less-than-significant levels, including:

- a. Demonstrating that avoidance, minimization, and compensation of impacts has occurred to the extent practicable; and,
- b. For all potential projects resulting in losses of wetland acres and functions, responsible parties are required to provide compensatory mitigation at a ratio greater than or equal to 1:1 (as determined in consultation with the Water Board).

Wetlands not subject to protection under Sections 404 and 401 of the CWA are still subject to regulation, and protection under the California Water Code.

**d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

**Less Than Significant Impact:** Grazing management actions proposed to comply with the Conditional Waiver would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. Seasonal patterns of tule elk movement at Point Reyes National Seashore are documented and managed by park service staff. Consequently, projects proposed to comply with the Conditional Waiver would include considerations for tule elk, such as fence design or stream crossings along a known migration route. Consequently, the impact of the project on tule elk movement is less than significant.

It is possible, however, that projects could be proposed to comply with the Conditional Waiver that involve construction or earthmoving activities that could temporarily interfere with wildlife movement, migratory corridors, or nurseries (e.g. fencing, road improvements, etc.). Equipment that would cause such surface disturbance would be limited to what would be needed to improve ranch roads, install or repair fences, provide off-stream water, etc. and not result in a sustained project-site presence by workers, vibration, noise, and/or dust nor would such projects substantially interfere with migratory or native wildlife movement.

**e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

**No Impact:** Projects proposed to comply with the Conditional Waiver would be consistent with the goals of the TMDLs to retain riparian vegetation and would not conflict with local policies or ordinance.

**f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

**No Impact.** Sonoma County and Marin County have not adopted a Habitat

Conservation Plan or Natural Community Conservation Plan, and there are no other approved local, regional, or state habitat conservation plans in the project area. Although more general, the Marin County 2007 General Plan identifies several guiding principles that include protecting and restoring ecosystems, enhancing habitats for biodiversity, and protecting agricultural assets. The Sonoma County 2020 General Plan update is currently in preparation and could not be reviewed for this analysis. The Point Reyes National Seashore General Management Plan Amendment broadly identifies desired conditions for the preservation of ecological function, native species, and management of invasive, non-native species. Habitat conservation goals include the preservation and improvement of habitats and populations of threatened and endangered species, special-status, and rare species. The Conditional Waiver will not conflict with any of the goals or priorities identified in these plans.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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## V. CULTURAL RESOURCES --

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

X

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

X

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

X

### *Background:*

Note that this section evaluates impacts to historical and archaeological resources and does not include Tribal Cultural Resources, which are evaluated later in Section XVIII.

With the arrival of European settlers in the late 1700s and 1800s, livestock grazing became an important part of the north San Francisco Bay region's agriculture. Historic and archaeological sites include cemeteries, barns, farmsteads, and walls, among others. Generally, a resource is considered "historically significant" if it meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, § 5024.1; Cal. Code Regs., title 14, § 4852). The California Office of Historic Preservation maintains a database of registered historically significant places.

Projects that would be implemented under the Conditional Waiver may be subject to the laws and regulations listed below.

### **National Historic Preservation Act Section 106 (16 U.S.C. § 470f)**

The National Historic Preservation Act (NHPA) Section 106 (16 U.S.C. § 470f) requires federal agencies having direct or indirect jurisdiction over a proposed federal or federally assisted "undertaking" to take into account the effects of the undertaking on historic properties in the United States, including the outer continental shelf and the exclusive economic zone. The NHPA Advisory Council on Historic Preservation has issued regulations regarding the Section 106 process, which explain how Federal agencies must take into account the effects of their actions on historic properties.

### **Native American Graves Protection and Repatriation Act**

The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA)



(25 U.S.C. § 3001 et seq.) is a federal law that describes the process for federal agencies to return certain Native American cultural items (human remains, funerary objects, sacred objects, and objects of cultural patrimony) to linear descendants, Indian tribes, and Native Hawaiian organizations. NAGPRA includes regulations for unclaimed and culturally unidentifiable Native American cultural items, intentional and inadvertent discovery of Native American cultural items on Federal and tribal lands, and penalties for noncompliance and illegal trafficking. All federal agencies are subject to NAGPRA. The excavation and inadvertent discovery of provisions of NAGPRA apply only to Federal and tribal lands.

#### **California Public Resources Code Section 5097.99**

Public Resources Code section 5097.99 prohibits obtaining or possessing Native American artifacts or human remains that are taken from a Native American grave or cairn. Knowingly or willfully obtaining or possessing Native American artifacts or human remains is a felony punishable by imprisonment. Similarly, unlawful removal of any such items with an intent to sell or dissect or with malice or wantonness is a felony punishable by imprisonment.

#### **California Native American Historic Resources Protection Act**

The California Native American Historic Resources Protection Act of 2002 imposes civil penalties, including imprisonment and fines up to \$50,000 per violation, on persons who unlawfully and maliciously excavate upon, remove, destroy, injure, or deface a Native American historic, cultural, or sacred site that is listed or may be listed in the California Register.

#### **California Health and Safety Code Section 7050.5**

Section 7050.5 of the California Health and Safety Code protects human remains by prohibiting the disinterment, disturbance, or removal of human remains from any location other than a dedicated cemetery. Public Resources Code section 5097.98 and CEQA Guidelines section 15064.59(e) also identify steps to follow if human remains are accidentally discovered or recognized in any location other than a dedicated cemetery.

#### *Discussion of Impacts:*

##### **a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?**

**Less Than Significant Impact:** Implementation of the Conditional Waiver could involve minor grading and construction. Construction would generally be small in scale and would be limited to shallow excavation for minor road repairs, grading, and installation of fence posts, etc. that would be installed in areas already disturbed by recent human activity, not at or in areas containing historical resources as defined by section 15064.5 of the CEQA guidelines (Determining the Significance of Impacts on Historical and Unique Archeological Resources). Due to the nature of potential construction, it is not reasonably foreseeable that historical resources will be discovered in the implementation of the Conditional Waiver. Therefore, impacts to historical resources would not be significant.

##### **b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

**Less Than Significant Impact:** Implementation of the Conditional Waiver could involve minor grading and construction. Construction would generally be small in scale and would be limited to shallow excavation for minor road repairs, grading, and installation of fence posts, etc. that would be installed in areas already disturbed by recent human activity, not at or in areas containing archaeological resources as defined by section 15064.5 of the CEQA guidelines (Determining the Significance of Impacts on Historical and Unique Archaeological Resources). Due to the nature of potential construction, it is not reasonably foreseeable that archaeological resources will be discovered in the implementation of the Conditional Waiver. Therefore, impacts to archaeological resources would not be significant.

**c) Disturb any human remains, including those interred outside of dedicated cemeteries?**

**Less Than Significant Impact:** Implementation of the Conditional Waiver could involve minor grading and construction. This activity would generally be small in scale and would likely occur in areas already disturbed by recent human activity, not at or in areas of human remains as defined by section 15064.5 of the CEQA Guidelines (Determining the Significance of Impacts on Historical and Unique Archeological Resources). Therefore, the project would not adversely affect human remains, and its impact would be less than significant.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	--------------

**VI. ENERGY** -- Would the project:

- |   |   |
|---|---|
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | X |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?   | X |

*Background:*

Implementation of the Conditional Waiver could involve minor grading and construction. This activity would generally be small in scale and limited to shallow excavation for minor road repairs, grading, and installation of fence posts, etc. Project construction could require the use of heavy machinery such as excavators and road grading equipment as well as vehicles.

*Discussion of Impacts:*

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

**No Impact.** Project construction would not result in the inefficient or unnecessary use of energy resources. Operation of completed projects on grazing lands typically produces efficiencies in rangeland management and cost of use, resulting in a decline in necessary energy resources for project operation.

- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

**No Impact.** The project would not conflict with any state or local plan for renewable energy or energy efficiency.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>VII. GEOLOGY AND SOILS -- Would the project:</b>				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternate waste water disposal systems where sewers are not available for the disposal of waste water?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?				X

### *Background:*

The Petaluma River is in southern Sonoma County and a small portion of northeastern Marin County. The river drains into the northwestern part of San Pablo Bay. The Petaluma River watershed is approximately 19 miles long and 13 miles wide and encompasses approximately 146 square miles (378 square kilometers). The Petaluma valley is a structurally controlled, northwest-trending depression in the Coast Ranges. Mountainous or hilly upland areas comprise 56 percent of the watershed, 33 percent of the watershed is valley, and the lower 11 percent is salt marsh. The valley-filling sediments and surrounding consolidated rocks are offset and folded by several predominantly strike-slip faults, including the Rodgers Creek and Burdell Mountain faults.

Point Reyes National Seashore (Seashore) is in coastal Marin County, north of San Francisco. The Seashore is approximately 71,055 acres in size, consisting of coastal beaches, cliffs, and lagoons, with inland coastal uplands, grasslands, and forested areas. The San Andreas Fault bisects the Seashore under Tomales Bay, and is a right-lateral, strike-slip fault where land on the other side of the fault appears to move horizontally and to the right over time. Since its origination 15 to 20 million years ago, an estimated 350 miles of fault displacement has occurred, resulting in widely varying geology in the region. The area of Conditional Waiver expansion is in the western part of the Seashore, west of the Tomales Bay watershed, and consists of granodiorite, shale and mudstone in hilly and upland areas to the east and marine sedimentary rock to the west. Land use at the Seashore consists almost entirely of recreational and agricultural land uses.

