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CD-0006-20 (National Park Service)

April 22, 2021

CORRESPONDENCE

(received as of March 26, 2021)

Organized Groups
Part II

Thursday, January 26, 2021

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CC: john.weber@coastal.ca.gov
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Re: Coastal Consistency Determination by National Park Service for 2020 General Management Plan Amendment for Point Reyes National Seashore and north district of Golden Gate National Recreation Area, Marin County; CD-0006-20

Dear Commissioners:

We are writing to urge you to reject the Conditional Concurrence recommended by the December 18, 2020 Staff Report for the National Park Service (NPS) 2020 General Management Plan Amendment (GMPA) for Point Reyes National Seashore (PRNS) and the north district of Golden Gate National Recreation Area (GGNRA), and object to the NPS consistency determination. Please also see and incorporate comments from our December 11, 2020 letter to the Coastal Commission.

Turtle Island Restoration Network (TIRN) is a nonprofit conservation organization with its principal place of business in Olema, California, located on Golden Gate National Parkland. TIRN has more than 200,000 supporters worldwide, with about 1,500 located in Marin County. TIRN has expertise on federal environmental protection laws and protection of endangered species, particularly with respect to endangered and threatened oceanic species and endangered and threatened salmonids in West Marin. TIRN has a 30-year history of protecting, conserving and restoring habitat in the entire Lagunitas Creek Watershed. TIRN has been working on issues related to sensitive species protection and environmental protection laws since its inception in 1987.

While we agree with the theory behind a Conditional Concurrence as recommended by the California Coastal Commission Staff in their Staff Report, we disagree that the condition put forth by the Staff is sufficient to bring the GMPA into compliance with California Coastal Act policies related to marine resources (Section 30230) and water quality (Section 30231). For reasons set forth below, we urge the Commission to adopt a stronger condition (or set of conditions), which sets more rigorous standards on NPS in order to ensure compliance with the

Coastal Act, particularly in order to avoid unlawful impacts to endangered salmonids in the action area – a coastal resource almost completely ignored in the Staff Report.

We also urge the Commission to provide the public with sufficient opportunity to comment on the Condition set forth in the Staff Report. Conditions placed on the NPS GMPA for concurrence should be finalized *before* the Commission makes their final vote, so the public may weigh in on the proposed condition/s and so the Commission is able to fully analyze such conditions for conformance with the Coastal Act. Public participation is an important goal of the consistency process, so enabling the public to weigh in on any potential condition/s placed on the consistency determination is in spirit with the Coastal Act. Public input absent the opportunity to analyze the entire proposed plan not aligned with the purposes and goals of the Coastal Act.

At this time, we urge you to object to the current iteration of the consistency etermination. If the Commission is interested in issuing a Conditional Concurrence, please make the proposed condition/s publicly available before the Commission votes and allow the public the opportunity to comment on such conditions.

Thank you for your thoughtful consideration of these comments.

Condition Proposed by Staff is Inadequate to Ensure Conformance with Coastal Act

Legal Requirements

The California Coastal Commission implements the federal Coastal Zone Management Act of 1972 as it applies to federal activities. The Commission is tasked with ensuring that all federal activities affecting the "coastal zone" be consistent with the enforceable policies of the California Coastal Act of 1976, located in Chapter 3.

Notably, an important goal of the consistency process is "to provide the public with an opportunity to participate in the process."[1]

Enforceable policies of the California Coastal Act include, among others, the following provisions related to marine resources and water quality:

California Coastal Act § 30230 Marine resources; maintenance

[1] *See* California Coastal Commission, Federal Consistency at coastal.ca.gov/fedcd/fedcndx.html "The Commission's goal is to use the federal consistency process to provide open communication and coordination with federal agencies and applicants and provide the public with an opportunity to participate in the process."; *See also* 16 U.S.C. § 1452 (CZMA Section 303) (2)(I), "The Congress finds and declares that it is the national policy … to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values as well as the needs for compatible economic development, which programs should at least provide for…the giving of timely and effective notification of, and opportunities for public and local government participation in, coastal management decisionmaking."

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

California Coastal Act § 20231 Biological productivity; water quality

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Staff rightly notes that, while federal lands are excluded from the coastal zone, those activities taking place on federal lands with spillover effects on coastal resources within the coastal zone are properly within the Coastal Commission's jurisdiction. According to the Staff Report, "Such spillover effects could include, for example, effects that activities on federal land will have on species found elsewhere in the coastal zone that travel in and out of the GMPA planning area and that could result in a population-level effect to such species." Staff Report at 5, 13. In other words, the Commission Staff properly identifies species that travel in and out of the coastal zone (such as salmonids) and affected by activities on federal lands, as coastal resources under the California Coastal Commission's jurisdiction.

Federal activities within the GMPA planning area, including ranching and grazing activities, have documented effects on salmonids, a species known to travel in and out of the coastal zone. Salmonids migrate through the coastal zone, estuaries, and up creeks for spawning and rearing, locations which are included in the GMPA. Existing ranch and dairy operations within the limits of salmonid anadromy can have adverse impacts to freshwater and inter-tidal habitats. Specifically, the San Francisco Regional Water Quality Control Board has identified Tomales Bay to be impaired by sediments and pathogens (SFRWQCB 2014). Both excess fine sediment and pathogens can be, at least in part, associated with overgrazing of grasslands and improper management of manure. The inter-tidal zones within the GMPA are likewise adversely impacted by excessive fine sediment delivery from over-grazing and riparian habitat degradation, and poor management of manure and solid animal waste from dairy operations.

The coastal areas impacted by overgrazing and manure mismanagement have negative consequences on the life cycles of endangered salmonids that utilize the inter-tidal zones of coastal drainages, sloughs, and estuaries. For example, excessive fine sediment loading from poor grazing management can lead to decreased spawning success and decreased macro-invertebrate production in freshwater streams through the conversion of coarse gravel streambeds into fine sediment streambeds. Excessive pathogens in freshwater and brackish

waters can reduce the productivity of invertebrate prey for salmonids. Excess nutrients from manure mismanagement can also promote algae growth in freshwater and saltwater environments that can reduce dissolved oxygen levels available to aquatic life when decomposing. The endangered and threatened species of salmonids that utilize habitats in the GMPA include coho salmon *(Oncorhynchus kisutch*), chinook salmon (*Oncorhynchus tshawytscha*), and steelhead trout (*Oncorhynchus mykiss*).

Because salmonids are indisputably a marine resource covered by the Coastal Act per § 30230, the Commission must ensure that activities on federal lands are done in such a way as to maintain long term healthy populations of these species. The GMPA and Staff Report almost entirely ignore the presence of salmonids as a coastal resource in the area and effects of the action on salmonids, and this must be remedied before an informed decision can be made by the Commission.

Inadequate Recommendations to Support Healthy Salmonid Populations

In the Staff Report, Coastal Commission Staff recommends that the Commission conditionally concur with the NPS's consistency determination and find the proposed GMPA consistent with the relevant, enforceable policies of the California Coastal Management Program if NPS agrees to a water quality assessment plan for areas outside the Tomales Bay watershed. The condition recommended by Staff is that the NPS provide the Executive Director with a water quality assessment plan for review and approval. If NPS does so to the satisfaction of the Commission, they will, according to the Staff Report have satisfied their legal requirements under California Coastal Act §§ 30230, 30231.

While Staff correctly identifies that the NPS proposed ranch management elements of the GMPA for areas outside the Tomales Bay watershed are inadequate for consistency with the Coastal Act policies related to marine resources and water quality, the water quality assessment plan proposed by Staff is inadequate to remedy these inconsistencies.

Staff recommends the following:

> *"…staff recommends that the Commission include a condition that the NPS provide the Executive Director a water quality assessment plan for review and approval before new leases with ranchers are finalized. The water quality assessment plan would include the following elements:*
>
> 1. *Proposed overall strategy and timeline for assessing and improving water quality in areas of the GMPA outside of the Tomales Bay watershed, with a particular focus on areas that drain to Abbott's Lagoon and Drake's Estero and the creeks that drain to these features, but also including areas that drain directly to the Pacific Ocean. The strategy should be informed by existing water quality data and should prioritize resolution of the most significant water quality-related issues first. The timeline should reflect short and long-term water quality goals and management strategies. Both the strategy and timeline should be updated on an annual basis to reflect information and analysis provided under items 2 and 3 below.*

2. *Proposed sampling methodology for collecting quantitative water quality data in areas of the GMPA outside of the Tomales Bay watershed, consistent with the strategy provided in item 1 above. Data collection should be sufficient to determine if water quality standards are not being met throughout the area and to inform identification of water quality-related issues and prioritization of management strategies to address those issues, as described in Item 3 below. The sampling methodology should incorporate guidelines and requirements from state and federal agencies (i.e., RWQCB, State Water Control Board, and/or U.S. Environmental Protection Agency) related to sampling coverage and frequency, sample testing procedures, and reporting of results.*
3. *A provision for NPS reporting of monitoring results and water quality analysis to the Executive Director of the Commission on an annual basis. Annual reports should include monitoring results from all previous years, assessment of the results against relevant state and federal water quality standards, proposed measures to address identified issues including identification of priority areas for additional ranching or grazing related best practices, and plans for incorporating such practices into ROAs or implementation through other measures, as appropriate, and evaluation of the efficacy of existing measures. Annual reports shall also include results of continuing water quality monitoring of the GGNRA portions of the Tomales Bay watershed (i.e., Olema and Lagunitas Creeks). Following initial monitoring reporting, subsequent NPS reports should also describe and evaluate measures implemented to address identified water quality issues."*

The proposed water quality assessment plan fails to fully address water quality impacts to salmonids and their habitat. Similarly, the proposed plan presupposes the ability to build on the successful roadmap of the Tomales Bay watershed in order to address water quality impacts outside of Tomales Bay watershed, with the inclusion of a monitoring plan.[2] However, areas outside of the Tomales Bay watershed are unique in terms of habitat and effects from ranching operations, and as such cannot rely on the same "roadmap" as the Tomales Bay watershed, albeit with additional monitoring requirements, in order to properly adhere to mandates of the California Coastal Act.

We appreciate and agree that more water quality data are needed in areas outside of the Tomales Bay watershed. The current data are woefully outdated (Staff point out that no data have been collected since 2013), the outdated data that are available are scarce, and existing data indicate that water quality standards are not consistently met. Staff Report at 6, 41. We also agree with Staff's assertion that more data collection on the existing state of water quality in areas outside of the Tomales Bay watershed, namely Abbott's Lagoon and Drake's Estero, should continue to be prioritized in the Commission's analysis of the NPS plan. The most current data for areas outside of the Tomales Bay watershed were collected in 2013 for Kehoe and Drakes Estero watersheds.

[2] Staff Report at 50-51, "Fortunately, the water quality successes within the Tomales Bay watershed provide a roadmap for addressing water quality issues within the rest of the GMPA. The NPS proposes to take the same approach by implementing the same types of measures and actions as have already been implemented within the Tomales Bay watershed. What is missing, however, from the NPS proposal is a comprehensive water quality monitoring plan to assess baseline water quality conditions, guide and prioritize the implementation of management actions, and to demonstrate whether the implementation of those actions result in compliance with water quality standards."

Staff Report at 41. These data indicated that waters exceeded water quality standards for total coliform over fifty percent of the time. Staff Report at 41. Overall, few quantitative assessments of water quality in coastal drainages of the GMPA planning area outside of Tomales Bay exist, so the most crucial immediate need is for more data collection in these areas to assess the current state of water quality and create a detailed, science-based plan for achieving adequate water quality standards.

We also agree that NPS should rightly create a water quality assessment plan with goals of improving water quality, but the Staff Report fails to identify the specific metrics of such goals, and without that information the Commission cannot make an informed vote one way or another as to whether this condition will lead to the NPS plan conformance with California Coastal Act §§ 30230, 30231. Item 1 of the proposed water quality assessment plan lays out no specifics for either the goals of the plan, nor how those goals should be attained. Item 2 correctly advocates for data collection, but again lays no actual goals for water quality standards or methodology for attaining those standards. Item 3 requires annual reports from the NPS to be analyzed against state and federal standards, but again makes no mention of standards set by the Commission itself in order for the NPS plan to conform with the California Coastal Act. There is no mention that the water quality assessment plan establishes a strategy or specific criteria for attaining specific water quality goals to support the long-term maintenance of salmonid habitat in the area, or provide adequate water quality for any other coastal resource. Instead, the conclusion of adherence to the Coastal Act with the implementation of monitoring conditions relies on the NPS proposal to replicate water quality "successes" employed within the Tomales Bay watershed.

As for replicating the "successes" employed within the Tomales Bay watershed, Tomales Bay and its major tributaries of Lagunitas and Walker Creeks are listed by the U.S. Environmental Protection Agency as impaired for pathogens, nutrients and sediments.[3] These impairments significantly and negatively impact the health of the watershed and species it supports, and the Commission should think critically about the state of the watershed before labeling it a "success story."

Further, the Staff Report seems to rely mainly on adherence to state and federal laws already in place in order to accomplish water quality goals for coastal resources within Tomales Bay. Staff Report pages 37 – 38 describes applicable state and federal requirements for ranching activities, including: Total Maximum Daily Load (TMDL) requirements for pathogens in the Tomales Bay watershed (including a water quality control plan to meet requirements of a conditional waiver for grazing operations in the Tomales Bay watershed), TMDL for sediment in Lagunitas Creek, and facility monitoring plans for confined animal facilities (including waste and grazing management plans and nutrient management plans). Staff Report page 43 further notes that dairies and grazing operations outside of the Tomales Bay watershed are subject to Regional Water Quality Control Board (RWQCB) requirements, including mandates to implement monitoring, complete infrastructure improvements, and address grazing practices to enhance water quality. Staff ultimately concludes that the provisions in place, including TMDLs focused on the Tomales Bay watershed, are sufficient to ensure conformance with water quality and

[3] Tomales Bay Watershed Council, *The Water Quality Problem*. http://www.tomalesbaywatershed.org/adopt-our-watershed.html. See also, California Waterboards San Francisco Bay, *Tomales Bay Pathogen TMDL*. https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/tomalesbaypathogenstmdl.html.

marine resource mandates to the extent required by the California Coastal Act. However, Staff notes that, unlike in the Tomales Bay watershed, adherence to existing laws is not sufficient to ensure conformance with water quality and marine resource mandates to the extent required by the California Coastal Act for watersheds outside Tomales Bay.

The watersheds outside of Tomales Bay, including Drakes Estero, are unique and important inter-tidal habitats that can be utilized by salmonids. Effects of the proposed action must be fully analyzed relative to these unique habitat areas, and the Commission cannot simply rely on replicating similar mitigation measures from a different watershed to do so. Drakes Estero exhibits conditions of brackish, inter-tidal sloughs. This habitat is utilized by salmonids for juvenile rearing and feeding. Eelgrass beds, tidal channels, and brackish estuary waters are known to provide habitat for young of the year and smolting juvenile salmonids. Considering Drakes Estero contains tributary streams that have supported salmonids historically, these habitats are likely necessary for salmonid life histories.

Effects from the GMPA on areas outside of the Tomales Bay watershed are also unique and require separate actions from those which have thus far been employed within Tomales Bay. All dairy and most of the beef ranching operations in PRNS are indeed located outside of the Tomales Bay watershed, which reinforces the importance of protecting these areas from effects of the proposed actions on coastal resources. Dairies pollute areas like Drakes Estero with high concentrations of fecal coliform and E. coli bacteria. Of the six dairies at PRNS, NPS found "severe pollution" in five. The EIS notes high concentrations of total suspended solids and nutrients in Drakes Bay and Drakes Estero from ranches and dairy operations. The EIS also notes that Abbotts Lagoon and Kehoe have the highest nutrient levels or loading rates and significant problems with excessive nutrients, sediment, and potentially pathogenic bacteria, all due to dairy activities.

The GMPA includes 6,300 acres of dairy operations and 12,600 acres of ranching operations which could affect watersheds and coastal resources outside of Tomales Bay. This includes the watersheds of several creeks and lagoons including Drakes Estero and Abbott's Lagoon, which drain directly into the Pacific Ocean. Valuable and protected habitat in this area includes rocky intertidal areas, sandy intertidal beaches, sea cliffs, and offshore rock islands. The Staff Report further notes that, although the NPS proposed zoning framework, leasing and ROA system, and proposed mitigation measures would result in "some" additional protections, grazing and ranching activities included in the GMPA could still result in negative habitat effects on salmonid and other aquatic species' habitats through increased sedimentation, or affects to these species from water quality pollution. Staff Report at 43-44.

Effects of the action on eelgrass has also been inadequately analyzed by the GMPA and Staff Report. Eelgrass is believed to provide important rearing habitat for juvenile salmonids, and eelgrass loss is one of the most critical issues facing our coast. Eelgrass loss has indeed been addressed by the California Coastal Commission on numerous occasions.

In addition to salmonid habitat, eelgrass serves as a critically important nursery ground for a wide variety of fauna, stabilizes substrate, traps sediment, reduces force of wave energy, lessens climate change impacts, sequesters carbon, produces oxygen, mitigates the threat of ocean

acidification, improves water quality, and serves many more vital ecosystem functions and services. It provides food sources for birds, fish, invertebrates and detritus. Eelgrass is so crucial to the ecosystem, and in such peril, that NOAA's West Coast Region has formally recommended the California Eelgrass Mitigation Policy (CEMP), recommending no net loss of eelgrass habitat function in California.[4]

The main known factors for eelgrass loss in coastal zones have been identified as: water column light conditions affected by nutrient loading and siltation, water column and sediment oxygen conditions affected by organic loading, chemical pollutants in the form of pesticides and antifouling agents, and physical disturbance generated by coastal constructions – all of which are attributed to ranching activities near the coast.[5] While the Eelgrass Monitoring and Mitigation Plan confers obligations of reporting and monitoring eelgrass, it does not confer substantive goals such as the goal of no net eelgrass habitat loss or even water quality target levels to support healthy eelgrass beds. The California Coastal Commission must fully analyze the effects of the GMPA action on eelgrass habitat, including the effect for juvenile salmonids, before making a final decision on the NPS consistency determination.

Commission does not Adequately Analyze Effects of New Activities on Coastal Resources

The GMPA substantially increases the number and intensity of activities at the 24 ranches in the park by adding small livestock, crops, visitor B&B stays, retail sales of agricultural products, meat and cheese processing facilities, and camping. These activities will continue to worsen damage and impacts to soils, water quality, coastal grasslands, coastal wildlife, sensitive plant species, scenic resources, and visitor aesthetics.

The GMPA proposes to allow the intensification of land uses on 24 ranches including 18,500 acres in PRNS and on 10,000 acres in the GGNRA, currently under agricultural leases for beef cattle and dairy grazing. The plan will increase acres dedicated to ranching in the parks by 7,600 acres and allow the following new uses: new commercial land use (small retail stores and stands for agricultural products), and new industrial land use (agricultural processing for small cheese factories and for slaughtering livestock; hostels, tent cabins, farm stay rooms, and various other camping accommodations; housing offices for volunteer organizations; other adaptive reuses of ranch buildings; horse boarding; up to 2.5 acres of row crops per ranch; and small livestock of 40-70 sheep, goats or pigs and up to 500 chickens per ranch).

The Commission must fully analyze the effects of the aforementioned actions on water quality, including upstream water quality which is also critical habitat for coastal resources such as salmonids.

[4] NOAA Fisheries West Coast Region (2014) California Eelgrass Mitigation Policy and Implementing Guidelines (https://media.fisheries.noaa.gov/2020-08/cemp_oct_2014_final.pdf)

[5] Borum, Greve, Blinzer and Santos, 2004. *European seagrasses: an introduction to monitoring and management* at Chapter 11, *What can be done to prevent seagrass loss?.* The M&Ms project. ISBN: 87-89143-21-3. Available at www.seagrasses.org. *See also*, Smithsonian, Seagrass and Seagrass Beds, https://ocean.si.edu/ocean-life/plants-algae/seagrass-and-seagrass-beds ("Nutrients, such as those from fertilizers and pollution, wash off the land and into the water, causing algal blooms that block sunlight necessary for seagrass growth. Sediment washing into the water from agriculture and land development can also damage seagrass beds by both smothering the seagrass and blocking sunlight.")

Commission and Public Require Additional Information Before Consistency Vote

As stated above, a notable goal enumerated by Congress in the passage of the coastal zone Management Act is to provide the public with timely and effective notification and adequate opportunities to participate in coastal decision making.[6] The public has indeed attempted to be part of this process, as evidenced by the 20,000 public comments thus far, but without timely and effective notification or opportunities to participate.

The Staff Report suggests that the Commission vote for Conditional Concurrence with the GMPA, accepting the GMPA as generally concurrent with enforceable provisions of the California Coastal Act, with the condition that the NPS later implement a water quality assessment plan with the aforementioned three requirements. Then, the water quality monitoring plan would be provided to the Commission for review and approval at a later date. If results from the management plan indicate that water quality standards are being met, the NPS "can" submit a revised consistency determination to the Commission to determine the need for additional monitoring. Staff Report at 52. If results show that water quality standards are not being adequately met, the Commission "may" choose to exercise its right and re-open provisions of the CZMA to further consider the matter. Staff Report at 52.

In other words, the Staff Report recommends that the Commission arbitrarily find concurrence with the enforceable provisions of the Coastal Act without access to all relevant information, with the catch-all that NPS "can" submit another consistency determination to the Commission, and at any later date the Commission "may" re-open the matter. This is unacceptable under the terms of the CZMA, which state that in a conditional concurrence, conditions must be based on enforceable policies of the Coastal Management Plan.[7] This also fails to comply with provisions of the CZMA which state that the consistency determination must be based on an evaluation of the relevant enforceable policies of the program, and include detailed descriptions of the activity as well as their coastal effects, and comprehensive data and information sufficient to support the consistency statement.[8] The GMPA consistency determination as-is does not contain adequate data to support a determination either way, and neither does the condition suggested by the Staff Report requesting the collection of future data.

If the Coastal Commission is to make a logical, informed decision on the matter at hand, they cannot do so based on future vague conditions which the NPS may or may not employ. Simply having the option of re-opening the matter is not enough to account for this failure of information at present moment. Instead, the Commission must wait to make its final determination until such time as the NPS submits detailed plans for a water quality assessment plan that go well beyond the three guidelines provided by the Commission Staff. Only at that point can the Commission make an informed decision on whether the NPS plan truly conforms with enforceable provisions of the Coastal Act or not.

[6] *Id* note 1., 16 U.S.C. § 1452 (CZMA Section 303) (2)(I).
[7] 15 CFR § 930.4(a)(1) "The [California Coastal Commission] must include in its concurrence letter the conditions which must be satisfied, an explanation of why the conditions are necessary to ensure consistency with specific enforceable policies of the management program, and an identification of the specific enforceable policies."
[8] 15 CFR § 930.39.

Furthermore, as evidenced above, the CZMA was enacted with the goal of allowing the public to have meaningful participation in the coastal decision-making process. As such, the Commission must refrain from making a final determination until such time as the public has had the opportunity to view and comment on the water quality assessment plan provided by NPS. To do so before notifying the public of what will be included in the water quality assessment plan is irreconcilable with the goals of the CZMA.

Public Access

We strongly disagree with the conclusion in the Staff Report that the GMPA maintains or slightly increases public access opportunities. Fences restrict access to the coast and block access to public trails. The GMPA proposes to construct an additional 35 miles of new fencing to improve livestock management over the terms of the leases/permits and NPS anticipates up to five fencing projects per year. Visitors to the coast travel through the project area, so while outside of the designated coastal zone, these areas are crucial for allowing visitors the opportunity to travel to and thus access enjoyment of the coastal zone.

The reduced public access included in the GMPA is inconsistent with Coastal Act Mandate to allow maximum opportunity for public recreation. Every year an estimated 2.3 million visitors come to PRNS. While the Commission has abdicated any responsibility over Tule Elk for not being a coastal resource, they still must reckon with the fact that visitor enjoyment of the coast will be negatively affected by the GMPA proposed management actions regarding the elk.

Further, the NPS plan makes unsubstantiated claims that viewing livestock and ranching operations brings visitors to the park while providing no evidence for this assertion. NPS does not provide any context of what proportion of park visitors come to view native wildlife and intact ecosystems versus ranching operations.

There is little discussion of how ranching can negatively impact the public's use and enjoyment of the park. The negative aesthetic associated with ranches and industrial scale dairy operations, including odors, lighting, noise, abandoned agricultural equipment, barbed wire, and trash, can all negatively impact visitor experience of the California Coast.

Further, the NPS plan would continue the practice of excluding the public from about one third of the parkland due to incompatibility with ranching operations, forcing visitors into designated areas. While these activities may not be within the coastal area themselves, they do interfere with the public's ability to access the coastal area.

The coastal area also undoubtedly includes historical Miwok indigenous land, who inhabited the coastal area as early as 5,000 years ago. This history cannot be ignored or insultingly compared to "historical" ranching operations. The public would arguably obtain greater enjoyment out of witnessing the land's true history – not that of the last century following the mass removal of its original inhabitants.

Rather than continuing to allow NPS to set aside land for agricultural uses, which restricts public access to the coastal zone and interferes with the public's ability to enjoy use of the coastal zone, the Commission should consider imposing environmental justice directives on NPS in order to fully comply with the Coastal Act and allow maximum accessibility and enjoyment of the coastal zone for the public. For example, the Commission should consider conditions that prioritize public access and land use, such as interpretive sites, cultural resources centers for Miwok, hostels and/or campgrounds outside of the wilderness area but within the planning area, as well as opportunities to use ranches as parking facilities to facilitate access to the coastal zone.

The public's ability to access and enjoy the coastline is arguably hindered by the continued operations of the dairy and cattle industry. The Coastal Commission has the ability to rectify this situation by including conditions on NPS to allow for greater public access to the coastal zone.

Climate Change

The cattle and dairy industry are some of the largest contributors to climate change on the planet. In California, the dairy sector is the largest source of methane emissions in the state. The NPS plan will continue to increase the region's contribution to climate change, and the Coastal Commission must acknowledge and address this fact, as well as how climate change will affect the coastal zone and coastal resources within the action area.

The Commission should also fully analyze the increasing effects of climate change in the form of frequent and prolonged droughts. The Commission is well aware that droughts are becoming less of the exception and more of the norm in our area, and ranching activities undoubtedly contribute to climate change which causes these severe weather patterns. In addition to contributing to climate change, ranching operations consume large amounts of water in the area. The proposed NPS plan would increase the diversion and use of water, affecting water quality and quantity. Droughts critically threaten the well-being of coastal resources like salmonids, who rely on sufficient flowing, clean water in the action area. Reduction in water flow in the project area would also allow salt water to continue to encroach further inland, change brackish marshes, hinder or eliminate instream flows, increase contaminant levels, and diminish sediment transport needed to maintain beach health.

Soil Erosion and Compaction

Soil erosion and compaction is known to negatively impact water quality, including upstream water quality that provides critical habitat for salmonids. However, the consistency determination does not discuss soil erosion and soil compaction issues in detail, and the Staff Report also fails to adequately analyze these effects.

The NPS plan will have long-term, adverse impacts on soils from livestock trailing, trampling, erosion, and compaction. Ranching activities such as diversification, vegetation management, forage production and manure spreading will also negatively impact soils. Cattle contribute to the introduction of intensive weeds, which can crowd out native plants. Further, the

diversification of livestock activities to include sheep, goats, pigs and chickens, etc., will likely cause unknown adverse impacts to soils, none of which are adequately addressed in the NPS plan.

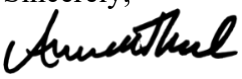
The creation of the Resource Protection sub-zone would only protect an additional 5% of soils with high erosion potential and 3% of soils with high compaction potential from grazing impacts. The NPS plan claims that "management activity standards" and mitigation measures are "expected" to reduce overall impacts on soils, but does not clarify whether they would reduce impacts to less than significant levels.

The Commission must fully analyze the effects that soil erosion and compaction from the plan will have on nearby waterways and by extension, on critical habitat for coastal resources in those waterways, such as salmonids.

Conclusion

In conclusion, we urge you to reject the Conditional Concurrence recommended by the December 18, 2020 Staff Report for the NPS 2020 GMPA for PRNS and the north district GGNRA, and object to the current iteration of the NPS consistency determination.

Sincerely,



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December 23, 2020

John Weber
California Coastal Commission
455 Market Street
San Francisco, CA 94901

RE: Comments on Point Reyes National Seashore General Management Plan Consistency Determination

Dear Mr. Weber:

We are writing to provide additional comments on the Consistency Determination and to clarify that Marin Audubon Society (#5 of 12/ letter) recognizes that the NPS can make unscheduled monitoring visits to ranches, however, whether and how frequently they would make such visits is unclear.

First, we convey our strong support for the staff recommendation that a Water Quality Assessment Plan be prepared and implemented. We agree that the plan should cover the strategy and timeline for assessing and improving water quality in streams, and reflect short and long term water quality goals and management strategies, be updated on annual basis, and reviewed on an annual basis by the Commission, hence the public. We also recommend that the Plan include:

1) A requirement that unscheduled site visits to monitor compliance with water quality standards in wetlands and streams be conducted on a regular basis.
2) A condition that requires beef and dairy cows be excluded from all salmonid creeks and streams within a specified timeline and manure spreading be kept away from all aquatic habitats that support endangered and special status species.
3) A condition that ensures actions are taken to correct or remove activities degrading aquatic resources. Such actions might include removing goat grazing to as there is evidence that goat grazing can result in an increase in barren lands or invasive thistle. The staff report should include a more thorough discussion of the specific streams that support salmonids and other aquatic resources that support endangered species as ESHAS be included. It is essential that these streams be identified if they are to be protected.
4) Provision that animals allowed under the diversification provisions that are adversely impacting stream resources be removed.
5) A recognition that water quality standards can change over time, and whatever they are must Be complied with.

Water Diversions

Coastal Act Section 30231 Biological productivity and quality of coastal, waters, streams, wetlands and estuaries,...to maintain optimum populations of marine organisms and for the protection of human

health's shall be maintained ....through preventing depletion of ground water supplies and substantial interference with surface water flows, ...and minimizing alteration of natural streams.
A major gap in the staff analysis is the failure to address the substantial water diversions that are taking place and that will increase with diversification activities. These diversions are undoubtedly adversely impacting both surface and ground water, biological productivity and the quality of the coastal streams, available habitat for salmonids and other endangers special status species. And the impacts will increase as more water is used for diversification activities.

Lease System
We also note that the duration of the proposed lease system is identified as 20 years on page 42. While the duration of individual lessees might be 20 years, the system is actually designed so that lessee families or other lessees can continue in perpetuity as long as there is someone in the family or ranch worker or neighboring rancher that wishes to take over the ranching. It is therefore, critical that the conditions be as clear, specific, and protective as possible. While the lease language might change, the original provisions will set a standard.

Conclusion
As stated in the staff report, the project is an area of 18,000 acres, 6,300 acres of which drain into the Pacific Ocean, esteros and other embayment's and these resources support federally listed endangered species including Coho Salmon and steelhead along with a variety of other valuable natural resources ink lading migratory birds. It is critical that the Commission approve strong requirements for the coastal resources that are part of this National Park.

Thank you for considering our comments

Sincerely,

Barbara Salzman Co-chair
Conservation

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The Fork

December 22, 2020

Carey Feierabend
Acting Superintendent
NATIONAL PARK SERVICE
Point Reyes National Seashore
1 Bear Valley Road
Point Reyes Station, CA 94956

Re: Rancher Comments on NMFS Draft Sections of Biological Opinion

Dear Acting Superintendent Firebrand:

This is a response to your December 14, 2020 letter providing for review certain sections of the National Marine Fisheries Service draft biological opinion for coho salmon, steelhead, and Chinook salmon. Under the Endangered Species Act regulations, the ranchers are "applicants" and have a right to comment on the draft biological opinion and appreciate the opportunity to comment. However, we are concerned that the short turn-around time makes it difficult to meaningful review and request that further draft sections be provided with sufficient lead time for review.

First, the sections of the draft biological opinion (Biop) we reviewed contain a disconnect between the NMFS draft Biop and the analysis in the Park Service biological assessment. In particular, the NMFS draft Biop omits much of the very important context included in the Park Service biological assessment that explains how the location, topography, and woodland vegetation limit livestock access to riparian areas and minimize the impact of cattle grazing on the fish and critical habitat. Second, the Incidental Take Statement should be revised so that take thresholds are based on activities that harm fish, rather than based on actions that will benefit fish. These two concerns are explained in more detail below.

<u>The NMFS Biop Should Explicitly Include Favorable Information from the Park Service Biological Assessment about the Limited Scope of Ranching on the Seashore relative to Fish and Fish Habitat</u>.

The NMFS draft Biop sections we reviewed focus on the ranch operating agreements, mitigation, and monitoring but should also provide context based on the Park Service preferred alternative and the minimal impact that ranching has directly on fish and fish habitat under that alternative because of the location of ranching activities relative to occupied fish streams and critical habitat. It may be that NMFS will include this information in other sections of its Biop not yet drafted. However, in review of the draft Biop index, it does not appear that there is a section where context for ranching relative to fish and fish habitat will be provided. So, it makes most sense to include it in the draft Biop section that you have sent us. Rather than the NMFS Biop relying on a broad, generic incorporation by reference of the Park Service biological assessment, we strongly believe that the NMFS Biop

should explicitly include the discussion in the Park Service Biological Assessment of ranching on the Seashore relative to ESA listed fish and fish habitat as follows:

- "Lagunitas and Olema Creeks are the primary perennial streams that provide habitat for federally listed aquatic species in the Tomales Bay watershed. Within the action area, nearly all perennial stream segments either do not have adjacent grazing or have been fenced with vegetated buffers to exclude cattle. Since the mid-1990s, NPS has worked with ranchers to exclude cattle from approximately 780 acres of riparian habitat which have been removed from lease/permits and are not in action area. Additionally, within the action area, approximately 800 acres have been fenced to exclude cattle from sensitive resources, but these acres are not reflected in current authorizations." BA p. 37.

- "most ranches along Lagunitas Creek, Olema Creek, and elsewhere in the park, have developed upland water sources for livestock, which can reduce livestock use of intermittent streams." BA p.48.

- "Because of the limited access of livestock to most streams in the action area, adverse effects of livestock grazing would be mostly avoided." BA p.48.

- "The length of streams potentially supporting coho salmon, steelhead, and Chinook salmon, totaling approximately 24.5 linear miles of perennial or intermittent streams within ranch boundaries. Livestock have limited access to most streams known to support coho salmon, steelhead, or Chinook salmon, but they occasionally breach exclusion fencing. Some stream reaches could experience indirect effects from livestock grazing and ranch activities in nearby uplands. Because of the minor degree of potential impacts of livestock to most streams in the action area, NMFS (2004) previously determined that any adverse effects of livestock grazing would be minimized or avoided to the degree that they are insignificant or discountable." BA p. 37.

