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:

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San Francisco Bay Region
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Oakland, CA 94612

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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:
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4. Project location: North San Francisco Bay Region

5. Project sponsor's name & address:
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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[1] 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[2] 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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[1] The terminology used in the TMDLs varies and includes grazing lands, grazing lands/operations, rangelands, grazed lands, and grazing.

[2] 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.[3]

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.[4]

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/. 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

[3] CEQA Guidelines section 15162. The CEQA Guidelines are codified in chapter 3 of division 6 of title 14 of the California Code of Regulations.
[4] 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.

Eileen White

Digitally signed by Eileen White
Date: 2025.07.15 11:30:20 -07'00'

Water Boards

Eileen White, Executive Officer

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
I. AESTHETICS – 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
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
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
III. AIR QUALITY -- 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
IV. BIOLOGICAL RESOURCES -- 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
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
VII. GEOLOGY AND SOILS -- Would the project:				
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
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
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
X. HYDROLOGY AND WATER QUALITY -- 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 surfaces 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[1] Watersheds

Beneficial Use	Petaluma River	Seashore
(AGR)	X[2]	
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[2]	X[2]
Navigation (NAV)	X	
Industrial Process Supply (PROC)	X[3]	
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

[1] Beneficial uses are listed only for the area of Conditional Waiver expansion.
[2] Existing beneficial use of groundwater
[3] 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
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
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
XIII. NOISE -- 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 Gnoss 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
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
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
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
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
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
XX. WILDFIRE – 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
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.

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