The north San Francisco Bay region is seismically active and subject to large earthquakes. The U.S. Geological Survey estimates a 62 percent probability that at least one earthquake of magnitude 6.7 or greater will occur in the region before 2032.

### *Discussion of Impacts:*

**a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**
- ii) Strong seismic shaking?**
- iii) Seismic-related ground failure, including liquefaction?**
- iv) Landslides?**

**No impact:** The project would not involve the construction of habitable structures; therefore, it would not result in any human safety risks related to fault rupture, seismic ground-shaking, ground failure, or landslides.

**b) Result in substantial soil erosion or the loss of topsoil?**

**Less Than Significant Impact:** One of the objectives of the Conditional Waiver is to reduce erosion through managed grazing and maintenance of seasonal farm roads. To meet the Conditional Waiver conditions, grazing areas would be managed and maintained to reduce overall soil erosion through rotational grazing and herd management. Similarly, road rehabilitation and maintenance conducted to comply with the Conditional Waiver would also reduce overall soil erosion from rangelands. Conditional Waiver implementation could involve minor grading and construction. Construction would generally be small in scale and would be limited to shallow excavation for minor road repairs, grading, and installation of fence posts, etc. that would be installed in areas already disturbed by recent human activity. Construction activities to comply with requirements of the Conditional Waiver would not result in substantial soil erosion or the loss of topsoil because they would involve minor alteration of existing structures, facilities, mechanical equipment, or topographic features.

**c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

**No Impact:** The Conditional Waiver could result in projects involving improvements to roads and creek crossings, and other projects located on unstable terrain. These projects would be designed to increase stability, both on-site and off-site, to reduce erosion and sedimentation.

**d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?**

**No Impact.** The project would not involve construction of buildings (as defined in the Uniform Building Code) or any habitable structures. Minor grading and construction could occur in areas with expansive soils, but this activity would not create a substantial risk to life or property.

**e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

**No Impact:** The Conditional Waiver would not require wastewater disposal systems. Therefore, affected soils need not be capable of supporting the use of septic tanks or alternative wastewater disposal systems.

**f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?**

**No Impact:** Implementation of the Conditional Waiver would not involve construction activities that would affect paleontological resources or geologic features.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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## VIII. GREENHOUSE GAS

### EMISSIONS – Would the project:

- |  |   |
|--|---|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      | X |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | X |

#### *Background:*

In 2006, California passed the California Global Warming Solutions Act, which requires the California Air Resources Board to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide greenhouse gas (GHG) emissions are reduced over time. The act mandates a reduction of GHG emissions to 1990 levels by 2020 (representing an approximate 25 percent reduction in emissions). The state reached that goal by 2016. In 2016, Senate Bill 32 was signed and requires the California Air Resources Board to expand on or develop new regulations to ensure the state's GHG emissions are reduced to 40 percent below the 1990 levels by 2030. Assembly Bill 1279, enacted in 2022, requires the state to achieve net zero GHG emissions no later than 2045. The California Air Resources Board 2022 Scoping Plan for Achieving Carbon Neutrality provides a roadmap to achieve carbon neutrality by 2045.

State law requires local agencies to analyze the environmental impact of GHG emissions under CEQA. The Natural Resources Agency adopted the CEQA Guidelines Amendments in 2009. The BAAQMD adopted CEQA thresholds for GHG emissions in the Bay Area in 2010 and most recently revised them in 2022. BAAQMD evaluates GHG through qualified climate actions plans.

#### *Discussion of Impacts:*

- a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

**Less Than Significant Impact.** The Conditional Waiver would not result in changes in land use nor would it result in changes in the numbers of grazing animals at facilities regulated under the Conditional Waiver. Construction-related emissions associated with implementation of the Conditional Waiver would be generated by operation of heavy equipment used to construct necessary erosion controls and watering facilities (e.g., ground water wells and piping). These construction-related emissions would be small, temporary in nature, and would not

be concentrated in one location, and their total contribution to county-wide greenhouse gas emissions would be less than significant.

**b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

**Less Than Significant Impact.** The applicable plans are the California Air Resources Board 2022 Scoping Plan for Achieving Carbon Neutrality, BAAQMD 2017 Clean Air Plan, Sonoma County Regional Climate Action Plan, and the Point Reyes National Seashore Action Plan, all of which aim to reduce GHG emissions. Because construction-related emissions associated with implementation of the Conditional Waiver would be small, temporary in nature, and would not be concentrated in one location, their total contribution to GHG emissions would be less than significant.



Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**IX. HAZARDS AND HAZARDOUS MATERIALS** -- Would the project:

- |   |  |  |  |   |
|---|--|--|--|---|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?   |  |  |  | X |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?   |  |  |  | X |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?   |  |  |  | X |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?  |  |  |  | X |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? |  |  |  | X |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?   |  |  |  | X |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?   |  |  |  | X |

*Background:*

Grazing operations in the Petaluma River watershed and in Point Reyes National Seashore currently have some amount of fencing along property borders, fencing to separate livestock paddocks, water troughs, etc., as well as other agricultural management practices implemented on-site.

Construction associated with implementing grazing management practices (e.g., installation of fencing, off-stream watering troughs, groundwater supply wells, and conveyance piping) will not involve the use or transport of any hazardous materials, aside from fuels and lubricants used for construction and/or farm equipment.

Furthermore, groundwater supply well placement, installation and construction are permitted and regulated by the local agencies. Applications are reviewed for setback distances, proximity to Hazmat sites, and proposed use.

*Discussion of Impacts:*

- a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

**No Impact.** The Conditional Waiver would not affect the transportation or potential release of hazardous materials, nor create a significant public safety or environmental hazard beyond any hazards currently in existence. Conditional Waiver implementation actions would not interfere with any emergency response plans or emergency evacuation plans and would not affect the potential for wildland fires.

- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

**No Impact.** Refer to response to Item IX a), above.

- c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

**No Impact.** Refer to response to Item IX a), above.

- d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

**No Impact.** Refer to response to Item IX a), above.

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

**No Impact.** Refer to response to Item IX a), above.

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

**No Impact.** Refer to response to Item IX a), above.

- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?**

**No Impact.** Refer to response to Item IX a), above.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>X. HYDROLOGY AND WATER QUALITY</b>				
<b>QUALITY</b> -- Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in a substantial erosion or siltation on- or off-site;			X	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional resources of polluted runoff; or				X
iv) impede or redirect flood flows?				X
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

### *Background:*

The Petaluma River is in southern Sonoma County and a small portion of northeastern Marin County. The Petaluma River flows from north to south and drains into San Pablo Bay. The watershed is approximately 19 miles long and 13 miles wide and encompasses approximately 146 square miles. The river is comprised of a fluvial (flowing freshwater) section and a tidal slough section and has several perennial and seasonally intermittent tributaries. Seasonal tributaries from the Sonoma Mountains in the northeast and the slopes of Mount Burdell and Weigand's Hill in the northwest merge to form the Petaluma River a little over 3 miles north of the City of Petaluma. The largest tributary, San Antonio Creek, defines the border between Marin and Sonoma Counties and drains the southwestern portion of the watershed. The tidal slough section of the river begins approximately at the confluence with Lynch Creek, and continues through the saline Petaluma River Marsh complex, before discharging into San Pablo Bay.

Groundwater is the main source of domestic and agricultural water supply use in rural areas of the Petaluma River watershed whereas water diversions from the Russian River supply the City of Petaluma. The Petaluma Valley Groundwater Basin is the main groundwater basin in the watershed and is supplied by recharge areas in the surrounding uplands and mountains.

Point Reyes National Seashore (Seashore) is in coastal Marin County, north of San Francisco. The Seashore consists of coastal beaches, cliffs, and lagoons, with inland coastal uplands, grasslands, and forested areas. In the geographic area of expansion, a series of small tributaries drain west and south from Inverness Ridge to Drakes Bay and the Pacific Ocean. Bolinas Lagoon, Drakes Estero, Limantour Estero, and Abbotts Lagoon are the largest lagoons and embayments along the coastline. There are no named groundwater basins at the Seashore. Groundwater is supplied by local upland and mountainous areas and used for domestic water supply.

As described in Part B (Environmental Factors Potentially Affected), Conditional Waiver implementation in the Petaluma River watershed and within the Seashore will result in the implementation of management practices that reduce land surface erosion, sedimentation, and pathogen loading to streams. This will contribute to water quality improvements in both surface water and groundwater conditions.

### *Regulatory Background:*

Projects that would be implemented under the Conditional Waiver may be subject to the laws and regulations listed below.

#### **Clean Water Act**

The Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), established the structure to regulate discharges of pollutants into the waters of the U.S. and to set water quality standards for surface waters.

#### Section 303

Section 303 of the CWA requires states to adopt water quality standards for all surface waters of the U.S. The three primary components of water quality standards

are designated uses, water quality criteria, and antidegradation requirements. Section 303(d) of the CWA requires states and authorized Native American tribes to develop a list of waters that do not meet water quality standards (i.e., impaired waters). States must then develop a total maximum daily load (TMDL) for impaired waters. A TMDL establishes the maximum amount of a pollutant allowed to enter a waterbody for the waterbody to meet and continue to meet water quality standards for the particular pollutant. A TMDL is made up of wasteload allocations for point sources, load allocations for nonpoint sources, and a margin of safety to account for uncertainty.