- "Cattle are excluded from direct access to Lagunitas and Olema Creeks, the two most significant streams occupied by coho salmon in the action area. Cattle would thus only directly affect this habitat for salmon and steelhead on occasion if they were to breach pasture fences into excluded riparian areas. Lands added to the Resource Protection subzone would exclude cattle from approximately 2.4 miles of perennial streams in the Lagunitas and Olema Creek watersheds. In the Olema Creek watershed, these livestock exclusion areas would restrict grazing from approximately 1.9 miles of riparian habitat covering approximately 33 acres, including critical habitat on John West Fork and Horse Camp Gulch. In the Lagunitas Creek watershed, cattle would be excluded from approximately 60 acres added to the Resource Protection subzone in the upper reaches of Devil's Gulch, and an additional 5 acres would be added to the Resource Protection subzone along other reaches of important aquatic habitat." BA p. 50.

- "Of the three identified stream reaches identified as critical steelhead habitat in the Drakes Estero watershed, East Schooner Creek is outside grazing lease/permit areas, Home Ranch Creek has cattle exclusion along approximately 62% of critical habitat in the action area, and cattle would be excluded from the remainder of Home Ranch Creek critical habitat outside the Ranch Core as well as the inlet to Creamery Bay under the proposed action." BA p. 51.

- "many streams in the action area are steep wooded canyons that preclude access by livestock." BA p.48.

Please include this context information from the Park Service about livestock and dairy operations relative to ESA listed fish and critical habitat in the NMFS Biop.

Incidental Take Statement Should Not Define Take Based on Beneficial Habitat Projects.

The NMFS Biop incidental take statement explains that specific numbers of coho and steelhead will not be used as a basis for determining take. Rather the take will be based upon the limit on certain habitat activities and if the number of those activities are exceeded it will amount to take of the fish. The draft Biop explains that:

> "In cases where NMFS cannot specify a quantity of individuals that are expected to be incidentally taken by the action, incidental take must be quantified using a surrogate. Thus, NMFS has used habitat impacts as a surrogate for numbers fish expected to be incidentally taken. Habitat impacts are a reasonable surrogate as we have identified habitat impacts and demonstrated their link to harm of listed salmonids in the opinion." p. 9, l. 327-331.

Among the many activities listed "that will be considered as potentially causing take" (p.9, l. 340) are:

5 road closure and rehab projects, 12 filter strip projects, 24 miles of fence to be installed for the resource protection subzone, 35 miles of new fence to be constructed to improve livestock management, 30 watering facilities, 25 pond restoration projects, and 40 grade stabilization structure (headcut repair) and 20 lined waterway projects (drainage ditch stabilization). pp. 9-10, l. 342-358.

Far from causing take, these habitat activities the Park Service concluded in its biological assessment would benefit fish and habitat. For example, "Road Upgrade and Decommissioning treatments provide long-term stabilization for eroding roads or drainage infrastructure, reducing erosion and providing associated benefits to water quality. . . . Infrastructure Improvements, Stream Crossings, and Fencing projects manage livestock uses and limit cattle access to waterways or keep runoff from entering areas where livestock occur. Long-term benefits include reduced potential for soil erosion and delivery of pollutants to waterways with associated benefits to water quality." BA pp. 48-49. "Waterway Stabilization and Waterway Vegetation and Planting activities would reduce potential for soil erosion; less sedimentation would improve water quality, resulting in benefits for coho salmon. Changes to stream morphology could occur with the installation of permanent stabilizing materials such as rock but are not expected to adversely affect coho salmon." BA p. 49. "Pond Restoration. The purpose of this activity is to improve water availability for livestock, fish, and wildlife and to maintain or improve water quality." BA p.18. "Specific fences have been installed for purposes such as archeological resource and riparian habitat protection." BA p.17.

Therefore, while beneficial activities certainly should be discussed as part of the Park Service proposed actions in the Biop, the NMFS incidental take statement must be revised to delete beneficial activities as triggers for causing take of fish.

Finally, the Park Service biological assessment did not include the latest Park Service June 2020 Report on coho and steelhead survey results and the report should be referenced in the NMFS Biop. The citation is: Reichmuth, M., B. McNeill, and S. Carlisle. 2020. Long-term monitoring of coho salmon and steelhead during freshwater life stages in coastal Marin County: 2017 annual report. Natural Resource Report NPS/SFAN/NRR—2020/2149. National Park Service, Fort Collins, Colorado.

Please send us additional sections of the draft Biop as they become available.

Sincerely,

Robt Giacomini Dairy, Inc. DBA Point Reyes Farmstead Cheese Co.
Robert Giacomini
Lynn Giacomini Straus
Owners

12/22/20

Point Reyes Seashore Ranchers Association

December 21, 2020

California Coastal Commission
Federal Consistency Program
455 Market Street, Suite 300
San Francisco, CA 94105

Re: CD-0006-20 (National Park Service, Marin County) Consistency Review for the General Management Plan Amendment for the Point Reyes National Seashore and the North District of Golden Gate National Recreation Area.

Dear Coastal Commission:

We are writing to comment on the National Park Service's Consistency Review submitted to the Commission in October for the General Management Plan ("GMP") Amendment for the Point Reyes National Seashore and North District of Golden Gate National Recreation Area, (the "Seashore"). We support the Park Service's conclusion in the Consistency Review that the GMP Amendment is consistent with the California Coastal Act to the "maximum extent practicable" under the provisions of the Act and the Marin County Local Coastal Program.

The Importance of Ranches on the Point Reyes Seashore.

The Point Reyes Seashore Ranchers Association ("the Association") represents families who operate dairy and beef ranches on the limited acreage of agricultural land within the Seashore that has produced a variety of agricultural products for over a century. The vast majority of the Seashore acreage is devoted to wilderness and recreation. The GMP Amendment applies only to the limited area on the Seashore where the historic ranches are located. The families whose livelihoods depend on continued ranching and dairying are honored and grateful to be part of this longstanding history and take great pride in continuing to ensure that ranching and dairying contribute to the agricultural heritage of Marin County, contributing to the local food system, and promoting the environmental and scenic quality of the working landscapes of the Seashore. Ranching has a long and important history on the Point Reyes peninsula and adjacent National Park Service lands. This working landscape of beef and dairy ranches are a vibrant part of the culture of the Point Reyes National Seashore and represent an important contribution to the

superlative natural and scenic resources of these coastal grasslands. Protection of these diverse and unique resources is an important responsibility shared by the Park Service and Seashore ranchers.

The family ranches contribute important historical, cultural, social, educational, scenic, and environmental values that benefit the Seashore. The ranches sustain the beautiful coastal grasslands that create the overall environment which in turn attract visitors to the Seashore. Without the stewardship of the ranching community, much of this landscape would not be there today. The importance of the working dairies and ranches on the Seashore has been recognized by the designation of the Point Reyes Peninsula Dairy Ranches Historic District and the Olema Valley Dairy Ranches Historic District listed in the National Register of Historic Places.

The ranches are essential to many local and regional businesses and Marin County agriculture is recognized as a leader in California's agricultural sustainability movement and local food security. Farming and ranching on the Seashore contributes to the stability of the entire Marin County farm system. According to Marin County, the Seashore ranches and dairies account for nearly 20% of all gross agricultural production in the County. These ranches and dairies play a critical role in maintaining the viability of the Marin County agricultural infrastructure and economy. Beef and cattle ranching on the Seashore represent 15% of total cattle ranching sales, and dairy production represents 40% of dairy production sales in Marin County. GMP Amend. at 102-103.

Continued Ranching in the Historic District Under the GMP Amendment is Consistent with the California Coastal Act.

The Federal Coastal Zone Management Act ("CZMA") encouraged states to develop coastal management programs and implement the federal consistency procedures of the CZMA. Upon certification of a state's coastal management program, all federal agency activities affecting the coastal zone must be consistent with the enforceable policies of the state's certified program. The federal government has certified the California Coastal Management Program and the enforceable policies are in Chapter 3 of the California Coastal Act of 1976. All consistency documents prepared by a federal agency for its actions, (in this case the Park Service for the GMP Amendment), are reviewed by the Commission for consistency with the Coastal Act policies.

There are a total of seven policies in Chapter 3 of the Coastal Act that may or may not apply to a particular federal action and might need to be addressed by the federal agency: Access, Recreation, Marine Environment, Land Resources, Development, and Industrial Development. The Association comments on several of these policies below.

Land Resources Policy

Agriculture:

The primary policy applicable to the GMP Amendment is the Land Resources policy which addresses lands suitable for agricultural use. The Commission emphasizes that: "The Coastal Act includes provisions to protect and enhance coastal resources and land uses, including agriculture. Strong protection of agricultural lands and the agricultural economy in the coastal zone is mandated by the Coastal Act. These protections include requiring that prime agricultural lands be maintained in agricultural production, restricting the conversion of agricultural lands to other land uses, conserving agricultural soils, and promoting long-term agricultural productivity." Coastal Commission, https://www.coastal.ca.gov/agriculture/. More specifically, the Marin County Local Coastal Plan ("LCP") strongly supports continued agricultural production on the Point Reyes ranchlands "and the important role which agriculture in the parks plays in Marin's agricultural economy." Consistency Determination ("Consist. Det.") at 5.

The GMP Amendment adopts a zoning approach to the management of agriculture on the Seashore. The Association supports the decision to include all of the existing ranches within the Ranchland zone where agriculture can continue and believes perpetuating these historic ranches is consistent with the Coastal Act Land Resources policy. The GMP Amendment's accommodation of some limited diversification of agricultural practices to help sustain agriculture, is also consistent with the Coastal Act Land Resources policy.

Resource Protection:

The Coastal Act's Land Resources policy also directs protection of environmentally sensitive habitat areas. Consistent with this policy, the GMP Amendment uses a subzone approach within the Ranchland zone that limits or prohibits agricultural activities. These subzones are the Resource Protection, Range, Pasture, and Ranch Core subzones. The Resource Protection subzone excludes agriculture from riparian areas, archaeological sites, and some threatened and endangered species habitat. Consist. Det. at 6. The Range subzone covers about 60% of the Ranchland zone and is limited to low intensity grazing. More intensive ranching activities are not allowed because of the documented presence of sensitive resources, including rare plants, native grasslands, wetlands, riparian/stream/pond habitats, and threatened and endangered species concerns. Consist. Det. at 6. The Range subzone includes nearly all areas with slopes greater than 20% and generally no mowing or diversification activities would be allowed in the subzone. Consist. Det. at 6.

Moreover, existing regulatory requirements and water quality programs independent of the GMP Amendment, support the Consistency Determination with the Coastal Act. The Association's ranches and dairies support accommodating working landscapes and environmental resource stewardship. The ranches and dairies must also comply with stringent water quality management requirements that govern agricultural nonpoint source pollution. For example, the ranches must comply with the Grazing Lands and Dairy Conditional Waivers for Waste Discharge Requirements approved and implemented by the San Francisco Regional Water Quality Control Board. Ranchers must evaluate potential impacts to surface and groundwater from grazing livestock and manure management and implement practices that mitigate those

impacts. Other measures ranchers use to protect water quality include the Environmental Protection Agency Section 319 water quality grants and working with the Marin Resource Conservation District on other water quality funded projects.

The GMP Amendment subzones and the existing water quality programs and regulatory requirements, fully address environmentally sensitive habitat areas consistent with the Land Resources policy of the Coastal Act.

Differences of opinion over Ranchland zone management do not invalidate the Consistency Determination:

The Association believes that the GMP Amendment could do more to support agriculture. The management (or lack thereof) of the reintroduced tule elk population and the limits on the use organic compost to improve soil health are two examples.

Despite serious and ongoing elk impacts from the newly formed Drakes Beach herd, the GMP Amendment formalizes an increase in the amount of tule elk on the Seashore relative to the 1998 Tule Elk Management Plan. The Drakes Beach herd arose after the adoption of the 1998 Plan but as the Park Service's consistency determination explains, the 1998 Elk Plan "did not contemplate the expansion of tule elk into the ranchlands." Consist. Det. at 4. The Association supports the presence of elk in the vast area of wilderness and non-agricultural lands on the Seashore. However, the GMP Amendment could more effectively separate elk from ranches but instead relies primarily on hazing methods that have been ineffective since elk were reintroduced.

The failure to adequately control elk could threaten the organic certification of ranches as elk consume forage that reduces the required time that livestock must spend on open range to maintain certification. Failure to separate the elk from ranches could ultimately result in eliminating agricultural production and conversion of agricultural land to non-agricultural use, a result not supported by the Commission's policies. *See Agriculture in the Coastal Zone: An Informational Guide for the Permitting of Agricultural Development,* Coastal Commission (2107) at 8 ("The Coastal Act addresses agriculture by... Limiting the conversion of coastal agricultural lands to nonagricultural uses. . . . The Coastal Act sets a high bar for protecting agricultural lands."). Marin County's comments on the GMP Amendment emphasized that the GMP Amendment could do a better job of mitigation impacts of the elk competition on agriculture which "includes compensation for losses of silage, improved pasture, supplemental feed and costs for fence and infrastructure repair resulting from elk consumption and damage." Bd of Sup. DEIS Comments.

In addition, the GMP Amendment does not permit the use of organic compost on most ranches in the Seashore despite the clear benefits to soil health, carbon storage, and productivity. The Coastal Act mandates "conserving agricultural soils, and promoting long-term agricultural productivity." More specifically, the Commission has addressed the important role of organic matter to carbon storage in its publication: Carbon Storage Using Organic Soil Amendments on California's Coastal Rangelands (2017) ("Comm'n Carbon Rep."):

"Carbon dioxide (CO2) is the primary greenhouse gas responsible for global climate change. Land use practices that conserve or increase terrestrial carbon storage as a way to mitigate carbon emissions . . . may also enhance soil fertility and plant productivity, and reduce evaporative water losses from rangelands, thereby protecting agricultural viability consistent with Coastal Act policies." Comm'n Carbon Rep. at 1. "Application of organic amendments can also reduce greenhouse gases by augmenting plant growth and altering the soil processes that return carbon to the atmosphere." Comm'n Carbon Rep. at 1. "Although small-scale, the results of the [U.C. Berkeley] study . . . indicate that the application of organic amendments to rangeland soils is a potentially promising tool for land managers interested in coastal ecosystem protection. Because of the link between climate change and coastal impacts, such measures can both contribute toward climate change mitigation, and reduce impacts to the built environment and natural ecosystems protected by the Coastal Act." Comm'n Carbon Rep. at 5. Furthermore, Marin County's updated Climate Action Plan (CAP) addresses Greenhouse Gas Emission Reductions and Carbon Offset potential and has the objective of partnering with West Marin agricultural operators in preparing farm plans to reduce greenhouse gasses.

The point of these examples is that no interest group got everything that they wanted from the GMP Amendment. The Association may prefer that there be more active management to limit expansion of the elk population and greater diversification of agricultural practices to support ranches and dairies. However, the Park Service strikes a different balance between historic, cultural, recreational, and wildlife resources on the Seashore. It is not the Commission's role to impose a different balance through the review of the Park Service's Consistency Determination for a largely programmatic plan.

Access and Recreation Policies

The Association agrees with the Park Service conclusion that the GMP Amendment is consistent with the Coastal Act policies for Public Access and Recreation. Under the preferred alternative, access will continue along Pierce Point Road and Sir Francis Drake Boulevard and there are no plans to eliminate any existing trails. Rather, the plan provides for improved trail connections and expanded trail access. Consist. Det. at 25, 26, 34. The GMP Amendment also provides for farm tours and farm stays in existing structures. If approved on one or more ranches, these activities would provide a new type of visitor access opportunity. Consist. Det. at 25. Thus, the GMP Amendment will maintain and enhance public access and recreation consistent with the Coastal Act. In fact, because ranchers are on the Seashore every day, many of the ranchers in the Association often encounter Seashore visitors and answer their questions and help guide them to trails and points of interest.

Development Policies

The Consistency Determination points out that most of the Ranchland zone is within the Point Reyes Peninsula Dairy Ranches or Olema Valley Dairy Ranches Historic Districts. Therefore, any proposed development actions would also require review by the State Historic Preservation

Officer, as required by Section 106 of the National Historic Preservation Act. Consist. Det. at 34. Under existing NPS laws, regulations, policies and guidelines require that any Park Service proposed development, must be evaluated for consistency with the Development policies of the Coastal Act to minimize adverse impacts from new development.

Conclusion.

The multi-generational ranching families of the Point Reyes Seashore urge the Commission to concur with the Park Service's conclusion that the GMP Amendment is consistent with the Coastal Act. This is especially true given the elements of the Plan that allow agriculture to continue its significant contribution to the Marin County agricultural economy while being limited to protect natural resources. Separating tule elk from the agricultural lands and allowing ranchers to maintain or improve soil health by way of organic amendments are essential to the long-term viability of agriculture on the Seashore.

Sincerely,

Ernest Spaletta, President
Point Reyes Seashore Ranchers Association

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The Fork

December 19, 2020

Mr. Larry Simon
Federal Consistency Program
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Subject: Coastal Consistency Determination for the Point Reyes National Seashore and North District Golden Gate National Recreation Area General Management Plan Amendment and Environmental Impact Statement

Dear Mr. Simon:

The Robert Giacomini Dairy Inc, and Point Reyes Farmstead Cheese co. supports the National Park Service's (NPS) request for a Coastal Consistency Determination (CCD) for the Point Reyes National Seashore (PRNS) and Northern District of the Golden Gate National Recreation Area (GGNRA) General Management Plan Amendment Environmental Impact Statement (GMPA EIS). We have participated actively throughout the National Environmental Policy Act (NEPA) process used by NPS staff to the develop the GMPA EIS, providing comments and offering our organization as a resource for NPS staff and affected agricultural producers ranching on the GMPA EIS.

Throughout this engagement, we have been grateful for NPS staff's receptiveness to options and technical information that contribute to individual farm and ranch viability and environmental stewardship and integrity. We also have benefited from NPS staff explanations of the origins and intent for PRNS and GGNRA, NPS administrative and management process, and outreach throughout the NEPA process.

The resulting Preferred Alternative (Alternative B in the GMPA EIS) epitomizes that receptiveness and community engagement and the balance of cultural and natural resource management that NPS is mandated to integrate on PRNS and GGNRA. Furthermore, the Preferred Alternative has significant parallels and even mirrors the California Coastal Act (CCA). Specifically, CCA intent is to protect California's coast from development impacts so that coastal environments and ecosystems, recreational opportunities, and agricultural lands are enhanced. The GMPA EIS Preferred Alternative similarly provides 20-year leases and establishes strict ranch operating agreements using tested practice standards and measures (GMPA EIS Appendix F) to support sustainable and regenerative agriculture. It also, establishes the management plan and measures that allow for two herds of free-range elk of not more than 120 animals. Lastly, it provides direction and a framework for increasing visitor experience.

Because of this shared policy purpose and goal between CCA and GMPA EIS and the overall rigor and thoroughness of the GMPA EIS Robert Giacomini Dairy Inc, and Point Reyes Farmstead Cheese co. supports NPS request for a Coastal Consistency Determination CCD for the requested action. We thank you for this opportunity to provide our comments and for your consideration.

Respectfully,
Bob Giacomini
Lynn Giacomini Stray
Robert Giacomini Dairy Inc, and Point Reyes Farmstead Cheese co.

12/19/20

Carbon Cycle Institute

December 18, 2020

Mr. Larry Simon
Federal Consistency Program
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Subject: SUPPORT; Coastal Consistency Determination for the Point Reyes National Seashore and North District Golden Gate National Recreation Area General Management Plan Amendment and Environmental Impact Statement

Dear Mr. Simon:

The Carbon Cycle Institute supports the National Park Service (NPS) request for a Coastal Consistency Determination (CCD) for the Point Reyes National Seashore (PRNS) and Northern District of the Golden Gate National Recreation Area (GGNRA) General Management Plan Amendment Environmental Impact Statement (GMPA EIS). We have participated throughout the National Environmental Policy Act (NEPA) process, providing comments and offering our organization's expertise in the realm of terrestrial carbon sequestration as a resource for NPS staff and affected agricultural producers.

We are gratified by NPS receptiveness to options and technical information that contribute to individual farm and ranch viability and environmental stewardship and integrity. We are particularly pleased that NPS has recognized the potential of carbon farming- the intentional management of working lands for enhanced carbon sequestration- to play a role in the management of PRNS/GGNRA ranchlands for conservation objectives.

The Preferred Alternative (Alternative B in the GMPA EIS) reflects the community engagement and balance of cultural and natural resource management objectives that NPS is mandated to achieve at PRNS and GGNRA. It furthers the intent of the California Coastal Act (CCA) to protect California's coast from development impacts to enhance coastal environments and ecosystems, recreational opportunities and agricultural lands. The Preferred Alternative provides 20-year leases –needed to enable rancher financial investment in their operations- while establishing strict ranch operating agreements deploying tested conservation practice standards and measures (GMPA EIS Appendix F) to support sustainable agriculture, including carbon farming approaches. It establishes a management plan and measures that allow for two free-ranging elk herds at PRNS, and provides a framework for enhanced visitor experience on this remarkable piece of the California coast.

245 Kentucky Street, Petaluma, CA 94952
jcreque@carboncycle.org www.carboncycle.org

Carbon Cycle Institute

Because of the overall thoroughness of the GMPA EIS, and its CCA-shared policy purpose and goal, the Carbon Cycle Institute supports the NPS request for a Coastal Consistency Determination for the requested action.

Thank you for this opportunity to provide our comments in support of the Coastal Consistency Determination for the Point Reyes National Seashore and North District Golden Gate National Recreation Area General Management Plan Amendment and Environmental Impact Statement.

Respectfully,

Jeffrey Creque

Jeffrey Creque, Ph.D.
Director, Rangeland and Agroecosystem Management

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CALIFORNIA
NATIVE PLANT SOCIETY

January 6, 2021

Dan Carl, District Director
North Central Coast and Central Coast
California Coastal Commission
455 Market Street, Suite 300 San Francisco, CA 94105
Dan.Carl@coastal.ca.gov

RE: Coastal Consistency Determination by the California Coastal Commission for the Proposed Point Reyes National Seashore General Management Plan Amendment CD-0006-20

Dear Mr. Carl:

The National Park Service (NPS) is asking the Coastal Commission to fast-track concurrence with a Consistency Determination for the Proposed Point Reyes National Seashore General Management Plan Amendment (GMPA), despite inadequate information regarding coastal zone impacts and the fact that the proposed plan and expanded agricultural activities are not consistent to the maximum extent practicable with the California Coast Management Program (CCMP).

The undersigned conservation organization, the Dorothy King Young Chapter of the California Native Plant Society (CNPS) joins our sister CNPS Chapters and CNPS Conservation Leads in requesting that the Coastal Commission **not** approve conditional concurrence with the Point Reyes plan at its January 14, 2021 Commission meeting.

The Coastal Commission received more than 20,000 public comments during its review of the GMPA opposing the NPS plan for ranching at Point Reyes National Seashore and Golden Gate National Recreation Area and its damaging spillover impacts to wildlife and other public resources in the coastal zone.

Coastal Commission staff requested that the NPS extend the review deadline through the March 2021 Commission meeting. In response to this request, the NPS set a deadline of January 20, 2021. Trump's Department of Interior is intent on filing a Record of Decision for the unpopular and environmentally damaging plan before the new administration.

The National Seashore is a keystone for California's interconnected coastal resources.

This administration's refusal to accept the Commission's proposed timeline is an attempt to usurp the state's ability to request additional information. It denies the Commission the time necessary to fairly analyze and evaluate how the maintenance of ranching operations and further agricultural development in these national parks will affect coastal resources for decades to come.

We understand that the Point Reyes National Seashore lands and one-quarter-mile strip of tidal lands are not directly within the state coastal zone because of federal ownership, but ranching activities are having a large and long-lasting spillover impacts on coastal zone areas. Many of the proposed expansions of agricultural activities under the NPS Preferred Alternative would affect public uses and resources that are part of the state's coastal zone.

Your staff has determined that there are significant spillover effects from proposed ranching activities in the plan related to water quality and the protection of marine resources. Your staff does not believe that the current GMPA is consistent with Coastal Act policies related to marine resources (Section 30230) and water quality (Section 30231), particularly for the Point Reyes portion of the GMPA planning area. Your staff also raised concerns that there is limited, insufficient water quality data available for Point Reyes National Seashore, where water quality standards have not historically been met in creeks and wetlands that drain into Drake's Estero, Abbotts Lagoon, and the Pacific Ocean. The efficacy of proposed best management practices and water quality protection measures designed to protect coastal resources in the GMPA are, at best, uncertain.

The NPS Consistency Determination and the Commission staff report are missing credible analyses of additional impacts to the environment and public access that will result from the GMPA, many of them with spillover effects on the coastal zone, including impacts to water quality, water quantity, migratory birds, climate change, and social and environmental justice. The GMPA also lacks specificity on proposed mitigation measures; the NPS refers to this missing information as "programmatic details" which will be described at some future date and "may be subject to future review by the Commission, after site-specific actions are developed."

The Dorothy King Young Chapter, along with our sister Chapters and Conservation Leads in CNPS believe that the impacts to coastal areas, marine and coastal wildlife, and public access are minimized in the NPS's plan and have not been thoroughly evaluated by the Coastal Commission. The Commission needs more time and information to confidently decide whether the NPSs plan is adequate and consistent with protecting the California coast. Any water quality assessment plan for Point Reyes

should be finalized before any decision on concurrence. Please do **not** approve conditional concurrence with the Point Reyes plan at the January 14 Commission meeting.

Sincerely,

Renée Pasquinelli

Renée Pasquinelli
Conservation Co-chair (north)
Dorothy King Young Chapter
California Native Plant Society

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MARIN RESOURCE
CONSERVATION DISTRICT

December 16, 2020

Mr. Larry Simon
Federal Consistency Program
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Subject: Coastal Consistency Determination for the Point Reyes National Seashore and North District Golden Gate National Recreation Area General Management Plan Amendment and Environmental Impact Statement

Dear Mr. Simon:

The Marin Resource Conservation District (Marin RCD) supports the National Park Service's (NPS) request for a Coastal Consistency Determination (CCD) for the Point Reyes National Seashore (PRNS) and Northern District of the Golden Gate National Recreation Area (GGNRA) General Management Plan Amendment Environmental Impact Statement (GMPA EIS). We have participated actively throughout the National Environmental Policy Act (NEPA) process used by NPS staff to the develop the GMPA EIS, providing comments and offering our organization as a resource for NPS staff and affected agricultural producers ranching on the GMPA EIS.

Throughout this planning effort, we have been grateful for NPS staff's receptiveness to technical information that contributes to individual farm and ranch viability and environmental stewardship and integrity. We also have benefited from NPS staff explanations of the origins and intent for PRNS and GGNRA, NPS administrative and management process, and outreach throughout the NEPA process.

The resulting Preferred Alternative (Alternative B in the GMPA EIS) epitomizes that receptiveness and community engagement and the balance of cultural and natural resource management that NPS is mandated to integrate on PRNS and GGNRA. Furthermore, the Preferred Alternative has significant parallels and even mirrors the California Coastal Act (CCA). Specifically, CCA intent is to protect California's coast from development impacts so that coastal environments and ecosystems, recreational opportunities, and agricultural lands are enhanced. The GMPA EIS Preferred Alternative similarly provides 20-year leases and establishes strict ranch operating agreements using tested practice standards and measures (GMPA EIS Appendix F) to support sustainable and regenerative agriculture. It also, establishes the management plan and measures that allow for two herds of free-range elk of more than 120 animals. Lastly, it provides direction and a framework for increasing visitor experience.

The Marin RCD shares these goals as stated in the Preferred Alternative. Because of this shared policy purpose and goal between CCA and GMPA EIS and the overall rigor and thoroughness of the GMPA EIS the Marin RCD supports NPS request for a Coastal Consistency Determination CCD for the requested action. We thank you for this opportunity to provide our comments and for your consideration.

Respectfully,

DocuSigned by:
Nancy Scolari
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Nancy Scolari
Executive Director

MARIN RESOURCE CONSERVATION DISTRICT

December 16, 2020

Mr. Larry Simon
Federal Consistency Program
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Subject: Coastal Consistency Determination for the Point Reyes National Seashore and North District Golden Gate National Recreation Area General Management Plan Amendment and Environmental Impact Statement

Dear Mr. Simon:

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Respectfully,

DocuSigned by:
Nancy Scolari
5415581A0ACE42F...

Nancy Scolari
Executive Director

January 6th, 2021

MARIN CONSERVATION LEAGUE
Protecting Marin Since 1934

Chair Steve Padilla
c/o Mr. Larry Simon
Federal Consistency Program
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Subject: Coastal Commission Staff Report recommending conditional concurrence for the Point Reyes National Seashore and North District Golden Gate National Recreation Area General Management Plan Amendment and Environmental Impact Statement

Dear Mr. Padilla:

The purpose of this letter is to communicate to you and your fellow California Coastal Commissioners Marin Conservation League's support of the Coastal Commission Staff Report for conditional concurrence with the National Park Service's (NPS) request for a Coastal Consistency Determination (CCD) for the Point Reyes National Seashore (PRNS) and North District Golden Gate National Recreation Area (GGNRA) General Management General Management Plan Amendment/Environmental Impact Statement (GMPA/EIS). We previously provided our initial analysis of the proposed action and support for a CCD in our letter to staff dated December 14, 2020 (attached).

Marin Conservation League's 85-year history of conservation is synonymous with the preservation of lands for the public in Marin County. The designations of both the Point Reyes Peninsula and Golden Gate National Recreation Area as national parks are landmark achievements in which MCL played key roles in collaboration with many others. MCL continues to steward the treasured natural and cultural resources as well as the scenic and recreational coastal values of these national parks that make up almost one-third of Marin's land area and attract millions of people from around the world every year.

At the same time, MCL is guided by an Agriculture Policy (attached) whose goal is "to support the role Marin's agricultural community plays in maintaining open space, protecting wildlife corridors, managing carbon, preserving a valuable local heritage, and contributing to food security and the local economy."

Guided by our long-standing conservation mission to preserve public lands and this locally-focused agricultural policy, MCL has diligently tracked and participated in NPS planning processes to balance and integrate multiple resource values into the management of PRNS and GGNRA. The result of this research and deliberation is MCL's support for ranching within PRNS and GGNRA because it is compatible with and does not compromise "the natural environment, recreational

opportunities, and the scientific and historical merits" that prompted the parks' original authorizations. Traditional family ranching can continue, but with the additional implementation of environmentally sound mitigation measures detailed in the GMPA/EIS. MCL also believes that, although not subject to the jurisdiction of the Coastal Act, healthy populations of tule elk can be managed with State Department of Fish and Wildlife approval as they are in every elk preserve in the state, where issuance of annual hunting tags is the primary tool for managing populations. And three quarters of the park will continue to be "natural" and "wilderness" in perpetuity. Fuller analysis and explanation of MCL's support of the GMPA/EIS and Preferred Alternative (Alternative B) is available on our website[1].

Determination of Conditional Consistency with the California Coastal Act

MCL commends the California Coastal Commission staff for its careful and detailed review of the NPS request for consistency determination under the authority of the Coastal Zone Management Act (CZMA), and for its disciplined application and adherence to the California Coastal Act, specifically Chapter 3. Staff analysis and recommendations demonstrate an accurate understanding of the advisory authority the CCC has over proposed actions on reserved federal lands and the potential for "spill-over effects" of such actions on State waters and lands and resources.

In their report to the Commission, your staff recommends finding that the majority of actions proposed by the NPS' Preferred Alternative would be consistent with the policies in Chapter 3 of the Coastal Act. The exception is a finding for *conditional* consistency with respect to the potential for adverse water quality in PRNS coastal drainages to impact downstream marine habitats: ". . . missing from the NPS proposal is a comprehensive water quality monitoring plan. . . to demonstrate whether implementation of those actions (would) result in compliance with water quality standards." (Staff Report, pp. 50-51). Therefore, as a condition, staff requests that a water quality monitoring plan for PRNS coastal drainages be reviewed and "approved" by the CCC before new leases with ranchers are finalized.

In response to this condition, MCL asks you to note that the intent and analysis, and all plans, practices and other measures in the GMPA/EIS to manage water quality, are in alignment with and supportive of the regulatory authority of the State Water Resources Control Board and San Francisco Regional Water Quality Control Board. To avoid unnecessary duplication, it is essential that any final conditions requested by CCC staff and Commissioners be coordinated to ensure that NPS' proposed plans and SFRWQCB authority are consistently and fully carried out. This is consistent with element number 2 that your staff recommends for the Water Quality Assessment Plan. (Staff Report, p. 51)

[1] Marin Conservation League Newsletter: November December 2019 (http://www.conservationleague.org/images/stories/Newsletters/NL19D_NovDec_web.pdf); and September October 2020 (http://www.conservationleague.org/images/stories/Newsletters/NL20D_Sept-Oct_web.pdf).

By way of background, as early as 1995, NPS staff established water quality monitoring plans for both the Tomales Bay and Coastal drainage portions of PRNS and GGNRA[2]. The results from this monitoring network have facilitated evaluation of ambient water quality conditions and effectiveness of conservation practices in an effort to improve those conditions. For example, the robust water quality sampling program carried out by the NPS between 2000 and 2013 in three coastal drainages documents a consistent decline in fecal indicator bacteria (FIB) and six-fold increases in samples meeting regulatory criteria, coincident with instituting a variety of best management practices on both cattle and dairy ranches. The program is documented in Appendix L of the GMPA/Final EIS [3]. The GMPA/EIS provides a plan to build on this progress. The plan also would strengthen partnerships with technical and financial assistance organizations, and secure much needed funding support for implementing both conservation measures and monitoring water quality.

In 2005, the California State Water Resources Control Board issued its Non-point Source (NPS) Pollution Monitoring and Enforcement Policy. This policy directed the respective nine Regional Water Quality Control Boards (RWQCBs) to regulate water quality from multiple sources, including agriculture, through existing authority of the Federal Clean Water Act, California Porter-Cologne Water Quality Act, and respective regional Basin Plans. The San Francisco Bay RWQCB has subsequently established regulations for grazing operations in the Tomales Bay watershed[4] and confined animal facilities, including dairies, in both the Tomales Bay and coastal watershed areas[5]. In the case of confined animal facilities, the Regional Board order specifically requires annual monitoring and reporting of water quality results. Any monitoring protocol requested by the CCC would have to be consistent in both timing and content with these already-established state programs.

In Conclusion

MCL is calling upon California Coastal Commissioners to follow staff lead in recommending a Water Quality Assessment Plan before new leases with ranchers are finalized. We also agree with the three elements to be included in the assessment plan: 1) provide short and long-term goals and timelines for the Tomales Bay, Drakes Estero, other Pacific Ocean watersheds and the creeks that feed them; 2) collect data sufficient to determine water quality standards are met using protocols that are consistent with existing regulatory protocols for monitoring and reporting of a "sister" State agency with equivalent public trust responsibilities on the coast; and 3) provide annual reports that

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[2] National Park Service and Point Reyes National Seashore Water Resources Management Plan and San Francisco Bay Area Monitoring Network - https://www.nps.gov/articles/water-quality-monitoring.htm.

