

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

**STAFF SUMMARY REPORT: René Leclerc
MEETING DATE: July 9, 2025**

ITEM: 5

Conditional Waiver of Waste Discharge Requirements for Grazing Operations

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REGIONAL WATER QUALITY CONTROL BOARD
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5A. Resolution for Certification of a California Environmental Quality Act Initial Study and Subsequent Negative Declaration for the Conditional Waiver of Waste Discharge Requirements for Grazing Operations – Consideration of a Resolution to adopt a Subsequent Negative Declaration

5B. 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) – Consideration of a Conditional Waiver of Waste Discharge Requirements

DISCUSSION:

There are two actions for the Board's consideration for the Conditional Waiver 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). First, the Tentative Resolution (Item 5A, Appendix A) would adopt an Initial Study and Subsequent Negative Declaration (IS/SND) that analyzes the potential environmental impacts of expanding the existing scope of coverage under the Conditional Waiver of Waste Discharge Requirements. Second, the Revised Tentative Order (Item 5B, Appendix B) would issue the Conditional Waiver of Waste Discharge Requirements for existing grazing operations in the North San Francisco Bay Region that meet specified criteria. The IS/SND includes an analysis of potential environmental impacts associated with the issuance of the Revised Tentative Order that the Water Board has not previously analyzed and focuses on new areas proposed for inclusion in the Revised Tentative Order. The Revised Tentative Order would regulate grazing operations and require implementation measures to minimize and control discharges of animal waste and sediment runoff from grazing operations by: (1) evaluating current operating practices; (2) identifying current and future site-specific pollutant control measures; (3) developing an implementation schedule for needed management actions; (4) monitoring their effectiveness, and (5) completing annual reports on actions taken.

On February 21, 2025, we circulated the Tentative Order and the IS/SND for public review. We received comments on the IS/SND and the Tentative Order (Appendix C) and made revisions in response. Our response, including revisions, is in the Response to Comments (Appendix D).

BACKGROUND

The Water Board currently regulates 133 grazing operations on approximately 88,000 acres of grazing lands in the Tomales Bay, Sonoma Creek, and Napa River watersheds with two separate Grazing Waivers. 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 (Order No. R2-2017-0043) (Napa and Sonoma Grazing Waiver) and the Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed (Order No. R2-2018-0046) (Tomales Bay Grazing Waiver) (together, existing Grazing Waivers). Both Orders were in effect for a five-year term and expired in 2022 and 2023, respectively.

Total Maximum Daily Loads (TMDLs) implemented by the existing Grazing Waivers identify improperly managed grazing activities as a source of pathogen, sediment, and mercury pollutants. These TMDLs include the Tomales Bay pathogens and mercury TMDLs, the Walker Creek mercury TMDL, the Lagunitas Creek sediment TMDL, and the Napa River and Sonoma Creek pathogens and sediment TMDLs.

Revised Tentative Order

The Revised Tentative Order 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. The expansion of coverage is necessary to implement the Petaluma River Pathogens TMDL and to establish consistent regulatory oversight of grazing operations throughout the Point Reyes National Seashore. In addition, the Revised Tentative Order is consistent with the National Park Service's Water Quality Strategy for Managing Ranching Operations to protect water quality. 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.

Differences between this Revised Tentative Order and the existing Grazing Waivers include the following:

- The scope of coverage is expanded to include grazing operations located within the Petaluma River watershed and grazing operations located within the Point Reyes National Seashore that do not discharge to Tomales Bay.
- This Revised Tentative Order combines the existing Grazing Waivers and the new areas of expansion stated above into a single Conditional Waiver.
- A new Performance Standard for riparian corridors has been added to support essential functions that provide beneficial uses in riparian areas.

- The minimum acreage eligibility requirement for enrollment in the Tomales Bay watershed was changed from 50 acres to 100 acres. This change makes enrollment requirements in the Tomales Bay watershed consistent with the other watersheds regulated by the Conditional Waiver and alters the enrolled acreage in the Tomales Bay watershed by less than 0.5%. Those grazing operations smaller than the 100-acre threshold are still expected to effectively manage their facilities and may be required to obtain coverage under the Conditional Waiver or individual WDRs on a case-by-case basis, if the potential for water quality impacts is found.
- The Checklist for Assessing Grazing Operations (Attachment F) has been revised to make it more comprehensive in assessing water quality and easier to use for Ranch Water Quality Plan development.

These differences expand the geographic area of coverage, provide additional water quality protections for riparian areas, create consistent enrollment requirements across watersheds, and update forms and resources for ranch water quality planning and implementation.