#### Section 401

Under Section 401 of the Clean Water Act, a federal agency may not issue a federal license or permit to conduct any activity that may result in the discharge of a pollutant into waters of the U.S. unless the state issues a certification verifying compliance with existing water quality requirements or waives the certification requirement. The Section 401 certification must set forth limitations and requirements necessary to assure that the applicant will comply with applicable effluent limitations of the Clean Water Act and any other appropriate state requirements.

#### Section 402

Section 402 of the CWA established the National Pollutant Discharge Elimination System (NPDES) permit program to regulate the discharge of pollutants from point sources into waters of the U.S. An NPDES permit sets specific limits for discharges of pollutants and establishes monitoring and reporting requirements and special conditions. The U.S. Environmental Protection Agency delegated authority to administer the NPDES Program to the State of California for implementation through the State Water Resources Control Board and the nine regional water quality control boards.

The State Water Resources Control Board has adopted a Statewide Permit for Stormwater Discharges Associated with Construction Activity (Construction General Permit, Order 2022-0057-DWQ) to regulate stormwater discharges associated with construction activity where 1 or more acres of land surface would be disturbed. The Construction General Permit requires, among other actions, the implementation of mandatory best management practices, including pollution/sediment/spill control plans, training, sampling, and monitoring for non-visible pollutants.

#### Section 404

CWA Section 404 regulates the discharge of dredged and fill materials into waters of the United States. Applicants must obtain a permit from the U.S. Army Corps of Engineers (USACE) for discharges of dredged or fill material into waters of the United States, including jurisdictional wetlands, before proceeding with a proposed activity.

#### **California Fish and Game Code Section 1600**

Fish and Game Code section 1602 states that it is unlawful for any entity to “substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake” without first notifying

CDFW of that activity. If CDFW determines and informs the entity that the activity will not substantially adversely affect any existing fish or wildlife resources, the entity may commence the activity. If CDFW determines that the activity may substantially adversely affect an existing fish or wildlife resource, the entity may be required to obtain a Streambed Alteration Agreement before the entity may conduct the activity or activities described in the notification. (Fish and Game Code, § 1602.) The streambed alteration agreement must include measures to protect the affected fish and wildlife and associated riparian resources.

### **Porter-Cologne Water Quality Control Act**

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act, Water Code, § 13000 et seq.) established a statewide program to control the quality of waters of the state. The program is administered by the State Water Board and the nine regional water quality control boards. The nine regional water boards have primary responsibility for the coordination and control of water quality within their respective jurisdictional boundaries.

The Porter-Cologne Act requires the regional water quality control boards to establish water quality control plans (basin plans) for their respective region that include water quality objectives to ensure the reasonable protection of beneficial uses. The beneficial uses designated in basin plans, the corresponding water quality objectives, and the state antidegradation policy also constitute water quality standards under the federal Clean Water Act.

The regional water quality control boards also issue waste discharge requirements (WDRs) and waivers of the WDRs under the Porter-Cologne Act for discharges of waste that could affect the quality of waters of state within their respective regions. WDRs implement relevant water quality control plans. When issuing WDRs, the regional water quality control boards must take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, and the need to prevent nuisance.

The Water Board's authority to regulate discharges of waste that could affect the quality of waters of the state under the Porter-Cologne Act is broader than the regulatory authority of the discharge of pollutants to waters of the U.S. under the CWA. If USACE determines that only non-federal waters are present for a project carried out to comply with the Conditional Waiver, then no federal CWA permit would be required; however, the project would still require WDRs from the Water Board for impacts to waters of the state.

### **State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State**

The State Water Board adopted the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Dredged or Fill Procedures) for inclusion in the forthcoming Water Quality Control Plan for Inland Surface Waters and Enclosed Bays and Estuaries and Ocean Waters of California. The Dredged or Fill Procedures consist of four major elements: (1) a wetland definition; (2) a framework for determining whether a feature that meets the wetland definition is a water of the state; (3) wetland delineation procedures; and (4) procedures for the submittal, review, and approval of applications for water quality certifications and waste discharge requirements for dredged or fill activities.

### Water Quality Control Plan for the San Francisco Bay Basin

The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the Water Board's master water quality control planning document. The Basin Plan designates beneficial uses for surface waters and groundwater in the San Francisco Bay region, establishes water quality objectives for the reasonable protection of the beneficial uses, and includes an implementation plan for achieving the water quality objectives. The Basin Plan also includes TMDLs that have been adopted by the Water Board. Pursuant to the Basin Plan, Table 1 lists the existing and potential beneficial uses of surface water and groundwater in the Petaluma River watershed and area of Conditional Waiver expansion within Point Reyes National Seashore.

Table 1. Beneficial uses Water in the Petaluma River and Seashore<sup>1</sup> Watersheds

Beneficial Use	Petaluma River	Seashore
(AGR)	X <sup>2</sup>	
Cold Freshwater Habitat (COLD)	X	X
Commercial, and Sport Fishing (COMM)		X
Estuarine Habitat (EST)	X	
(IND)		
Marine Habitat (MAR)		X
Fish Migration (MIGR)	X	X
Municipal and Domestic Supply (MUN)	X <sup>2</sup>	X <sup>2</sup>
Navigation (NAV)	X	
Industrial Process Supply (PROC)	X <sup>3</sup>	
Preservation of Rare and Endangered Species (RARE)	X	X
Water Contact Recreation (REC-1)	X	X
Non-contact Recreation (REC-2)	X	X
Shellfish Harvesting (SHELL)		X
Fish Spawning (SPWN)	X	X
Warm Freshwater Habitat (WARM)	X	X
Wildlife Habitat (WILD)	X	X

<sup>1</sup> Beneficial uses are listed only for the area of Conditional Waiver expansion.

<sup>2</sup> Existing beneficial use of groundwater

<sup>3</sup> Potential beneficial use of groundwater

#### *Discussion of Impacts:*

- a) **Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**

**Less Than Significant Impact.** The expansion in the scope of coverage would implement the Petaluma River Bacteria TMDL and applicable water quality standards in the Basin Plan. In addition, the National Park Service's Water Quality Strategy for Managing Ranching Operations requires grazing operations within Point Reyes National Seashore to protect water quality through mandatory enrollment in the Conditional Waiver; the expansion in the scope of coverage to include all existing



grazing operations in Point Reyes National Seashore is consistent with this requirement.

The Conditional Waiver requires that landowners and operators develop site-specific management plans applicable to each grazing operation, in accordance with technical standards outlined in the Conditional Waiver. This includes preparation of a Ranch Water Quality Plan, implementation of management practices to protect and improve water quality, and compliance monitoring. Because the Conditional Waiver establishes conditions to minimize and control discharges of animal waste and sediment runoff, the project and its reasonably foreseeable methods of compliance would not have a significant adverse impact on hydrology and water quality. Rather, the project will result in water quality improvements in regulated watersheds through the implementation of improved grazing management practices such as the installation of off-stream livestock groundwater supply wells, watering troughs, installation of water distribution conveyance piping, etc. Consequently, the changes to the scope of coverage in the Conditional Waiver would benefit water quality and would not violate water quality standards or waste discharge requirements. Therefore, less than significant impacts to water quality would result.

**b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

**Less Than Significant Impact.** The purpose of the Conditional Waiver is to specify conditions for implementation of grazing management practices which will result in water quality improvements in regulated watersheds. Implementation of improved grazing management practices may include installation of off-stream livestock groundwater supply wells, watering troughs, installation of water distribution conveyance piping, etc.

Groundwater supply well placement, installation and construction are permitted and regulated by local agencies. The County of Marin Environmental Health Services reviews and approves permits for the drilling and construction of water wells in accordance with Marin County Code Chapter 7.28. The Sonoma County Engineering and Construction Division reviews and issues permits for well construction, deepening and abandonment in accordance with the 2023 Well Ordinance Update. Applications are reviewed for setback distances, and proposed use. Given these required county approvals, the Conditional Waiver would not include projects that would interfere with local groundwater recharge and supply.

**c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

**i) result in a substantial erosion or siltation on- or off-site?**

**Less Than Significant Impact.** Specific projects involving earthmoving or construction activities to comply with Conditional Waiver requirements could affect existing drainages patterns and are reasonably foreseeable. Although they would be designed to reduce overall soil erosion, temporary earthmoving operations could result in short-term, limited erosion during project construction. Compliance with

existing regulations would result in less than significant erosion or siltation on- or off-site, as described below.

Specific projects to comply with Grazing Waiver requirements that would result in the discharge or dredge or fill material into waters of the U.S. must obtain an individual Section 404 permit or obtain coverage under and comply with standard permit conditions in the U.S. Army Corps of Engineers' Nationwide Permit Nos. 13 (Bank Stabilization) and 27 (Stream and Wetland Restoration Activities) if eligible for coverage. U.S. Army Corps of Engineers' final approval and issuance of a permit is only valid with Clean Water Act 401 certification of the proposed activity, which is issued by the Water Board. Section 401 requires the Water Board to certify that such projects comply with state water quality standards, and as such, Section 401 certifications often include conditions that are more stringent than the federal requirements.