[3] Point Reyes National Seashore Water Quality Monitoring Report 2001; National Park Service GMPA/EIS Appendix L 2020; and Lewis et al. 2019

[4] SFRWQCB, 2018, Resolution No. R2-2018-0046 Renewal of Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed

[5] SFRWQCB, 2016, Order No. R2-2016-0031 General Waste Discharge Requirements for Confined Animal Facilities within the San Francisco Bay Region

include water quality standards, data, priority areas for grazing-related best practices and indicate how these practices are incorporated into the individual Ranch Operating Agreements for implementation.

Thank you and the other Commissioners for considering support of your staff's recommendation for conditional consistency of the proposed action.

Sincerely,

Robert Miller
President

Nona Dennis
Chair
Parks and Open Space Committee

Attachments:

- Marin Conservation League letter to Consistency Review Program Coordinator dated 12/14/2020
- Marin Conservation League Agricultural Policy Statement 2015

December 14th, 2020

MARIN CONSERVATION LEAGUE
Protecting Marin Since 1934

Mr. Larry Simon
Federal Consistency Program
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Subject: Coastal Consistency Determination for the Point Reyes National Seashore and North District Golden Gate National Recreation Area General Management Plan Amendment and Environmental Impact Statement

Dear Mr. Simon:

The purpose of this letter is to express Marin Conservation League's support of the National Park Service's (NPS) request for a Coastal Consistency Determination (CDC) for the subject action. [1]

Under the Preferred Alternative (Alternative B in the General Management Plan Amendment/Environmental Impact Statement [GMPA/EIS]), the NPS is offering up to 20-year leases to multi-generational dairy and cattle ranches that have occupied the land for more than 150 years. Granting 20-year leases will give ranch owners a certainty of tenure, enabling them to invest in ranch infrastructure to assure the future viability of their operations and make necessary improvements to better protect natural resource values, such as water quality and sensitive habitat areas. The GMPA/EIS, including Appendices (notably Appendix F) details the conditions under which ranching would continue.

In general terms, MCL supports the continuation of historic family ranching on Point Reyes National Seashore (PRNS, Seashore, or Park) and the Northern District of Golden Gate National Recreation Area (GGNRA) under the guidance of an environmentally-sound management approach spelled out in the GMPA/EIS. Anchored by Ranch Operating Agreements (ROAs) between NPS and ranch owners and a sub-zoning plan designed for each ranch to protect sensitive resources from ranch operations, the approach consists of a comprehensive suite of strategies (detailed in Appendix F) that would be incorporated into each ROA, thus ensuring that the desired conditions laid out

[1] To clarify the purpose of a Coastal Consistency Determination: Section 307 of the "Coastal Zone Management Act of 1972" (CZMA), requires that federal actions – including those on NPS parks not in the California Coastal Zone that might affect the state's interest in land, water or other natural resources within the coastal zone – be consistent with the enforceable policies of the state's federally approved coastal management program. A "consistency determination" is a brief statement describing how the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with enforceable policies found in Chapter 3 of the California Coastal Act. The Coastal Commission's goal is to provide open communication and coordination with federal agencies and provide the opportunity for the public to participate in the process.

in Chapter 1 (Page 2) of the GMPA/EIS would be met. These strategies include standardized management activities, employing "practice standards" based on federal and state agency regulations and guidance, and implementing required mitigation measures and other conditions outlined in the EIS and detailed in Appendices.

Continued ranching under these terms described in the Preferred Alternative would be consistent with "the natural environment, recreational opportunities, and the scientific and historical merits" that prompted the park's original and later-amplified legislative authorizations.

With implementation of the conditions outlined above and discussed in greater detail below, MCL believes that the Preferred Alternative also is consistent with the policies in the California Coastal Act of 1976 as amended. Because the GMPA/EIS covers both detailed actions and programmatic elements, the NPS is requesting a Consistency Determination only for detailed actions. Projects under programmatic elements proposed during the 20-year GMPA plan period, such as diversification and some visitor amenities, would require subsequent environmental review, and possible CCC consultation.

MCL's letter incorporates by reference the summary description of the GMPA/EIS Preferred Alternative contained in NPS' letter to the CCC, dated October 16, 2020. To

PRNS connections and MCL assumptions

Four assumptions based on the factual record undergird MCL's position:

1. First, it is necessary to view PRNS in its historic and local context as well as in terms of its national significance. Its history reveals that many parts had to come together to preserve this unique coastal site of natural beauty, scientific and historic/cultural interest, rare plants and wildlife, and public recreation as national park.

   From inception in 1916 of the National Park System – regularly proclaimed "America's greatest idea" but in reality an amalgam of ideas that have evolved over time – national parks have been interconnected with the surrounding world, with deep economic and cultural connections to adjacent communities and ecological linkages to surrounding landscapes. They have never served as isolated nature reserves.[2]

   No national park demonstrates these connections as consistently as Point Reyes National Seashore. Set on the Pacific Coast within the West Marin context, with its millennia-old indigenous heritage, its historic, generations-old agricultural and rural village culture, as well as its location within an hour's reach of a large metropolitan population, the Seashore is the product of the local, regional, and

[2] Keiter, R.B., *To Conserve Unimpaired: The Evolution of the National Park Idea,* Island Press, 2013

national interests that came together in an eons-old geologic and ecological coastal setting to create the priceless and multi-faceted park that millions enjoy today!

2. As a second assumption, MCL is highly qualified to comment on PRNS as a public park of national and local significance. Few organizations are as intimately connected with the early history of PRNS as MCL. MCL, founded in 1934 as the Golden Gate Bridge was under construction, was among the first to identify the need to protect Marin's scenic coastal lands for the public and to act on it. At that time these lands were completely open to private exploitation. From a planned list of priorities for acquisition, MCL's first documented success was acquisition of a 54-acre property including Drakes Beach, the first "piece" of the National-Seashore-to-come. In the two decades that followed, MCL founders facilitated acquisition of other coastal sites that eventually became state parks and initiated or participated in many other public land acquisitions, including the Golden Gate National Recreation Area (GGNRA). MCL's key motivation behind these actions was to save special lands for public enjoyment. Ecosystems and sensitive habitats were not yet in the conservation vernacular.

   Throughout the 1950s, MCL worked closely with other conservationists to seek protection for Point Reyes Peninsula from the destructive consequences that commercial and residential development could have. With authorization of most of the peninsula as a national park in 1962, some expressed interest in preserving the human as well as the natural landscape under the aegis of the NPS. Caroline Livermore, then president of Marin Conservation League, wrote, ". . . as true conservationists we want to preserve dairying in this area and will do what we can to promote the health of this industry which is so valuable to the economic and material well-being of our people and which adds to the pastoral scene adjacent to proposed recreation areas." [3]

   In the late 1960s, MCL devoted hundreds of hours and financial resources to the 1969 "Save Our Seashore" campaign to obtain Land and Water Conservation funds for acquiring the ranches. Ranchers played a key role in this campaign by supporting the new park and willingly selling their lands to fulfill the congressional intent. In the 1970s, MCL also advised protecting the park as a natural area in the preliminary master plan for the Seashore, and advocated for the maximum area to be designated as Philip Burton Wilderness.

3. MCL's third assumption concerns the role that cattle and dairy ranching continue to play as an important component of the Seashore's (and GGNRA's) cultural and natural resource values. This role has been acknowledged over the past fifty years in legislative authorizations, amendments and clarifications, and management policies. The NPS' working relationship with the ranches in the park was fostered

[3] Livingston, D.S., *Ranching on the Point Reyes Peninsula – 1834-1992,* National Park Service, 1993, rev. 1994

by early park administration, which recognized that cows and cattle were "co-managers" of the scenic pastoral grassland landscape that would devolve into brush without a regular grazing regime. There were later indications that the working relationships between ranchers and park management were generally positive, and that the park was committed to keeping the ranches viable as an integral part of the national seashore as well as the GGNRA Northern District. Their historic significance was reinforced by their later designation as Historic Districts and their recognition as cultural resources to be protected in concert with protecting and preserving the well-documented natural and indigenous resources throughout the Park.

4. As a fourth assumption, the history of Marin County agriculture, including production records, has demonstrated for decades that the ranches on Point Reyes are an integral part of a single cultural heritage and agricultural economy. Roughly one third of Marin County's land area is made up of rural rangeland and family farms. Together, ranches, both on and off the Seashore, constitute a critical mass that enables the whole to remain viable. MCL has long recognized the value of these agricultural lands and developed a supportive relationship with dairymen and ranchers in West Marin. As a previous Executive Director of MCL stated: "If you sold off the agricultural land and just let it go for open space, it would change the character dramatically . . . it would not be the pastoral scene we know today."

Consistency with provisions of the California Coastal Act

The primary goal for amending the General Management Plan for this unique coastal resource over the next 20 years is to achieve the "Desired Conditions" articulated in the GMPA/EIS (Chapter 1). These conditions are organized around. . .

- preservation of ecological functions;
- preservation of native species, including threatened and endangered species;
- management of invasive/non-native species;
- preservation of cultural resources (including historic ranches); and
- public use and enjoyment/visitor experience.

In essence, these have been at the core of the Seashore's management policies over the past fifty-years. Without exception, these "desired conditions" are consistent with key policies in Articles 2 through 6 of the Coastal Act that have protected California's Coast for almost the same period of time, namely:

- provision of public access and recreational opportunities;
- protection of coastal waters and unique and sensitive marine and land resources;
- maintenance of prime agricultural land and the agricultural economy; and
- protection of scenic and visual qualities.

The actual achievement of these desired conditions in the Seashore, which are aspirational in nature, depends on successful implementation of a detailed and

comprehensive set of management actions that make up the Preferred Alternative, described in the GMPA/EIS, detailed in Appendices, and summarized in Table 2: Strategies for the Preservation of Area Resources, pages 29-32. Appendix F presents an inventory of management activities, practice standards, and required mitigations. Mitigation measures specific to avoiding impacts to threatened and endangered species are detailed in Biological Assessments (Appendices N and O). Implementing these conditions would accomplish the purposes of the Preferred Alternative.
The discussion below offers selected examples of the many NPS management strategies that demonstrate consistency of the Preferred Alternative with Coastal Act policies.

Articles 2 and 3 – Public Access and Recreation

". . . maximum access. . .shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse." (Section 30210)

"*. . .ocean front land suitable for recreational shall be protected for recreational use and development.* (Section 30221) . . .u*pland areas necessary to support coastal recreational uses shall be reserved for such uses."* (Section 30223)

The Seashore welcomes more than 2.5 million visitors annually and provides wide ranging opportunities and facilities for educational and scientific activities, affordable day and overnight accommodations such as camping, volunteer programs, trails for hiking, equestrian, and cycling recreation, and wide-ranging opportunities for "sight-seeing."

Public access currently is allowed in the existing Pastoral Zone (to be renamed as the Ranchland and Scenic Landscape Zones under the Preferred Alternative), consistent with the need to avoid disrupting ranch operations and infrastructure, protect ranchers' privacy, and ensure safety. Many of these public amenities are made possible through partnership with the non-profit Point Reyes National Seashore Association's robust program of educational and volunteer activities.

These would all remain under the Preferred Alternative. The Ranchland and Scenic Landscape zones would continue to maintain the current landscape and public access to coastal and upland sites for access and recreational and educational use. In addition, the GMPA/EIS describes numerous possible projects to enhance existing opportunities. Most are described and their impacts analyzed at a programmatic level. For example, proposals to enhance a network of connecting trails and old ranch roads, detailed in Appendix H, could be proposed over the 20-year plan horizon covered by the EIS, and would require site-specific environmental review. Similarly, proposed farm stays and farm tours to engage ranchers in the Seashore's interpretive programs would require subsequent environmental review and possible coastal consistency. Appendix I discusses indicators and thresholds for visitor use and enjoyment, and considers visitor capacity and addresses issues such as traffic and parking and the need for shuttle systems. The

NPS does not anticipate expanding levels of visitor access under the Preferred Alternative. Even with some enhanced options, e.g., trail loops and connections, or new interpretive programs, visitor use would continue to be managed to avoid sensitive resources in the Park.

Article 4 – Marine Environment

". . .The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes . . .shall be maintained and, where feasible, restored through . . .minimizing adverse effects of waste water discharges and entrainment, controlling runoff . . . encouraging waste water reclamation, maintaining . . . riparian habitats . . ." (Section 30231)

The planning area does not include marine waters. It does, however, include watersheds and streams that carry runoff from cattle and dairy operations and discharge into esteros and the ocean and Tomales Bay via Olema Creek, thus potentially impacting the quality of coastal waters and related biological productivity. Ranch activities that require water quality and erosion management include road and other infrastructure maintenance, stream stabilization and riparian protection, water supply for livestock, stream crossings, and, in the case of dairies, manure and nutrient management.

This complex issue is analyzed in depth in the GMPA/EIS and Appendix L. The NPS and ranchers over recent decades have already implemented many management activities to improve water resource conditions but acknowledge the need for improvements. The Preferred Alternative's approach to protecting sensitive resources from water pollutants involves a comprehensive suite of actions, beginning with the zoning and ranch sub-zoning strategy outlined in Appendix J, in which ranch operational areas are separated by intensity of use and to avoid sensitive resources. The GMPA/EIS then describes the existing water control management actions and presents in Table 3, Page 40, an array of management actions to monitor and further improve water quality.

Actions to manage manure and nutrients and associated water quality apply only to the six dairy ranches. To avoid polluting nearby streams and wetlands, water and waste from confined animal facilities have been regulated for many years by the state's San Francisco Bay Regional Water Quality Control Board. Under the Preferred Alternative, ranches would continue to operate under these regulations, with improvements outlined in Appendices F and L. With these actions, the desired conditions listed in Table 2 would be achieved.

Article 5 – Land Resources

". . .Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values . . .and development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited . . .to prevent impacts. . .and shall be compatible with the continuance of those habitat and recreation areas." (Section 30240)

Many of the actions described above for protecting marine resources also apply to protecting environmentally sensitive habitat areas in the planning area against potential disruption from cattle and dairy operations: Zoning and sub-zoning of ranches to avoid impacting sensitive habitats; a comprehensive suite of management activities, practice standards, and mitigations identified in Appendix F; and mitigations defined in the Biological Assessments, Appendices N and O. As noted in the EIS, the grazing regimes associated with livestock vary in their impact on special status plant species. Grazing can be both beneficial for some species and damaging for others. To minimize these impacts, 1,200 acres are currently set aside as Resource Protection Buffers. The Preferred Alternative would add 800 acres to these protective buffers.

". . . the maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy. ."(Section 30241)

The adoption of a Ranchland Zone under the Preferred Alternative would not expand or otherwise change the area of ranching on either PRNS or GGNRA Northern District. Nor would it expand the stocking capacity for livestock. It would, however, offer the opportunity for limited diversification of ranching activities. The addition of chickens, goats, or sheep, or dryland cropping, for example, would allow ranchers to react to poor forage production years and fluctuation in the economic market (e.g., the price of cattle, hay, and grain).

The prospect of diversification has been misunderstood in public comments as though it would open the door to unlimited options. In fact, any diversification would be limited in scope – chicken or goat "animal units" would replace not add to comparable cattle animal units. Activities would be restricted to the ranch core or, where warranted, the pasture zones. Further, as stated in the EIS (ES Page iv), proposals for diversification would only be considered if they incorporate the US Department of Agriculture, Natural Resources Conservation Service Conservation Practice Standards and mitigation measures for a defined set of Management Activities identified in tables F-11 through F-13 of Appendix F of the EIS. NPS would continue to work closely with local agricultural organizations, state agencies, and natural resource conservation experts to share information and discuss issues related to ranching.

Article 6 Development

". . . the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. . . to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas. . ." (Section 30251)

The connection between national parks and cultural resources is well established in federal law. The act that created the NPS in 1916 mandated that ". . . natural and historic objects and the wildlife therein. . ." be protected for public enjoyment. Over the years the idea that cultural resources are a matter of national interest has been affirmed by

numerous congressional actions, including the National Historic Preservation Act and its amendments. Federal law and NPS policies now place equal weight on protecting natural, historic/cultural, and scenic values.

The historic/cultural and scenic resources that are being preserved on PRNS and GGNRA, along with their rich natural resources, are a combination of the historic pastoral landscape and the multi-generational farm families, who, four and five generations later, are the legacy of an historic period of dairies and farming that dates back to the mid-1800s.

Notable is the role played by the "historic pastoral landscape," which includes not just historic farm structures, but also the dominant scenic rangeland vistas that meet the eye of the visitor. Without continuation of the grazing regimes managed by cattle, that grassland scene would change dramatically, as evidenced on former ranches that have been retired and cattle grazing has ceased. The Preferred Alternative is not the only alternative that would protect this scenic resource, but it presents the optimum combination of preserving the array of values that have been discussed above. It also would be maximally consistent with Coastal Act policy that calls for "minimizing the alteration of natural land forms."

Drawing on these comments as examples, MCL believes that the Preferred Alternative examined in detail in the GMPA/EIS demonstrates not only a high affinity with the purposes of the California Coastal Act but also consistency with most of the specific policies set forth in Chapter 3.

In summary, Marin Conservation League believes that the NPS Preferred Alternative analyzed in the GMPA/EIS is consistent with the Coastal Act because . . .

- Both PRNS and GGNRA will continue to provide opportunities for visitors from around the world to enjoy the coastal resources that they encompass and at the same time preserve their richly diverse natural and cultural resources;
- Under the Preferred Alternative, both parks will continue to maintain, among their other purposes, productive ranching operations that are the legacy of a 150-year-old culture and occupy a significant role in the local agricultural economy. Offering up-to-20-year leases will ensure the ranches' continued viability and enable investing in long-term environmental improvements;
- The GMPA/EIS and its Appendices present a comprehensive suite of practices, including zoning and sub-zoning, mitigation measures and other conditions applicable to each ranch. Under the regulatory and guidance oversight of NPS and multiple agencies, these conditions will assure that coastal marine and land resources continue to be protected from the potential impacts of ranching operations;
- The continuation of a grazing regime under the Preferred Alternative will assure that the pastoral landscape, dominated on PRNS by broad vistas of grassland, will not be irreversibly altered if the present grazing regime were to cease; and

- Agriculture in the two parks will not expand under the Preferred Alternative; closely delimited diversification will, however, offer ranchers a buffer against the economic vicissitudes of cattle and dairy-based agriculture.

In closing, public comments too often reveal a "black and white" view of the NPS options on Point Reyes and GGNRA – either ranches, *or* wild nature. Marin Conservation League believes that these can coexist under thoughtful and sensitive park management and continue to enrich the lives of millions of visitors. Thank you for your attention to this important issue.

Sincerely,

Robert Miller
President

Nona Dennis
Chair, Parks and Open Space Committee

Cc: Jared Huffman, US Congressman, California 2nd District
Laura Joss, General Superintendent Golden Gate National Recreation Area, National Park Service
Carey Feierabend, Deputy Superintendent, Point Reyes National Seashore

MARIN CONSERVATION LEAGUE
Protecting Marin Since 1934

Marin Conservation League
Agriculture Policy Statement

OVERVIEW

Two hundred and fifty-five families operate Marin County's farms and ranches. Most of these are multi-generational ranches with annual gross incomes of less than $100,000.00 and an average size of 600 acres. These ranches are located on 167,000 acres of hilly grassland and mixed oak woodland in rural Marin County. Included in this number are at least 28,000 acres of ranchland in the Golden Gate National Recreation Area and Point Reyes National Seashore, which are subject to federal jurisdiction.

The most productive use of the great majority of Marin's agricultural land is livestock grazing. Relatively dry and cool marine climatic conditions along with steep rolling hills and relatively little water are defining factors. An exception is the less than 1% of prime land, which is suitable for row cropping.

Agriculture is one of the ten major business ventures in Marin, and therefore valued as a critical element in supporting Marin's economy. Flexibility and diversification over the last 30 years have enabled agriculture to remain economically viable. Where conventional milk and beef production were the foundation of the Marin agricultural economy for many decades, now value-added and specialty products and services augment the base. For example, grass-fed beef, pastured poultry and eggs, on-farm cheese-making and small-scale organic row and tree cropping, as well as bed and breakfast accommodations, are some of the newer agricultural ventures contributing to the agricultural economy. Organic milk production accounts for more than 40,000 acres being in organic certification, far above state and national rates. The purchase of conservation easements by the Marin Agricultural Land Trust (MALT) has helped about half of the ranch operations to stay in business.

On-going threats to Marin's agricultural community remain much as they have been in the past: skyrocketing property values, which encourages urbanization, family succession challenges, invasive plants, and, more recently, uncertain climate and rainfall conditions. Along with A-60 zoning, supportive Countywide Plan policies, and

strong Coastal Zone protections, the purchase of conservation easements by the Marin Agricultural Land Trust and enrollment in the Williamson and Super Williamson Acts has helped stay the hand of developers and estate ranchers. Ninety percent of Marin's ranches are protected in this way.

The vast majority of ranches and farms are generational family enterprises, which has effectively raised sustainable standards and made owners better guardians of the land. As stated in the Land Use Plan (p. 12, 3rd para.) of the Local Coastal Plan, and adopted by the Marin Board of Supervisors, "More than 85% of Marin farms had between one and four family members involved in their operation, and 71% had a family member interested in continuing ranching or farming."

Marin's ranchers have demonstrated a high level of voluntary participation in beneficial conservation practices over the past 30 years. Implementation of conservation practices has improved water quality, created wildlife habitat, prevented soil loss and sequestered carbon. More than 25 miles of creeks have been restored and more than 650,000 cubic yards of sediment have been kept out of creeks and the bay. Marin's ranches, with their extensive grasslands and forests, are expected to help Marin County reach its Climate Action Plan goals. Ranchers are supported in their conservation practices by a suite of strong federal and state laws, standards, and regulations and effective county policies and code, all designed to protect environmental resources on agricultural lands.

STATED GOAL

To continue to support the role Marin's agricultural community plays in maintaining open space, protecting wildlife corridors, managing carbon, preserving a valuable local heritage, and contributing to food security and the local economy. This statement is consistent with MCL's previous positions and actions regarding agriculture.

POLICY

As approved by the Board of Directors on November 17, 2015

Following are policy statements that specify and clarify Marin Conservation League's goals and concerns.

Natural Resources Management:

1. Support sustainable management of grassland and rangeland, which provides critical forage for livestock, while fostering wildlife habitat and preserving native plants.

2. Support soil management practices that lead to increased water-holding capacity and an increase in organic matter in the soil.

3. Support soil management practices such as the use of the "no-till drill", which minimize soil disturbance, prevent soil loss and reduce the flow of sediment into streams, bays and the ocean.

4. Encourage the alignment of local conservation programs and practices with the goals of the Healthy Soils Initiative as described on the California Department of Food and Agriculture website.

5. Support development restrictions within 100 feet or more of wetlands and stream conservation areas, as defined in the Countywide Plan (BIO-3.1 and 4.1) to protect wetland and stream habitats.

6. Support the management of invasive plants through Integrated Pest Management, including chemical measures, where other control measures are infeasible or ineffective.

7. Support the federal Clean Water Act 1974 and Endangered Species Act 1973, and California's Porter-Cologne Act of 1969 because of their broad powers in protecting natural resources.

8. Encourage those conservation practices that reduce the delivery of pathogens, sediment, mercury and nutrients to our waterways and all bodies of water.

9. Promote the efficient use and reuse of water on farms and ranches to meet their

agricultural needs. Maintain water infrastructure, and if old sources become insufficient, consider developing new sources of water only if adverse environmental impacts can be avoided.

10. Support carbon farm planning and implementation of the United States Department of Agriculture's Natural Resource Conservation Service's carbon-beneficial practices.

11. Support assisted ranch management planning and cost-share implementation of best management practices, rather than depend principally on enforcement to attain compliance with environmental regulations.

12. Encourage efficient energy management and the production of renewable energy resources on and for individual ranches, such as wind, solar and methane digestion, where adverse environmental impacts can be avoided.

13. Discourage the development of large wind and solar "farms" on agricultural lands for commercial purposes, due to energy production inefficiencies, installation and transmission impacts, visual impacts such as disharmony of scale and inconsistency with rural character, and environmental impacts such as wildlife and habitat degradation.

14. Encourage greenhouse gas reduction and climate adaptation practices, as described in the U. S. Department of Agriculture's "GHG and Carbon Sequestration Ranking Tool."

Partnering Agencies:

15. Support the Grazing and Dairy Permit Waiver Programs of the Regional Water Quality Control Board.

16. Support funding and technical support to farmers and ranchers seeking to improve water quality and fisheries habitat.

17. Support national, state, local, and private funding for conservation implementation programs through Marin Resource Conservation District, Marin Agricultural Land Trust, and Natural Resources Conservation Service.

18. Support landowner education and permitting facilitation through county-

funded positions, such as the Marin Resource Conservation District's Stream Coordinator position and the University of California Cooperative Extension's Agricultural Ombudsman position.

19. Encourage the County to control invasive plants on County rights of way and on open space preserves, to prevent invasives from spreading onto ranchland.

20. Support coordination programs between permitting agencies, such as the Marin Resource Conservation District's Coastal Permit Coordination Program, which bundles permit requirements over several agencies to promote efficiencies and to reduce the financial burden on agencies and landowners.

21. Support the inclusion of the Local Coastal Program permitting requirements in the recertification of the Marin Resource Conservation District's Coastal Permit Coordination Program.

22. Endorse the role of Marin Agricultural Land Trust, Marin Resource Conservation District, the Natural Resources Conservation Service, the Ag Institute of Marin, the Marin Dept. of Agriculture, the Marin Community Development Agency and the University of California Cooperative Extension Service, the Regional Water Quality Control Board, and the California Department of Fish and Wildlife in preserving and protecting Marin County's agricultural heritage and natural resources, and supporting the best management practices which foster long range productivity and environmental protection.

Zoning and Land use:

23. Support a "critical mass" of agricultural production (e.g., sufficient number of dairies, acres of beef production, small-scale crops, etc.) needed to maintain the demand for goods and services that are necessary to support a viable agricultural economy in Marin County.

24. Balance ranchers' desire for flexibility in cropping decisions with the need to not exceed impact thresholds or standards for grading quantities (e.g., terracing), irrigation, and setbacks from streams, wetlands, and other sensitive resources.

25. Support Marin Countywide Plan and Coastal Zone policies that limit residential

development on agriculturally zoned land, and limit the size of farm residences.

26. Limit development of farm dwellings and ancillary structures to clusters within 5% or less of total ranch acreage. (See Marin Countywide Plan AG-1.6).

27. To facilitate intergenerational succession on family farms in the Coastal Zone, support up to two dwellings in addition to the farmhouse per "farm tract" (defined as all contiguous lots under common ownership), as conditioned in the Land Use Plan of the Local Coastal Program, adopted August 25, 2015 by the Board of Supervisors.[i]

28. Support affordable, safe and healthy housing for Marin's largely permanent farm workforce both on-farm and in nearby villages.

29. Support policies, programs and zoning that restrict subdivision of agricultural lands by requiring demonstration that longterm productivity of agricultural on each parcel created would be enhanced. (See Marin Countywide Plan AG-1.5).

30. Maintain a minimum A-60 zoning, as it has been instrumental in protecting agriculture, maintaining open space values, and preserving the rural character of West Marin.

31. Support the County of Marin's Affirmative Agricultural Easement Program and MALT's Mandatory Agricultural Easement Program, which are listed in the LUP of the LCP as a program to evaluate: Program C-AG-2b Option to Secure Affirmative Agricultural Easements Through Restricted Residences…etc.

32. Support small-scale diversification and value-added production (such as cheese production), and services (such as bed-and-breakfast or non-profit farm tours) consistent with County policy and code, where adverse environmental impacts can be avoided.

33. Balance development of new retail farmstands with the need to protect viewsheds and safety on Highway One.

34. Encourage internet capacity expansion in the rural areas of Marin, avoiding negative visual impacts to ridgelines and viewsheds.

35. Discourage expansion of vineyards due to their negative impacts on soils, water quantity and quality, and wildlife habitat.

36. Support prohibition of incompatible and environmentally damaging recreational uses, such as motorcycle riding and off-road biking, on agriculturally zoned land.

37. Encourage the restoration of traditional and iconic ranch structures, such as wooden barns and outbuildings, to maintain the cultural landscape of agriculture in West Marin.

Footnote to Item #27_____

[1] Excerpted from Land Use Plan policies C-AG-5 A. and AG-7, agricultural dwelling units, including intergenerational housing, may be permitted in C-APZ zoning districts, subject to the following conditions: dwelling units must be owned by a farmer or operator actively engaged in agricultural use of the property; no more than a combined total of 7,000 square feet (plus 540 square feet of garage space and 500 square feet of agricultural-related office space) may be permitted per farm tract; intergenerational farm homes may only be occupied by persons authorized by the farm owner or operator; a density of at least 60 acres per unit shall be required for each farmhouse and intergenerational house (i.e., at least 180 acres required for a farmhouse and two intergenerational homes); no more than 27 intergenerational homes may be allowed in the County's coastal zone; permitted development shall have no significant adverse impacts on environmental quality or natural habitats; all dwellings shall be placed within a clustered development area; and development shall be sited to minimize impacts on coastal resources and adjacent agricultural operations.

References:

Three Essential Documents:

1. 2007 Marin Countywide Plan
http://www.marincounty.org/depts/cd/divisions/planning/2007-marin-countywide-plan

2. Development Code (aka Zoning Ordinance)
https://www.municode.com/library/ca/marin_county/codes/code_of_ordinances?nodeId=TIT22DECO

3. Zoning Maps*

(http://www.marinmap.org/Html5Viewer/Index.html?viewer=mmdataviewer)

* MarinMap serves up County geographic data including Zoning. There doesn't seem to be a free-standing Zoning Map accessible on the web. The *MarinMap* screen shot *County Zoning* document provides a generalized picture of the Zoning, and a *MarinMap Viewer* set to Zoning can be used on the above website with the "Layers" toggled on or off as shown to get more refined information.

Hart, J. 1991. Farming on the Edge: Saving Family Farms in Marin County, California. University of California Press. Berkeley, CA. 174 pgs.

ICF International. 2015. Marin County Climate Action Plan (2015 Update). July. (ICF 00464.13.) San Francisco. Prepared For Marin County, California.

Marin County Department of Agriculture. 2015. 2014 Marin County Livestock & Crop Report. Marin County Department of Agriculture. Novato, California. 8 pgs.

Marin Economic Forum. 2004. Marin County Targeted Industries Study. Prepared for the Marin Economic Forum and The Community Development Agency by Economic Competiveness Group, Inc. San Rafael, CA. 22 pgs.

NRCS. 2015a. Comet-Planner: Carbon and Greenhouse Gas Evaluation for NRCS Conservation Practice Planning. USDA Natural Resources Conservation Service and Colorado State University. http://www.comet-planner.com/.

NRCS. 2015b. Practice Standards for Greenhouse Gas Emission Reduction and Carbon Sequestration. USDA Natural Resources Conservation Service. http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/air/?cid=stelprdb1044982.

SFRWQCB. 2013. Renewal of Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed. Resolution Order No. R2-2013-0039. Oakland, CA. 20 pgs.

SFRWQCB. 2015. Renewal of Conditional Waiver of Waste Discharge Requirements for Existing Dairies within the San Francisco Bay Region. Resolution Order No. R2-2015-0031. Oakland, CA. 19 pgs.

MARIN AGRICULTURAL LAND TRUST

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January 7, 2021

Honorable Commissioners
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

Honorable Commissioners:

In September of 2020 the National Park Service (NPS) released a General Management Plan (GMP) Amendment directing the future of ranching in the Point Reyes National Seashore (Seashore) and the Golden Gate National Recreation Area (GGNRA).

Because the continuation of agriculture in the Seashore and GGNRA directly affects our mission to permanently protect Marin's agricultural land for agricultural use, Marin Agricultural Land Trust (MALT) unequivocally supports sustainable farming and ranching in these areas and believes that the NPS General Management Plan Amendment strikes an appropriate balance between the competing interests in the Seashore.

Together, the historic ranches in the Seashore and GGNRA represent nearly a fifth of Marin County's agricultural acreage and production. These working family farmers and ranchers strengthen our local economy by creating jobs and providing local, healthy foods throughout the Bay Area.

The Seashore's ranches also represent a significant portion of the county's managed coastal grasslands, which provide habitat for endangered species, sequester carbon and thereby reduce the greenhouse gas effect, store water, support pollinators and keep invasive plant species in check. Elements of the plan that limit agriculture to protect natural resources and incentivize investment by ranchers will enhance the stewardship of this valuable public asset.

Today we ask that that the California Coastal Commission concur with the Park Service's conclusion that the NPS's GMP amendment is consistent with the Coastal Act and join us in our support of the Amendment for the Point Reyes National Seashore and the GGNRA.

Sincerely,

Ray Fort
Acting Executive Director

National Wildlife Federation
National Advocacy Center
1200 G Street NW, Suite 900 • Washington, DC 20005 • 202-797-6800

January 8, 2021

Via Email: PointReyesManagementPlan@coastal.ca.gov

California Coastal Commission
455 Market Street, Suite 300,
San Francisco, CA 94105

Re: Agenda Item CD-0006-20 (National Park Service, Marine County); Consistency Determination by the National Park Service for 2020 General Management Plan Amendment for Point Reyes National Seashore and north district of Golden Gate National Recreation Area

Dear Members of the California Coastal Commission:

On behalf of our more than six million members and supporters, the National Wildlife Federation calls on the Coastal Commission to not approve conditional concurrence with the Point Reyes National Seashore General Management Plan Amendment (GMPA) Consistency Determination.

The National Wildlife Federation is the nation's largest conservation education and advocacy organization. The Federation has more than six million members and supporters and conservation affiliate organizations in 53 states and territories. The Federation has a large California presence, including a California Regional Center, a California affiliate, and more than 657,500 California members and supporters. The Federation has a long history of advocating for the protection, restoration, and ecologically sound management of the nation's coastal resources, rivers, and wetlands and the fish and wildlife that rely on those vital resources. The Federation works throughout the state of California to restore habitat, connectivity, and corridors for wildlife.

Ranching and dairy activities in the Point Reyes National Seashore are having significant and long-lasting spillover impacts to the incredible natural resources of California's coastal zone, as fully recognized in the Staff Report for this Consistency Determination. Adverse impacts to water quality are particularly problematic. In fact, water quality standards historically have not been met in the National Seashore creeks and wetlands that drain into Drake's Estero, Abbotts Lagoon, and the Pacific Ocean.

Studies show that the National Seashore has some of the worst water pollution in the state of California, with cattle manure constituting the single largest source of water pollution. Many waters, particularly those near commercial dairies and the streams and tributaries that drain into Drake's Estero suffer from exceptionally high nitrate and ammonia levels and sub-optimal dissolved oxygen, as documented by the National Park Service. Many sites exceeded the fecal coliform standard more than 50 percent of the time. Dairy and ranching activities have also caused significant soil erosion, loss of native plant species and infestation by invasive plants, declines in fish and bird populations, conflicts with wildlife, and loss of public access to public land, as documented by numerous studies and the Park Services own environmental impact statement.

Personal experience underscores the significant harm to the visitor experience from the Park's industrial agriculture activities. Visitors are regularly forced to view dilapidated farm buildings, pastures that are little more than seas of mud, fences that mar the landscape, and rampant polluted runoff. Visitors must also often deal with the overwhelming smell of manure being sprayed on fields blotting out the wonderful smell of the sea air.