California Environmental Quality Act IS/SND

In accordance with the California Environmental Quality Act (CEQA), the Water Board analyzed the potential environmental impacts of the existing Grazing Waivers in a Negative Declaration, adopted on July 18, 2008 (2008 ND), concurrent with the Tomales Bay Grazing Waiver; a Mitigated Negative Declaration (2011 MND), adopted on September 14, 2011, concurrent with the Napa and Sonoma Grazing Waiver; and addenda to the 2008 ND and 2011 MND. The IS/SND includes an analysis of potential environmental impacts associated with the expansion of the scope of coverage under the Revised Tentative Order 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. The IS/SND supplements the analyses in the 2008 ND, 2011 MND, and their respective addenda. The Tentative Resolution (Appendix A) would adopt the IS/SND with findings that issuance of the Revised Tentative Order would result in less than significant effects on the environment.

In accordance with Public Resources Code section 21080.3.1, the Water Board notified Native American tribes that requested notice of projects within the area affected by the Conditional Waiver of the IS/SND and the Tentative Order and provided them with an opportunity for consultation. The Federated Indians of Graton Rancheria (FIGR) requested consultation. Tribal consultation began August 22, 2023, and concluded February 14, 2025. No significant impacts on Tribal Cultural Resources were identified. As requested by FIGR, we added text to the Tentative Order and the ranch water quality planning checklist (Appendix F to the Tentative Order) to remind enrollees of their responsibility to comply with applicable laws and regulations related to the discovery and protection of tribal cultural resources and human remains.

The Board will consider adoption of the IS/SND before action on the Revised Tentative Order.

Community and Tribal Engagement

Starting in 2022, Water Board staff engaged with agricultural support organizations, tribes and disadvantaged communities, interested parties, and the public. These efforts are summarized below.

Water Board staff convened a Technical Advisory Committee (TAC) in the fall of 2022 to obtain input from rangeland professionals in agricultural support organizations serving the grazing community in North San Francisco Bay. Water Board staff conducted five meetings to obtain feedback regarding the Water Board's proposed changes to the Conditional Waiver. This information was considered as part of Conditional Waiver development. The TAC will continue to meet after the adoption hearing to coordinate further outreach and Conditional Waiver implementation.

Water Board staff conducted virtual and in-person outreach meetings on March 15, 2024, and June 15, 2024, respectively, to inform the public and interested parties of the proposed IS/SND and changes to the existing Grazing Waivers, and answer questions and receive feedback on these topics. Both meetings were well attended.

Water Quality Improvements

Since 2008, the Water Board has worked actively with Resource Conservation Districts, the National Park Service, and others to implement grazing management actions using federal "section 319(h)" grant funds. More than \$4.0 million in such grant funds have been awarded, and over 220 grazing-related projects completed. These projects implement ranch management practices to protect water quality, such as exclusion fencing, water supply development, stream bed and bank stabilization, revegetation planting, and road and drainage improvements. These efforts, in addition to projects completed with other funding, have supported progress toward achieving TMDL load allocations in Grazing Program watersheds.

COMMENTS AND RESPONSES

We received ninety-nine (99) comment letters (Appendix C). Seventy-six (76) of the ninety-nine (99) comments received were in support of the Conditional Waiver, and nine (9) did not express support or were opposed. Eight (8) comment letters were opposed to any grazing at Point Reyes National Seashore and the remaining comment letters were undecided or wrote about a different topic. Public comments focused largely on Point Reyes. Of the ninety-nine (99) comment letters we received, ninety-two (92) mention either Point Reyes or Tomales Bay. Nine (9) comment letters mention the Petaluma River watershed, and one comment letter mentions Sonoma Creek and Napa River. Staff responses to comments received are provided in Appendix D. In response to the comments, Water Board staff added Provision D.6.h. which allows the Executive Officer

to require additional monitoring and reporting when conditions warrant. The Revised Tentative Order also includes minor editorial and formatting changes.

APPENDICES:

- A. Item 5A: Tentative Resolution to adopt the IS/SND, which includes the IS/SND
- B. Item 5B: Revised Tentative Order
- C. Comments Received
- D. Response to Comments

Appendix A

Item 5A: Tentative Resolution to adopt the
IS/SND, which includes the IS/SND

Appendix B
Item 5B: Revised Tentative Order

Appendix C

Comments Received

For an electronic copy of the comments, please contact René Leclerc via email to Rene.Leclerc@waterboards.ca.gov or at (510) 622-2410.

Appendix D
Response to Comments