To the extent dredge or fill activities associated with MPs are not subject to permitting requirements under Sections 401 or 404 of the Clean Water Act, they would still be subject to regulation and protection under the Porter-Cologne Act. As such, the Water Board must, consistent with the Basin Plan, require mitigation measures to avoid, minimize, and mitigate impacts to less-than-significant levels. Landowners and operators that apply for permits from the Water Board are required to specify conditions to reduce impacts to less-than-significant levels, including:

- a. Demonstrating that avoidance, minimization, and compensation of impacts has occurred to the extent practicable; and,
- b. For all potential projects resulting in losses of wetland acres and functions, responsible parties are required to provide compensatory mitigation at a ratio greater than or equal to 1:1 (as determined in consultation with the Water Board).

In addition, instream construction projects must comply with the California Department of Fish and Wildlife Lake and Streambed Alteration Program. This program imposes management practice requirements for erosion control, among others.

**ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?**

**Less Than Significant Impact.** As stated in the previous response, specific projects involving earthmoving or construction activities to comply with Conditional Waiver requirements could affect existing drainages patterns and are reasonably foreseeable. These projects would be subject to the same compliance and permit requirements stated in the previous response (Item X (c)i) and would have a less than significant impact on the rate and amount of surface runoff.

**iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional resources of polluted runoff?**

**No Impact.** Actions taken to comply with the Conditional Waiver are, by design,

intended to reduce erosion from upland land uses, as needed to reduce fine sediment inputs from hillslopes to channels and channel erosion. Therefore, compliance with the Conditional Waiver would not increase the rate or amount of runoff or exceed the capacity of existing or planned stormwater drainage systems, nor would it provide additional sources of polluted runoff.

**iv) impede or redirect flood flows?**

**No Impact.** Actions taken to comply with the Conditional Waiver would not impede or redirect flood flows.

**d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

**No Impact.** Compliance with the Conditional Waiver would not risk the release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. Grazing operations near creeks and streams in the expanded scope of coverage area would be subject to flood inundation. In addition, low-lying grazing operations at the Seashore are exposed to potential tsunami inundation. Conditional Waiver implementation would reduce the potential release of pollutants in flood hazard and tsunami risk areas. For example, management practices designed to stabilize streambanks and eroding hillslopes, reduce road surface erosion and improve water crossings, and improve pasture rotation would lower the risk of sediment and bacteria transport into rivers and streams during such inundation events.

**e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

**Less Than Significant Impact.** Compliance with the Conditional Waiver would not conflict with or obstruct implementation of the Basin Plan, the California Ocean Plan or the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California.

The purpose of the Conditional Waiver is to specify conditions for implementation of grazing management practices which will result in water quality improvements. Consequently, it does not conflict with or obstruct implementation of water quality control plans. Rather, it supports water quality control plans by requiring implementation of water quality improvements.

Groundwater supply well placement, installation and construction are permitted and regulated by the county. Applications are routinely reviewed for setback distances, and proposed use. Given these required county approvals, the Conditional Waiver would not include projects that would interfere with local groundwater recharge and supply (See response to X.b above).

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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## XI. LAND USE AND PLANNING -

Would the project:

- |  |  |  |  |   |
|--|--|--|--|---|
| a) Physically divide an established community?   |  |  |  | X |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? |  |  |  | X |

### *Background:*

Compliance with the Conditional Waiver would occur in areas currently zoned for agriculture. Local zoning ordinances generally stipulate requirements for agricultural land uses, including livestock production and grazing. Existing grazing operations would not change land use, alter an established community, or require approval from local land use plans or policies.

### *Discussion of Impacts:*

#### **a) Physically divide an established community?**

**No Impact.** The existing grazing operations in the Petaluma River watershed and Point Reyes National Seashore are located on agriculture lands in rural areas and would not change land use or alter an established community. Therefore, it would not physically divide an established community.

#### **b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

**No Impact.** The changes to the scope of coverage of the Conditional Waiver would not affect land use designations or uses and therefore would not conflict with any land use plan, policy, or regulations.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**XII. MINERAL RESOURCES --** Would the project:

- |   |  |  |  |   |
|---|--|--|--|---|
| a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?                                 |  |  |  | X |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? |  |  |  | X |

*Background:*

The California Surface Mining and Reclamation Act of 1975 required identification of mineral resources in California. California Surface Mining and Reclamation Act maps identify and classify mineral resources as to their relative value for extraction.

*Discussion of Impacts:*

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

**No Impact:** Compliance actions driven by the Conditional Waiver may include earthmoving (i.e., excavation), groundwater supply well and conveyance piping installation, and construction (e.g., fence installation, improvement of livestock crossing, etc.). These actions would be relatively small in scale and would not result in the loss of availability or physically preclude future mining activities from occurring.

- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

**No Impact:** Refer to response to Item XII (a), above.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>XIII. NOISE</b> -- Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

**Background:**

Ranchland that would be subject to the Conditional Waiver is in rural areas and typically consists of large, open, grassland areas. These land uses are generally located away from schools, hospitals, and other sensitive land uses. Residential uses in agriculturally zoned districts are very low density with typically only a few residences on each of the large grazing land parcels. Minor maintenance and/or construction activity undertaken to comply with the Conditional Waiver, or the use of typical farm equipment/machinery, could result in temporary increases in ambient noise levels in the immediate area; however, would not expose sensitive receptors, likely to be located substantial distances from ranchlands and from harmful levels of noise.

**Discussion of Impacts:**

- a) **Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

**Less Than Significant Impact:** Compliance with the Conditional Waiver could involve general maintenance, earthmoving and construction related to compliance projects and/or daily activities, generally small in scale, but could temporarily generate noise. The change in the scope of coverage covers two counties and the

City of Petaluma. Government Code section 65302, subdivision (f) requires city and county general plans to include a noise element. The noise element identifies the local noise environment and identifies a noise planning policy for noise control. Counties and cities also have local ordinances that establish acceptable noise level criteria. A noise ordinance is an enforceable standard that generally must not be exceeded. Marin and Sonoma Counties, as well as the City of Petaluma, restrict the use of heavy machinery used for construction to daytime hours on weekdays and on Saturdays. Any facility operating under the Conditional Waiver would have to be consistent with local agency noise standards. It is not reasonably foreseeable that Conditional Waiver implementation would constitute a substantial temporary or permanent increase in ambient noise levels, and therefore the impacts would be less than significant.

**b) Generation of excessive groundborne vibration or groundborne noise levels?**

**Less Than Significant Impact:** The project could involve earthmoving and construction. Construction would generally be small in scale, and in rural areas where the potential for exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels is less than significant. Any proposed facility enrolled in the Conditional Waiver would be required to comply with their respective county standards to keep noise levels to less than significant levels. Therefore, compliance actions or daily activities driven by the Conditional Waiver will not result in substantial noise, and its impacts would be less than significant.

**c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

**No Impact:** Airports within the scope of coverage include the Petaluma Municipal Airport near Petaluma and Gness Field Airport near San Pablo Bay. No grazing operations are identified in the Petaluma River Bacteria TMDL within the vicinity of either airport. Consequently, compliance actions driven by Conditional Waiver implementation would not expose people residing or working in the project area to excessive noise levels.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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#### XIV. POPULATION AND HOUSING --

Would the project:

- |   |  |  |  |   |
|---|--|--|--|---|
| a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? |  |  |  | X |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?   |  |  |  | X |

#### *Background:*

Grazing operations are located where the dominant land is rural/agricultural. Ranch structures typically include one or more residences, barns, equipment sheds, fences, watering and feeding areas, roads, and road crossings.

#### *Discussion of Impacts:*

- a) **Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

**No Impact:** The project will not affect population growth in the north San Francisco Bay region. It will not induce growth through such means as constructing new housing or businesses, or by extending roads or infrastructure.

- b) **Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

**No Impact:** The project will not displace any existing housing or any people that would need replacement housing.



Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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## XV. PUBLIC SERVICES

- Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Fire protection?	X
Police protection?	X
Schools?	X
Parks?	X
Other public facilities?	X

### *Background:*

Public services include those that address community needs and are usually provided by local or regional government, although they may be provided through private contracts. Public services include fire and emergency response, police protection, airports, schools, libraries, and parks. Public services for areas with grazing operations are already established.

### *Discussion of Impacts:*

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:**
- i) **Fire protection?**
  - ii) **Police protection?**
  - iii) **Schools?**
  - iv) **Parks?**
  - v) **Other public facilities?**

**No Impact:** The project will not result in adverse impact on fire protection or police

services or on schools and parks since this project is not growth-inducing, nor does it involve the construction of substantial new government facilities or the need for physically altered government facilities. The project would not affect service ratios, response times, or other performance objectives for any public services.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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## XVI. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

X

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

X

### *Background:*

Point Reyes National Seashore (Seashore) was established to preserve and protect wilderness, natural ecosystems, and cultural resources along one of the few undeveloped coastlines of the western United States. The national park provides recreational facilities that provide opportunities for hiking, kayaking, camping, picnicking, wildlife viewing, education, and other activities. There are no recreational facilities within grazing operations at the Seashore.

The Petaluma River watershed contains state and local parks. Olompali State Historic Park is the largest at 700 acres and located south of the City of Petaluma. Helen Putnam Regional Park is a 210 acre County park located in the hills west of Petaluma. The remaining parks are much smaller and found throughout the watershed. Grazing operations in the Petaluma River watershed are separate from these and other recreational facilities.