The GMPA would exacerbate these impacts by continuing current ranching and dairy operations for at least 20 years, while also allowing significant new commercial uses. Thirty-five percent of the National Seashore's agricultural lands would be opened to: raising additional species of domestic animals (sheep, goats and 500 chickens per ranch) which will cause conflicts with the Seashore's rich array of predator species; row crop cultivation on up to 2.5 acres per ranch; on-site processing and sale of farm products, including meat (i.e., slaughtering animals on-site); and conducting farm tours and allowing farm stays (i.e., B&Bs). The GMPA also guarantees the direct killing of hundreds of Tule Elk and prohibits the natural expansion of the Tule Elk herd—expansion which would help ensure the long-term health and resilience of the Park's most iconic wildlife species. The GMPA will make the Park far less resilient to the ongoing impacts of climate change. The GMPA will harm the waters and marine resources in the state's coastal zone and will have significant adverse impacts on the visitor experience. As a result, the National Wildlife Federation opposes the GMPA along with many others, as evidenced by the more than 20,000 public comments already received by the Coastal Commission opposing the GMPA and its damaging spillover impacts to California's coastal zone.

The GMPA and Consistency Determination provide only a vague description of possible best management practices that may be used to reduce pollutant discharges from agricultural lands, with no demonstration that those measures will be implemented or effective. The lack of specificity is dismissed by the National Park Service as unimportant, with the Service referring to the missing information as "programmatic details" that will be described at some future date and which "may be subject to future review by the Commission, after site-specific actions are developed."

The Staff Report demonstrates that your staff does not believe that the current GMPA is consistent with Coastal Act policies related to marine resources (Section 30230) and water quality (Section 30231), particularly for the Point Reyes portion of the GMPA planning area. Your staff has also raised concerns that there is limited, insufficient water quality data available for Point Reyes National Seashore, where as noted above, water quality standards historically have not been met in the creeks and wetlands that drain into Drake's Estero, Abbotts Lagoon, and the Pacific Ocean. The Consistency Determination and Staff Report are also missing credible analyses of additional impacts to the environment and public access that will result from the GMPA and cause spillover effects on the coastal zone, including impacts to water quality, water quantity, migratory birds, climate change, and social and environmental justice.

The National Park Service has nevertheless asked the Commission to fast-track concurrence with the Consistency Determination and rejected your staff's request to extend the review deadline through the March 2021 Commission meeting. The Park Service instead set an arbitrary January deadline, denying the Commission the time needed to request and obtain additional information and fairly analyze and evaluate how the maintenance of ranching operations and further agricultural development will affect coastal resources for decades to come.

The National Wildlife Federation respectfully requests that the Coastal Commission not approve conditional concurrence with the GMPA Consistency Determination. The Coastal Commission should instead ensure that it has all the information it needs to thoroughly evaluate the impacts of the GMPA on the coastal zone, including a full assessment of water quality impacts. The Coastal Commission should then ensure that the National Park Service's plan is fully consistent with protecting California's coastal zone before making any decision on concurrence.

Thank you for your consideration of these comments. Please contact Melissa Samet at sametm@nwf.org or 415-762-8264 if you have any questions or would like additional information.

Respectfully submitted,

Beth Pratt
California Regional Executive Director
National Wildlife Federation

Melissa Samet
Senior Water Resources Counsel
National Wildlife Federation

January 4, 2021

California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

RE: Comments on Point Reyes National Seashore CCC Staff Report

Dear Coastal Commissioners:

We appreciate the opportunity to comment on the Point Reyes GMP Amendment (GMPA) and the Consistency Review and Determination by the California Coastal Commission (CCC). The National Seashore (PRNS) and North District of Golden Gate National Recreation Area (GGNRA) are truly two of America's treasures. We are writing on the behalf of the Board of Directors and the 21,000 plus followers of the Public Lands Conservancy, a nonprofit organization, dedicated to the protection of public lands and waters for all Americans.

The PRNS has asked the Coastal Commission to finalize a Consistency Determination for the final GMPA without a thorough staff review of coastal zone impacts, potential execution of mitigation measures, and whether the proposed plan and expanded agricultural activities are consistent to the maximum extent practicable with the California Coast Management Program (CCMP). We ask that the Commission not rush to judgement and a decision. This plan will guide actions for at least 20 years, more likely 30 plus years. The 1980 General Management Plan (GMP) that is being amended is extremely outdated, and the few environmental impacts that were addressed in that 1980 plan have increased significantly such as transportation, visitation, intensity of agricultural activities, and impacts to marine systems from climate change. In addition, the standards which an environment review must meet have increased significantly and a plan that addresses all the impacts on marine resources should be required. In turn, the cumulative effects of other park activities and climate change with this original 1980 GMP have not been fully evaluated, especially those impacting marine resources. Overall, we believe the Commission should request additional information from PRNS before it adopts a Consistency Determination about cumulative impacts related to critical coastal systems, wetlands, and estuaries. At present, the environmental review has been segmented by adopting a revision to a plan that has inadequate analysis. 1

After our careful review, we believe the final plan and the staff CCC report raise several critical environmental issues. We do not believe Sections 30230 and 30231 of the Coastal Act are being fully met. Clearly, the proposed actions in the GMPA do not provide special protection of areas of special biological significance, like Drakes Estero Marine Wilderness, several marine protected areas, and the Gulf of the Farallones Marine Sanctuary. The GMPA also fails to meet

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the basic requirement that the biological diversity and protection of these coastal systems be maintained.

In the staff report, CCC staff members have determined that there are potential effects from proposed ranching activities in the plan related to water quality. These water quality impacts have been ongoing for years and have never fully addressed, and in turn, the protection of marine resources has not occurred. Also, there is no reasonable indication or assurance from the PRNS these mitigation measures will be implemented.

The CCC report comments about areas that drain into Drakes Estero and into the Pacific Ocean: "In contrast, areas of the GMPA outside the Tomales Bay watershed (i.e., lands within PRNS) have not received the same attention. Available water quality data is much more limited and has not been collected since 2013. The data that are available indicate that water quality standards were not typically being met in creeks in PRNS that drain into Drake's Estero and the Pacific Ocean. Importantly, NPS is proposing to implement the same suite of best management practices and water quality protection measures in PRNS that were successful in addressing significant water quality problems in areas upstream of Tomales Bay. However, the GMPA does not describe where and on what timeline these measures will be implemented, or how their efficacy will be evaluated." We respectively disagree with this staff comment. Tomales Bay is still an impaired water body.

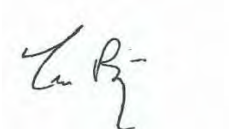
Frankly, there has been little or no documentation of water quality improvements in Tomales Bay, particularly in regard to the adverse impacts of various agricultural uses. Many of the BMPs described have already been enacted in the GMPA planning area, with questionable or limited effect. Effective mitigation should involve significant baseline information, concrete planning and action, and a robust commitment to monitor for results and/or compliance. 2

We request the commission delay the Consistency Determination and ensure that PRNS address these potential impacts to coastal resources before even a conditionally approved Consistency Determination is adopted. This additional time would allow for a more thorough discussion and develop more trust and assurance in the process.

Finally, we are unsure why the PRNS and CCC are rushing to a decision. As the staff report indicates: "Because of the complexity of the proposed GMPA, as well as the high level of public interest, Commission staff requested that the NPS extend the review deadline through the March 2021 Commission meeting. In response to this request, the NPS extended the review deadline to January 20, 2021." We hope the CCC will delay the determination and allow the issue to be fully explored and debated.

We appreciate the opportunity to comment.

Sincerely,



Tom Baty
President, Public Lands Conservancy
Public Lands Conservancy, PO Box 696, Point Reyes, CA 94956
publiclandsconservancy@gmail.com
www.publiclandsconservancy.org

Craig Kenkel
Superintendent, Point Reyes National Seashore
1 Bear Valley Road
Point Reyes Station, CA 94956

Dear Mr. Kenkel:

We the 135 undersigned are naturalists, educators, teachers, trackers, photographers and guides. We write you to express our deepest concern for the National Park Service's intention to adopt Alternative B into its Management Plan for Point Reyes National Seashore.

Just like the existing lease holders in this National Park, each and every one of us depends on or has depended on Point Reyes in some way for our own livelihoods. We bring thousands of tourists, locals, children and families into the park each year to experience its richness, beauty and wildlife.

We are sole proprietors and business owners. We provide work for independent contractors, employees, volunteers and interns. We generate hundreds of thousands of dollars each year for the local economy via hotels, residential accommodation providers, payroll, restaurants, gift shops, grocery stores and bakeries.

We are partners with Point Reyes National Seashore and Point Reyes National Seashore Association as volunteers, donors, Field Institute Instructors and by our guests becoming members of PRNSA, taking field institute classes and making purchases at PRNSA bookstores.

We provide experiences for our guests that put Point Reyes National Seashore in the highest light and regard. The adoption of Alternative B will only diminish these experiences and will affect our ability to successfully provide these experiences in the future.

Please consider these major concerns:

- Introduction of new domestic animals

Point Reyes National Seashore is home to many predators such as bobcats, mountain lions, coyotes, badgers, gray foxes and long tailed weasels. The introduction of pigs, chickens, goats, sheep and others will immediately put native wildlife in conflict with these domestic animals. As shown throughout the country, current lease holders within the park will immediately call for a conflict resolution plan which may end with a lethal removal plan for native wildlife implemented by the National Park Service. These are the animals that visitors and our guests come to see.

- The introduction of Row Crops

This act will remove open pasture currently home to native plants and wildlife and replace it with artichokes or other row crops. These are the denning, mating, browsing and hunting grounds for birds, insects, reptiles and mammals of all sorts. It will increase exclusion fencing in the National Park to keep rabbits, deer and other wildlife away from the crops, preventing the free movement of other native wildlife. Pesticide use will most likely increase. All of these will negatively affect the experience of our guests.

Additional silage fields will only create more nesting grounds for grasshopper sparrows, red-winged blackbirds and others, only to be mowed down during nesting season as happens today. The cover it temporarily provides new born deer and coyote dens are then instantly exposed after mowing.

These are the open fields where our guests spot predators, hunting owls, badgers, burrowing owls, black-tailed deer and so many other animals which connect them to this wonderful park. The removal of these open fields for silage will only diminish their connection with this National Park and diminish the experience we provide for them.

- The culling of native Tule elk

This is the iconic animal of Point Reyes National Seashore. The National Park Service sets up docent stations to educate the public on these majestic animals. The PRNSA field institute offers workshops to highlight this species found in no other National Park. It is a vital animal to the draw and character of this National Park. To cull any number of this native species to the benefit of one group over another is unfair, a massive risk to the reputation of the Park and ethically questionable.

While we list these 3 major concerns, this list is not all inclusive. Increased heavy equipment traffic to support these new allowances, increased gas trucks, hay trucks, feed trucks, vegetable trucks among other concerns will continue to diminish our ability to provide the quality experiences we currently offer, directly impacting our businesses.

We urge you to not adopt Alternative B and to reconsider how doing so prioritizes one group of individuals while overlooking the effects it will have on others who depend on this National Park for their own livelihoods.

Warmest Regards,

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RE: CD-0006-20 (National Park Service, Marin County)

Dear Coastal Commissioners;

We are constituent watershed experts concerned about the environmental damage caused by overgrazing, riparian vegetation removal, erosion, and pollution from many ranch practices today at the Point Reyes National Seashore. We are very familiar with the status of the Tule elk in Point Reyes National Seashore (PRNS) having studied them extensively, served as NPS Docents for 3 years and in the last several years and spent many days observing them and the ranches. We have also been focused on water quality issues and fisheries, and are also aware of the extirpation of salmonids throughout the seashore because of destructive grazing and ranch practices.

There are around 6000 Tule elk in existence in California and in the world. That is how many cattle there are in the Point Reyes National Seashore.

We implore you to do the right thing and restore the polluted water and damaged landscapes at the Point Reyes National Seashore for future generations. Future generations deserve to know the beauty and wildlife that was once there and that visionary leaders put forth when they brought the Tule Elk back to their native range with the expectation that once the ranchers were paid, they would eventually leave those operations.

Even though required in their leases, ranchers have not employed best management practices recommended under the Resource Conservation District ranching protocols to restore their stream zones, fence out livestock from riparian areas, prevent excrement from winding up in streams, and retain top soil by restoring their lands. Those opportunities have been routinely suggested to them with little to no avail.

The ranches are known to be polluting the ocean, the lagoons and the creeks. Therefore, they are in violation of the Federal Clean Water Act. Further, the practice of silage mowing during the bird nesting season that grinds up fawns and birds is both animal cruelty and a violation of the Federal Migratory Bird Act. A grazing waiver also violates the ranches own lease agreements to employ best management practices.

As past Tule Elk docents, we are devastated at the prospect of culling this genetically vulnerable species and thereby endangering an already endangered species. At least, consider the BLM's relocation of Roosevelt Elk several decades ago (1970's) into Oregon and would recommend that these important keystone species be considered for their importance in a healthy ecosystem.

Where there were estimates pre-Gold Rush in California, their native range, of over 500,000. they were reduced to less than 20 in 1875. Now, to go from 20 to 6000 in 140 years is hardly a "success" story throughout their historic range and now are found only on 21 private and public preserves and where some hunting is still permitted under California Department of Fish and Wildlife. That is .7 percent or .007 Tule elk remaining from their original estimated population in 1848.

Tule elk numbers in PRNS have gone from over 700 in 2013 to around 500 this year, a loss of around 200. There are approximately 150 free ranging in the Limantour area and 350 at Tomales Point. This most recent drought, number two in the past decade, and other factors such as water and food deprivation are influencing species survival. Many elk are showing signs of malnutrition in deformed antlers and failure to produce offspring. Biologist and advocate citizens have found many carcasses where there was no water available to them and they are trapped behind a fence, unable to adapt which would a natural response state. This approach has resulted in animal cruelty and is cynical in its management to our publicly held resources.

That the National Parks belonging to all of us would engage in this behavior and attitude is a betrayal of the public trust.

Many of the ranches are ecological disasters and wastelands... their riparian areas and fields are devoid of vegetation, eroding and overgrazed hillsides with excessive amounts of cattle and little rotation and devoid of any biodiversity. Calf huts are multiplying to raise veal calves. This is a cruel treatment of any animal let alone in a National Park.

Johnne’s disease, being used as a Tule elk removal justification by ranchers, is more likely to be transmitted from cattle to the elk, since that is what occurred in 1978 at Tomales Point. We submit that the NPS has better resources to deal with this than what is being proposed - especially since the free-ranging herds in the Limantour area are doing well and did not suffer the losses of the confined Tomales herds. We recommend that NPS no longer condone this mismanagement of ranch lands nor culling of an already stressed population. It is the ranchers that should be held to a higher standard than is currently exhibited, with distinct protocols followed regarding known best management of these public lands.

Tule elk should be put on the endangered species list. Any suggestion that they should be culled or removed from native lands of Point Reyes National Seashore would be irresponsible on the part of the park service would be a losing proposition with the public.

We agree with Center for Biological Diversity, Resource Renewal Institute and Turtle Island Restoration Network, For Elk, Restore Point Reyes....

To favor poorly managed livestock ranches, over a native species conflicts with the responsibility of the NPS to the public, founding doctrines and to the land's history. In fact, in the EIS comments the public demonstrated by over 90% support for the return of Tule elk to the lands owned by ranches. If the National Park Service does not represent the Tule elk or the public who is mostly footing the bill for the ranches, who do they represent?

Cultural resources from a chosen point in time and where industrial scale farms and ranches are considered cultural resources defies and defiles the definition of why the intent of Cultural Resource category was established under NEPA. Instead it is another unshrouded attempt to erase the Cultural Baseline of the Native American tribes that lived on the Point Reyes Peninsula. As a supporter of Indigenous First Rights, the tribe is not even considered in this dialogue which for the Park Service that should belong to all people, is reprehensible and racist. The determination of Cultural Resource Baseline favoring white families whose original lands were obtained illegally and through genocide does not reflect well this time in history when opportunities for reparations and apology are greatest.

We are requesting that you listen to the majority of over 7,000 comments on the Ranch Management Plan and read Center for Biological Diversity's (CBD) statement. The NPS will have a public problem with this.

Please vote to preserve the National Seashore and reject the ranching that has caused so much suffering.

http://www.biologicaldiversity.org/news/press_releases/2014/tule-elk-09-18-2014.html

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December 17, 2020

VIA EMAIL
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Re: Agenda Item CD-0006-20 (NPS, Point Reyes GMPA); Consistency Determination for the Point Reyes National Seashore General Management Plan Amendment (GMPA) and Environmental Impact Statement

Dear Commission Members:

The Sierra Club is very concerned about the water quality problems that exist in Point Reyes National Seashore (PRNS or PORE) and Golden Gate National Recreation Area (GGNRA or GOGA) with respect to Agenda Item CD-0006-20. These problems existed when the National Park Service (NPS) acquired the lands for these two national park units and there has never been any improvement. Conditions today are completely unacceptable. The Sierra Club requests that the Commission object to the Park Service's CD.

The two relevant sections of the California Coastal Management Program (CCMP) are:

Section 30230 Marine resources; maintenance

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

(Emphasis added.)

Section 30231 Biological productivity; water quality

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and

> substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

(Emphasis added.)

In its CD, the Park Service basically tells the Commission to be patient, things are going to get better for water quality under its new preferred alternative because (1) the Park Service is going to institute a zoning system for ranching that will better protect land and water resources on each ranch in the two parks and (2) it's going to establish "a suite of resource protection . . . measures [i.e., BMPs] that would . . . further reduce pollutant discharges from the ranched lands."

The status quo ranching program is bad enough for the water quality and 20 more years of that would further impact water quality in a negative way, especially with diversification.

The Park Service's Claim that It's New Zoning System Will Better Protect Land and Water Resources. Currently, all of the land of each ranch can only be used for grazing. Under the zoning system, 65% of the land will still be set aside for grazing only and will be called the "range," but the rest of the land will be open to more uses. Thirty four percent of the land will be called "pasture" and 1% will be called the "ranch core." Those latter two locations are where diversification will take place. Diversification involves raising additional species of domestic animals (sheep, goats and 500 chickens per ranch, all of which will cause conflicts with coyotes and other predators), row crops on up to 2.5 acres, processing and sale on site of farm products, including meat (i.e., slaughtering animals on site), farm tours and farm stays (i.e., B&Bs). This is not an improvement over the status quo, but the reverse. Now, all the land is limited to grazing. The preferred alternative will provide for further commercialization and greater impacts to resources on 35% of each ranch. This will have serious new consequences on the land and water resources of the two parks.

BMPs. The Park Service says it is going to establish "a suite of resource protection . . . measures [BMPs] that would . . . further reduce pollutant discharges from the ranched lands" and refers the reader to Appendices A and F of the Appendix. Appendix A is a map showing over 100 construction projects to be built on the ranch lands. They take the form of new buildings, fences, infrastructure improvements, dozens more new livestock water supplies (often new ponds built where seeps or springs exist, thereby interfering with the flow of watercourses), manure management, road decommissioning and upgrading, pond restorations, stream crossings and waterway stabilizations. Appendix F is a list of construction projects to be done and a reference to the Department of Agriculture's Natural Resource Conservation Service (NRCS) standards for that type of construction project. How all these construction projects using NRCS BMPs will "further reduce pollutant discharges from the ranched lands" is hard to comprehend. BMPs are not new between the Park Service and the ranchers and they won't work any better now than before.

The Park Service states that the Preferred Alternative "improves conditions affecting sensitive coastal resources and water quality" and is "maximally consistent with Sections 30230-30231 of the California Coastal Act." That is simply not true, as shown below.

The 2019 GMPA Draft Environmental Impact Statement

NPS's DEIS was commented on by over 7,600 people. Among those that commented was the San Francisco Regional Water Quality Control Board (SFRWQCB) whose comments follow this excerpt from the DEIS. The DEIS provides in pertinent part as follows:[1]

> The San Francisco RWQCB listed Tomales Bay, and major Tomales Bay tributaries, including Lagunitas Creek and Olema Creek, as impaired for **nutrients, pathogens**, and **sedimentation/siltation** under section 303(d) of the Clean Water Act (SWRCB 2010).[2] Sources of **nutrients** and **potentially pathogenic bacteria** include animal waste, human waste from failing septic or treatment systems . . . Sources for elevated concentrations of **total suspended solids** include . . . historical and current agricultural practices.
>
> ***
>
> **Drakes Bay and Drakes Estero[3] Watersheds**. NPS programs and other sampling efforts have observed high concentrations of **total suspended solids** and **nutrients** in Drakes Bay and Drakes Estero watersheds (NPS 2004a; Pawley and Lay 2013). Surrounding land uses such as ranches and pastures for dairies and other livestock operations contribute nutrients and **sediment** to Drakes Bay and Drakes Estero (NPS 2004a). Occasionally high **potentially pathogenic bacteria** counts have been observed in some drainages (Pawley and Lay 2013). **Potentially pathogenic bacteria** pollutant sources in these watersheds include stormwater runoff from pasture and grazing land, sewage systems, wildlife, and boat discharges in the tidal and marine environment (outside the planning area) (CDPH 2011).

[1] The FEIS is similar.

[2] Lagunitas Creek, Olema Creek and Pine Gulch Creek exist in whole or in part in the ranching areas of the two parks and contain endangered coho salmon. https://irma.nps.gov/DataStore/DownloadFile/153623 Those streams and many, many others in the ranching areas of the two parks also contain threatened steelhead. See http://npshistory.com/publications/pore/nrr-2019-1895.pdf, Appendix D, for a discussion of 18 streams in PORE and 21 streams in GOGA with steelhead. Some have dams on the ranch lands which can interfere with spawning. *Ibid*. For example: "There are small dams on several of the tributaries that drain into Olema Creek, many of which likely restrict steelhead movement." *Ibid*, at 292. Olema Creek begins and ends on park land. Presumably, some if not all of these tributaries, and their dams, are on park land as well. Removing these Park Service-owned dams would greatly benefit steelhead and, presumably, coho salmon.

[3] Steelhead, a threatened species, use Drakes Estero. They have been observed in a least two creeks draining into the estero, namely Home Ranch Creek and East Schooner Creek. http://npshistory.com/publications/pore/nrr-2019-1895.pdf at 294. Steelhead once used Schooner Creek, but, unfortunately, they apparently no longer do. *Ibid*. Continued ranching may eliminate them from Home Ranch Creek and East Schooner Creek as well.

> **Kehoe Drainage, Abbotts Lagoon,[4] Coastal Drainages.** In 1999–2000, USGS conducted a water quality assessment of the Abbotts Lagoon watershed. The study determined that tributaries draining dairy operations or dairy grazing land had **the highest nutrient levels or loading rates** especially following storm events (USGS 2005). Data collection in Kehoe Creek has shown elevated levels of contaminants including **nutrients** and **sediment** (NPS 2004a; Pawley and Lay 2013). Stormwater runoff from nearby dairy operations and pasture land into Kehoe Creek is contributing to these high levels. High **potentially pathogenic bacteria** counts have also been observed in Kehoe Creek and Abbotts Lagoon, and many samples exceeded the **potentially pathogenic bacteria** standard (Cooprider 2004; Pawley and Lay 2013). Many of these exceedances occurred near dairy operations.

DEIS at 66-71. (Emphasis and bolding added.)

The Regional Water Board's Comments on the Preferred Alternative.

The San Francisco Regional Water Quality Control Board (SFRWQCB) commented on the Draft EIS and would not appear to agree with NPS's statement that the Preferred Alternative "improves conditions affecting sensitive coastal resources and water quality:"

> The Water Board listed Tomales Bay, and major Tomales Bay tributaries, including Lagunitas Creek and Olema Creek, as impaired for **nutrients**, **pathogens**, and **sedimentation/siltation** under section 303(d) of the Clean Water Act (SWRCB 2010). The proposed diversification and increased public use facilities (trails, picnic areas, and housing with associated restrooms and septic systems) could potentially increase discharges of **sediment**, **pathogens**, **nutrients**, and **pesticides**. Further, these activities may alter watershed hydrology (surface water and groundwater flows) and degrade wetland, riparian and stream integrity and function. Increases in the discharge of **pollutants** above existing baseline levels and loss of habitat critical to beneficial use function would violate State Antidegradation Policy (State Water Resources Control Board Resolution No. 68-16).

(Emphasis and bolding added.)

The Board's DEIS comment letter goes on to state:

> The Draft EIS, however, does not adequately identify all potential adverse water quality impacts for the proposed land-use changes, including diversification in the Range (goats, sheep, chickens) and Ranch Core Subzones (pigs, sheep, goats, chicken), row crops in the Ranch Core Subzone, and increased public use facilities. Further, the draft EIS does not adequately incorporate mitigations for these impacts . . . .

[4] Abbotts Lagoon is fed, in whole or in part, by Abbotts Creek. Abbotts Creek is an anadromous creek used by steelhead. http://npshistory.com/publications/pore/nrr-2019-1895.pdf at 295. Located in the Central California Coast, this distinct population segment is listed as threatened under the Endangered Species Act.

> We are concerned that many of the proposed Ranch Core Subzone diversification activities will lead to new exceedances which cannot easily be remediated due to technical or financial feasibility.

https://www.nps.gov/pore/getinvolved/upload/planning_gmp_amendment_deis_public_comments_5027-7624_200302.pdf Comment number 7018. (Emphasis added.)

The Park Service's Own Assessment of Water Quality at PORE and GOGA.

By far the most thorough assessment of the waters of PORE and GOGA is the 259-page "Coastal Watershed Assessment for Golden Gate National Recreation Area and Point Reyes National Seashore" published in 2013. It was produced by the Park Service's Natural Resource Stewardship and Science Office in Fort Collins, Colorado. http://npshistory.com/publications/goga/nrr-2013-641.pdf Among its findings:

> Currently there are six operating dairies in PORE-managed lands. **Extremely high fecal coliform concentrations** have been documented in streams adjacent to existing dairy operations (Ketcham 2001 and see Water Quality chapter). Manure spreading areas are correlated with the increased presence of invasive and noxious weed species. Dairies and ranching are associated with other impacts to wetland and riparian process.

Ibid, at 41. (Emphasis and bolding added.)

> Internal sources of **pollutants** from recreational practices and land uses that were grandfathered in, with the creation of PORE and GOGA,[5] continue to be problems. PORE and northern GOGA contain numerous ranches, dairies and pasture lands, which contribute to **water quality degradation**, due to **excessive nutrient enrichment** from **feces** and runoff . . . **Nitrogen-loading** in shallow estuarine embayments can lead to shifts in the dominant primary producers (e.g., macroalgae may replace eelgrass), which can lead to declines in **dissolved oxygen**, altered benthic community structure, altered fish and decapods communities and higher trophic responses (Bricker et al. 1999).

Ibid, at 62. (Emphasis and bolding added.)

> The main management issues facing PORE and northern GOGA are related to balancing the historical and cultural traditions of ranching and dairy establishments with the very high water quality needed for endangered species

[5] No sources of pollutants were "grandfathered in" by the legislation for the two parks. Ranching is discretionary. Ranching may only be allowed in these two parks "[w]here appropriate in the discretion of the Secretary." 16 U.S.C. § 459c-5 and 16 U.S.C. § 460bb-2. NPS could stop ranching today. In fact, it is one of the alternatives in the GMPA/EIS. That ranching is supposed to go on forever is a falsehood.

> such as coho salmon, steelhead trout, California freshwater shrimp and California red-legged frogs.[6]

Id., at 115. (Emphasis added.)

The Coastal Watershed Assessment then addresses the parameters for assessing water quality, namely **conductivity**, **turbidity**, **dissolved oxygen**, **nitrogen (and related constituents)**, **phosphorus** (and related constituents) and **pathogens** (and related constituents).

Water Quality Parameters

> **Conductivity/Specific Conductance**. (pp. 136-139).
>
> **Conductivity**, the ability of a solution to pass an electric current, is an indicator of dissolved solids . . . Ideally, streams should have **conductivity** between 150–500 µS/cm to support diverse aquatic life (Behar 1997).
>
> ***
>
> **PORE:**[7] In PORE and northern GOGA . . . Values higher than 1,700, indicating **severe pollution**, occurred at dairy locations, including North Kehoe Creek (PAC2A), at the J Ranch [Kehoe] and K Ranch property line (PAC2B) [Evans], the L Ranch Impact Yard (PAC1B) [Mendoza], the A [Nunes] and B Ranches (DBY3, DBY2) [Mendoza] and the McClure's [I Ranch] dairy swale (ABB3).

Id., at 136-137. (Emphasis added.)

> **Turbidity/Total Suspended Solids (TSS)** (pp. 139-141)
>
> In PORE and northern GOGA, 64 **turbidity** measurements were made from 1999 2005 (Figure 63). The median is 3.82 NTU with an IQR from 0.77–24.03 NTU. The mean value was 68.82. Almost one-fourth of the measurements exceeded the WRD screening criteria of 50 NTU and over half the samples exceeded EPA guidance of 1.2 NTU for pristine conditions, indicating that **high turbidity** may be a problem in some locations. It should be emphasized that much of the sampling occurred during or immediately following storm events to capture the worst conditions. There are a paucity of measurements compared to other parameters, but some sites had **extremely high turbidity** measurements, including sites along the mainstem and tributaries of Olema.

[6] There is no requirement to balance ranching and endangered species. Ranching is discretionary. Furthermore, the Park Service is legally required to protect natural resources above all other uses. 54 U.S.C. § 100101, 16 U.S.C. § 459c-6 and 16 U.S.C. § 460bb. The Ninth Circuit has held that "resource protection [is] the overarching concern" in the management of national park system units. Bicycle Trails Council of Marin v. Babbitt, 82 F.3d 1445, 1453 (9th Cir. 1996).

[7] When the assessment refers to "PORE" it intends to include the 10,000 acres of ranching in GOGA that PORE manages for GOGA under a cooperative agreement.

> OLM 11 at Bear Valley Bridge exhibited the highest measurements (887 NTU), followed by South Kehoe (PAC1), Five Brooks (OLM14) and Lower Olema Creek (OLM10B). B Ranch (DBY2) and Creamery Creek (DES1) were also fairly high.

Id., at 139-140. (Emphasis and bolding added.)

> **Dissolved Oxygen** (pp. 141-142).
>
> The RWQCB objectives for **DO** in inland (fresh) waters are 7.0 mg/L (ppm) or above for cold water habitat and 5.0 mg/L (ppm) or above for warm water habitat (CRWQCB 2007a) . . .
>
> PORE: An analysis of Legacy STORET data (397 observations from 62 stations) prior to 1999 indicated that less than 1% of the observations had **DO** levels below 4.0 mg/L (ppm) from 1959 through 1991 . . .
>
> From 1999 to 2005, 968 measurements had a median value of 9.3 mg/L (ppm) and an IQR from 7.4–10.6 mg/L (ppm). Over 75% of the samples are in a comfortable range for aquatic life (>7.0 mg/L) (ppm) and 90% were >5 mg/L (ppm), the less stringent warm-water criterion. Figure 64 illustrates that a fairly significant number of samples fall below the optimum range. **Extremely low DO** conditions occur in the Kehoe/Abbotts watershed at PAC1 sites, Drake's Estero/Bay at A, B and C ranches (DBY1, 2 and 3), and in the tributaries draining to Drakes Estero. In the upper portion of the Olema watershed, primarily at ranch and horse stable sites, there were a significant number of exceedances. The map in Figure 65 illustrates the percent of samples that exceed standards for the cold and warm water **DO** objective for specific sites. Generally the percent of samples exceeding [not meeting] standards is lower than 50%, except for PAC1 and OLM18 [not meeting standards 51-83% of the time]; however, five cold water sites and two warm water sites had low DO levels for over a quarter [26-50%] of the measured samples.

Id., at 141-142. (Emphasis and bolding added.)

> **Nitrogen: Total Nitrogen, Ammonia, Nitrate, Nitrite** (pp. 142-150)
>
> **Nitrogen** is essential to biotic production and, in aquatic systems, exists in various forms – **nitrogen gas**, **nitrate (NO3-)**, **nitrite (NO2-)**, **reactive ammonia (NH4+)**, **urea** and **dissolved organic compounds**. The primary anthropogenic sources of **nitrogen** are sewage, fertilizers and barnyard wastes.[8] Too much **nitrogen** leads to excessive algal blooms, **low dissolved oxygen** and ultimately fish kills. Sewage and barnyard wastes have **nitrogen** primarily as **ammonia**; fertilizer runoff has **nitrogen** primarily as **nitrate**.

[8] "Barnyard wastes" is a euphemism for animal waste/manure.
https://extension.wsu.edu/animalag/content/got-barnyard-runoff/

Even moderate environmental disturbances such as farming and logging release **nitrate** into solution (Goldman and Horne 1983).

***

In PORE, **nitrite** was measured 148 times from 1999 to 2005; however, over 75% of the samples were below the detection limits of 0.01 mg/L. The samples above the detection limit were between 0.01–1.10 mg/L. The highest values were in the Pacific Coast watersheds in Kehoe Creek sites, PAC 1, PAC2, PAC2B and in the Drakes Estero watershed at sites near A and B Ranches, DBY2 and DBY3 below dairies. OLM 11 was somewhat elevated. Due to the paucity of results with values above the detection limit, we did not graph or map nitrite exceedance; the exceedance noted tends to mirror the exceedance noted for **nitrate**.

In PORE, **nitrate** (as NO3-) was measured 463 times from 1999 to 2005 with a median value of 0.52 mg/L, with an IQR from 0.2–1.4 mg/L. A majority of the samples fell well below 10 mg/L (Figure 68); however, several samples exceed this level (Table 26). Over 50% of the samples exceeded 1 mg/L (Figure 68), which is evidence of **nutrient enrichment** [fn. omitted]. The highest percentage of exceedances occurred in the Kehoe/Abbotts watershed, consistent with a previous analysis (Ketcham 2001). Samples at the L Ranch impact yard (PAC 1B) had two extremely high concentrations (400 and 600 mg/L N), indicating high levels of waste loading (Figures 68 and 69). These results are uncommonly high for PORE and are a result of the timing of the sampling event during high storm runoff conditions and the location of the monitoring station, which receives runoff from a densely populated field of grazing cattle. Between 1999 and 2005, over 34% of the samples were below the detection limits of 0.2 mg/L for **nitrate** (as NO3-).

In PORE, **Ammonia** has been monitored as **reactive ammonia (NH4+)** fairly consistently (N=390) and as **un-ionized ammonia (NH3)** sporadically (N=29) from 1999 to 2005. The scatter plots depict **reactive ammonia** concentrations (Figure 70) from 1999 to 2005. Over 80% of the samples tested for **reactive ammonia** were below the detection limits. For **reactive ammonia**, the median value was 0.2 mg-N/L with an IQR from 0.2–0.3 mg-N/L. Nearly 10% of the samples were above 0.6 mg-N/L. High measurements were found in Kehoe/Abbotts Lagoon, A and B Ranches. There are no agreed upon standards for **reactive ammonium**.

