

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

STAFF SUMMARY REPORT (Carmen Fewless)  
MEETING DATE: June 8, 2011

ITEM: 6

SUBJECT: **Grazing Operations in the Tomales Bay Watershed** - Status Report on Waiver of Waste Discharge Requirements

CHRONOLOGY: July 2008 - Board adopted the Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed (Grazing Waiver)

DISCUSSION: *Summary:* We are seeing substantial progress in implementation of the Tomales Bay Watershed Grazing Waiver (Appendix A). Nearly all active grazing lands in the Tomales Bay watershed are now covered by the Grazing Waiver. A partnership of entities in the watershed is providing valuable compliance assistance to ranchers, and grant and contract funds have been awarded to assist the ranchers.

*Background:* The Grazing Waiver implements the Tomales Bay Pathogen Total Maximum Daily Load (TMDL) and the Walker Creek Mercury TMDL, adopted by the Board, and the State Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program. The goals of the Grazing Waiver are to improve and protect water quality and biological resources while promoting sustainable grazing. Stormwater discharges from poorly managed grazing operations may contain pathogens, ammonia, salts, and excess sediment.

The Grazing Waiver applies to grazing parcels 50 acres or greater in size and requires landowners/operators (ranchers) to evaluate their grazing practices and to prepare and implement a comprehensive land management plan (Ranch Water Quality Plan) with appropriate management practices. The Plans are held at the facility and must be made available for inspection by Board staff. Ranchers are required to submit an Annual Certification and Compliance Monitoring Report by November 15 each year.

*Status:* We identified 241 active grazing parcels 50 acres or greater in size in the Tomales Bay Watershed based on a database provided by Marin County, and ranchers that own or operate on 230 of them have obtained coverage under the Grazing Waiver (95% enrollment rate). In 2009, we received annual reports covering 85% of enrolled parcels. In 2010, the submittal rate declined to 65% of enrolled parcels. In response, we issued Notices to Comply in February 2011 to the associated ranchers, which will result in annual reports for all but six parcels (97% submittal rate). Our next steps include potential further enforcement action such as sending Notices of Violation to those parcels that have failed to submit an annual report and coupling that effort with targeted field inspections.

We are creating a set of comprehensive GIS maps that will facilitate implementation efforts such as outreach, compliance, complaint response, yearly inspections, etc. The original database contained only parcel numbers, not physical addresses, making it unfeasible for us to find the location of a given parcel. When the maps are complete, we will visit the 11 parcels that are not yet covered by the Grazing Waiver, and, if they are indeed active grazing parcels, we will pursue enforcement.

*Outreach:* We have used a multi-pronged approach to reach and educate ranchers about the requirements and goals of the Grazing Waiver program. In addition to traditional public meetings, we have participated in various workshops hosted by local agricultural entities that were intended to assist ranchers with understanding the Grazing Waiver and complying with its requirements. In addition, we sent courtesy notification packages to ranchers targeted for coverage. These packages contained a letter that re-introduced the Grazing Waiver, provided a list of key requirements and submittal deadlines, provided a web-link to our Grazing Waiver program, and presented staff contact information.

*Partnership:* The Marin County Resource Conservation District (RCD), Marin Farm Bureau, Marin Agricultural Land Trust, California Cattlemen's Association, Western United Dairymen, University of California Cooperative Extension, Point Reyes National Seashore and the USDA Natural Resources Conservation Service have convened the Tomales Bay Watershed Grazing Land Partnership. The Partnership provides Grazing Waiver compliance assistance and has provided a bridge for us to reach ranchers in the watershed.

*Funding:* The State Water Board has awarded substantial funding to help ranchers comply with Grazing Waiver requirements. Two grants totaling \$1.425 million were awarded to the Marin RCD and a grant of \$455,000 was awarded to the Point Reyes National Seashore to implement grazing management practices on ranches within the Seashore. In addition, two contracts totaling \$230,000 from the State Board's Cleanup and Abatement Account were awarded to the Marin RCD to assist landowners within the Walker Creek watershed, which drains to Tomales Bay, with implementation of grazing management practices that address mercury, pathogen, sediment, and nutrient discharges.

*Lessons Learned:* Implementation of the Grazing Waiver has not been entirely smooth; there have been some issues with the information listed in the parcel database, and as a consequence, we have occasionally reached the wrong rancher or have sent documents to the wrong address. We are working on a more efficient way to identify and reach ranchers and account for submittals with the goal of making the reporting process as simple as possible. Also, our experience gained during the development and implementation of the Grazing Waiver has been valuable in the development of a grazing waiver for the Napa River and the Sonoma Creek watersheds that we will present to the Board for consideration later this year.

The waiver program is gaining acceptance by the regulated community. A big part of that success is rooted in the local relationships established with the Partnership, the substantial amount of technical assistance provided to ranchers that we and the Partnership are providing, and the success of partners in obtaining grants to assist the ranchers. The waiver program's success has also been noted in two recent publications: [California's Rangeland Water Quality Management Plan: An Update](#); and [Opportunities to sustain "greener" farming: comparing impacts of water quality regulations in two catchments](#).

RECOMMEN-  
DATION: No action is necessary at this time.

Appendix A: [Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed](#)