### *Discussion of Impacts:*

**a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

**No Impact:** Compliance with the Conditional Waiver would affect only grazing land facilities and would not increase use of existing neighborhood and regional parks and other recreational facilities. Grazing operations located within Point Reyes National Seashore are already existing and would not result in an increase in park use. Consequently, no impacts would occur.

**b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

**No Impact:** Conditional Waiver implementation will occur in Point Reyes National Seashore, a national park with many recreational facilities which include roads, parking areas, hiking trails, restrooms and picnic areas, campgrounds, and residential and park buildings. Recreational facilities are not located within grazing operations nor is the construction or expansion of recreational facilities required for Conditional Waiver implementation. Consequently, no impacts would occur.

**XVII. TRANSPORTATION** -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				X
b) Conflict or be inconsistent with CEQA guidelines §15064.3, subdivision (b)?				X
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
d) Result in inadequate emergency access?				X

*Background:*

The Conditional Waiver scope of coverage consists of existing grazing operations. Therefore, there would be no change in traffic circulation or traffic related hazards.

*Discussion of Impacts:*

**a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

**No Impact:** Projects to comply with the Conditional Waiver could result in minor construction that would require the use of heavy equipment and trucks to move soil, gravel or construction materials needed for road, and/or stream crossings. Any increase in traffic would be temporary, limited to local areas in the vicinity of individual projects, and would not create substantial traffic in relation to the load and capacity of the existing transit, roadway, bicycle, and pedestrian circulation system.

**b) Conflict or be inconsistent with CEQA guidelines §15064.3, subdivision (b)?**

**No Impact:** CEQA guidelines §15064.3, subdivision (b) identifies criteria for analyzing transportation impacts. Compliance with the Conditional Waiver would not result in transportation impacts, as stated in XVII (a) above.

**c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

**No Impact:** The proposed project would not result in changes to the public transportation system that alter existing geometric design features, nor would it result in incompatible uses of the existing transportation system. Although private roads

may require erosion control treatment, the Conditional Waiver does not include construction of new roads. Therefore, no new hazards due to the design or engineering of the road network would occur.

**d) Result in inadequate emergency access?**

**No Impact:** The proposed changes to the project would require grading and erosion control actions on unpaved roads that are not typically used for emergency access. Therefore, the project would not result in inadequate emergency access and no impacts would occur.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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## XVIII. TRIBAL CULTURAL

### RESOURCES -- Would the project:

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

X

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

X

#### *Background:*

Before European settlement, the Petaluma River watershed and Point Reyes National Seashore were inhabited by the Coastal Miwok native American tribe. Historic and archaeological remnants of these tribes include sacred sites, burial grounds, ceremonial sites, villages, and middens, among others. Some remaining coastal Miwok people, along with the Southern Pomo group, belong to the Federated Indians of Graton Rancheria, who successfully attained tribal federal status from Congress in 2000.

The National Park Service is protecting Coast Miwok archaeological sites at Point Reyes National Seashore and, in coordination with the Federated Indians of Graton

Rancheria, has nominated a proposed Coast Miwok historic archaeological district for formal listing on the National Register of Historic Places and with the State Historic Preservation Officer.

### **Assembly Bill 52 and Tribal Cultural Resources**

Assembly Bill (AB) 52, enacted in September 2014, recognizes that California Native American Tribes have expertise with regard to their tribal history and practices. AB 52 established a new category of resources in CEQA, tribal cultural resources, to consider tribal cultural values when determining the impacts of projects (Pub. Res. Code, §§ 21080.3.1, 21084.2, and 21084.3).

Public Resources Code section 21074(a) defines a “tribal cultural resource” as any of the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are either of the following:
  - Included or determined to be eligible for inclusion in the California Register [of Historical Resources].
  - Included in a local register of historical resources, as defined in PRC Section 5020.1(k).
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying these criteria, the lead agency would consider the significance of the resource to a California Native American Tribe.

AB 52 requires a lead agency to notify tribes traditionally and culturally affiliated with a project area of the details of the proposed project, provided the tribes have requested such notification (Pub. Res. Code, § 21080.3.1(d)). If any of the notified tribes requests consultation, then the lead agency must consult with the tribe to discuss avoidance and mitigation of significant impacts to tribal cultural resources (Pub. Res. Code § 21080.3.2).

Three California Native American tribes affiliated with the expanded scope of the project area, namely, the Federated Indians of Graton Rancheria (FIGR), Mishewal-Wappo Tribe of Alexander Valley, and Yocha Dehe Wintun Nation requested notification of projects under Public Resources Code section 21080.3.1. On June 5, 2023, Water Board staff sent notification letters to and emailed the Federated Indians of Graton Rancheria, Mishewal-Wappo Tribe of Alexander Valley, and Yocha Dehe Wintun Nation and the 11 other Native American tribes traditionally and culturally affiliated with the Petaluma River watershed and/or Point Reyes National Seashore. The FIGR requested consultation pursuant to Public Resources Code section 21080.3.1. The Water Board and FIGR had an initial meeting August 5, 2023. Draft permit documents were submitted to the FIGR for further consultation on May 1, 2024, followed by a second meeting on September 3, 2024. As a result of these consultations, the Tentative Order and Attachment F now include a notice to landowners and operators regarding their responsibility to comply with Public Resource Code Section 5097.993(a)(1). This section prohibits a person from unlawfully and maliciously excavating, removing, destroying, injuring, or defacing a



Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historic Resources under Section 5024.1. Tribal consultation concluded on February 14, 2025, and no significant Tribal Cultural Resource impacts were identified.

Projects that would be implemented under the Conditional Waiver may be subject to the laws and regulations listed below.

#### **National Historic Preservation Act Section 106**

The National Historic Preservation Act (NHPA) Section 106 (16 U.S.C. § 470f) requires federal agencies having direct or indirect jurisdiction over a proposed federal or federally assisted “undertaking” to take into account the effects of the undertaking on historic properties in the United States, including the outer continental shelf and the exclusive economic zone. The NHPA Advisory Council on Historic Preservation has issued regulations regarding the Section 106 process, which explain how Federal agencies must take into account the effects of their actions on historic properties.

#### **Native American Graves Protection and Repatriation Act**

The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) (25 U.S.C. § 3001 et seq.) is a federal law that describes the process for federal agencies to return certain Native American cultural items (human remains, funerary objects, sacred objects, and objects of cultural patrimony) to linear descendants, Indian tribes, and Native Hawaiian organizations. NAGPRA includes regulations for unclaimed and culturally unidentifiable Native American cultural items, intentional and inadvertent discovery of Native American cultural items on Federal and tribal lands, and penalties for noncompliance and illegal trafficking. All federal agencies are subject to NAGPRA. The excavation and inadvertent discovery of provisions of NAGPRA apply only to Federal and tribal lands.

#### **California Public Resources Code Section 5097.99**

Public Resources Code section 5097.99 prohibits obtaining or possessing Native American artifacts or human remains that are taken from a Native American grave or cairn. Knowingly or willfully obtaining or possessing Native American artifacts or human remains is a felony punishable by imprisonment. Similarly, unlawful removal of any such items with an intent to sell or dissect or with malice or wantonness is a felony punishable by imprisonment.

#### **California Native American Historic Resources Protection Act**

The California Native American Historic Resources Protection Act of 2002 imposes civil penalties, including imprisonment and fines up to \$50,000 per violation, on persons who unlawfully and maliciously excavate upon, remove, destroy, injure, or deface a Native American historic, cultural, or sacred site that is listed or may be listed in the California Register.

#### **California Health and Safety Code Section 7050.5**

Section 7050.5 of the California Health and Safety Code protects human remains by prohibiting the disinterment, disturbance, or removal of human remains from any location other than a dedicated cemetery. Public Resources Code section 5097.98 and CEQA Guidelines section 15064.59(e) also identify steps to follow if human remains are accidentally discovered or recognized in any location other than a

dedicated cemetery.

*Discussion of Impacts:*

- a) **Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**

i) **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?**

**Less Than Significant Impact:** Conditional Waiver implementation could involve minor grading and construction. Construction would generally be small in scale and would be limited to shallow excavation for minor road repairs, grading, and installation of fence posts, etc. that would be installed in areas already disturbed by recent human activity, not at or in areas containing historical resources as defined by PRC § 21074. Therefore, impacts to tribal cultural resources would not be significant.

ii) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

**Less Than Significant Impact:** As stated in XVIII (a) above, implementation of the Conditional Waiver could involve minor grading and construction. Construction would generally be small in scale and would be limited to shallow excavation for minor road repairs, grading, and installation of fence posts, etc. that would be installed in areas already disturbed by recent human activity, not at or in areas containing historical resources as defined by PRC § 5024.1 and § 21074. Therefore, impacts to tribal cultural resources would not be significant.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**XIX. UTILITIES AND SERVICE SYSTEMS** - Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X

*Discussion of Impacts:*

- a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

**No Impact:** Compliance with the Conditional Waiver does not require and would not result in changes to water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities. Therefore, no impacts would occur.

- b) **Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

**No Impact:** Because compliance with the Conditional Waiver would not increase population or provide employment, it would not require an ongoing water supply.

- c) **Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

**No Impact:** Compliance with the Conditional Waiver does not require changes to wastewater treatment services and no impacts would occur.

- d) **Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

**No Impact:** Compliance with the Conditional Waiver would not substantially affect municipal solid waste generation or landfill capacities and no impacts would occur.