Almost 70% of the samples tested for **reactive ammonia** (NH4) from 1999 to 2005 were below the detection limits. Extremely high measurements were found in McClure (I Ranch) pond draining to S. Kehoe (PAC1A) and the McClure Dairy Swale (ABB3). Measurements above the toxic threshold and the Basin Plan objective of 0.16mg/L (**un-ionized ammonia**) were found in North and South Kehoe, the L Ranch impact yard and A and B Ranches in Drakes Bay. There were too few measurements to show exceedances. The Basin Plan states that receiving waters should not exceed an annual median

of 0.025 mg-N/L or a maximum of 0.16 mg-N/L of **un-ionized ammonia** to protect the migratory corridor in the Central Bay, and 0.4 mg-N/L for the Lower San Francisco Bay (CRWQCB 2007a). The objective was used to evaluate possible lethal conditions.

Id., at 142-148. (Emphasis and bolding added.)

Phosphorus: Phosphate, Total Phosphorus, Orthophosphate (pp. 150-153)

Like **nitrogen**, **phosphorus (P)** is critical to biotic production; however, excessive levels lead to algal blooms and low dissolved oxygen. Sources of **phosphorus** include soil sediments, fertilizer runoff, animal wastes and detergents . . . .

PORE: . . . From 1999 to 2005, **orthophosphorus** was measured 164 times with six results below the detection limit, a median value of 0.22 mg/L and an IQR of 0.13–0.47 mg/L. Our review of the data indicated a few extremely high values, particularly in the Kehoe/Abbotts watershed at PAC1 and PAC2 and the A and B Ranch areas in the Drakes Bay watershed (DBY2 and DBY3).

Id., at 150-151. (Emphasis and bolding added.)

Pathogens: Fecal Coliform Total Coliform and E. coli bacteria (pp. 153-156).

Fecal contamination can result from ineffective management of human wastes, such as leaking septic systems or untreated wastewater. **Fecal contamination** also comes from poor management of animal wastes, as well as manure from dairies and ranches. Low levels of **fecal contamination** also come from wildlife. US EPA numeric objectives for indicator bacteria are listed in Table 27. These objectives are set to be protective of public health and not intended to reflect ecosystem health, although high levels of waste can introduce **nitrogen** into the water causing eutrophication, which affects overall ecosystem health. In PORE, **fecal coliform** has been monitored and found useful in pollutant source tracking, since **nutrients** are so rapidly diluted in streams (Ketcham 2001). Because the samples are not evenly spaced during a 30-day period, we used the single sample objective to evaluate **total coliform** (10,000 MPN/100 mL) and **fecal coliform** (400 MPN/100 mL).

Total coliform was measured 962 times from 1999 to 2005 and depicted a median value of 1,700, with an IQR from 500–9,000 MPN/100 mL, indicating that more than 75% of the samples fell below the maximum water contact recreation criteria for **total coliforms** (10,000 MPN/100 mL). The scatter plot and map (Figure 75 and 76) indicates that there are a large number of exceedances in the Kehoe/Abbotts and Drakes Estero watersheds. Many sites in these watersheds exceeded the standard more that 50% of the time.

> **Fecal coliform** was measured 923 times from 1999 to 2005 and had a median value of 800 MPN/100 mL and an IQR of 200–3,000 MPN/100 mL, indicating that over 50% of the samples exceeded the contact recreation criteria for **fecal coliform** (400 MPN/100 mL). The scatter plot and map (Figures 77 and 78) show the large number of exceedances in the Kehoe/Abbotts and Drakes Estero watersheds; exceedances occurred in all watersheds, particularly near dairies.

Id., at 153-155. (Emphasis and bolding added.)

For every one of the six pollution parameters discussed in the Coastal Watershed Assessment there was a specific list of the ranches in the various watersheds that were significant violators of that parameter. Based on the 2013 Coastal Watershed Assessment, it cannot be said that the condition of the two parks is consistent to the maximum extent practicable with the CCMP.

Appendix L.

In the FEIS's Appendix is document L which is entitled "Improved water quality in coastal watersheds at Point Reyes National Seashore associated with rangeland best management practices [BMPs], 2000 – 2013."

It is dated July 7, 2020, over nine months after the close of public comments on the DEIS and two months before the release of the FEIS. The authors are three employees of the Park Service at Point Reyes. The first-listed author, Dylan Voeller, is in charge of the ranching/grazing program at PORE and GOGA.

They state that best management practices (BMPs) can control pollution of streams and that between 2000 and 2013, the Park Service monitored water quality in the form of (1) fecal bacteria and (2) turbidity in Drakes Bay/Estero, Kehoe Drainage and Abbotts Lagoon and that during that time BMPs such as fencing, ranch infrastructure management, infrastructure for manure management, off-stream drinking water systems for cattle, and pond restoration were constructed or implemented on dairy and beef ranch operations to improve water quality. This report seems intended to counter what the Park Service's contractor wrote in the DEIS, what the Region Water Board (and others) said in their comments on the DEIS and what the authors of the Coastal Watershed Assessment said regarding water quality in Drakes Bay/Estero, Kehoe Drainage and Abbotts Lagoon.

The authors do not address conductivity, dissolved oxygen, nitrogen or phosphates. They dropped turbidity as an issue by concluding that "[t]urbidity was only monitored consistently from 2010-2013, was generally below selected ecological thresholds at most stations, and did not show a trend over time." In other words, the BMPs did not show any improvements regarding turbidity.

With respect to fecal bacteria, the authors state that E. coli is the best constituent for addressing it and they claim E. coli is declining over time. As the CD puts it: "the data indicate decreasing trends in fecal indicator bacteria over time." Page 28. Their conclusion is based on 14 monitoring stations. The standard they use for E. coli is 320 CFU/100ml. Their table 1 on page 9 shows that the median number for E. coli is much higher than 320 for 13 of the 14 testing stations. For example, the median for ABB3 is 48,000 CFU/100ml!

That's 150 times the limit. The highest reading for that same station is 1,600,000 CFU/100ml! The median for PAC1B is 13,600 CFU/100ml! The highest reading for that same station is 1,280,000 CFU/100ml! PAC1S, PAC2 and PAC2A also have had high readings of 1,280,000 CFU/100ml. The one station that is below 320 CFU/100ml, ABB4, is at the far west end of Abbotts Lagoon where any E. coli that reached there would be very diluted. Even it has had high readings of 12,800 CFU/100ml. Finally, the authors never state that the BMPs have lowered E. coli to a median number of 320 CFU/100ml or below.

In conclusion, nothing in the CD shows that the preferred alternative will be consistent to the maximum extent practicable. As discussed above, the zoning system, together with its diversification, will not improve water quality and is more likely to harm it as stated in the SFRWQCB letter. Neither will building a hundred or more construction projects using NRCS's BMPs. They may to some extent lessen the additional damage caused by the construction projects, but that is far from the preferred alternative being "consistent to the maximum extent practicable" with the following from the CCMP: "The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored . . . ." Trying to mitigate future damage is a far cry from maintaining, and where feasible, restoring the biological productivity and quality of these coastal waters, streams, wetlands, estuaries and lakes. The Sierra Club requests that the Commission object to the Park Service's CD.

Sincerely,

s/Olga A. Bolotina
Chair, San Francisco Bay Chapter

cc: Frank Egger; Co-Chair, Water Committee

December 14th, 2020

MARIN CONSERVATION LEAGUE
Protecting Marin Since 1934

Mr. Larry Simon
Federal Consistency Program
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Subject: Coastal Consistency Determination for the Point Reyes National Seashore and North District Golden Gate National Recreation Area General Management Plan Amendment and Environmental Impact Statement

Dear Mr. Simon:

The purpose of this letter is to express Marin Conservation League's support of the National Park Service's (NPS) request for a Coastal Consistency Determination (CDC) for the subject action. [1]

Under the Preferred Alternative (Alternative B in the General Management Plan Amendment/Environmental Impact Statement [GMPA/EIS]), the NPS is offering up to 20-year leases to multi-generational dairy and cattle ranches that have occupied the land for more than 150 years. Granting 20-year leases will give ranch owners a certainty of tenure, enabling them to invest in ranch infrastructure to assure the future viability of their operations and make necessary improvements to better protect natural resource values, such as water quality and sensitive habitat areas. The GMPA/EIS, including Appendices (notably Appendix F) details the conditions under which ranching would continue.

In general terms, MCL supports the continuation of historic family ranching on Point Reyes National Seashore (PRNS, Seashore, or Park) and the Northern District of Golden Gate National Recreation Area (GGNRA) under the guidance of an environmentally-sound management approach spelled out in the GMPA/EIS. Anchored by Ranch Operating Agreements (ROAs) between NPS and ranch owners and a sub-zoning plan designed for each ranch to protect sensitive resources from ranch operations, the approach consists of a comprehensive suite of strategies (detailed in Appendix F) that would be incorporated into each ROA, thus ensuring that the desired conditions laid out

[1] To clarify the purpose of a Coastal Consistency Determination: Section 307 of the "Coastal Zone Management Act of 1972" (CZMA), requires that federal actions – including those on NPS parks not in the California Coastal Zone that might affect the state's interest in land, water or other natural resources within the coastal zone – be consistent with the enforceable policies of the state's federally approved coastal management program. A "consistency determination" is a brief statement describing how the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with enforceable policies found in Chapter 3 of the California Coastal Act. The Coastal Commission's goal is to provide open communication and coordination with federal agencies and provide the opportunity for the public to participate in the process.

in Chapter 1 (Page 2) of the GMPA/EIS would be met. These strategies include standardized management activities, employing "practice standards" based on federal and state agency regulations and guidance, and implementing required mitigation measures and other conditions outlined in the EIS and detailed in Appendices.

Continued ranching under these terms described in the Preferred Alternative would be consistent with "the natural environment, recreational opportunities, and the scientific and historical merits" that prompted the park's original and later-amplified legislative authorizations.

With implementation of the conditions outlined above and discussed in greater detail below, MCL believes that the Preferred Alternative also is consistent with the policies in the California Coastal Act of 1976 as amended. Because the GMPA/EIS covers both detailed actions and programmatic elements, the NPS is requesting a Consistency Determination only for detailed actions. Projects under programmatic elements proposed during the 20-year GMPA plan period, such as diversification and some visitor amenities, would require subsequent environmental review, and possible CCC consultation.

MCL's letter incorporates by reference the summary description of the GMPA/EIS Preferred Alternative contained in NPS' letter to the CCC, dated October 16, 2020. To

PRNS connections and MCL assumptions

Four assumptions based on the factual record undergird MCL's position:

1. First, it is necessary to view PRNS in its historic and local context as well as in terms of its national significance. Its history reveals that many parts had to come together to preserve this unique coastal site of natural beauty, scientific and historic/cultural interest, rare plants and wildlife, and public recreation as national park.

   From inception in 1916 of the National Park System – regularly proclaimed "America's greatest idea" but in reality an amalgam of ideas that have evolved over time – national parks have been interconnected with the surrounding world, with deep economic and cultural connections to adjacent communities and ecological linkages to surrounding landscapes. They have never served as isolated nature reserves.[2]

   No national park demonstrates these connections as consistently as Point Reyes National Seashore. Set on the Pacific Coast within the West Marin context, with its millennia-old indigenous heritage, its historic, generations-old agricultural and rural village culture, as well as its location within an hour's reach of a large metropolitan population, the Seashore is the product of the local, regional, and

[2] Keiter, R.B., *To Conserve Unimpaired: The Evolution of the National Park Idea,* Island Press, 2013

national interests that came together in an eons-old geologic and ecological coastal setting to create the priceless and multi-faceted park that millions enjoy today!

2. As a second assumption, MCL is highly qualified to comment on PRNS as a public park of national and local significance. Few organizations are as intimately connected with the early history of PRNS as MCL. MCL, founded in 1934 as the Golden Gate Bridge was under construction, was among the first to identify the need to protect Marin's scenic coastal lands for the public and to act on it. At that time these lands were completely open to private exploitation. From a planned list of priorities for acquisition, MCL's first documented success was acquisition of a 54-acre property including Drakes Beach, the first "piece" of the National-Seashore-to-come. In the two decades that followed, MCL founders facilitated acquisition of other coastal sites that eventually became state parks and initiated or participated in many other public land acquisitions, including the Golden Gate National Recreation Area (GGNRA). MCL's key motivation behind these actions was to save special lands for public enjoyment. Ecosystems and sensitive habitats were not yet in the conservation vernacular.

   Throughout the 1950s, MCL worked closely with other conservationists to seek protection for Point Reyes Peninsula from the destructive consequences that commercial and residential development could have. With authorization of most of the peninsula as a national park in 1962, some expressed interest in preserving the human as well as the natural landscape under the aegis of the NPS. Caroline Livermore, then president of Marin Conservation League, wrote, ". . . as true conservationists we want to preserve dairying in this area and will do what we can to promote the health of this industry which is so valuable to the economic and material well-being of our people and which adds to the pastoral scene adjacent to proposed recreation areas." [3]

   In the late 1960s, MCL devoted hundreds of hours and financial resources to the 1969 "Save Our Seashore" campaign to obtain Land and Water Conservation funds for acquiring the ranches. Ranchers played a key role in this campaign by supporting the new park and willingly selling their lands to fulfill the congressional intent. In the 1970s, MCL also advised protecting the park as a natural area in the preliminary master plan for the Seashore, and advocated for the maximum area to be designated as Philip Burton Wilderness.

3. MCL's third assumption concerns the role that cattle and dairy ranching continue to play as an important component of the Seashore's (and GGNRA's) cultural and natural resource values. This role has been acknowledged over the past fifty years in legislative authorizations, amendments and clarifications, and management policies. The NPS' working relationship with the ranches in the park was fostered

[3] Livingston, D.S., *Ranching on the Point Reyes Peninsula – 1834-1992,* National Park Service, 1993, rev. 1994

by early park administration, which recognized that cows and cattle were "co-managers" of the scenic pastoral grassland landscape that would devolve into brush without a regular grazing regime. There were later indications that the working relationships between ranchers and park management were generally positive, and that the park was committed to keeping the ranches viable as an integral part of the national seashore as well as the GGNRA Northern District. Their historic significance was reinforced by their later designation as Historic Districts and their recognition as cultural resources to be protected in concert with protecting and preserving the well-documented natural and indigenous resources throughout the Park.

4. As a fourth assumption, the history of Marin County agriculture, including production records, has demonstrated for decades that the ranches on Point Reyes are an integral part of a single cultural heritage and agricultural economy. Roughly one third of Marin County's land area is made up of rural rangeland and family farms. Together, ranches, both on and off the Seashore, constitute a critical mass that enables the whole to remain viable. MCL has long recognized the value of these agricultural lands and developed a supportive relationship with dairymen and ranchers in West Marin. As a previous Executive Director of MCL stated: "If you sold off the agricultural land and just let it go for open space, it would change the character dramatically . . . it would not be the pastoral scene we know today."

Consistency with provisions of the California Coastal Act

The primary goal for amending the General Management Plan for this unique coastal resource over the next 20 years is to achieve the "Desired Conditions" articulated in the GMPA/EIS (Chapter 1). These conditions are organized around. . .

- preservation of ecological functions;
- preservation of native species, including threatened and endangered species;
- management of invasive/non-native species;
- preservation of cultural resources (including historic ranches); and
- public use and enjoyment/visitor experience.

In essence, these have been at the core of the Seashore's management policies over the past fifty-years. Without exception, these "desired conditions" are consistent with key policies in Articles 2 through 6 of the Coastal Act that have protected California's Coast for almost the same period of time, namely:

- provision of public access and recreational opportunities;
- protection of coastal waters and unique and sensitive marine and land resources;
- maintenance of prime agricultural land and the agricultural economy; and
- protection of scenic and visual qualities.

The actual achievement of these desired conditions in the Seashore, which are aspirational in nature, depends on successful implementation of a detailed and

comprehensive set of management actions that make up the Preferred Alternative, described in the GMPA/EIS, detailed in Appendices, and summarized in Table 2: Strategies for the Preservation of Area Resources, pages 29-32. Appendix F presents an inventory of management activities, practice standards, and required mitigations. Mitigation measures specific to avoiding impacts to threatened and endangered species are detailed in Biological Assessments (Appendices N and O). Implementing these conditions would accomplish the purposes of the Preferred Alternative.
The discussion below offers selected examples of the many NPS management strategies that demonstrate consistency of the Preferred Alternative with Coastal Act policies.

Articles 2 and 3 – Public Access and Recreation

". . . maximum access. . .shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse." (Section 30210)

". . .*ocean front land suitable for recreational shall be protected for recreational use and development.* (Section 30221) . . .u*pland areas necessary to support coastal recreational uses shall be reserved for such uses."* (Section 30223)

The Seashore welcomes more than 2.5 million visitors annually and provides wide ranging opportunities and facilities for educational and scientific activities, affordable day and overnight accommodations such as camping, volunteer programs, trails for hiking, equestrian, and cycling recreation, and wide-ranging opportunities for "sight-seeing."

Public access currently is allowed in the existing Pastoral Zone (to be renamed as the Ranchland and Scenic Landscape Zones under the Preferred Alternative), consistent with the need to avoid disrupting ranch operations and infrastructure, protect ranchers' privacy, and ensure safety. Many of these public amenities are made possible through partnership with the non-profit Point Reyes National Seashore Association's robust program of educational and volunteer activities.

These would all remain under the Preferred Alternative. The Ranchland and Scenic Landscape zones would continue to maintain the current landscape and public access to coastal and upland sites for access and recreational and educational use. In addition, the GMPA/EIS describes numerous possible projects to enhance existing opportunities. Most are described and their impacts analyzed at a programmatic level. For example, proposals to enhance a network of connecting trails and old ranch roads, detailed in Appendix H, could be proposed over the 20-year plan horizon covered by the EIS, and would require site-specific environmental review. Similarly, proposed farm stays and farm tours to engage ranchers in the Seashore's interpretive programs would require subsequent environmental review and possible coastal consistency. Appendix I discusses indicators and thresholds for visitor use and enjoyment, and considers visitor capacity and addresses issues such as traffic and parking and the need for shuttle systems. The

NPS does not anticipate expanding levels of visitor access under the Preferred Alternative. Even with some enhanced options, e.g., trail loops and connections, or new interpretive programs, visitor use would continue to be managed to avoid sensitive resources in the Park.

Article 4 – Marine Environment

". . .The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes . . .shall be maintained and, where feasible, restored through . . .minimizing adverse effects of waste water discharges and entrainment, controlling runoff . . . encouraging waste water reclamation, maintaining . . . riparian habitats . . ." (Section 30231)

The planning area does not include marine waters. It does, however, include watersheds and streams that carry runoff from cattle and dairy operations and discharge into esteros and the ocean and Tomales Bay via Olema Creek, thus potentially impacting the quality of coastal waters and related biological productivity. Ranch activities that require water quality and erosion management include road and other infrastructure maintenance, stream stabilization and riparian protection, water supply for livestock, stream crossings, and, in the case of dairies, manure and nutrient management.

This complex issue is analyzed in depth in the GMPA/EIS and Appendix L. The NPS and ranchers over recent decades have already implemented many management activities to improve water resource conditions but acknowledge the need for improvements. The Preferred Alternative's approach to protecting sensitive resources from water pollutants involves a comprehensive suite of actions, beginning with the zoning and ranch sub-zoning strategy outlined in Appendix J, in which ranch operational areas are separated by intensity of use and to avoid sensitive resources. The GMPA/EIS then describes the existing water control management actions and presents in Table 3, Page 40, an array of management actions to monitor and further improve water quality.

Actions to manage manure and nutrients and associated water quality apply only to the six dairy ranches. To avoid polluting nearby streams and wetlands, water and waste from confined animal facilities have been regulated for many years by the state's San Francisco Bay Regional Water Quality Control Board. Under the Preferred Alternative, ranches would continue to operate under these regulations, with improvements outlined in Appendices F and L. With these actions, the desired conditions listed in Table 2 would be achieved.

Article 5 – Land Resources

". . .Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values . . .and development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited . . .to prevent impacts. . .and shall be compatible with the continuance of those habitat and recreation areas." (Section 30240)

Many of the actions described above for protecting marine resources also apply to protecting environmentally sensitive habitat areas in the planning area against potential disruption from cattle and dairy operations: Zoning and sub-zoning of ranches to avoid impacting sensitive habitats; a comprehensive suite of management activities, practice standards, and mitigations identified in Appendix F; and mitigations defined in the Biological Assessments, Appendices N and O. As noted in the EIS, the grazing regimes associated with livestock vary in their impact on special status plant species. Grazing can be both beneficial for some species and damaging for others. To minimize these impacts, 1,200 acres are currently set aside as Resource Protection Buffers. The Preferred Alternative would add 800 acres to these protective buffers.

". . . the maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy. ."(Section 30241)

The adoption of a Ranchland Zone under the Preferred Alternative would not expand or otherwise change the area of ranching on either PRNS or GGNRA Northern District. Nor would it expand the stocking capacity for livestock. It would, however, offer the opportunity for limited diversification of ranching activities. The addition of chickens, goats, or sheep, or dryland cropping, for example, would allow ranchers to react to poor forage production years and fluctuation in the economic market (e.g., the price of cattle, hay, and grain).

The prospect of diversification has been misunderstood in public comments as though it would open the door to unlimited options. In fact, any diversification would be limited in scope – chicken or goat "animal units" would replace not add to comparable cattle animal units. Activities would be restricted to the ranch core or, where warranted, the pasture zones. Further, as stated in the EIS (ES Page iv), proposals for diversification would only be considered if they incorporate the US Department of Agriculture, Natural Resources Conservation Service Conservation Practice Standards and mitigation measures for a defined set of Management Activities identified in tables F-11 through F-13 of Appendix F of the EIS. NPS would continue to work closely with local agricultural organizations, state agencies, and natural resource conservation experts to share information and discuss issues related to ranching.

Article 6 Development

". . . the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. . . to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas. . ." (Section 30251)

The connection between national parks and cultural resources is well established in federal law. The act that created the NPS in 1916 mandated that ". . . natural and historic objects and the wildlife therein. . ." be protected for public enjoyment. Over the years the idea that cultural resources are a matter of national interest has been affirmed by

numerous congressional actions, including the National Historic Preservation Act and its amendments. Federal law and NPS policies now place equal weight on protecting natural, historic/cultural, and scenic values.

The historic/cultural and scenic resources that are being preserved on PRNS and GGNRA, along with their rich natural resources, are a combination of the historic pastoral landscape and the multi-generational farm families, who, four and five generations later, are the legacy of an historic period of dairies and farming that dates back to the mid-1800s.

Notable is the role played by the "historic pastoral landscape," which includes not just historic farm structures, but also the dominant scenic rangeland vistas that meet the eye of the visitor. Without continuation of the grazing regimes managed by cattle, that grassland scene would change dramatically, as evidenced on former ranches that have been retired and cattle grazing has ceased. The Preferred Alternative is not the only alternative that would protect this scenic resource, but it presents the optimum combination of preserving the array of values that have been discussed above. It also would be maximally consistent with Coastal Act policy that calls for "minimizing the alteration of natural land forms."

Drawing on these comments as examples, MCL believes that the Preferred Alternative examined in detail in the GMPA/EIS demonstrates not only a high affinity with the purposes of the California Coastal Act but also consistency with most of the specific policies set forth in Chapter 3.

In summary, Marin Conservation League believes that the NPS Preferred Alternative analyzed in the GMPA/EIS is consistent with the Coastal Act because . . .

- Both PRNS and GGNRA will continue to provide opportunities for visitors from around the world to enjoy the coastal resources that they encompass and at the same time preserve their richly diverse natural and cultural resources;
- Under the Preferred Alternative, both parks will continue to maintain, among their other purposes, productive ranching operations that are the legacy of a 150-year-old culture and occupy a significant role in the local agricultural economy. Offering up-to-20-year leases will ensure the ranches' continued viability and enable investing in long-term environmental improvements;
- The GMPA/EIS and its Appendices present a comprehensive suite of practices, including zoning and sub-zoning, mitigation measures and other conditions applicable to each ranch. Under the regulatory and guidance oversight of NPS and multiple agencies, these conditions will assure that coastal marine and land resources continue to be protected from the potential impacts of ranching operations;
- The continuation of a grazing regime under the Preferred Alternative will assure that the pastoral landscape, dominated on PRNS by broad vistas of grassland, will not be irreversibly altered if the present grazing regime were to cease; and

- Agriculture in the two parks will not expand under the Preferred Alternative; closely delimited diversification will, however, offer ranchers a buffer against the economic vicissitudes of cattle and dairy-based agriculture.

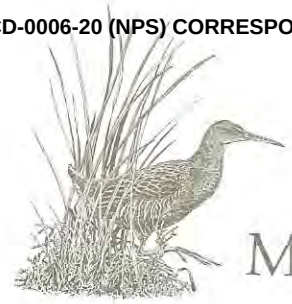
In closing, public comments too often reveal a "black and white" view of the NPS options on Point Reyes and GGNRA – either ranches, *or* wild nature. Marin Conservation League believes that these can coexist under thoughtful and sensitive park management and continue to enrich the lives of millions of visitors. Thank you for your attention to this important issue.

Sincerely,

Robert Miller
President

Nona Dennis
Chair, Parks and Open Space Committee

Cc: Jared Huffman, US Congressman, California 2nd District
Laura Joss, General Superintendent Golden Gate National Recreation Area, National Park Service
Carey Feierabend, Deputy Superintendent, Point Reyes National Seashore



Marin Audubon Society

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December 14, 2020

John Weber
California Coastal Commission
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RE: Comments on Point Reyes National Management Plan and Final Environmental Impact Statement (EIS)

Dear Commissioners:

Thank you for the opportunity to comment on the Point Reyes National Seashore Management Plan Consistency Determination. Marin Audubon has a number of issues about the Point Reyes Management Plan and DEIR that we request be considered by the Commission. While the documents are extensive and the justifications detailed, there are sufficient issues and questions that should preclude the Plan as from being found consistent with the Coastal Zone Program. As discussed below, our problems focus on the adverse impacts of the proposed essentially-permanent agriculture. While EIS appendices include standards and mitigation measures that would provide some protection for the Seashore's natural resources, the driving force of Alternative B is continuing agriculture. The habitat benefits for native wildlife and habitat resources are secondary to the needs of agriculture. As a result, we are concerned that these publically owned lands will not be managed in the interest of then public. Our concerns about the Succession Policy, the Lease and potential adverse impacts are addressed below. With the current level of analysis and resource protections, the Plan cannot be found to be consistent with the Coastal Zone Management Act.

Succession Issues

Marin Audubon is not opposed to agriculture at the Seashore. We support a gradual phasing-out of all or a significant number of ranches. This gradual reduction should be based on attrition, if no family members wish to continue agriculture, the lands should restore to natural habitat. We consider that this would be fair to the current ranchers because it would not require them to leave in a short time as other alternatives would. In the long term, it would benefit the Seashore ecosystems, the needs of wildlife that depend on them, and would benefit the public's interest in protecting these unique and diverse habitats.

The Succession Policy has been improved from the original draft. It now allows that if family members do not wish to continue in agriculture or Lessees have not consistently met performance standards, the NPS would consider applications from other leaseholders or Park ranch workers operating in the Ranchland Sub Zone. If there is still no interest, the NPS would "pursue a public process to identify an appropriate future use of the land." So while there is a chance one or more ranch properties could be restored to nature, that chance is probably slim. The proposed public process just postpones a difficult decision.

A policy providing that certain ranches be restored to viable natural habitat when there are no longer family members interested in continuing should be based on restoring those lands that would protect valuable natural resources and provide the most benefit for wildlife.

NPS justifies continuing ranching by classifying agricultural use as a cultural resource that is important preserve for the public. Thirty ranches are not needed to demonstrate historic ranching. A limited number of ranches could be preserved to demonstrate historic uses. The decision, on which ranches would be restored, should be based, as stated above, on protecting valuable natural resources and habitat for wildlife.

Lease Issues

Provisions of the proposed Lease Agreement are also a concern. Because the Lease sets out the legal responsibilities for Lessor and Lessees, what is expected of the ranchers and what actions the NPS can take, it is an essential component of the We are concerned about provisions to cure defaults and provisions for termination of leases.

Section 32.1 is clear: "...if Lessee fails to keep and perform any of the Provisions of this Lease, this Lease shall become void at the option of the Lessor." Lessor that Lessor shall state intention "to declare the Lease forfeited if such default continues." Note that the NPS is not required to take any action.

Section 32.2 If Lessee does not cure the Default or present a reasonable plan...then Lessor shall be entitled to the possession of the Premises, and *may* enter into the property and expel Lessee...."

Section 32.3 "It is further agreed that all rights of Lessee under this lease shall, *at Lessor's option, be revoked...."*

Section 32.6 *"At the option of Lessor, Lessor may, in lieu of* revoking this Lease, revoke Lessee's authorization to conduct the activity giving rise to the Default or assess a penalty of $100 .000 per day for any failure...."

Section 33 "If Lessee shall fail or neglect to do or perform any act or thing provided in this Lease to be done or performed and such failure shall not be cured within the

applicable grace period provided for in Article 32 of this Lease, then *Lessor may, but shall not be required to do or perform or cause to be done or performed any other act or thing (en*tering upon the Premises for such purpose, if Lessor shall so elect), and Lessor shall not be held liable...."

Two aspects are notable about the above quotes from the Lease: that taking any action at all is completely at the discretion of the Lessor. This vague wording should be corrected. There should be criteria that will assure specific actions to cure Default and protect natural resources will be taken. Secondly, the final action by the NPS set forth in Section 33 is unintelligible. It fails to identify any action Lessor will take. It reads as though there may be words omitted.

To ensure compliance with the ROAs, standards and mitigation measures, the above provisions of the Lease should be changed and clarified to require actions to penalize Leaseholders or terminate Leases when requirements are not carried out. The <Lease gives the NPS too much discretion.

A further concern is that the Lease only requires one visit by NPS staff to the ranches per year, along with the other specified visits to count AUs and to monitor residual dry matter. The NPS should be required to make more oversight visits. Also, the Lease It provides that Lessee "shall," correct accidences of AU numbers, but if RDM standards are not being met, NPS imposing adjustments is discretionary. RDMN compliance should also bed required.

Issues of Concern

We have identified certain activities that would result in adverse impacts that have not been addressed or are not addressed adequately. Approval of a Management Plan and EIS should be delayed until analyses adequate to understand the impacts are completed. Areas of inadequacy include:

1. Environmentally Sensitive Habitat Areas (ESHA).
   Streams in the project area support Coho, Chinook and Steelhead, and other special status species that could be impacted by activities allowed by the Plan. Yet ESHAs are not identified, their habitat characteristics and species use is not discussed, and how their habitat will be protected or impacted are not addressed. It is acknowledged that stream water quality and sedimentation would occur, even though. It is also acknowledged that some streams would not be protected from grazing impacts: "Nearly all streams potentially occupied by salmonids would be excluded from grazing." EDSHAs should be identified and described; how many miles of ESHA streams would be vulnerable to the impacts of grazing should be presented and how the adverse impacts would avoid or significantly reduced should be described.

2. Ecosystem impacts of water use.
   Impacts on the ecosystem of diverting water for agricultural uses are a critical issue that is not addressed. The Plan states that the annual water consumption for beef

and dairy ranches totals 32 million gallons to 77 million gallons per year. This is a reduction from the quantity stated in the Draft Management Plan and EIS, which was 50 million gallons to 124 million gallons per year. No reason is given for the substantial reduction. In either case, this is a massive amount of water to be lost to the ecosystem, lost to streams, fish and other wildlife annually. And the amount diverted will increase with more farm animals and more home stay rentals. The quantity of water that would be expected to be diverted for the diversified activities should be calculated and presented. (We understand crops are not permitted to be irrigated.) Adverse impacts on ecosystem resources of removing this massive quantity of water should be addressed.

There are requirements for monitoring appropriated water use in the Lease (Section 2.4). The NPS holds water rights, and allocates rights to use wager to Lessees, as we understand. There should be more information about these water rights. How much water do ranches generally have a right to take? How much additional water will be allocated for diversified activities? How will the quantity be determined for water to serve the diversified activities that have not yet occurred? Is there a limit to the quantity? Is there a provision that ensures the water needs of native wildlife, particularly endangered fish and frogs, are met? What about dry years, is water required to be left for natural resources? How will water use be considered when approving permits for grazing and diversified activities? The lease does not appear to take water needs of the natural systems into consideration. This should be a primary concern in a National Park.

3. Tule Elk
   Under Alternative B, Tule elk would be limited in number and pushed to locations away from grazed areas. This effort appears to be to protect six ranches. The NPS should provide a movement corridor for elk and other wildlife to access the wilderness area. The NPS should prepare a Plan for properties to be protected in the future as a result of attrition. Ensuring access to usable habitat for elk should be a central component for determining ranches that would be restored to natural habitats.

4. Diversification
   Native wildlife (fox, bobcat, coyote, ravens, crows and others) will be attracted to the small farm animals that are permitted under provisions for diversification. While the chickens, goats, sheep and hogs are required to be housed in shelters, shelter structures are not a foolproof protection against wildlife. Lethal controls are prohibited by mitigation measures and in the lease but it is unclear how this would be enforced. It is unlikely depredation would be observed, particularly with so few visits.

   Lease/permit Section 12.1 acknowledges that there will be impacts of diversification states, "Except for ranching, diversification, residential and maintenance activities authorized in the ROA, Lessees shall not engage in any other activities that impact wildlife ..." and "...on a case by case basis, and at its sole

discretion, Lessor may evaluate incidents of depredation and choose a course of action." So even if depredation is observed or otherwise known, it is possible or likely that no action will be taken ad any is discretionary. Mitigation measures also prohibit lethal methods for wildlife control. While most of the ranchers will comply it must be acknowledged that some may not. The Management Plan/EIS reports ranches that have exceeded the number of allowed AU. With limited on-site NPS observations and uncertain follow-through, whether or not depredation would even be known, or considered, much less stopped or penalized is not at all clear.

Diversification allows growing silage. Eggs and nestlings are destroyed by equipment harvesting silage. An earlier version of the Lease restricted harvesting until after nesting season. This has been removed from the current Lease so that now birds will continue to be killed. Unless harvesting is timed to avoid nesting season, bird eggs and young will be killed. Is this approving d under the mantle of diversification?

5. Monitoring and enforcement inadequate.
The Ranch Operations Agreement requires only one annual meeting by NPS and ranchers and only one annual meeting by NRCS staff. It is unclear whether unscheduled visits apart from monitoring AU and RDM can even take place. Compliance with NRCS standards and mitigation measures primarily depend on ranchers voluntarily complying. Non-compliance has occurred as shown in NPS's reports sin the EIS. Specifically how non-compliance with required limits on the number of cattle, is noted.

Appendix F lists Practice Standards and Mitigation Measures. The Practice Standards are those of NRCS. NRCS holds an easement on one of MAS's properties so we are familiar with NRCS management. While the Practice Standards do benefit natural resources, wildlife benefits are secondary to their main purpose. We think the standards for a National Park should be more proactive in protecting and enhancing natural resources.