- e) **Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

**No Impact:** See response to Item XIX (d), above.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>XX. WILDFIRE</b> – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				X
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				X
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				X

**Background:**

Foothill and mountainous areas of the Petaluma River watershed are in the State Responsibility Area whereas valley areas fall under local fire protection jurisdictions. Land surface cover in the watershed includes mixed evergreen forests, oak woodlands and savanna, native and nonnative grasslands, chaparral, and riparian scrub and woodland.

Fire protection and suppression at Point Reyes National Seashore (Seashore) is conducted by federal agencies, including the National Park Service and the U.S. Forest Service. The landscape consists of coastal beaches, cliffs, and lagoons, with inland coastal uplands, grasslands, and forested areas. The National Park Service administers a Fire Management Program which includes implementation of fire protection projects that protect the park and neighboring communities from the risk of wildfire.

Ranchlands in both the Petaluma River watershed and at the Seashore typically consist of open grassland. Trees may be present, particularly along riparian corridors. Ranch structures typically include one or more residences, barns, equipment sheds, fences, watering areas, roads, and road crossings.

Grazing operations reduce available forage as livestock consume plant material. This reduces available ground fuel for wildfires to grow and spread. As a result, wildfire risks are generally lowered when grazing animals are present. As a result, herbivory is applied as a wildfire protection measure throughout the north San Francisco Bay region.

*Discussion of Impacts:*

**a) Substantially impair an adopted emergency response plan or emergency evacuation plan?**

**No Impact:** Implementation of the Conditional Waiver does not impair emergency response or evacuation plans and no impacts would occur.

**b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

**No Impact:** Implementation of the Conditional Waiver does not exacerbate wildfire risks and no impacts occur. Generally, grazing operations lower wildfire risk by reducing ground fuels available for future wildfires.

**c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

**No Impact:** Implementation of the Conditional Waiver does not impose infrastructure that may exacerbate fire risk or fire-related impacts to the environment. Therefore, no impacts would occur.

**d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

**No Impact:** Implementation of the Conditional Waiver does not expose people to significant risks and no impacts would occur.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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## XXI. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

X

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

X

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

X

### *Discussion of Impacts:*

- a) **Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

**Less Than Significant Impact.** The Conditional Waiver requires that landowners and operators develop site-specific management plans applicable to each grazing operation, in accordance with technical standards outlined in the Conditional Waiver. This includes preparation of a Ranch Water Quality Plan, implementation of

management practices to protect and improve water quality, and compliance monitoring. Consequently, it is anticipated that long-term indirect impacts and cumulative impacts to the environment will likely be positive rather than adverse (e.g., improved local and downstream water quality, reduced soil erosion, pathogen, and nutrient control, etc.).

As discussed in this Initial Study and Subsequent Negative Declaration, grazing management requirements of the Conditional Waiver would result in less than significant impacts to the environment. Anticipated types of less than significant impacts are short-term in nature such as minor construction that would be small in scale and limited to shallow excavation for minor road repairs, grading, and installation of fence posts, etc. These activities are not expected to adversely affect existing plant and animal communities, fish and wildlife populations, or important examples of California history or prehistory.

Implementation of management practices and annual monitoring required by the Conditional Waiver are expected to reduce sediment erosion from roads and pastures, reduce overgrazing of pasture lands and riparian areas, improve streambank stability in grazed areas, and reduce bacteria and sediment loading to creeks and streams. Reductions in fine sediment supply and bacteria delivery to streams would improve habitat conditions for fish and other aquatic species in local waterways. Similarly, reductions in overgrazing, particularly in riparian areas, would contribute to improved prey and forage availability for wildlife, in addition to supporting established plant communities. Consequently, the project and its reasonably foreseeable methods of compliance would have a less than significant impact on the environment; hence, there are no physical, biological, social and/or economic factors that might be substantially degraded by the proposed project or compliance with it.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

**Less Than Significant Impact:** The Conditional Waiver would not have impacts that are cumulatively considerable. For the reasons stated in response to Item XXI a) above, and because management practices (MPs) including road maintenance, fencing, distributed water sources, pasture rotation, and maintaining appropriate herd size for available forage are typically broadly distributed across a grazing operation over time, the Conditional Waiver would not have impacts that are cumulatively considerable.

- c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

**No Impact:** The Conditional Waiver would not cause any substantial adverse effects to human beings, either directly or indirectly. The Conditional Waiver is intended to benefit human beings through implementation of actions designed to protect surface and groundwater, enhance fish populations, aesthetic attributes, recreational opportunities, and contribute to a reduction in property damage in and/or nearby to stream channels in the north San Francisco Bay region.



## **E. REFERENCES AND REPORT PREPARERS**

### **References**

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State of California, California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387, *California Environmental Quality Act (CEQA) Guidelines, 2010.*

State Water Resources Control Board (State Board) 2004. *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program, May 20, 2004.* Sacramento, California: California Environmental Protection Agency, State Water Resources Control Board.

## **Report Preparers**

California Regional Water Quality Control Board, San Francisco Bay Region

René Leclerc, Professional Engineer License No. 82180  
Laurie Taul, Senior Environmental Scientist

**ATTACHMENT C – NOTICE OF INTENT**  
**California Regional Water Quality Control Board**  
**San Francisco Bay Region**

**TO COMPLY WITH THE TERMS OF ORDER No. R2-2025-00XX**

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)

**Section I. Instructions**

This Notice of Intent (NOI) applies to existing grazed properties that meet enrollment criteria and were operating on or before July 9, 2025.

A Grazing Operation currently enrolled under the 2017 Napa-Sonoma Grazing Waiver (Resolution No. R2-2017-0043) or the 2018 Tomales Bay Grazing Waiver (Resolution No. R2-2018-0046) will not be required to submit a new NOI under this Order if there have been no changes in the Grazing Operation, the grazing lands identified in the NOI, and ownership of the Grazing Operation.

Dischargers (landowners and operators) conducting eligible Grazing Operations and not currently enrolled under the 2017 Napa-Sonoma Grazing Waiver or the 2018 Tomales Bay Grazing Waiver are required to complete this form and submit it to the Water Board.

**Mail completed NOI to:** San Francisco Bay Regional Water Quality Control Board; 1515 Clay Street, Suite 1400; Oakland, CA 94612, Attn: Grazing Waiver Program. Or email to: [R2GrazingWaiver@waterboards.ca.gov](mailto:R2GrazingWaiver@waterboards.ca.gov)

**Section II. Ranch Operator Information**

Name:	Mailing Address:
City:	State:
Zip Code:	Name of Contact Person:
Contact Email:	Contact Phone:

**Section III. Ranch Landowner Information (if operator is not the landowner)**

Name:	Mailing Address:
City:	State:
Zip Code:	Name of Contact Person:
Contact Email:	Contact Phone:

**Section IV. Ranch Information** (Please fill out an additional sheet if ranch lands are not contiguous)

Facility Name:	Street Address:
City:	State:
Zip Code:	County:
Name of Contact Person:	Contact Email:
Contact Phone:	Grazing Operation Assessor's Parcel Number(s):
Total size of herd:	Type of Operation (Cattle, Goat, Sheep, other):
Start Date of Current Operations:	End Date of Current Operations (if applicable):

**Section V. Address for Correspondence**

Send correspondence to:

Ranch Operator Mailing Address (Section II)	Email <input type="checkbox"/>	Regular Mail <input type="checkbox"/>
Landowner Mailing Address (Section III)	Email <input type="checkbox"/>	Regular Mail <input type="checkbox"/>

**Section VI. Receiving Water Information**

Does your facility's clean stormwater flow directly and/or eventually into waters of the State such as a stream, river, lake, irrigation flows, ocean, etc.?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If yes, please name the receiving waterbody:
--

**Section VII. Implementation of Conditions of Waiver of WDRs**

Conditions of Waiver for Discharges from Grazing Operations (check if true)

Facility is currently operating in compliance with Waiver Standards.	<input type="checkbox"/>
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Ranch Water Quality Plan (check if true)

A Ranch Water Quality Plan, including a Plan for Compliance Reporting and a Schedule for Implementation, has been prepared and is maintained onsite.	<input type="checkbox"/>
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A Ranch Water Quality Plan, including a Plan for Compliance Reporting and a Schedule for Implementation, will be prepared, and maintained onsite within one year of enrollment.



### Section VIII. Landowner Certification

If the ranch operator is not the ranch landowner, the landowner must certify that they have been notified of this Conditional Waiver and its requirements.

Landowner or Authorized Representative* Printed Name:	Title:
Landowner or Authorized Representative Signature:	Date:

\* A duly authorized person designated by the Landowner as having legal responsibility for the overall operation of the regulated facility. The authorized representative may be the ranch operator or operator's duly authorized designee.

### Section IX. Certification

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment. In addition, I certify that the provisions of the Order will be complied with."

Landowner or Authorized Representative* Printed Name:	Title:
Email:	Telephone Number:
Landowner or Authorized Representative Signature:	Date:

\* A duly authorized person designated by the Landowner as having legal responsibility for the overall operation of the regulated facility. The authorized representative may be the ranch operator or operator's duly authorized designee.