Some comments on specific Practice Standards/Mitigation Activities are below:
- (Page F-54) Silage harvest is exempted from mowing restrictions during nesting season. Silage harvest during nesting season has been observed to result in the destruction of eggs and nestlings and should not be allowed in a National Park.
- (Page F-55) A 35-foot buffer between wetlands and mowed areas may not be sufficient to protect the stream water quality from sediments unless the buffer is very well vegetated and topography flat.
- The peak of the nesting season is later than mid April. Mowing should be avoided until nesting season is over.
- (Page F-59) Sheep and goat grazing should be prohibited on steep slopes due to the risk of erosion. Goats in particular will eat all or most of the vegetation. What constitutes a Steep Slope should be defined.
- (Page F-60 Observed and suspected interactions between livestock and wildlife must be reported and lethal control is prohibited. There should be a discussion

about the options that are available in such situations, particularly if they persist. What tools are available? Policies and practices should protect wildlife. We are concerned that if the Tule elk – ranch interaction is any indication, native wildlife will not come out on top. Will the NPS be willing to require diversified activities ended if problems persist?

To ensure effective compliance, the Plan must have clear standards and consistent monitoring and enforcement with penalties as needed for defaulting on requirements. Conditions of the lease should provide for and require the NPS to conduct regular monitoring visits to check on Lease conditions. Five new staff persons are estimated to be needed to implement the Management Plan. Funding for two staff has been approved. They should be dedicated to addressing natural resource protection.

Finally, we did not see a mention of public review beyond this Management Plan review. Leases, ROA and ongoing compliance and negotiation in this National Park should be open for regular and scheduled public review.

Conclusion

In conclusion, it is clear that the primary intent of the Management Plan is to continue ranching. There are many questions and, while some conditions might improve some conditions, it is also clear that some imp0acts on wildlife and natural resources would not improve and could worsen. We look to the Coastal Commission to ensure that the diverse natural resources of this National Seashore are protected and enhanced. The Commission should require additional analysis and not find the Plan to be consistent with the Coastal Zone Management Act or Program.

Thank you for your attention to our concerns and issues.

Sincerely,

Barbara Salzman, Co-chair
Conservation Committee

Phil Peterson, Co-Chair
Conservation Committee

December 11, 2020

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Re: National Park Service Consistency Determination for General Management Plan Amendment/Final Environmental Impact Statement for Point Reyes National Seashore and north district of Golden Gate National Recreation Area

Dear Mr. Larry Simon:

These are comments of the Center for Biological Diversity and Turtle Island Restoration Network (TIRN) on the National Park Service (NPS) Consistency Determination (CD) for their Preferred Alternative from their General Management Plan Amendment/Final Environmental Impact Statement (GMPA/EIS) for the Point Reyes National Seashore (PRNS) and the north district of Golden Gate National Recreation Area (GGNRA).

The Center is a nonprofit conservation organization with more than 1.7 million members and supporters, dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has expertise on protection of endangered species, cattle ranching impacts on the environment, management of federal public lands, and implementation of federal environmental protection laws. The Center has been working to protect native wildlife and other environmental resources of the Bay Area for more than two decades. Many Center members, supporters, and staff have a longstanding interest in preserving endangered species, tule elk and other native wildlife, and natural ecosystems of Point Reyes National Seashore and the GGNRA. Center staff in the Bay Area have been visiting PRNS for up to 50 years, and have been involved in tule elk reintroduction, salmon restoration, and endangered species protection efforts in PRNS and the GGNRA over the past two decades. Center staff and members have spent hundreds of hours in the PRNS and the GGNRA ranching areas observing wildlife and documenting the conditions of ranchlands.

TIRN is a nonprofit conservation organization with its principal place of business in Olema, California, located on Golden Gate National Parkland. TIRN has more than 200,000 supporters worldwide, with about 1,500 located in Marin County. TIRN has expertise on federal environmental protection laws and protection of endangered species, particularly with respect to endangered and threatened oceanic species and endangered and threatened salmonids in West Marin. TIRN has a 30-year history of protecting, conserving and restoring habitat in the entire Lagunitas Creek Watershed. TIRN has been working on issues related to sensitive species protection and environmental protection laws since its inception in 1987 (originally named the Sea Turtle Restoration Project).

The NPS has submitted to the Coastal Commission a misleading and incomplete Consistency Determination (CD) for their Preferred Alternative (B) from their General Management Plan Amendment/Final Environmental Impact Statement (GMPA/EIS) for the Point Reyes National Seashore and the north district of Golden Gate National Recreation Area.

The submitted CD reviews their Federal Agency Activity (NPS General Management Plan proposed amendment) and their Federal Agency Development (improvements to ranch buildings and other structures). The Coastal Commission must rigorously review the Federal Activity and Development in the CD against each of the Objectives in the California Coastal Act, particularly the enforceable policies located in Chapter 3 of the California Coastal Act (CCA). For the CD to be accepted, it must be consistent with all of the Objectives "to the maximum extent practicable."

Although the NPS lands in this proposed GMP amendment are legally excluded from the California Coastal Zone, the impacts from the proposed activities and development under the Preferred Alternative will affect downstream and nearby coastal zone resources and public visitors to the Coastal Zone, so that a CD review is required. Under Section 307(c)(1) of the CZMA, 16 USC Section 1456(c)(1), federal activities that affect any land or water use or natural resource of the coastal zone are required to be consistent with the affected state's coastal management program to the "maximum extent practicable." Section 930.32 of the National Oceanic and Atmospheric Administration's regulations implementing the CZMA (15 CFR part 930) defines "consistent to the maximum extent practicable" as follows: (a)(1) The term ''consistent to the maximum extent practicable'' means fully consistent with the enforceable policies of management programs unless full consistency is prohibited by existing law applicable to the Federal agency.

Despite NPS assertions to the contrary, the Preferred Alternative (identified as Alternative B in the GMPA/EIS or plan) is not consistent to the maximum extent practicable with the California Coastal Management Program. Alternative B would allow significant new development, uses, and activities at PRNS and GGNRA, including expanded and new agricultural uses and intensity, and new commercial and retail activities and facilities. The GMP amendment substantially increases the number and intensity of activities at the 24 ranches in the park by adding small

livestock, crops, visitor B&B stays, retail sales of agricultural products, meat and cheese processing facilities, and camping. These activities will continue and worsen damage and impacts to soils, water quality, coastal grasslands, wildlife, sensitive plant species, scenic resources, and visitor aesthetics.

The GMP amendments propose to allow the intensification of land uses on 24 ranches on 18,500 acres in PRNS and on 10,000 acres in the GGNRA, currently under agricultural leases for beef cattle and dairy grazing. The NPS Preferred Alternative B will increase the acres dedicated to ranching in the parks by 7,600 acres, and allow: a new commercial land use, Small Retail, for stores and stands for agricultural products; a new industrial land use, Ag Processing, for small cheese factories, and slaughtering livestock; hostels, tent cabins, farm stay rooms, and various camping accommodations; housing and offices for volunteer organizations; other adaptive reuses of ranch buildings; horse boarding; up to 2.5 acres of row crops per ranch; and small livestock (40-70 sheep, goats, or pigs and up to 500 chickens per ranch).

The GMP amendment would treat native tule elk at PRNS, the only national park where they occur, as problem animals to be killed or hazed. It authorizes additional and expanded agricultural uses which are sure to cause further conflicts between ranching operations and native wildlife. The preferred alternative would enshrine long-term private cattle ranching as the primary use of a huge swath of PRNS and GGNRA, to the detriment of native wildlife and natural habitats. The preferred alternative would do very little to prevent harm to endangered species and other native wildlife, degradation of water quality, soil erosion, and spread of invasive species from cattle grazing and ranching activities. The mitigation measures proposed under alternative B are inadequate to offset the negative impacts from livestock grazing and ranching activities.

The NPS has available an alternative that is consistent to the maximum extent practicable with the Coastal Act. The GMP amendment dismissed the only alternative (F) that would conserve the natural history of the parks and manage PRNS and GGNRA in the public interest. Only alternative F is consistent to the maximum extent practicable with the Coastal Act and the enabling legislation for the parks, the Organic Act, Point Reyes Act, and GGNRA enabling legislation.

The proposed NPS Federal Activity in the CD is not “consistent to the maximum extent practicable” with several mandates of the California Coastal Act. We urge the Commission to object to this submittal.

Soils

Neither the CD nor the EIS discuss the extensive soil erosion and soil compaction problems that currently exist in the planning area due to cattle grazing. The EIS notes grazing impacts on stream incision, but does not discuss the full extent of stream incision problems in PORE and

GGNRA.

The EIS acknowledges that Alternative B would have long-term, adverse impacts on soils from livestock trailing, trampling, erosion, and compaction; and also from ranching activities such as diversification, vegetation management, forage production, and manure spreading. Cattle also contribute to the introduction of intensive weeds which can crowd out native plants. The diversification of ranching activities to include livestock like sheep, goats, pigs and chickens will likely cause unknown adverse impacts to soils which were not adequately addressed in the GMPA/EIS. Chronic overgrazing by cattle that is visible on many of the PRNS ranches was documented in a 2015 rangeland condition report by U.C. Berkeley for PRNS (Bartolome et al. 2015). The 2015 report showed that 33% of the grazing transects studied were below the minimum 1,200 RDM for the years 2012-2014.

The Resource Protection sub-zoning would only protect an additional 5% of soils with high erosion potential and 3% of soils with high compaction potential from grazing impacts. The EIS claims that “management activity standards” and mitigation measures are "expected" to reduce overall impacts on soils, but does not clarify whether they would reduce impacts to less than significant levels.

The preferred alternative notably advocates for culling of Tule Elk, who are named for the grasses they depend on and evolved in tandem with. The way the Tule Elk graze helps spread and protect the tule grass, which in turn helps the grass hold rainwater and stabilize the soil against erosion.

Only Alternative F would have noticeable, long-term benefits on soil resources: decrease in erosion rates and runoff, soil stabilization, and decreased soil compaction. Soil erosion, runoff, nutrient levels and compaction would return to natural conditions, and it would be more conducive to establishment of native vegetation communities.

Water Resources

The CD and EIS acknowledge the severe impacts to surface water quality from livestock grazing and dairy operations, and that the main sources of water quality degradation are potentially pathogenic bacteria and nutrient loading from nonpoint sources associated with ranches and dairies.

An NPS 2013 Coastal Watershed Assessment for Point Reyes National Seashore documented cattle ranching pollution of water resources in the park and identified bacterial and nutrient pollution from dairies and ranches as a principal threat to water quality. Of the 6 diaries at PRNS, the NPS found "severe pollution" at 5 of them. The Park Service's assessment determined that dairies pollute the Drakes Estero, Limantour, Kehoe and Abbots Lagoon areas with high

concentrations of fecal coliform. Other studies show that cattle ranches are one of the major contributors of fecal coliform and E. coli to Tomales Bay.

Water-quality monitoring data from 2012-2017 submitted by NPS to the Water Quality Portal (compiled by the U.S. Geological Survey, Environmental Protection Agency and National Water Quality Monitoring Council) show that some waters of PRNS rank in the top 10 percent of U.S. locations most contaminated by feces, indicated by E. coli bacteria. High fecal coliform readings reported by NPS came from wetlands and creeks draining ranches in the Kehoe Beach area of PRNS. Eight locations in the Olema Valley that receive runoff from cattle ranches within the GGNRA also stood out for high fecal bacteria levels. The Center for Biological Diversity mapped the highest E. coli test result for every available water testing location in the country submitted to the Water Quality Portal, from October 2012 to October 2017. PRNS stood out as one of the 10 most feces-contaminated locations monitored in California since 2012; and the state's highest reported E. coli level was on a Point Reyes cattle ranch (CBD 2017).

The EIS discusses impairment of the Tomales Bay watershed, Lagunitas Creek and Olema Creek for nutrients, pathogens, and sediment/silt, exceedances of TMDL for potentially pathogenic bacteria, and elevated nutrient, suspended solids, and turbidity levels; and acknowledges these pollutants are in part due to grazing (cow manure washes into local streams, contaminating surface waters with fecal coliform). The EIS discusses the high concentrations of total suspended solids and nutrients flowing into Drakes Bay and Drakes Estero from ranches. The EIS notes that in Abbotts Lagoon and the Kehoe drainage that tributaries draining dairy operations or dairy grazing land have the highest nutrient levels or loading rates, and significant problems with excessive nutrients, sediment, and potentially pathogenic bacteria. The DEIS discusses impacts on water quantity due to the huge volumes of water used for livestock, conservatively estimated at 50 to 124 million gallons per year. The GMPA/EIS does not adequately analyze and account for the increased water pollution associated with diversified ranching operations, particularly the potential to introduce species like pigs in ranching operations.

The EIS acknowledges that Alternative B would have significant adverse impacts on water resources due to continued pollutant loading (manure, bacteria, pathogens, nutrients, sediment/turbidity), changes in nutrient levels, disturbance to surface waters, releases of other agricultural and mechanical pollutants, increased soil erosion, and excessive use of water.

The EIS claims that the Resource Protection sub-zoning, exclusion fencing, management activity standards and mitigation measures would "minimize" ranching impacts on water quality or quantity.

Water quality impacts will place additional stress on endangered salmonids in the area, and while briefly addressed in the EIS, this issue is not adequately mitigated in the GMPA to ameliorate the negative effects it poses to endangered salmonids.

Only Alternative F would have long-term, beneficial impacts on water quality and quantity; it would reduce water use by an estimated 50-124 million gallons per year.

Vegetation

The EIS acknowledges extensive damage to wetlands from cattle grazing, but focuses on protection of some wetlands in grazed areas by using fencing to control the timing and duration of grazing to reduce impacts to water quality and ecological function. The EIS does not discuss grazing impacts on unfenced and unprotected wetlands, and documented instances of failure of ranchers and the NPS to monitor and repair fences near wetlands.

The EIS fails to discuss grazing impacts and extensive damage to riparian areas from cattle grazing, instead focusing on the dramatic recovery of some park riparian areas following fencing out of cattle. The EIS does not discuss documented instances of failure of ranchers and the NPS to monitor and repair fences near riparian areas.

The EIS discussion of grasslands notes that nonnative plants dominate California Annual Grassland and Agricultural Pastureland in the planning area, but does fully evaluate the role of cattle grazing and ranching in promoting, maintaining and spreading these nonnative plants. The EIS discussion of invasions of non-native plant species notes that the NRCA found that the "total number of invasive plant species and the number of new introductions are high enough to warrant significant concern" in the planning area. The EIS discusses the role of livestock in spreading invasive weeds, as well as via seed mixes, supplemental feed, imported soils, and equipment used in ranch operations. The EIS notes that concentrated livestock use can also increase exposed soil, providing favorable germination sites for weeds.

The EIS notes that coastal native prairie is a rare and diminishing ecotype, and that grazing has noticeably reduced and altered the coastal prairie. Coastal native prairie is in fact the most endangered natural ecosystem at PRNS. There is no discussion in the EIS of how to restore native prairie.

The EIS acknowledges that Alternative B would have significant adverse impacts on native vegetation, including defoliation, trampling, nutrient redistribution, perpetuation of altered vegetation structure, changes in species composition and biomass production, introduction and spread of invasive species, adverse effects from nutrients on native grassland plant species, trampling of wetlands and riparian areas, reduction in native perennial forbs, and mechanical treatment of shrubs. The rezoning associated with Alternative B to allow for future increase in ranching activities will further exacerbate all these effects. Cattle grazing under alternative B could have some beneficial or neutral impacts to some vegetation types and species, though this would be highly dependent on carefully managed cattle grazing regimes in which timing, duration, and intensity of grazing were monitored and controlled. NPS currently does not carefully manage, monitor or control cattle grazing in the planning area.

Proposed mitigations for vegetation impacts under alternative B include a new zoning framework intended to keep higher intensity activities in areas without sensitive resources. An additional 1,200 acres of resource protection exclusion areas would be created. Management activities such as using sufficient fencing and/or water troughs to improve cattle distribution, "could be implemented" to minimize adverse impacts on vegetation "to the extent possible." Other mitigations include range management guidelines, minimum RDM levels, and maintenance of exclusionary fencing.

Only Alternative F would eliminate the ongoing adverse impacts of ranching on vegetation in the planning area. The EIS notes that riparian areas and wetlands would benefit from the removal of livestock grazing. There would be an initial increase in abundance of native perennial forbs. Ranching operations would no longer be a pathway for the introduction and spread of invasive species. There would be a cessation of other ranching activities such as harvest mowing for forage production. Cattle grazing or trampling would no longer affect listed and rare plant species.

Removal of cattle could have some negative impacts for some native vegetation types. The EIS cites studies showing that removal of cattle grazing did not increase native species abundance or richness in grasslands, but these studies did not consider or include the positive impact of elk, as would be the case at PRNS. NPS has available a test case for removal of cattle grazing and reintroduction of elk at Tomales Point, where native plant species diversity and richness has become greater after removal of cattle and reintroduction of elk than in adjacent areas with continued cattle grazing. Also, alternative F would use limited prescribed cattle grazing and mowing to maintain some grasslands and control weeds, which could mitigate some of the adverse impacts of changes in grazing regimes. The EIS states that while overall, alternative F "would likely have both beneficial and adverse impacts on vegetation in the planning area, the limited use of prescribed grazing could mitigate some adverse impacts of removing the livestock operations."

Wildlife

The EIS notes significant impacts on native wildlife in the planning area from livestock and ranching operations: mammals are subject to disturbance, competition for resources, habitat alteration, fences, and domestic cats; ground nesting birds are susceptible to impacts from cattle grazing and vegetation management such as plowing, harvesting and mowing; agricultural operations attract and unnaturally elevate populations of corvids, starlings and cowbirds, with significant predation and dislocation impacts on native birds; agricultural activities contribute to habitat degradation and reduced water quality and quantity for fishes; and agricultural activities could affect habitat suitability and water quality for reptiles and amphibians.

Other than killing and hazing tule elk, there is no discussion in the EIS of measures to avoid ranching conflicts with wildlife.

Alternative B would result in trampling and soil compaction by cattle that could impact habitat for the American badger and Point Reyes jumping mouse, but the EIS claims there would not be population-level impacts. Small mammals would continue to be injured or killed by silage harvest mowing. Vegetation control would reduce coast scrub habitat for the rare Point Reyes mountain beaver. Alternative B would result in impacts to native mammals from habitat modification, food web alterations, changes in nutrient cycling, and disturbance. Forage production would impact mammals through mowing on 1,000 acres. Manure spreading would continue on 2,500 acres.

Alternative B would result in impacts to birds from spread of invasive species and livestock trampling of ground nests.

Mowing, harvesting silage, or occasional tillage during the nesting season could also destroy bird nests and eggs, kill fledglings, or cause adult birds to abandon their nests. A 2015 Point Blue report (DiGaudio et al. 2015) documented significant mortality and declines in grassland bird abundance and nesting at PRNS due to silage mowing. 1,000 acres of the planning area would still be subject to harvest mowing under alternative B. Under alternative B, mitigation measures to reduce wildlife mortality during forage mowing include conducting harvest mowing outside bird nesting season, mowing from inside the middle of a field toward the outside to increase likelihood for wildlife escape, using flushing bars on the mower to flush incubating birds and mammals before the mower reaches them, and not mowing at night when there would be higher wildlife mortality. The EIS does not detail how these measures will be implemented, monitored, or enforced.

Alternative B would continue to promote an unnatural abundance of corvids, starlings, and cowbirds that compete with, prey upon, and parasitize nests of native birds, resulting in continued impacts to birds over the long term. Alternative B could have some positive impacts and maintain habitat for grassland birds that prefer short grass or bare ground.

Wildlife-friendly fencing would be required under alternative B to reduce mammal entanglements and bird strikes, and to allow wildlife movement. Ranchers would be required to remove and dispose of abandoned fences and barbed wire, something which has not been adequately enforced in the past.

Alternative B would result in the degradation of habitat for salmonids. Nearby creeks support the largest run of Central California Coast coho salmon in the state, and the continued agricultural operations, possible increase of agriculture in the future due to zoning changes, and diversification of ranching operations will all likely increase the already significant water quality impacts to nearby coastal streams, further imperiling these endangered species.

Alternative F, the elimination of livestock grazing, would have the most positive benefits for native mammals, birds and fish, due to cessation of cattle impacts, silage mowing, manure spreading, vegetation control, subsidizing of predators, and water quality benefits. It could have some negative ecological impacts for some native wildlife because the primary disturbance regime to which mammals and birds have adapted for more than 150 years would be removed.

Tule Elk

The GMP amendment will institute ongoing lethal removal (shooting) of tule elk so as to be "compatible with authorized ranching operations." The CD falsely claims that the Preferred Alternative "would preserve and improve habitat for the park's free ranging tule elk herds" when in fact Alternative B will authorize killing elk to meet an arbitrary population cap on the Drakes Beach elk herd and to prevent the establishment of any new elk herds in the park. The elk culling has no ecological basis or justifiable management purpose, other than to expand and prioritize commercial agricultural uses of park grasslands. The CD does not even mention the proposed killing of tule elk.

The EIS notes that the tule elk at Point Reyes are believed to be among the most inbred in California, but does not discuss any methods, solutions or efforts to counteract this or improve the genetic variability of the Point Reyes herds.

The EIS discusses Johne's disease, but does not acknowledge that cattle, particularly in confined dairy conditions, are a known vector of this disease, nor does it discuss the primary route of transmission, which is from cattle to elk, rather than from elk to cattle. The NPS 1998 Tule Elk Management Plan discloses that in 1979 half of the dairy herds in PRNS tested positive for Johne's. NPS has done nothing in the 40 years since then to deal with Johne's disease in the dairy herds, yet it lethally tests elk. The spread of Johne's to wildlife, including elk and potentially other wildlife, could be impairing the natural resources of PRNS.

Some of the methodology and assumptions in the EIS regarding tule elk are flawed. The DEIS evaluates impacts of the alternatives on elk based on their overall effect on elk population size and herd viability. The EIS concludes that any actions that would reduce the population of an individual elk herd in the planning area below a minimum threshold for a viable herd of 100 elk (purported to be based on CDFW 2017 and 2018) would have adverse effects on elk over the long term. Alternative B proposes arbitrary minimum and maximum population sizes for the Drakes Beach elk herd of 120 elk. The NPS falsely claims this is based on "guidance" from the California Department of Fish and Wildlife (2017, 2018) Elk Conservation and Management Plan. Yet this CDFW elk plan contains no such guidance on maximum or minimum population size. In fact, the state's elk plan explicitly acknowledges that CDFW has no idea what constitutes minimum population viability (MPV) for elk herds and states "it is beyond the scope of this management plan to validate a specific PVA approach or independently estimate MVP size for

tule elk" (see discussion pages 27-31 of the elk plan). The CDFW elk plan does reference minimum population viability size estimates for elk by the U.S. Forest Service, which range from 1,500 elk on the Salmon National Forest to 3,000 elk on the Gallatin National Forest, way more than the 120 elk proposed in alternative B.

The EIS fails to explain the science or ecological rationale behind the arbitrary 120 Drakes Beach elk goal, and explain why a maximum population threshold is needed for the Drakes Beach elk herd. There is no ecological justification for limiting the size of this elk herd. The EIS acknowledges that under no scenario are elk expected to exceed the park's carrying capacity in the near future.

Because Alternative B establishes a threshold of 120 adult elk in the Drakes Bay herd and the fact that the herd currently numbers 138 elk, the NPS would kill at least 18 elk this year. Alternative B would allow lethal removal of 10 to 15 adult elk from the Drakes Beach herd annually. Removals would target suspected diseased animals, older reproductive females, and prime bulls. There is no discussion in the EIS what the population demographic and genetic fitness implications would be from continuously removing older reproductive females and prime bulls from this herd.

Alternative B would artificially limit the geographic extent of the Drakes beach herd using hazing techniques. There is no discussion in the EIS what the impacts of this would be during years of extended drought and reduced forage availability for elk. The EIS acknowledges that hazing elk is not a very effective method to keep male bachelor groups off of ranchlands.

Alternative B would also allow hazing and lethal removal for the Limantour elk herd, to manage the herd's geographic extent if individuals establish outside the core use areas or to address "localized impacts." The EIS does not explain what these localized impacts are, but they are presumably impacts to private ranching operations, not park resources.

Wildlife-friendly fencing would be required under alternative B, and more lowered elk crossings "could" be installed in the areas frequented by the Drakes Beach and Limantour herds, which could reduce the risk of injury to elk compared to existing fencing conditions, which are documented to injure and kill elk.

Alternative B would continue Johne's disease monitoring and testing for elk, but not for cattle at PRNS, a primary vector of this disease. The EIS does not disclose whether lethal testing of elk for this disease will continue under alternative B, nor the numbers of elk that would be killed annually under the guise of testing for a disease which NPS has no intention of managing in the PRNS dairy cattle herds.

Only under alternative F would Point Reyes elk be free of persecution and killing. Both the population and geographic extent of elk would increase in Point Reyes. The fence at Tomales

Point would be removed and all elk in the park would be free roaming, able to find food and water even during drought conditions. Ranching activities would not disturb elk and cattle would not compete with elk for forage because ranching would be discontinued. Without population control, the free-range elk population could grow to as many as 2,000 individuals over a 20-year period. This would be a desirable condition in the only national park where these elk occur.

The Tule elk are particularly beloved to those of us residing and working in West Marin. These elk represent the lost history of wildlife brought back from the brink of extinction, similar to the American buffalo. By the 1870's, white colonists in California had hunted them down to less than 10 individual animals. Now, one of the largest populations of Tule Elk in the state lives in Point Reyes National Seashore, so the thought of intentionally killing these iconic animals is emotionally distressing to West Marinites.

Listed and Sensitive Species

Beach Layia

The EIS notes that cattle directly affect Beach layia through trampling, as well as indirectly via increased weeds associated with grazing disturbance. Livestock trampling was indicated as a threat when beach layia was listed under the ESA. The EIS acknowledges that since 2004, the beach layia population in PRNS has declined 84% - from an estimated 35,893 plants in 2004 to 5,689 plants in 2018 - and that beach layia occurrences subject to grazing have declined in abundance an unspecified amount since 2004. Beach layia populations in dunes at PRNS are subject to trampling by cattle loafing in the dunes.

Alternative B proposes avoidance and mitigation measures to protect beach layia which rely on exclusions and effective and maintained fencing. The EIS acknowledges current adverse impacts from grazing on approximately 20% of known beach layia occurrences, but presumes that zoning would reduce that because 12% of the layia population would be protected by new resource protection exclusion areas on the E and F ranches. This would eliminate the potential effects of cattle trampling on all but 8% of known beach layia occurrences in the Range subzone. The EIS acknowledges that although cattle would be excluded from areas supporting nearly 90% of all known beach layia occurrences in the park, they could occasionally breach pasture fences and trample beach layia in protected coastal dunes. This could occur as a result of broken fences, gates being left open, or the poor siting of pasture fences in sandy areas.

Sonoma Alopercus

There are only 20 occurrences of Sonoma alopercus remaining in the world. At one point, there were 10 Sonoma alopercus populations in PRNS, but 4 have been extirpated leaving 6 of the 7 existing populations of this species in the park. Trampling and grazing by cattle has been one of the factors for decline of the species. One population in the planning area was reduced by 90%

in 2001 after cattle were released onto the site. Grazing can result in trampling of individual plants, soil compaction, and influence the presence of competitive invasive species. Heavy grazing of this plant can also limit its ability to photosynthesize, which could result in death or diminished reproductive output.

Conversely, some grazing regimes may be beneficial and necessary to maintain Sonoma alopecurus in the face of competition from other plants. NPS monitoring of Sonoma alopecurus in the action area suggests that it thrives in wetlands that are grazed just enough to reduce competing vegetation. "Moderate-intensity" grazing would reduce competition from more abundant native plants or non-native species. Seasonal grazing appears to result in more Sonoma alopecurus inflorescence production than no grazing or year-round grazing.

Alternative B proposes mitigation measures for Sonoma alopecurus, including instituting seasonal grazing on the AT&T Ranch and seasonal exclusion of grazing around Population 5 near Abbotts Lagoon. The NPS claims it would use ROAs to direct the appropriate timing, intensity, and duration of grazing. Fence construction around populations would allow cattle to be excluded in the spring and summer to avoid impacts to plants during active growth, flowering, and seed-set. Adherence to RDM standards is supposed to ensure moderate grazing. NPS states it would monitor populations and coordinate with ranchers to adjust grazing if there are any documented adverse effects in pastures. The EIS acknowledges that the extent of cattle grazing that is advantageous for Sonoma alopecurus is unknown and so the potential for inappropriate cattle grazing would still exist.

Tidestrom's Lupine

The EIS notes that cattle grazing has been associated with the extirpation of Tidestrom's lupine elsewhere in Marin County. In the planning area 85% of occurrences of Tidestrom's lupine are in areas "largely excluded" from cattle grazing. For 15% of the remaining occurrences, cattle currently directly affect the plants through trampling and indirectly affect them via increased weeds associated with grazing disturbance. Trampling by livestock was the cause of some plants at PRNS going from a reproductive to non-reproductive state.

Alternative B proposes mitigation measures for Tidestrom's lupine, including a new 67-acre resource protection exclusion area on the F Ranch intended to protect all known Tidestrom's lupine occurrences that are potentially impacted by grazing under existing conditions. The EIS acknowledges that a small number of Tidestrom's lupine occurrences could be negatively impacted if cattle breach pasture fences and loaf in coastal dunes. Cattle trespassing in coastal dunes could occur if pasture fences are poorly sited, inadequately maintained, or if gates are left open.

Other Sensitive Plant Species

The EIS states that other rare and special-status plant species would continue to be adversely affected by cattle grazing or trampling, including coastal marsh milkvetch (*Astragalus pycnostachyus*), swamp harebell (*Campanula californica*), Point Reyes ceanothus (*Ceanothus gloriosus*), Marin checker lily (*Fritillaria lanceolata var. tristulis*), North Coast phacelia (*Phacelia insularis var. continentis*), and Point Reyes checkerbloom (*Sidalcea calycosa ssp. Rhizomata*).

Western Snowy Plover

The negative impacts of cattle grazing and ranching activities on snowy plovers at PRNS are well documented and discussed in the EIS. The biggest impact is from unnatural elevation of populations of common ravens near snowy plover beaches, which increases predation upon snowy plover eggs and chicks. Large raven populations are subsidized by ranch activities that provide food sources, such as livestock feeding and forage mowing that kills birds and small mammals, attracting ravens.

There are also direct impacts to plovers from cattle, including disturbance to birds or trampling of nests and crushing of eggs. The presence of cattle within nesting areas could also result in nest failure due to western snowy plovers being flushed from their nests for extended periods of time. The EIS acknowledges that livestock do escape pasture fences and trespass onto beaches and coastal dunes occupied by western snowy plovers, but "only rarely." The Center has reported trespass cattle at PRNS within snowy plover nesting areas.

Under alternative B, the EIS claims that NPS would "continue to take actions to reduce feeding opportunities for ravens at ranches and dairies, such as covering feed troughs, cleaning up waste grain around troughs, removing and placing troughs in enclosed structures, and storing harvested crops in enclosed structures." The EIS also states that "NPS has coordinated with ranchers to limit raven access to supplemental feed and shelter…and worked with ranchers to install covered feed bins." However, large congregations of ravens can still be observed feeding at uncovered food sources at PRNS ranches and dairies. Every observation of forage mowing at PRNS has a large number of attendant ravens. The EIS admits that it is "uncertain whether alternative B would reduce indirect impacts of ravens."

Alternative B proposes mitigation measures for western snowy plovers intended to reduce the attraction of ravens by ranches and dairies. These include inspection by ranchers of all pasture fences prior to moving cattle into a pasture, a highly unlikely scenario. ROAs would require annual fence maintenance, but how this would be enforced and whether maintaining on an annual basis would be adequate are not discussed. NPS has eliminated the existence of carcass dumps which attract ravens and the EIS claims NPS would find ways to ensure that afterbirths and dead livestock are disposed of quickly by ranchers, but does not detail how this

would be accomplished.

Under alternative B, where agricultural diversification is proposed to be allowed, NPS claims it would require methods to reduce feeding opportunities for common ravens at ranches and dairies, including requiring ranches to cover or remove feed troughs or place them in structures "where possible," storing harvested crops in enclosed structures, and cleaning up waste grain around troughs. These are measure supposedly already in place for cattle which are not being complied with by ranchers and not monitored and enforced by NPS.

Listed Salmonids

The myriad of negative impacts from livestock grazing on salmonids and their habitat are well known and well documented, as discussed in the EIS and the NMFS 2004 Biological Opinion for PRNS and GGNRA. These include increased erosion, sedimentation, and suspended sediment; damage to riparian vegetation and streambanks; increased water temperatures; and adding nutrients, sediment, bacterial contaminants, and other pollutants into streams. These impacts could degrade habitat for listed salmonids in the planning area, including California coastal Chinook salmon, Central California coastal steelhead, and Central California coast coho salmon.

The EIS claims that these impacts are minimized due to adherence to RMD standards, grazing in riparian areas in grazed pastures that is managed for riparian health, fencing and topography which prevents livestock access to Olema Creek, Lagunitas Creek and numerous tributaries, and development of upland water sources which reduce livestock use of most intermittent streams.

Mitigation measures for salmonids under alternative B would include implementation of management activity standards in appendix D, and range management guidelines that minimize erosion and stormwater runoff. There would be new resource protection areas that would exclude cattle from approximately 2.4 miles of perennial streams in the Lagunitas and Olema Creek watersheds and 1.6 miles of streams in the Drakes Estero watershed. Fencing is expected to keep cattle out of salmonid-bearing streams, but habitat for salmon and steelhead could be directly affected if cattle breach pasture fences into excluded riparian areas.

Alternative B continues and will likely expand the well-documented already-occurring negative effects of ranching operations on endangered salmonid habitat.

Visitor Use, Experience, and Access

An estimated 2.3 million visitors come to Point Reyes National Seashore annually to watch the Tule Elk. The EIS acknowledges that the experience of park visitors who enjoy elk would be adversely affected by alternative B because the Drakes Beach herd would not be allowed to expand. The EIS claims that lethal control, i.e. shooting of elk in the most viewed free-roaming elk herd would somehow not affect visitor experience or enjoyment.

The EIS makes the unsubstantiated claim that viewing livestock and ranching operations brings visitors to the park. The DEIS provides no evidence or substantiation for this assertion, nor does it provide any context of what proportion of park visitors come to view native wildlife and intact ecosystems versus to see ranching operations. The EIS also notes that under alternative F visitors would no longer be able to "experience working ranches in the planning area" and claims that removing operating ranches "would eliminate a unique experience that the park currently provides." Cattle ranching in the parks is in no way a unique experience. There are numerous working ranches surrounding PRNS and GGNRA, throughout Marin and Sonoma counties, many of which offer tours or farm stays. There is no loss to public use or enjoyment of the parks by removing these commercial activities, especially when they are ubiquitous in west Marin and Sonoma. The EIS acknowledges that under alternative F, NPS would continue to offer and possibly expand interpretive opportunities related to ranching history.