**Mail completed NOI to:** San Francisco Bay Regional Water Quality Control Board; 1515 Clay Street, Suite 1400; Oakland, CA 94612, Attn: Grazing Waiver Program. Or email to: [R2GrazingWaiver@waterboards.ca.gov](mailto:R2GrazingWaiver@waterboards.ca.gov)

# ATTACHMENT D – NOTICE OF NON-APPLICABILITY

## California Regional Water Quality Control Board San Francisco Bay Region

### TO COMPLY WITH THE TERMS OF ORDER No. R2-2025-00XX

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)

#### Section I. Instructions

Submission of this Notice of Non-Applicability (NONA) constitutes notice by the landowner/operator of the Grazing Operation identified on this form that the facility should not be required to comply with Water Board Order No. R2-2025-00XX at this time. Only landowners/operators that are not filing a Notice of Intent (NOI) for coverage under the Conditional Waiver should file this form. If you are unsure whether your facility is required to comply with the Conditional Waiver, please contact the Water Board, San Francisco Bay Region, at (510) 622-2410 or via email at [R2GrazingWaiver@waterboards.ca.gov](mailto:R2GrazingWaiver@waterboards.ca.gov).

Note: If the information provided in this form is inaccurate or incomplete, or if the activity at the ranch facility is changed, this Notice may no longer apply. Further, the information provided shall in no way release the landowner/operator of the ranch facility from any liability that may result from noncompliance with the requirements of the Conditional Waiver, should they apply. The ongoing accuracy of the information provided may be subject to verification by inspection by Water Board staff.

**Mail completed NONA to:** San Francisco Bay Regional Water Quality Control Board; 1515 Clay Street, Suite 1400; Oakland, CA 94612, Attn: Grazing Waiver Program. Or email to: [R2GrazingWaiver@waterboards.ca.gov](mailto:R2GrazingWaiver@waterboards.ca.gov).

#### Section II. Ranch Operator Information

Name:	Mailing Address:
City:	State:
Zip Code:	Name of Contact Person:
Contact Email:	Contact Phone:

#### Section III. Ranch Landowner Information (if operator is not the landowner)

Name:	Mailing Address:
City:	State:
Zip Code:	Name of Contact Person:
Contact Email:	Contact Phone:

**Section IV. Ranch Information** (Please fill out an additional sheet if ranch lands are not contiguous)

Facility Name:	Street Address:
City:	State:
Zip Code:	County:
Name of Contact Person:	Contact Email:
Contact Phone:	Facility County Assessor's Parcel Number(s):
Type of business conducted at the ranch facility:	

**Section V. Basis of Non-Applicability**

Complete one of the rows below to indicate the basis of non-applicability for your facility:

<input type="checkbox"/>	The ranch is not used for Grazing Operations. <i>For the purposes of the Conditional Waiver, the term 'Grazing Operations' will refer to those facilities where animals are fed or maintained on irrigated vegetation or rangeland forage for a total of 45 days or more in any 12-month period, and vegetation forage growth is sustained over the lot or facility during the normal growing season. A Grazing Operation includes auxiliary facilities such as roads, reservoirs, etc.</i>		
<input type="checkbox"/>	The ranch is not currently actively grazed. Date last used for active grazing (mm/dd/yy):		
<input type="checkbox"/>	The ranch is not located within the geographic area of the Conditional Waiver. Please provide a map showing the location of your ranch.		
<input type="checkbox"/>	The ranch was once used for grazing. The ranch is now closed, and all materials and waste associated with the business have been removed or cleaned up.		
	Date of closure (mm/dd/yy):	Date of completed cleanup (mm/dd/yy):	
<input type="checkbox"/>	There is a new landowner / operator of the identified ranch. I am no longer the responsible party for this facility. Provide information below. Date of landowner / operator transfer (mm/dd/yy): _____ Has the new landowner/operator been notified of Conditional Waiver requirements (Yes / No): _____ New Landowner/Operator Information:		
	Name:	Mailing Address:	
	City:	State:	Zip Code:
	Email:	Phone:	

<input type="checkbox"/>	I am not and have never been the landowner/operator of the identified ranch facility.		
	Landowner/Operator Information (if known):		
	Name:	Mailing Address:	
	City:	State:	Zip Code:
<input type="checkbox"/>	Email:	Phone:	
<input type="checkbox"/>	The ranch is subject to another general or individual permit issued by the Water Board. If so, indicate the type of permit, and permit number. Permit or Order Number:		
<input type="checkbox"/>	The number of animals within this facility's Grazing Operation is small in relation to its size and poses no potential for adverse water quality impacts.		

## Section VI. Explanation of Basis of Non-Applicability

Please include an explanation to support the appropriate category checked in Section V above. A thorough and complete explanation will streamline the review process relative to any requirements of the Conditional Waiver. Attach additional documentation if necessary.

## Section VII. Certification

"I certify under penalty of law that the identified ranch does not require coverage under Water Board Resolution No. R2-2025-00XX or that I am not the landowner/operator of the ranch. I understand that the submittal of this Notice of Non-Applicability does not release a landowner/operator from liability for any violations of the California Water Code."

Landowner or Authorized Representative* Printed Name:	Title:
Email:	Telephone Number:
Landowner or Authorized Representative Signature:	Date:

\* A duly authorized person designated by the Landowner as having legal responsibility for the overall operation of the regulated facility. The authorized representative may be the ranch operator or operator's duly authorized designee.

**Mail completed NONA to:** San Francisco Bay Regional Water Quality Control Board; 1515 Clay Street, Suite 1400; Oakland, CA 94612, Attn: Grazing Waiver Program. Or email to: [R2GrazingWaiver@waterboards.ca.gov](mailto:R2GrazingWaiver@waterboards.ca.gov)



# ATTACHMENT E – ANNUAL CERTIFICATION

## California Regional Water Quality Control Board San Francisco Bay Region

### TO COMPLY WITH THE TERMS OF ORDER No. R2-2025-00XX

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)

#### Section I. Instructions

This Annual Certification is required for compliance with the 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).

This Annual Certification applies to the reporting period starting October 1 and ending September 30 and must be completed and submitted annually to the Water Board by November 15th.

**Mail completed Annual Certification to:** San Francisco Bay Regional Water Quality Control Board; 1515 Clay Street, Suite 1400; Oakland, CA 94612, Attn: Grazing Waiver Program. Or email to: [R2GrazingWaiver@waterboards.ca.gov](mailto:R2GrazingWaiver@waterboards.ca.gov)

#### Section II. Ranch Information

Farm / Ranch Name:	Mailing Address:
City:	State:
Zip Code:	Name of Contact Person:
Contact Email:	Contact Phone:
List all Assessor Parcel Numbers (APNs) or legal description (Township, Range, Sections) included in the Grazing Operation:	Were there Grazing Operations during the reporting period? Yes: <input type="checkbox"/> No: <input type="checkbox"/>

#### Section III. Ranch Water Quality Plan

A Ranch Water Quality Plan for the Grazing Operation was completed in \_\_\_\_\_(year), and was last updated in \_\_\_\_\_(year)

During the reporting period, were changes made to the Grazing Operation (e.g., expansion or change in livestock, addition or subtraction of parcels grazed, etc.) that would require updating your Ranch Water Quality Plan?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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#### Section IV. Compliance Monitoring Inspections

Required wet-season inspections conducted on the following dates:

Dec:	Jan:	Feb:	March:
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Required dry-season inspections conducted on:

(Month/Day):	September:
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Survey of stream(s) above and below the Grazing Operation completed on:

(Month/Day):

Residual Dry Matter (RDM) Results:

☐ All fields > minimum

☐ Most fields = minimum

☐ Most fields < minimum

☐ All fields < minimum

Notes:

## Section V. Management Practices

Are further management practices needed to improve or protect water quality?

Yes ☐

No ☐

Not Sure ☐

If 'Yes' in Section V, list potential water quality concerns identified during ranch / stream inspections, planned, or implemented management practices, and maintenance. Add additional pages if needed.

Date	Location (pasture/field)	Describe Water Quality Concern	Notes (action taken, success, & future needs)

## Section VI. Certification

"I certify under penalty of law that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete."

Landowner or Authorized Representative* Printed Name:	Title:
Email:	Telephone Number:
Landowner or Authorized Representative Signature:	Date:

\* A duly authorized person designated by the owner of the Grazing Operation, as having responsibility for the overall operation of the regulated facility. The authorized representative may be the operator or operator's duly authorized designee.

**Mail completed Annual Certification to:** San Francisco Bay Regional Water Quality Control Board; 1515 Clay Street, Suite 1400; Oakland, CA 94612, Attn: Grazing Waiver Program. Or email to: [R2GrazingWaiver@waterboards.ca.gov](mailto:R2GrazingWaiver@waterboards.ca.gov)

# ATTACHMENT F – CHECKLIST FORM FOR ASSESSING GRAZING OPERATIONS

## California Regional Water Quality Control Board San Francisco Bay Region

### TO COMPLY WITH THE TERMS OF ORDER No. R2-2025-00XX

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)

### Section I. Instructions

Please complete the Ranch Information and checklist below. Items checked 'Yes' indicate a potential water quality problem requiring corrective action. Items checked 'No' indicate no further action is likely needed. Make notes on your observations in the spaces provided and refer to the Resources List on the Conditional Waiver web page for more information on selecting and implementing water quality improvements at your ranch.

To view the Conditional Waiver webpage, please visit our website at: <https://www.waterboards.ca.gov/sanfranciscobay/> and search for 'Agricultural Programs'.