There is little meaningful discussion of ranching's negative impacts on the public's use or enjoyment of the park. The EIS cites electric fencing, interactions with cattle, and "manure management" as ranching operations which diminish the visitor experience; but fails to fully discuss the negative aesthetic impacts of the ranches and industrial scale dairy operations, including odors, lighting, noise, abandoned agricultural equipment, barbed wire, and trash. The EIS does not discuss the safety danger from ranching to park visitors, including potential trampling and injury from aggressive cattle and bulls, and road hazards and damage to roads from oversized farm equipment.

Alternative B would continue the practice of excluding the public from about one third of the parkland due to incompatibility with ranching operations, forcing visitors into designated areas. This is especially detrimental in the time of COVID, where the ability to social distance is paramount. The EIS also states that preserving ranches and ranch structures will benefit the public by providing "cultural resources," but this completely ignores the culture of the original Miwok inhabitants, who were eliminated from the landscape by ranchers. Now, the Indigenous peoples of the Coastal Miwok tribe are confined to a small area while ranchers are given access to about one third of the National Park via leases and permits.

The EIS acknowledges that alternative F would be beneficial to visitor opportunities related to experiencing natural sights and sounds in the parks, and that the negative impacts of cattle and ranch operations on natural resources such as vegetation, wildlife, water resources, and air

would cease as the park is restored to a more natural environment. The EIS acknowledges that potential expansion of the elk population in Point Reyes under alternative F would result in long-term, beneficial impacts on visitor use and experience for visitors who enjoy observing elk in their natural and historical habitat, which is the vast majority of the American public and visitors to the park. The Drakes Beach and Limantour herd populations would increase, providing additional opportunities and new locations for visitors to view elk. In addition to the Drakes Beach and Limantour herds, the Tomales Point elk fence would be removed, and all elk would be free ranging throughout the park. The Tomales Point herd would likely expand into the planning area, which would benefit visitor experience by increasing viewing opportunities.

Inadequacy of Mitigation Measures

The proposed mitigation measures for all of the significant environmental impacts from livestock grazing and ranching activities discussed above consist of eight main approaches: 1) new subzoning of ranches to avoid cattle grazing in areas with sensitive resources and to concentrate more intensive activities and impacts in ranch core zones; 2) exclusion fencing to prevent cattle access to areas with sensitive resources; 3) some combination of ranchers and NPS managing rotation, timing, and duration of livestock to achieve grazing levels that are not detrimental or could be beneficial for certain habitat types and species; 4) adherence to RDM standards to prevent overgrazing; 5) a Ranch Operating Agreement specific to each grazing lease/permit that specifies what activities can occur; 6) a grab-bag of best management practices and standards from other agencies listed in Appendix D; 7) mitigations for impacts to ESA listed species contained in the Biological Assessments (Appendices K and L); and 8) some combination of rancher compliance and NPS monitoring and enforcement of lease conditions and promised avoidance and mitigation measures.

The EIS is relying on some combination of these mitigation measures to reduce significant environmental impacts from the livestock grazing and ranching activities that would take place under alternative B.

While the sub-zoning is a promising concept, it relies heavily upon ranchers understanding and NPS enforcing which activities are not permitted in which zones. Resource Protection subzones would, at least on paper, remove grazing from sensitive resources such as riparian areas, surface waters, and federally listed wildlife habitat. The zoning maps make clear that this is going to be a confusing situation at best. For example, the I Ranch zoning map provided in the EIS shows how difficult it will be to actually delineate, let alone protect resources or prohibit activities in Resource Protection sub-zones.

The responsibility for monitoring and maintaining exclusion fencing seems to lie with the ranchers, with some oversight from NPS. PRNS has had continuing problems with unmaintained fences allowing cattle to access supposedly protected areas. Likewise managing

rotation, timing, and duration of livestock grazing will be the responsibility of ranchers, with some oversight from NPS. Presumably these responsibilities will be spelled out in the individual Ranch Operating Agreements, which have not yet been produced and the public has no chance to view or comment on.

PRNS and the NPS have a long history of complete failure to adequately monitor ranching operations or enforce the conditions of PRNS grazing leases. Because of past history and lack of public confidence, we asked NPS in our scoping comments to disclose the ongoing monitoring and enforcement problems with grazing leases, specifically: continuing instances of grazing lease violations by ranchers; if and how the NPS ensures compliance with lease conditions; and whether the NPS has ever taken any enforcement action for grazing lease violations, which it apparently has not. The EIS utterly fails to disclose these issues or evaluate NPS ability to adequately monitor and enforce lease conditions and promised mitigations in the future.

NPS documents we obtained through a Freedom of Information Act (FOIA) request showed a pattern of grazing lease violations by some ranchers and a lack of any enforcement by NPS for lease violations. These violations included: harassing and hazing wildlife with vehicles and dogs; illegal dumping of debris on ranches, including tangled barbed wire strands that risk elk entanglement; trespass cattle regularly occurring for more than a decade; documented overstocking of cattle beyond numbers allowed in a lease; conducting hayage and silage tilling and mowing in unauthorized areas; dead cattle and calves dumped on a ranch in violation of the lease; and failure to pay permit fees on time. Some of these lease violations are posted on The Shame of Point Reyes web site: http://www.shameofpointreyes.org/documents.html. Grazing lease violations which our organization and other conservation groups and local residents have more recently reported to NPS were ignored and were not contained in the files turned over by NPS. The FOIA documents we received from the agency made it clear that NPS has no systematic or comprehensive program to monitor grazing leases or ensure compliance with lease conditions.

There should be very little public confidence in the willingness or ability of NPS to monitor and enforce any promised grazing lease conditions, given the history of rancher violations and NPS failure to enforce them. The ROAs contemplated in the GMPA will be much more complex leases, with numerous conditions and mitigation measures. Many of the promised mitigations in the EIS are simply not credible absent a detailed, specific monitoring program conducted by NPS, not ranchers. The GMPA would need to identify dedicated staff and secure funding for regular monitoring, unannounced inspections, and an enforcement policy. It would need to show that these programs would be in place, funded, and effective for the duration of the grazing leases. It would require regular reporting to the public on grazing lease compliance and corrective measures.

Reliance on the RDM standards for mitigation is also flawed, due to unscientific forage

calculations and rancher non-compliance with RDM standards. The NPS and the EIS overestimate available forage at PRNS, based on overly optimistic and not up to date soil productivity data, animal unit calculations based on inaccurate average cattle weight, and an assumption that 100% of the forage above the required minimum RDM is allocated to cattle. The forage calculations also do not account for new livestock which will be introduced under alternative B. The EIS is missing a detailed analysis of forage consumption for any new domestic animals. Furthermore, the U.C. Berkeley rangeland study which NPS commissioned (Bartolome et al. 2015) reveals that 33% of the studied rangelands at PRNS violated the NPS lease minimum RDM standards, the same standards that are included as mitigations in the preferred alternative.

Many of the mitigations for significant impacts are purportedly contained in Appendix D of the EIS. Appendix D seems designed to be confusing and to obscure what mitigations are mandatory and what mitigations are required for which impact. It covers a lot of mitigations and standards for infrastructure, planting, water supply, water management, and discrete projects, for example road upgrades and fencing. There are a couple places in Appendix D where specific measures are called out for specific activities of concern, such as for mowing a requirement for buffers and no mowing zones. The EIS claims NPS staff will monitor to ensure mowing does not exceed agreed-upon areas, but again there is no identification of dedicated staff, funding, or a monitoring program to ensure this will actually happen. Table D-11 is just a slapdash assortment of guidelines and best management practices from other agencies assembled in a confusing and incoherent manner. Appendix D does not further the public understanding of what measures are going to be implemented to protect natural resources. Many of the “mitigations” in Appendix D are simply non-binding Marin County RCD and NRCS best practices and standards with respect to things like soil, water and vegetation conditions. They include USDA farming standards (also non-enforceable guidelines) as mitigation measures for the conservation of soil, water, air, and related plant and animal resources. The EIS is supposed to address mitigations for activities in national parks, not a farm.

Many of the mitigation measures in Appendix D rely upon plans which have not been formulated yet, with unknown conditions, and no ability for the public to view or comment upon them, including Stormwater Pollution Prevention Plans, Weed Monitoring Plans, Nutrient Management Plans, Manure Management Plans, and Conservation Plans from NRCS or NPS for silage or row crops.

The proposed mitigations for ESA listed plants and wildlife are spelled out in Biological Assessments (Appendices K and L). It is clear that the purported beneficial effects from cattle grazing on native plants is highly dependent on the season, intensity and duration of grazing. This would require very highly managed grazing operations, which NPS and the ranchers have never proven capable of conducting at PRNS or GGNRA. Successful rotational, seasonal grazing of the type contemplated in the Biological Assessments would require frequent

monitoring by NPS, rancher acceptance and responsiveness, willingness and motivation for lease holders to comply with difficult and confusing constraints, and enforcement. Some of the mitigations for the listed plants rely on adherence to RDM standards, which has been problematic at PRNS.

Greenhouse Gasses

The cattle industry is one of the largest contributors to climate change on the planet, and in California, the dairy sector is the largest source of methane emissions in the state. In addition to the aforementioned effects of Alternative B, the preferred alternative will continue to increase this region's contribution to climate change, and the Coastal Commission must acknowledge that fact in their consistency review, as climate change is inextricably linked to coastal issues.

Conclusion

The Center and TIRN believe that in order to conform with the CCA, the priority for the GMPA/EIS should be to improve native wildlife preservation, ecosystem health and function, and ecological integrity. Management of Tule Elk should occur in a way that promotes the health, function and ecological role of the species on the landscape, and agricultural resources should be managed in ways that reduce the negative impacts to native wildlife and ecological processes.

We urge you to object to the NPS CD because it is not consistent with the CCA for the aforementioned reasons.

Sincerely,

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December 11, 2020

Chair Steve Padilla and Executive Director John Ainsworth
California Coastal Commission
455 Market Street
Suite 300
San Francisco, CA 94105
Submitted via email

Re: Request for Commission to Object to Point Reyes GMP (Federal Consistency Determination)

Dear Chair Padilla and Executive Director Ainsworth,

Our organizations, Save Our Seashore and National Parks Conservation Association, are on record as telling the National Park Service, then Obama administration Secretary of the Interior Ken Salazar, and Seashore ranchers that we could support the continuation of multi-generational ranching in the Seashore only if the Park Service developed a plan that would demonstrate environmental improvements in ranching operations and protection of coastal resources.

The current plan is a step in that direction, but is structurally flawed, putting the cart before the horse by issuing firm authorizations for activities whose mitigations are only contingent, and in some cases non-existent. Without certainty that mitigations will be implemented and on-time, the current plan cannot be ensured of meeting its stated objectives and renders the environmental analyses unreliable.

The plan is complex and proposes leases lasting 20 years (4 times longer than the current leasing program), but when Commission staff asked the Park Service for "warranted and necessary" time until March 2021 to review the plan, the Park Service responded that the Commission had to make a decision before the Trump administration departs on January 20th.

Consequently, the current plan has become subject to end-of-administration political jockeying that diminishes its perceived integrity in the eyes of the public and deprives the Commission of the time to do its legislated task.

Although many of us want to complete this planning process, there is no reason for haste.
The Settlement Agreement between the Park Service, Seashore ranchers, Marin County and environmental groups specifically allows the Park Service up until July 2021 to complete the plan, three months after the March 2021 time period the Commission requested.

Nowhere in the Agreement is there direction to rush a plan and complete it before the Trump administration ends on January 20.

Ultimately, a plan that resists fast-tracking due to Trump administration politics, and is instead carefully finalized with the stamp of the Commission and the Biden administration's Park Service, will ensure a more defensible plan, politically and legally.

Thus, the responsible action by the Commission would be to object to the current plan and allow staff to work with the NPS over the coming months to amend the plan to adequately balance actions that will be authorized with mitigations that must concurrently occur.

Next week, we will submit detailed comments on what we believe should be changed.

Again, we can support an outcome that allows for continuation of multi-generational ranching in the Seashore and ensures protection of park and coastal resources. If the plan adds mitigations while ensuring all mitigations will be implemented and on schedule, then we have every expectation to support that outcome.

Sincerely,

Gordon Bennett
President
Save Our Seashore

Neal Desai
Senior Program Director, Pacific Region
National Parks Conservation Association

Cc:
Commission Staff John Weber and Larry Simon

Larry Simon
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December 9, 2020

RE: Coastal Consistency Determination by the California Coastal Commission for the Proposed Point Reyes National Seashore General Management Plan Amendment CD-0006-20

Dear Mr. Simon,

In accordance with the Coastal Zone Management Act of 1972 and its implementing regulations 15 CFR 930, the National Park Service (NPS) submitted a Coastal Consistency Determination for the Point Reyes National Seashore and North District Golden Gate National Recreation Area General Management Plan Amendment and Environmental Impact Statement (GMPA/EIS). Western Watersheds Project and the Center for Biological Diversity (Center) have evaluated the Consistency Determination and found it inconsistent with the California Coastal Act of 1976 as amended.

This is an urgent matter, as a special hearing will be held by the California Coastal Commission (Commission) exclusively for this Consistency Determination CD-0006-20 on Thursday January 14, 2021.

The Coastal Commission has two choices: it can concur with the park service's submitted Consistency Determination or it can object to it based on its inconsistency, "to the maximum extent practicable," with the California Coastal Act. Having participated extensively in the National Park Service GMPA/EIS process, gathered evidence extensively in the field in the Seashore and adjacent recreation area, and reviewed the Consistency Determination with a close eye, we strongly recommend the Commission object and find the document inconsistent with the laws that protect our coast.

We understand that the Point Reyes National Seashore lands and one-quarter-mile strip of tidal lands are not directly within the state coastal zone because of federal ownership, but cattle ranching activities are having a large and long-lasting indirect impact on coastal zone areas as described below. While these areas are outside the coastal zone, many of the actions proposed under the NPS Preferred Alternative to expand commercial agriculture would affect uses and resources that are part of the state's coastal zone.

Western Watersheds Project is a nonprofit organization with a mission to protect and restore western watersheds and wildlife through education, public policy initiatives, and legal advocacy. The following comments are being submitted on behalf of our members and supporters who closely track livestock grazing issues on public lands and who care about the conservation of those lands for watersheds health and wildlife habitat, and many of whom visit Point Reyes National Seashore regularly.

The Center is a nonprofit conservation organization with more than 1.7 million members and supporters, dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has expertise on protection of endangered species, cattle ranching impacts on the environment, management of federal public lands, and implementation of federal environmental protection laws. The Center has been working to protect native wildlife and other environmental resources of the Bay Area for more than two decades.

The many undersigned local groups and individuals have observed huge impacts from cattle grazing to Point Reyes National Seashore and request that the Commission carefully examine the evidence to these public lands and waters.

The National Park Service Plan is Inconsistent with the Provisions of the California Coastal Act. The federal consistency determination analyzes consistency between policy sections of the California Coastal Act (Division 20, California Public Resources Code) and the actions that would be authorized under the park service's Preferred Alternative of the GMPA/EIS.

The points of inconsistency follow:

1. **Dairies and beef operations are not economically viable.** NPS claims certain policies under the California Coastal Act are NOT applicable to their proposal (NPS Coastal Consistency Determination 2020 at 24): **Article 5–Land Resources** *Section 30241.5 - Agricultural land; determination of viability of uses; economic*

feasibility evaluation. Specifically, this entails submittal of an economic feasibility evaluation by the local government—here the National Park Service as landowner and manager, if the local agricultural uses are not viable. This includes an analysis of gross revenue of agricultural products, and operational expenses for the past five years. Not only is there a "milk glut" in Marin County and the US in general,[1][2][3][4][5] causing the price of dairy products to often fall short of profitability, but the very agricultural diversification program preferred in the GMPA/EIS is a prop that allows non-viable livestock operations currently in Point Reyes National Seashore to diversify into chickens, sheep, goats, AirBnB's, row crops, "ranch tours", and more, that are a misguided taxpayer subsidy to a few ranch operators on public land in order to boost their meager revenues. Therefore, we strongly disagree that NPS does not need to provide the Commission with an economic analysis. The Preferred Alternative is an admitted economic boost and a giveaway to the faltering local livestock economy along the coast. Dairies and beef operations are not economically viable. Taxpayers should not have to subsidize private commercial livestock operations on this rare coastal public land.

2. **The NPS Preferred Alternative of maintaining and diversifying commercial agriculture does not maximize public access to the coast. Article 2–Public Access, *Section 30210 Access; recreational opportunities; posting.*** *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people…* Maximum access for all the people is prevented by NPS maintaining barbed-wire fences, wooden fences and gates, and metal pipe fences to contain cattle, and drastically increasing fencing in its plan to divide ranches into Ranch Core, Pasture, and Range Subzones. NPS says in its Coastal Consistency Determination at 14: "The NPS assumes approximately 20% of the 340 miles of existing fencing would be replaced, 24 miles of fence would be installed for the Resource Protection subzone, and an additional 35 miles of new fence would be constructed to improve livestock management over the 20-year lease/permit term. The NPS anticipates up to 5 Fencing projects annually." That is an increase in fencing from 340 miles currently to 399 under the NPS proposed plan. In addition, NPS proposes to increase ranch fencing to exclude native tule elk from cattle pastures. Most park visitors are not used to jumping over barbed-wire fences to get to the Pacific Ocean, or crawling through a barbed-wire fence and ripping clothing. This is not inclusive especially for underserved communities and urban populations seeking to explore and access nature and the Pacific Ocean in a National Park unit within the Bay Area. "Conspicuously posted" access is also under question, as park visitors have reported to us signs on some Point Reyes National Seashore cattle

[1] https://thecounter.org/dairy-farms-decline-half-since-2003-usda/
[2] https://www.nytimes.com/2020/03/14/style/milk-dairy-marketing.html?referringSource=articleShare
[3] https://legacy.northbaybusinessjournal.com/opinion/8666012-181/marin-sonoma-dairy-farming-organic-economics
[4] https://www.marinij.com/2018/08/09/marin-voice-market-forces-threaten-west-marins-dairy-farms/
[5] https://www.dairyherd.com/article/go-dairy-loss-mitigation-mode-now

operation leases that appear to claim “no trespassing” rights when none exist on these public lands, where NPS ranch-leases allow public access. Regardless of the physical obstacles of fences in the NPS plan, the signal of fences and signs sent to park visitors is that these are “off-limits” and seem to be “private commercial livestock operations” when they are in fact open public lands and should be much more accessible with posting to that effect. The better alternative would be to remove all the livestock fences and restore public access freely to all points of the coast in this unique national park unit—the only National Seashore on the Pacific Coast.

Kehoe Dairy, J Ranch cattle rangeland, old barbed-wire fence, with degraded pasture full of weeds—poison hemlock, wild mustard, bull thistle, dry European annual grasses. August 11, 2020. Photo: Jocelyn Knight.

Photo at the gate of Home Ranch, appearing to prevent public access, 2019. This is actually public land in a National Park unit and should encourage public access to the coast. Photo: Anonymous.

The gate of Home Ranch, appearing to prevent public access, 2019. The ranch-lease only prevents the public from entering the yard and house of the lessee. This cuts off coastal access. Photo: Anonymous.

Hay-feeding station along the L Ranch Road, March 2018. Pacific Ocean in the distance. This mud-filled and fenced cattle operation is not inviting for the public to enjoy coastal access. Point Reyes National Seashore. Photo: Laura Cunningham.

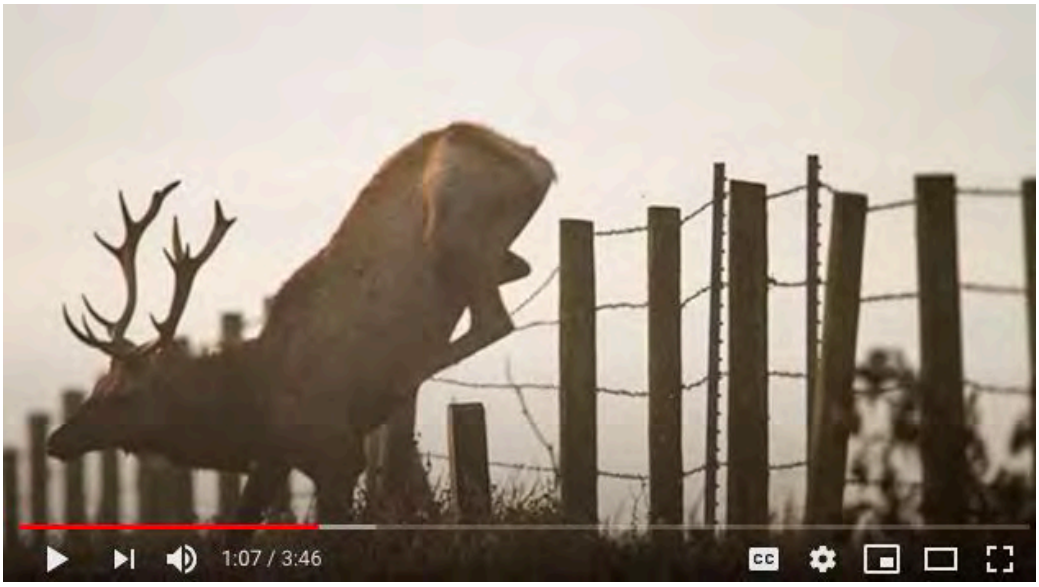
Photo of cattle fences along Sir Frances Drake Boulevard looking towards Drake's Estero, in Point Reyes National Seashore that restrict free public access to national park unit lands and estuaries. Photo: Laura Cunningham.

Uninviting park lands and barbed-wire fences, piles of manure, Confined Animal Feeding Operation with alfalfa hay, and dairy cattle herds blocking coastal access along L Ranch Road, Point Reyes National Seashore. August 2019. Photo: Laura Cunningham.

A large bull in F Ranch along Sir Francis Drake Boulevard in Point Reyes National Seashore discourages the average visitor from crossing the barbed-wire fence and hiking in the park lands here. Notice the free-roaming tule elk in the distance. March 2018. Photo: Laura Cunningham.

Drake's Beach free-roaming tule elk herd overlooking Drake's Bay. The NPS Preferred Alternative proposes to shoot such elk in order to reduce numbers on the cattle pastures. This would necessitate closing public coastal access roads and regions of the Seashore for the safety of park visitors during elk reduction operations. D Ranch. March 2018. Photo: Laura Cunningham.

Park visitors observing free-roaming elk of the Drakes Beach herd in Point Reyes National Seashore, within a ranch that is heavily grazed by cattle. Fences obstruct the natural setting. Photo: Anonymous.



Free-roaming tule elk jumping a cattle fence on Point Reyes National Seashore. Cattle fences present a hazard to native wildlife. August 2019. Photo: film still by Skyler Thomas, https://www.youtube.com/watch?v=VO_Mm55ydBY&feature=emb_logo.

3. **<u>Recreation is hindered by livestock ranching operations.</u> Article 3--***Section 30221 Oceanfront land; protection for recreational use….* The NPS states that while there would be some restrictions within the ranch core area to protect property and infrastructure (bought by tax-payer money and now all owned by the public), the public would be allowed access on and through pasture and rangeland areas, so long as those actions do not affect the ability of the park rancher to operate as

permitted. Through these actions, the Preferred Alternative would maintain or expand coastal recreation opportunities within the planning area.

We disagree with this NPS premise, as all ranches are public property, purchased over the decades since the formation of the Seashore. NPS ranch-leases state that the public may access all ranchlands except yards and homes of ranchers. Otherwise these are public lands in a National Park unit. The NPD ranch diversification alternative does not expand coastal recreation opportunities, but restricts them to private for-profit "ranch stays," for-profit AirBnB's, selling of row crops, and even mobile slaughter-houses where meat can be sold to park visitors—a very unprecedented use of national park coastal lands. These types of private for-profit industries are outside of normal permitted park concessionaires, and represent and new and unprecedented form of park management favoring private commercial for-profit operations unrelated to public access or interpretation, that needs much better public review, comment and acceptance.

This alone should cause the Commissioners to question the NPS Consistency Determination as unacceptable to the public in how access is allowed in a popular and significant National Seashore on the Pacific Coast next to a major metropolitan area.

C Ranch in Point Reyes National Seashore with drought conditions, very dry rangeland, bare ground, and empty water tub. Livestock fences and infrastructure discourage coastal access and recreation to a large portion of the Point Reyes Peninsula. October 2020. Photo: Jocelyn Knight.

4. **<u>The Marine Resources are being impaired by livestock operations.</u> Article 4--*Section 30230 Marine resources;*** *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

   Manure water pollution may be harming marine life in the Point Reyes National Seashore area, including elephant seals, sea lions, harbor seals, dolphins, porpoises, and whales. Snowy plover nesting beaches are at times still trampled by cattle.

   The Point Reyes National Seashore raven population is being subsidized by abundant food resources available at ranches.

   Ravens are the largest threat to federally threatened coastal Western snowy plovers. This YouTube video by NPS and U.S. Fish and Wildlife Service says ravens are the largest threat to Western snowy plovers, as ravens kill chicks and raid nests of eggs, yet absolutely no mention is made of how cattle ranching is subsidizing the enormous raven population:

   https://youtu.be/hHfNw4kZaZg

   Hundreds of subsidized ravens can be seen hanging out at cattle water troughs, at Confined Animals Feeding Operations, open alfalfa hay feeding stations, barn areas, and scavenging animals killed during silage harvesting. The raven population would not be this high naturally. Cattle operations provide for a surplus of ravens, which predate snowy plovers.

   A study by Roth et al. (1999)[6] found that common ravens (*Corvus corax*) were concentrated at ranches at Point Reyes National Seashore and focused much of their foraging effort in those areas. The most prevalent habitats associated with raven foraging were grazed grass, dunes, and cattle feeding areas. The most prevalent food items identified were small animals, including birds, rodents, and reptiles; calf carcasses and afterbirth; and grain. Preliminary results suggested that a few ravens specialized on Common Murre (*Uria aalge*) colonies, while many individuals visited Snowy Plover (*Charadrius alexandrinus*) nesting areas.

   A report by DiGaudio, Humple, and Gardali (2015) of Point Blue Conservation Science[7] focused on the effect of silage field mowing on multiple bird species,

[6] https://www.egret.org/ecosystem-level-management-common-ravens-point-reyes-national-seashore

[7] https://www.nps.gov/pore/getinvolved/upload/planning_ranch_cmp_background_report_pointblue_impact_of_mowing_on_breeding_birds_150831.pdf

particularly species likely to nest in the fields. However, it also mentioned the large numbers of ravens seen in the area scavenging the aftermath of the silage.

These silage fields, which attract and feed the ravens, are located in close proximity to beaches with snowy plover nests, ironically the same locations the signs about protecting the plovers are placed. The two ranches associated with that area, Kehoe and McClure, have large numbers of ravens easily seen with the naked eye year round. The dominant species observed in the mowed silage was Common Raven, which does not breed in these fields (as it nests on cliffs, in trees, and on structures). On two occasions, flocks of about 35 individuals were observed foraging on the ground in a recently mowed field, apparently scavenging for food items that were likely made accessible by the mowing, including one observation of what appeared to be a dead pocket gopher (*Thomomys bottae*).

The report on the ravens as well as the Point Blue study both provided suggestions to altering ranching methods for the sake of assisting the declining bird populations and controlling the raven populations. To our knowledge these were not followed and ravens continue to be a problem. Ongoing observations of ranching subsidization of large raven populations were recorded by filmmaker Skyler Thomas.[8]

Ravens eating dead cow at H Ranch, Point Reyes National Seashore. Electric fencing further restricts public access to this National Park unit. Photo: Jim Coda.

[8] https://www.youtube.com/watch?v=MxohqA2aJqc&feature=youtu.be

Ravens and Brewer's blackbirds feeding on grain in hay at a feeding area for dairy cows on Point Reyes National Seashore. Kehoe Dairy. August 2019. Photo: film still by Skyler Thomas, https://www.youtube.com/watch?v=VO_Mm55ydBY&feature=emb_logo.

Raven at CAFO with trucked-in alfalfa hay in a dairy at Point Reyes National Seashore, June, 2020. Photo: Jocelyn Knight.

Ravens feeding on insects, birds, and mammals disturbed or killed during silage harvesting for dairy cows on Point Reyes National Seashore. McClure Dairy. August 2019. Photo: film still by Skyler Thomas, https://www.youtube.com/watch?v=VO_Mm55ydBY&feature=emb_logo.

Ravens scavenging on disturbed or killed insects, birds, or other animals during silage harvesting for dairy cows on Point Reyes National Seashore. McClure Dairy. August 2019. Photo: film still by Skyler Thomas, https://www.youtube.com/watch?v=VO_Mm55ydBY&feature=emb_logo.

Blood on harvested silage from a killed animal. Point Reyes National Seashore. August 2019. Photo: film still by Skyler Thomas, https://www.youtube.com/watch?v=VO_Mm55ydBY&feature=emb_logo.

A coyote picks up some kind of animal killed as it was hiding in the silage, right after a pass by the harvester machine. The photographer thought it might have been a black-tailed deer fawn. Point Reyes National Seashore. August 2019. Photo: film still by Skyler Thomas, https://www.youtube.com/watch?v=VO_Mm55ydBY&feature=emb_logo.

Raven drinking at a cattle water facility consisting of a round trough in a truck tire, on a ranch rangeland, Point Reyes National Seashore, June, 2020. Photo: Jocelyn Knight.

Ravens gathering in weedy pastures with bull thistle and rangelands after liquefied manure was spread on the grass, Point Reyes National Seashore, June, 2020. Photo: Jocelyn Knight.

Herds of cattle continue to graze on beaches in the Drakes Estero area of Point Reyes National Seashore. Manure water pollution may be harming marine life in the Point Reyes National Seashore area, including elephant seals, sea lions, harbor seals, dolphins, porpoises, and whales.

Cow grazing along the beach at Drake's Estero at a park visitor parking lot, Point Reyes National Seashore, July, 2020. Photo: Jocelyn Knight.

Cow grazing along the beach at Drake's Estero, Point Reyes National Seashore, July, 2020. Photo: Jocelyn Knight.

Cow grazing along the beach at Drake's Estero, Point Reyes National Seashore, July, 2020. Photo: Jocelyn Knight.

Cow manure along the beach at Drake's Estero in the seawater and salt marsh of the Pacific Ocean, Point Reyes National Seashore, June 10, 2020. Photo: Jocelyn Knight.

Cow manure in 2019 at Drake's Estero next to Great White Shark essential aggregation site. Still shot from short film by Skyler Thomas, https://www.youtube.com/watch?v=z9OEQOy3v0E&feature=youtu.be&t=1809.

Cows on the beach at Drake's Estero, Point Reyes National Seashore, July, 2020. Photo: Jocelyn Knight.

Cow trail in saltwater marsh at Drake's Estero, Point Reyes National Seashore, June 10, 2020. Photo: Jocelyn Knight.

Cow manure along the beach at Drake's Estero in the seawater and salt marsh of the Pacific Ocean, Point Reyes National Seashore, June 10, 2020. Photo: Jocelyn Knight.

Dairy cattle grazing on coastal bluff on the Pacific Ocean above elephant seal beaches, Point Reyes National Seashore. Photo: Skyler Thomas, see also short film at https://www.youtube.com/watch?v=z9OEQOy3v0E&feature=youtu.be&t=146.1

Dairy cattle grazing on coastal bluff on the Pacific Ocean above elephant seal beaches, Point Reyes National Seashore. Note the old broken fence along the cliff edge seems to not be restricting cattle use of the very edge of the coastal bluff. Photo: Skyler Thomas.

Photo of the sign at Drake's Estero, Point Reyes National Seashore, July, 2020. Visitor interpretive facility, with sign warning park visitors that the beach is closed in June to protect sensitive harbor seal beaches where pups are born. But beef cattle continue to graze here. Photo: Jocelyn Knight.

Besides harbor seal (*Phoca vitulina*) and Northern elephant seal (*Mirounga angustirostris*) beaches that might be impaired by cattle herds and nonpoint source water pollution, the Point Reyes National Seashore area harbors an extremely high diversity of listed species, more than most public lands in California for such a small local geographic area. These marine and coastal Federally Threatened and Endangered species, and state listed species, may also be impacted by coastal livestock operations in Point Reyes National Seashore:

- Black abalone (*Haliotes cracherodii*) – federal candidate species for listing under the Endangered Species Act.
- Tidewater goby (*Eucyclogobius newberryi*) – Federally Endangered.
- Chinook salmon (*Oncorhynchus tshawyrscha*) – Federally Threatened.
- Central Coast population of Coho salmon (*O. kisutch*) – Federally Endangered.

- Steelhead trout (*O. mykiss*) – Federally Threatened.
- Green sturgeon (*Acipenser medirostris*) – Federally Threatened.
- Leatherback sea turtle (*Dermochelys coriacea*) – Federally Endangered.
- Green sea turtle (*Chelonia mydas*) – Federally Threatened.
- Loggerhead sea turtle (*Caretta caretta*) – Federally Threatened.
- Marbled murrelet (*Brachyramphus marnoratus*) – Federally Threatened.
- Western snowy plover (*Charadrius alexandrines nivosus*) – Federally Threatened.
- Short-tailed albatross (*Diomedea albatrus*) – Federally Endangered.
- Brown pelican (*Pelecanus occidentalis*) – Federally Endangered, California state Endangered.
- Least tern (*Sterna antillarum*) - Federally Endangered, California state Endangered.
- Ashy storm-petrel (*Oceanodroma homochroa)* – Species of Concern.
- California Ridgway's (clapper) rail (*Rallus obsoletus obsoletus*) – Federally Endangered, California state Endangered.
- Saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*) – Species of Concern.
- Southern sea otter (*Enhydra lutris nereis*) – Federally Threatened.
- Salt marsh harvest mouse (*Reithrodontomys raviventris*) - Federally Endangered, California state Endangered.
- Guadalupe fur seal (*Arctocephalus townsendi*) – Federally Threatened.
- Northern fur seal (*Callorhinus ursinus*) – Species of Concern.
- Steller sea lion (*Eumetopias jubatus*) – Federally Threatened.
- Sei whale (*Balaenoptera borealis*) – Federally Endangered.
- Blue whale (*B. musculus*) - Federally Endangered.
- Finback whale (*B. physalus*) - Federally Endangered.
- Gray whale (*Eschrichtius robustus*) – Delisted, but still at risk.
- Humpback whale (*Megaptera novaeangliae*) - Federally Endangered.
- Sperm whale (*Physeter catodon*) - Federally Endangered.

Subzoning ranchlands will not decrease livestock water pollution runoff into streams and the ocean when the same beef and dairy activities will be ongoing with very similar numbers of livestock, and year-long grazing without rest. Management Activities and mitigation measures have been mere band-aids on chronic problems of erosion and manure runoff.

Critical Habitat streams for federally endangered Central Coast coho salmon and threatened steelhead populations within the Seashore and Golden Gate National Recreation Area continue to be overloaded with sediments, stream bank destabilization with ineffective mitigation measures, and poor water quality for these rare anadromous fish.