### Section II. Ranch Information

Ranch Name:	Ranch Address:
Acres Grazed:	Nearest Water Body:
Type and Number of Animals:	Animal Density:
Ranch Operator Name:	Landowner Name:
Grazing Operation Assessor's Parcel Number(s):	

### Section III. Checklist Preparer Information

Name of person completing the checklist:
Date (mm/dd/yy):
Weather Conditions (e.g. dry, raining, post-rain):

### Section IV. Checklist for Assessing Grazing Operation

#### Sediment Erosion Sources

Accelerated sediment erosion on pasture lands can be caused by current or historic land use practices and may occur in the form of sheet, rill, or gully erosion, or from unstable slopes such as slumps or landslides. Such features may also be naturally occurring due to geology, slope, heavy rainfall or other environmental conditions. The goal is to determine if current or historic grazing practices caused accelerated sediment erosion and to implement corrective actions. Unpaved roads and trails can be a major source of sediment production and delivery to streams. The effects of sediment delivery from roads are most acute where they are hydrologically connected to streams. A hydrologically connected road is any road or road segment that has a continuous surface flow path to a natural stream channel during a storm runoff event.

<b>Pastures</b>	<b>Yes</b>	<b>No</b>
Upon close inspection, is bare soil visible in pastures?		
Is land surface runoff causing soil erosion?		
Are there gullies, slumps, or headcuts in pastures?		

<b>Road Erosion</b>	<b>Yes</b>	<b>No</b>
Do any road surfaces consist of bare soil?		
Do unpaved roads show signs of surface erosion such as rills or gullies?		
Are there gullies caused by unprotected culvert outlets?		
Are drainage ditches eroding, or partially filled with sediment after the winter?		
Do ranch roads have unimproved stream crossings?		
Do ranch roads cross unstable slopes?		

Locations and extent of problem areas:
Other types of erosion noted:
Suggestions for correcting problems indicated by yes answers above:

### **Nutrients and Pathogens**

Pollution from animal waste: This generally occurs where animals congregate or are confined, or where animals have access to creeks. Nutrient pollution problems are best evaluated during the rainy season when hydrologic connection from animal waste sources to streams can be identified by land surface runoff.

<b>Pollution from Animal Waste</b>	<b>Yes</b>	<b>No</b>
Are there possible sources of nutrients and pathogens from direct animal access to creeks?		
Is land surface runoff carrying animal waste to streams?		
Are animal shading areas, feeding areas, water troughs, or salting areas near creeks?		
Are manure stockpiles located where runoff could flow into creeks?		

Locations and extent of problem areas:

Other types of animal waste pollution noted:

Suggestions for correcting problems indicated by yes answers above:

### **Riparian Areas**

Condition of Creeks and Streams: Vegetation and stream banks in riparian areas are sensitive to damage from livestock, which can adversely affect water quality. Livestock should be excluded from or carefully managed in riparian areas. The condition of riparian areas can be evaluated at any time of the year.

<b>Condition of Creeks and Streams</b>	<b>Yes</b>	<b>No</b>
Do livestock have access to riparian areas?		
Do livestock have access to riparian areas year-round?		
Do livestock congregate in riparian areas?		
Is there less tree canopy cover in riparian areas accessed by livestock versus those that are not?		
Do any road surfaces consist of bare soil within the riparian area?		
Are water troughs located in or adjacent to riparian areas?		
Is bare soil exposed along stream banks?		
Are stream banks actively eroding or trampled?		
Are livestock water crossings unstable or eroding?		
Is there excessive algae growth in streams?		

Describe livestock grazing seasonality (which seasons, how long, cattle density, trigger to let livestock into riparian area):

Vegetation cover in riparian area (e.g. full riparian, sporadic riparian, wetland grasses, bare dirt):

Location and extent of problem areas:

Suggestions for correcting problems indicated by yes answers above:

### **Mercury**

Properties in the Walker Creek watershed, downstream of the Gambonini Mine, have mercury-laden sediments in the depositional (floodplain) zone adjoining the creek. Mercury-laden sediment from bank failure, sheet, rill, and gully erosion can disperse into the water column, where it can be re-suspended or transformed by certain microorganisms into methylmercury, a highly toxic form that accumulates in fish, shellfish, and animals that consume fish. Additionally, many deposits on the floodplain can also produce methylmercury. As well as performing the assessments for erosion and sediment sources, nutrients and pathogens, and riparian areas, landowners/operators in the Walker Creek watershed, downstream of the Gambonini mine, are required to assess their land management practices to evaluate the potential for mercury and methyl mercury pollution.

<b>Mercury</b>	<b>Yes</b>	<b>No</b>
Is irrigation runoff unmanaged?		
Are some creek banks unstable or eroding?		
Are structures that collect sediment a potential source of methyl mercury?		
Could buffer zones potentially produce methyl mercury?		
Could off-site water supply/storage facilities increase methyl mercury production?		

Locations of problem areas:

Suggestions for correcting problems indicated by yes answers above:

### **Tribal Cultural Resources**

Tribal cultural resources are defined in the California Public Resources Code (PRC) section 21074 and include sites, features, sacred places, objects, and geographically defined landscapes with cultural value to California Native American tribes. Many tribal cultural resources are listed in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC section 5020.1(k). This Conditional Waiver does not authorize any activity adversely impacting a tribal cultural resource. Dischargers are responsible for complying with all applicable local, state, and federal laws and regulations related to the discovery and protection of tribal cultural resources and human remains, including PRC sections 5097.98 and 5097.99, and California Health and Safety Code section 7050.5.

## **Ranch / Farm Site Map**

# ATTACHMENT G – NOTICE OF TERMINATION

## California Regional Water Quality Control Board San Francisco Bay Region

### TO COMPLY WITH THE TERMS OF ORDER No. R2-2025-00XX

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)

#### Section I. Instructions

Submission of this Notice of Termination (NOT) constitutes notice by the landowner/operator of the Grazing Operation identified on this form that the facility is terminating its enrollment in the 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). If you are unsure whether your facility is required to comply with the Conditional Waiver, please contact the Water Board, San Francisco Bay Region, at (510) 622-2410 or via email at [R2GrazingWaiver@waterboards.ca.gov](mailto:R2GrazingWaiver@waterboards.ca.gov).

**Mail completed NOT to:** San Francisco Bay Regional Water Quality Control Board; 1515 Clay Street, Suite 1400; Oakland, CA 94612, Attn: Grazing Waiver Program. Or email to: [R2GrazingWaiver@waterboards.ca.gov](mailto:R2GrazingWaiver@waterboards.ca.gov).

#### Section II. Ranch Operator Information

Name:	Mailing Address:
City:	State:
Zip Code:	Name of Contact Person:
Contact Email:	Contact Phone:

#### Section III. Ranch Landowner Information (if operator is not the landowner)

Name:	Mailing Address:
City:	State:
Zip Code:	Name of Contact Person:
Contact Email:	Contact Phone:

#### Section IV. Ranch Information

Facility Name:	Street Address:
City:	State:



Zip Code:	County:
Name of Contact Person:	Contact Email:
Contact Phone:	Facility County Assessor's Parcel Number(s):
Nearest Receiving Water:	

### Section V. Basis of Termination

Complete one of the rows below:

<input type="checkbox"/>	<p>The ranch facility was considered a Grazing Operation. The ranch facility is now closed, and all materials and waste associated with the business has been removed or cleaned-up.</p> <p>Date of closure (mm/dd/yy): _____</p> <p>Date of completed cleanup (mm/dd/yy): _____</p>
<input type="checkbox"/>	<p>The ranch facility is subject to another general or individual permit issued by the Water Board. If so, indicate type of permit, and permit number. Permit or Order Number: _____</p>
<input type="checkbox"/>	<p>There is a new landowner or operator of the identified ranch facility. I am no longer the responsible party for this site. Provide information below.</p> <p>Date of landowner / operator transfer (mm/dd/yy): _____</p> <p>Has the landowner / operator been notified of Grazing Waiver requirements? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p>Contact Information for the succeeding landowner / operator:</p> <ul style="list-style-type: none"> <li>- Name: _____</li> <li>- Phone Number: _____</li> <li>- Email: _____</li> </ul>

### Section VI. Landowner Certification

If the ranch operator is not the ranch landowner, the landowner must certify that they have been notified of this Conditional Waiver and its requirements.

Landowner or Authorized Representative* Printed Name:	Title:
Landowner or Authorized Representative Signature:	Date:

\* A duly authorized person designated by the Landowner as having legal responsibility for the overall operation of the regulated facility. The authorized representative may be the ranch operator or operator's duly authorized designee.

## Section VII. Certification

"I certify under penalty of law that this document and attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines."

Landowner or Authorized Representative* Printed Name:	Title:
Email:	Telephone Number:
Landowner or Authorized Representative Signature:	Date:

\* A duly authorized person designated by the Landowner as having legal responsibility for the overall operation of the regulated facility. The authorized representative may be the ranch operator or operator's duly authorized designee.

**Mail completed NOT to:** San Francisco Bay Regional Water Quality Control Board; 1515 Clay Street, Suite 1400; Oakland, CA 94612, Attn: Grazing Waiver Program. Or email to: [R2GrazingWaiver@waterboards.ca.gov](mailto:R2GrazingWaiver@waterboards.ca.gov)