The Biological Assessment, National Marine Fisheries Service (General management Plan Amendment Final Environmental Impact Statement [FEIS] Appendix O at 48) admits that grazing impacts water quality:

> Beef and dairy ranching in the action area could contribute nutrients, sediment, bacterial contaminants, and other pollutants into surface waters. Livestock wastes, if not contained, could contribute nutrients that stimulate algal and aquatic plant growth that, if excessive, could lead to die offs of aquatic organisms from a loss of DO as the algae decomposes. Tomales Bay and major Tomales Bay tributaries, including Lagunitas Creek and Olema Creek, are listed as impaired under section 303(d) of the Clean Water Act due to pathogens and sedimentation/siltation. In addition to other factors, agricultural activities and manure from livestock operations in the action area contribute nutrients and other pollutants into waters used by coho salmon (Ghodrati and Tuden 2005; San Francisco Bay RWQCB 2016). In the Tomales Bay watershed, runoff during storm events is an important factor that affects pollutant loading and water quality on the Clean Water Act 303(d)-listed Tomales Bay and its tributaries, including Lagunitas and Olema Creeks (SWRCB 2013).

NPS attempts to argue that Tomales Bay has improved in water quality, but most ranches and dairies drain the Pacific Ocean, where water quality data is almost wholly lacking except for a few samples for Drake's Estero and Home Ranch Creek. Because the California State Water Quality Control Board issues waivers[9] for nonpoint discharge water pollution to the dairies, water quality sampling is not required. Mountains of manure continue to discharge into the Pacific Ocean, and ranch water quality mitigation measures are not publically available.

Critical habitat is present in the ranching areas for federally endangered Central California Coast coho salmon (*Oncorhynchus kisutch*) and federally threatened

[9] https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/agriculture/CAF.html

Central California Coast steelhead trout (*Oncorhynchus mykiss*).

The Evolutionarily Significant Unit of coho salmon almost went extinct in the 1990s, and because it is the southernmost population of coho salmon is most vulnerable to increasing droughts from climate change.[10]

Critical habitat was designated in 1999:

> (a) *Central California Coast Coho Salmon (Oncorhynchus kisutch).* Critical habitat is designated to include all river reaches accessible to listed coho salmon from Punta Gorda in northern California south to the San Lorenzo River in central California, including Arroyo Corte Madera Del Presidio and Corte Madera Creek, tributaries to San Francisco Bay. Critical habitat consists of the water, substrate, and adjacent riparian zone of estuarine and riverine reaches (including off-channel habitats) in hydrologic units and counties identified in Table 5 of this part. Accessible reaches are those within the historical range of the ESU that can still be occupied by any life stage of coho salmon. Inaccessible reaches are those above specific dams identified in Table 5 of this part or above longstanding, naturally impassable barriers (i.e., natural waterfalls in existence for at least several hundred years). (64 FR 24061, May 5, 1999, as amended at 69 FR 18803, Apr. 9, 2004, §226.210)[11]

Critical habitat includes not only the water and streams, but also the substrate and adjacent riparian zones. NPS has not managed salmonid critical habitat for the health of substrates and riparian areas, as the photos below show. Spawning gravels are full of sediment from erosion due to chronic heavy cattle grazing, and vegetation has been grazed away on many collapsing streambanks.

The maps below show details of stream reaches that are critical habitat in Marin County, including Point Reyes National Seashore and the northern district of Golden Gate National Recreation Area.

[10] https://www.fisheries.noaa.gov/species/coho-salmon-protected#spotlight

[11] https://www.ecfr.gov/cgi-bin/text-idx?SID=007dac2ab654ea15c887f51ce6bb2644&mc=true&node=se50.10.226_1210&rgn=div8

Steelhead Critical Habitat.[12]

[12] Map generated using GIS data from https://www.fisheries.noaa.gov/resource/map/critical-habitat-salmon-and-steelhead-all-west-coast

Coho salmon Critical Habitat.[13]

Livestock grazing has huge negative impacts to salmon, as admitted by the Biological Assessment, National Marine Fisheries Service (FEIS Appendix O at 47-48):

> Grazing could affect coho salmon by increasing erosion into streams. Grazing reduces the amount of vegetation available to capture water and compacts soil, which reduces infiltration and available water capacity of rangeland soils. Soil compaction increases runoff, which carries topsoil and sediments into creeks and rivers during storm events. According to

[13] Map generated using GIS data from https://www.fisheries.noaa.gov/resource/map/critical-habitat-salmon-and-steelhead-all-west-coast

> NMFS (2004), "High concentrations of suspended sediment can affect coho salmon in several ways, including increased mortality, reduced feeding efficiency, and decreased food availability (Berg and Northcote 1985; McLeay et al. 2002; Newcombe 1994; Gregory and Northcote 1993; Velagic 1995; Waters 1995). Substantial sedimentation rates could bury benthic macroinvertebrates that serve as food for coho salmon (Ellis 1936, Cordone and Kelley 1961), degrade instream habitat conditions (Cordone and Kelley 1961; Bjornn et al. 1977; Eaglin and Hubert 1993), cause reductions in fish abundance (Alexander and Hansen 1986; Bjornn et al. 1977; Berkman and Rabeni 1987), and reduce growth in salmonids (Crouse et al. 1981). Waters with high turbidity are avoided by migrating salmonids, and high amounts of suspended sediment can delay migration to spawning grounds (Bjornn and Reiser 1991). Sedimentation of redds can kill both eggs and alevins (Bjornn and Reiser 1991)." While cattle are excluded from most riparian areas adjacent to streams used by coho salmon, (footnote: Livestock grazing is excluded from Lagunitas and Olema Creeks. In addition, cattle grazing is restricted from several tributaries that could support coho salmon.) livestock grazing in riparian areas of tributary streams could reduce vegetative cover, which would reduce hiding cover for coho salmon or elevate stream temperatures to unsuitable levels. Elevated water emperatures reduce the ability of the water to hold DO, of which an adequate level is necessary for each life stage of coho salmon (CDFW 2004). In addition to increased runoff and erosion from uplands in the watershed, livestock grazing in riparian areas could also increase water turbidity, which could lead to reduced habitat for coho salmon from sedimentation of streambeds (Belsky, Matzke, and Uselman 1999). Livestock with access to stream channels could also trample stream banks and contribute excess nutrients via manure and urine, which could affect coho salmon by increasing sedimentation and turbidity, increasing water temperatures, and reducing DO (Belsky, Matzke, and Uselman 1999).

But our photos reveal that Olema Creek critical habitat sections were not fenced off to cattle for many years, and experienced high levels of trampling, erosion, sedimentation, and streambank collapse. Only in more recent years were these stream reaches fenced off to cattle. But only with a buffer of 100 feet or so, which may not be adequate to stop chronic livestock grazing erosion impacts in the larger watersheds. Mitigation measures to try to repair the damage was not in our opinion mitigating the impairments.

The Biological Assessment claims that management of the park land leases has reduced adverse impacts of livestock grazing:

> In spite of the above described potential adverse effects of livestock on coho salmon, the actual effects are likely far reduced from those noted for the following reasons: (1) livestock grazing is managed to avoid heavy grazing via monitoring that would ensure an average of 1,200 pounds per

> acre of RDM in the fall in accordance with Bartolome et al. (2015); (2) livestock are prevented from accessing Olema Creek, Lagunitas Creek, and numerous tributaries; (3) many streams in the action area are steep wooded canyons that preclude access by livestock; and (4) most ranches along Lagunitas Creek, Olema Creek, and elsewhere in the park, have developed upland water sources for livestock, which can reduce livestock use of intermittent streams;. See table 7-1, in section 7.1, for further detail about the length of streams potentially supporting coho salmon, steelhead, and Chinook salmon in the action area. Because of the limited access of livestock to most streams in the action area, adverse effects of livestock grazing would be mostly avoided. Furthermore, increased stormwater runoff and sedimentation from cattle grazing of upland areas is unlikely to occur in amounts that would harm coho salmon. (FEIS Appendix O at 47-48)

The following photos show a portion of Olema Creek critical habitat for salmonids that was severely trampled and eroded by beef cattle in April 2019, and only after this date did the NPS finally fenced off the creek and attempted mitigation measures. Photos show extreme bank collapse, heavy turbidity and sedimentation of salmonid waters, and ongoing active erosion. These impacts are a major chronic impairment of salmonid spawning and rearing habitat.

Therefore, effects of grazing are not “likely far reduced,” as the Biological Assessment, National Marine Fisheries Service (FEIS Appendix O at 48).

The Biological Assessment (FEIS Appendix O at 50) claims that impacts of grazing would be avoided or minimized by adhering to the Residual Dry Mmatter (RDM) standards if 1,200 pounds/acre at the end of the grazing season to protect soils from erosion and protect “rangeland plant community health.” Yet we see short-grazed annual grasslands and bare ground areas in the watersheds that contain critical habitat for salmonids, and current RDM measures are not made available for these areas. Only by resting pastures from grazing and allowing these soils to heal, or removing livestock altogether, would impairment cease. The Biological Assessment failed to analyze removal of livestock.

But it concludes that ranch diversification, if approved, would continue to impair salmonids: “Therefore, the proposed action “*may affect, is likely to adversely affect*” the CCC coho salmon ESU.” (FEIS Appendix O at 51)

Severe trampling by beef cattle crossing Olema Creek near Five Brooks, in a Golden Gate National Recreation Area ranch, causing erosion and sedimentation of waters in areas in or adjacent to steelhead salmon critical habitat and Central California Coast coho salmon critical habitat (see FEIS Appendix A-47). April 15, 2019. Photo: Laura Cunningham.

Severe trampling by beef cattle crossing Olema Creek near Five Brooks, in a Golden Gate National Recreation Area ranch, causing extreme erosion and streambank collapse in areas in or adjacent to steelhead salmon critical habitat and Central California Coast coho salmon critical habitat (see FEIS Appendix A-47). April 15, 2019. Photo: Laura Cunningham.

Olema Creek critical habitat for salmonids in very poor condition from chronic cattle grazing in the watershed. Streambank collapse causes sedimentation of salmon spawning gravels and poor water quality. Mitigation baffles are also collapsing into the eroding and unstable streambank and are ineffective. Golden Gate National Recreation Area. April 15, 2019. Photo: Laura Cunningham.

The mitigation wattles are collapsing into the continuously eroding stream as banks collapse further. Mitigation measures to halt impairment by cattle grazing are not working here. Note the cloudy, murky color of the stream, indicating suspended sediment loads from erosional activities—salmon need crystal clear waters to thrive and reproduce in, with high oxygen content and low sediment loads. April 15, 2019. Photo: Laura Cunningham.

Chronic and ongoing stream bank collapse on Olema Creek near Five Brooks, Golden gate National Recreation Area. Turbidity and sedimentation significantly impair critical habitat for coho salmon and steelhead trout. January 26, 2020. Photo: Laura Cunningham.

Weak mitigation measure with straw-burlap wattles above the collapsing bank of Olema Creek, and seeded non-native grains. January 26, 2020. Photo: Laura Cunningham.

Mitigation measure of planting cereal grains, apparently annual wheat (an introduced non-native plant) in an attempt to stabilize eroding ground from cattle trampling and grazing next to Olema Creek. January 26, 2020. Photo: Laura Cunningham.

Weak mitigation measure of aging burlap placed across highly-eroded and trampled cattle path that formerly crossed Olema Creek. January 26, 2020. Photo: Laura Cunningham.

Weak mitigation measure of aging fiber netting placed across highly-eroded and trampled cattle path that formerly crossed Olema Creek. January 26, 2020. Photo: Laura Cunningham.

Mitigation measures of planting cereal grains, apparently annual wheat, burlap, and wattles in an attempt to stabilize eroding ground from cattle trampling and grazing next to Olema Creek on a slope. The creek has been newly fenced off to cows around 2018-2019 in a narrow buffer of a few hundred meters. Golden Gate National Recreation Area. January 26, 2020. Photo: Laura Cunningham.

Mitigation measures of a new fence and barbed wire gate that can be opened, to exclude cows from Olema Creek to help restore the extreme erosion and streambank collapse due to cattle trampling and overgrazing. Bare ground is visible both inside and outside this gate. January 26, 2020. Photo: Laura Cunningham.

Grazed hillslopes in the watershed of Olema Creek, just outside the fenced buffer. Beef cattle on short-grazed European annual grassland with Residual Dry Matter measures in question. Golden Gate National Recreation Area. January 26, 2020. Photo: Laura Cunningham.

5. **Water quality is impaired and water pollution rampant.** ***Article 4--Section 30231 Biological productivity; water quality;*** *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

   Water quality on the Seashore's springs, creeks, streams, wetlands, bays, estuaries, and the ocean are often heavily impaired by nonpoint pollution resulting from excessive manure production on the dairies, and by erosion of dairy and beef ranch grazing lands. Winter storms cause manure to wash into streams and reach beaches and the ocean, at times spiking fecal coliform levels to unhealthy levels. Agriculture is acknowledged as a potential pollutant to coastal waters by state agencies.[14]

   The dairies at Point Reyes National Seashore produce an excess of manure. The huge number of calories that lactating cows need in order to produce industrial quantities of milk for the market require trucking in alfalfa hay from the Central

[14] https://www.coastal.ca.gov/nps/Web/cca_pdf/sfbaypdf/CCA26PtReyesHeadlands.pdf

valley, growing silage crops for feed, and even supplemental grain, to enhance the meager annual grassland pastures.

To deal with the mountains of manure the ranches regularly dump dry or liquified cow manure over many acres of pasture or former grassland in the hope that this manure will somehow absorb into the ground and increase carbon sequestration.

What is actually observed to happen is that tons of excess manure dumped on top of grassy pastures, smothering plants and any remnant of biological soil crusts, and during winter rain storms much of it runs off into nearby streams, and into the Pacific Ocean. This causes huge spikes in fecal coliform bacteria from the manure, and at times the National Park Service has had to close beaches due to human health hazards.

The National Park Service website for Point Reyes National Seashore warns of public health hazards at times, and to avoid swimming in beaches during certain periods:

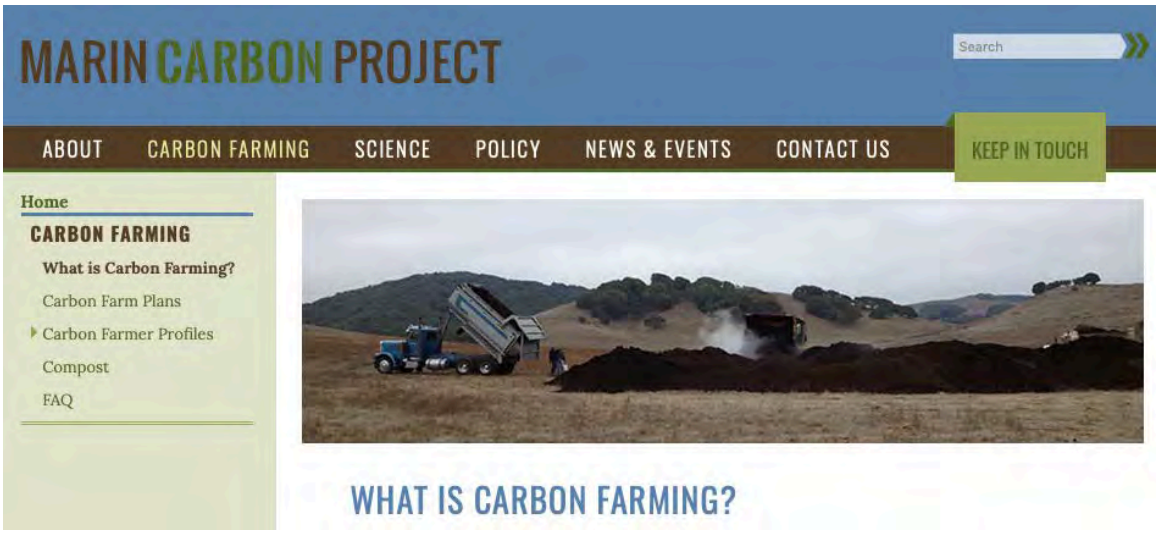
Contaminated Water

Lagoons, such as those found at Abbotts Lagoon, Kehoe Beach, and occasionally at Drakes Beach, and similar bodies of water can be hazardous areas for swimming whether they are in parklands or other urban or rural areas. Rainfall runoff and stream flow from surrounding agricultural areas flows into the lagoons potentially carrying harmful bacteria with it.[15]

Point Reyes beaches have ranked among the poorest in water quality in the nation,[16][17] and we do not see the NPS Plan mitigating the continued problem of excessive cattle waste and manure disposal. So-called “carbon farming” asks us to believe that dumping truckloads of cow manure onto pastures and former native grasslands will lead to carbon sequestration, when what is actually happening is manure not absorbing into the ground but running off with heavy winter rains into adjacent creeks, and into the ocean.

[15] https://www.nps.gov/pore/planyourvisit/safety_beaches.htm
[16] https://therevelator.org/wasted-water-crappiest-places/
[17] https://www.biologicaldiversity.org/news/press_releases/2017/point-reyes-11-21-2017.php

Ungrazed, healthy coastal prairie outside of the ranches, in Point Reyes National Seashore. Native deep-rooted bucnghrasses Idaho fescue (*Festuca idahoensis*) and California oatgrass (*Danthonia californica*) absorb rainwater and allow for high groundwater tables that produce clear springs and creeks. Soil is stabilized and erosion minimal. This is a rare, sensitive habitat on the California coast. April 2019. Photo: Laura Cunningham.



Carbon farming initiatives attempt to deal with excess cattle manure.
https://www.marincarbonproject.org/what-is-carbon-farming

After a winter rain, such as in this photo I took January 26, 2020, at a Point Reyes National Seashore confined animal feeding operation (CAFO) along the L Ranch Road, the cattle-grazed pastures can get soaked and trampled by cow hooves. But since the biological soil crusts and deep-rooted perennial bunchgrasses have been grazed and trampled out, the rainwater is not absorbed into spongy ground, but rather accumulates on the muddy ground surface and runs off into adjacent streams and into the Pacific Ocean, along with high fecal coliform loads due to the manure. Photo: Laura Cunningham.

Dairy cows, January 26, 2020 along L Ranch Road, Point Reyes National Seashore with mud and short-grazed European annual grassland. Photo: Laura Cunningham.

Dairy with mud, erosion, and nonpoint source water pollution above Drake's Bay. Photo: Skyler Thomas.

Kehoe Dairy, J Ranch metal junk on dairy cattle rangeland, with degraded pasture full of weeds--poison hemlock. August 11, 2020. Photo: Jocelyn Knight.

Kehoe Dairy, J Ranch metal junk on dairy cattle rangeland, with degraded pasture full of weeds—poison hemlock and thistle. August 11, 2020. Photo: Jocelyn Knight.

Kehoe Dairy, J Ranch bare dirt paddocks. August 11, 2020. Photo: Jocelyn Knight.

Dairy cattle manure pile on L Ranch. March 2018. Photo: Laura Cunningham.

Excess dairy cattle manure being loaded onto a spreader truck, Point Reyes National Seashore. Photo stillshot from a film by Skyler Thomas.

Solid manure dumped by truck onto cattle pastures in Point Reyes National Seashore. Stillshot from short film by Skyler Thomas, https://www.youtube.com/watch?v=z9OEQOy3v0E&feature=youtu.be&t=146.1.

Solid manure dumped onto what appears to be a harvested silage field, Point Reyes National Seashore. Photo: Anonymous.

Kehoe Dairy, J Ranch manure truck carrying liquefied manure from liquified manure holding pond. August 11, 2020. Photo: Jocelyn Knight.

Liquified manure storage pond right next to Kehoe Creek, from dairy waste hosed out of dairy barns. Spreader trucks parked next to the manure pond. Point Reyes National Seashore. March 2018. Photo: Laura Cunningham.

Liquified cow manure from Kehoe Creek storage pond pumped into a spreader truck. Photo: Anonymous.

Kehoe Dairy, J Ranch manure truck carrying liquefied manure. August 11, 2020. Photo: Jocelyn Knight.

Manure-spreading truck on a bare field in a ranch on Point Reyes National Seashore. Photo: Anonymous.

Still frame of a film taken in September 2020 by an anonymous photographer of liquefied cow manure being spread by truck on what appears to be a harvested silage field, in one of the dairy parcels at Point Reyes National Seashore.

Liquified manure spread by truck, L Ranch, Point Reyes National Seashore. Photo: Anonymous.

Liquified manure spread on field, Point Reyes National Seashore. Photo: Anonymous.

Liquified cattle manure spread by truck on a range grazed by cattle. There is so much excess manure that these measures are sought to get rid of the excess waste. Yet the first winter rains will potentially wash much of this excess manure into nearby drainages, and into creeks that carry the water pollution into the Pacific Ocean. Photo: Anonymous.

Coyote inspecting spread manure on rangeland, L Ranch, Point Reyes National Seashore. Photo: Anonymous.

Kehoe Dairy, J Ranch liquefied manure spread on cattle rangeland by truck. August 11, 2020. Photo: Jocelyn Knight.

Kehoe Dairy, J Ranch liquefied manure spread on cattle rangeland by truck. Poison hemlock and mustard on the fenceline are invasive non-native weeds. August 11, 2020. Photo: Jocelyn Knight.

Liquified manure sprayed onto cattle pastures in Point Reyes National Seashore. Stillshot from short film by Skyler Thomas, https://www.youtube.com/watch?v=z9OEQOy3v0E&feature=youtu.be&t=146.1.

Liquified cow manure spread by sprinkler on a cow pasture in Point Reyes National Seashore. Photo: Anonymous.

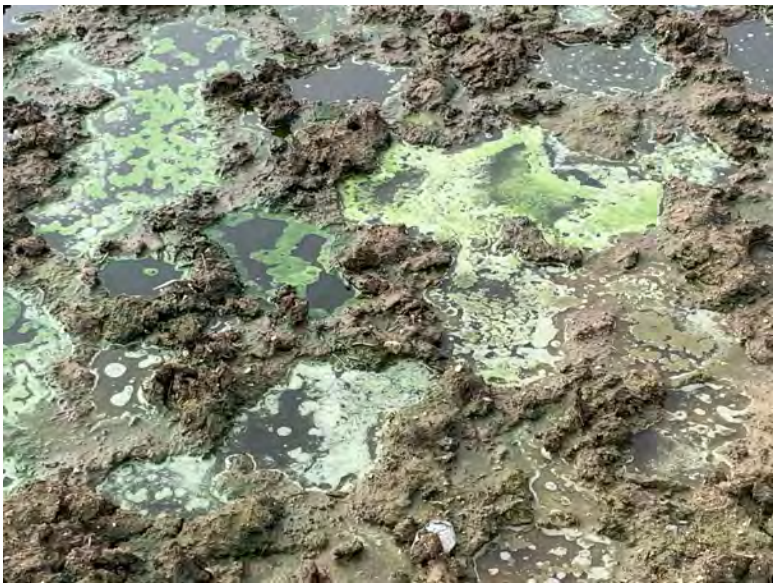
The situation we largely see today is one of degraded grasslands where native deep-rooted perennial bunchgrasses have been replaced by shallow-rooted European annual grasses and weeds. The delicate biological soil crusts haven been eliminated--grazed, trampled, and smothered with piles of manure, and the soil is now dead. Carbon is no longer sequestered. Simply dumping truckloads of cattle manure on these already degraded landscapes will never equal the complex biotic interactions of healthy biocrusts and their symbiosis with native bunchgrasses, wildflowers, lightly grazed by tule elk.

Beef cattle in a pond in one of the ranches in Point Reyes National Seashore. The banks are heavily eroded, trails lead to the water, and evidence of green algal blooms cover part of the water surface from manure and urine input. Photo: still from a film by Tony Sehgal, September 2020.

Dairy cattle in pond along L Ranch Road near the headwaters of Kehoe Creek, Point Reyes National Seashore. Photo: Jim Coda.

Dairy cattle in pond along L Ranch Road near the headwaters of Kehoe Creek, Point Reyes National Seashore. Photo: Jim Coda.

Pond downhill from the pond pictured above, Kehoe Creek, L Ranch, Point Reyes National Seashore. Photo: Jim Coda.



L Ranch muck and mud at a dairy cattle feedlot in Point Reyes National Seashore. January 26, 2020. Photo: Laura Cunningham.

Many riparian habitats are still not fenced off from cattle grazing and entering the water.

Beef cows in Kehoe Creek eating sedges in the riparian zone. Photo: Jim Coda.

Natural streams such as Olema Creek have extreme bank destabilization due to cattle trampling, grazing, and erosion, and some recent fencing to attempt to buffer these streams will take decades of rest and active restoration to heal the grazing impacts.

6. **Environmentally sensitive habitats and land resources are impaired by livestock grazing. Article 5—Land Resources**; ***Section 30240 Environmentally sensitive habitat areas; adjacent developments*** *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

   Coastal prairie, valley grassland, wetland, coastal scrub, and dune plant communities are being harmed and degraded by cattle grazing at Point Reyes National Seashore, and in many cases have been completely replaced by weedy invasive and degraded habitats with little resemblance to former native plant communities that were so common along California's coast. The loss of deep-rooted native coastal prairie perennial bunchgrasses and associated biological soil crusts, for example, have an effect on water quality and marine life in that topsoil loss and compaction from overgrazing by heavy livestock reduces rainwater infiltration, groundwater levels, and allows erosion and sedimentation to increase with trampled bare ground. The conversion of rich native plant communities along the coast can therefore negatively impact marine resources when these lands are turned into weedy annual grasslands with shallow-rooted Eurasian species better adapted to cattle grazing but with a poor ability to hold water and prevent erosion and runoff.

The former lush bunchgrass prairies along the Pacific coastal mountains in central California, once home to herds of tule elk, wide-roaming grizzlies, and salmon-filled streams, carefully managed for thousands of years by Miwok and many other tribes, are now mostly grazed instead by herds of cattle. Mediterranean weeds cover the grazed pastures where coastal prairies once grew. Most of the central Coast Range mountains are in private hands and inaccessible to the public. Point Reyes National Seashore is a rare public park established to restore and protect these California plant and animal species and habitats.

Cattle significantly impact the integrity of California native coastal prairies and he associated delicate micro-ecology of biological soil crusts, and have ripple effects on weed increase, soil health, and carbon sequestration at Point Reyes National Seashore.

Biological soil crusts are a complex of mosses, fungi, lichens, green algae, cyanobacteria, and liverworts that form a tiny carpet of growth on many soils even in grasslands and deserts, with roots, filaments, and living networks growing deep into the soil. These various organisms create a living soil that sequesters carbon, helps plants grow, and holds the soil together to stop erosion, and absorb water. Many organisms that make of these living soils are actually integral to all life on Earth.

The trampling and grazing of native grasslands and biological soil crusts by concentrated herds of cattle fenced into pastures will destroy the above-ground plants and mosses, fungi, and lichens. This eventually kills off the root reserves and interconnected mycorrhizae and biological soil crust filament network.

The result of heavy livestock grazing is inevitably dead soils. No deep roots, no hyphae, no mycorrhizae. Barbed-wire fences that section off grasslands into smaller trampled areas, water troughs that pipe water to cattle away from natural water sources, year-long cattle grazing that beats down the delicate lichen, moss, and living crust soil structures, killing off the deep-soil network, will degrade native grasslands.

Rare sensitive habitat Coastal Prairie remnant in an ungrazed area of Point Reyes National Seashore with Idaho fescue (*Festuca idahoensis*), red fescue (*F. rubra*), blue wildrye (*Elymus glaucus*), California buttercups (*Ranunculus californicus*), and coyote brush (*Baccharis pilularis*). This area is lightly grazed by native free-roaming tule elk, but not grazed by beef or dairy cattle and represents a rare reference site to what much of the coastal sensitive habitats used to look like before cattle grazing. Tomales Bay in the distance. April 2019. Photo: Laura Cunningham.

Sensitive habitat of coastal prairie with Idaho fescue, red fescue, blue wildrye, California buttercups, and blue-eyed grass (*Sisyricnhium* sp.). The ground is spongy and there is no bare soils. April 2019. Photo: Laura Cunningham.

Star tulip (*Calochortus tolmiei)* and Idaho fescue bunch in ungrazed sensitive habitat coastal prairie, outside of the fence and not grazed by cattle. L Ranch Road, Point Reyes National Seashore. April 2019. Photo: Laura Cunningham.

A rich carpet of mosses, lichens, and fungi covers the ground around a large Pacific reedgrass bunch (*Calamagrostis nutkaensis*), ungrazed upland in Point Reyes National Seashore. January 27, 2020. Photo: Laura Cunningham.

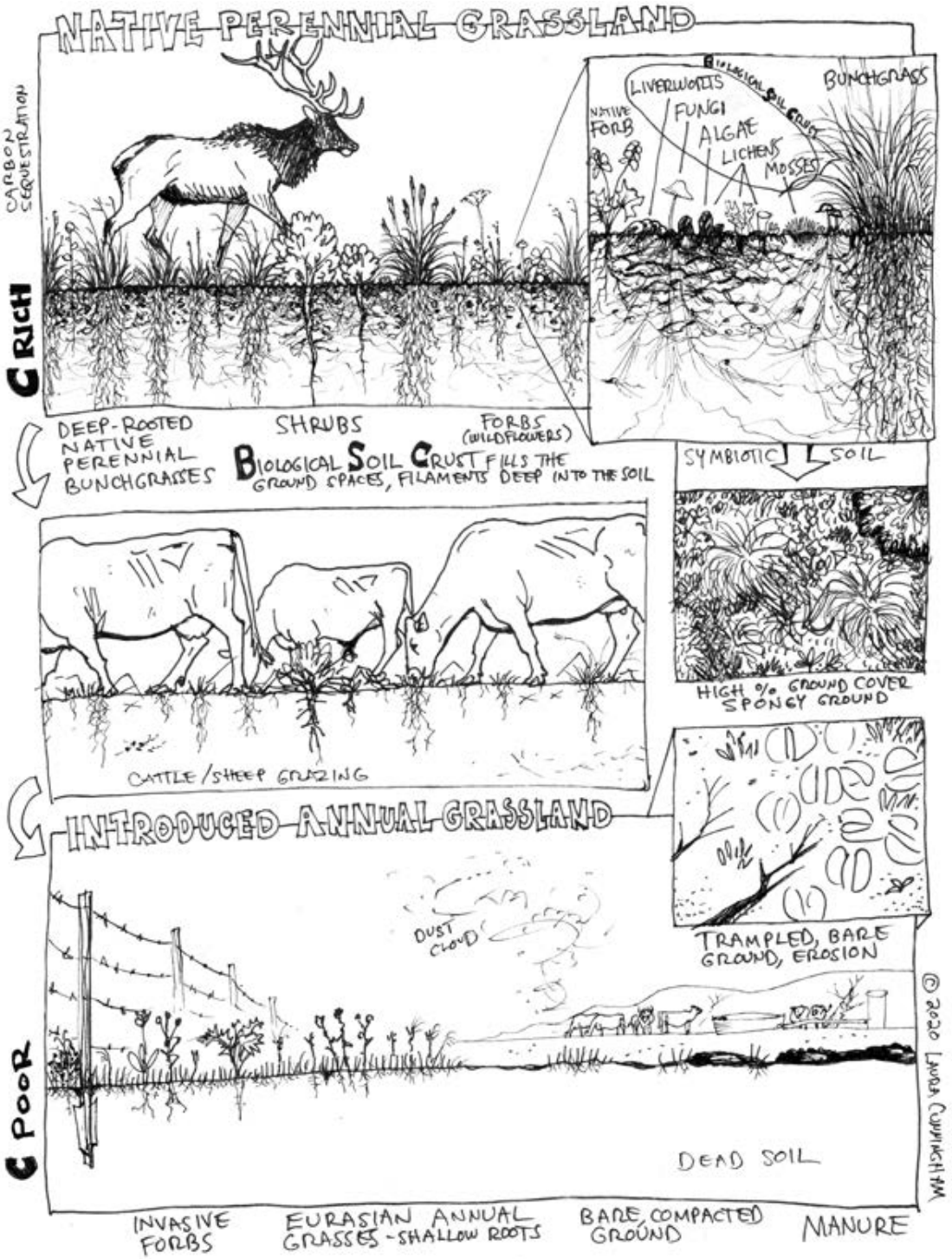
A rich carpet of mosses, lichens, and fungi covers the ground around a large Pacific reedgrass bunch (*Calamagrostis nutkaensis*), ungrazed upland in Point Reyes National Seashore. January 27, 2020. Photo: Laura Cunningham.

Mosses in the coastal prairie. Ungrazed Point Reyes National Seashore. January 27, 2020. Photo: Laura Cunningham.

Fruticose lichens in the coastal prairie, along with moss. Ungrazed Point Reyes National Seashore. January 27, 2020. Photo: Laura Cunningham.

Rare sensitive habitat of coastal prairie. Ungrazed carpet of mosses and a mushroom (the fruiting body of underground fungal networks) around a large Pacific reedgrass bunch (*Calamagrostis nutkaensis*), upland in Point Reyes National Seashore. January 27, 2020. Photo: Laura Cunningham.

Idaho fescue native perennial bunchgrass in a coastal prairie remnant not grazed by cattle, compared to European annual grass and bare dirt on a cattle ranch pasture. L Ranch Road, Point Reyes National Seashore. January 26, 2020. Photos: Laura Cunningham.



Conceptual illustration showing the progression of native coastal prairie with Biological Soil Crust and tule elk grazing, impacted by heavy cattle grazing, and resulting in dead soils and poor quality weedy fields. Based on observations at Point Reyes National Seashore ungrazed coastal prairies and grazed cow pastures. Illustration: Laura Cunningham.

The Preferred Alternative claims the NPS plan will not harm sensitive habitats, and even protect them, but prolonged heavy cattle grazing has already eliminated most sensitive habitats from the Seashore. NPS admits that over 90% of northern coastal bunchgrass habitats have been lost grasslands and that pristine coastal prairies are an endangered habitat.[18] Yet removal of cattle grazing is not the Preferred Alternative.

When so many coastal prairie and wetland plants are Federally Rhreatened or Endangered, state listed, or listed as rare plants by the California Native Plant Society, due to habitat loss and habitat degradation, then we perceive a major problem with the level of protection afforded to coastal prairies within National Park lands. Plus, the Preferred Alternative allows continued and possibly increased levels of mowing and destruction of North Coastal Scrub--with coyote brush (*Baccharis pilularis*) as an indicator species--in order to increase cattle forage on pasture and range subzones.

The rare plant Sonoma Alopecurus in a meadow that receives very little cattle grazing. Photo: Diana Oppenheim.

Sensitive coastal habitats and rare plants are impacted by cattle grazing. The federally endangered rare native grass Sonoma Alopecurus (*Alopecurus aequalis* var. *sonomensis*) is found in moist soils and wetlands, and populations exist on Point Reyes National Seashore. According to US Fish and Wildlife Service, this species is declining due to loss of wetland habitat, competition from nonnative plant species, trampling and grazing by cattle and low reproductive

[18] https://www.nps.gov/pore/learn/management/firemanagement_fireecology_vegtypes_grasslands.htm

success. Attempts to reintroduce the species in the National Seashore have failed as of 2010.[19]

These photos were taken by NPS volunteers and given to us for use, showing surveys for Federally Endangered Sonoma Alopecurus. Note the tall grass (mostly Eurasian velvetgrass (*Holcus lanatus*), and that cattle are only allowed to graze these fields for short periods when they will not impact the rare grass. These habitats need tall, mostly ungrazed grass. Restoration to native grasslands should be undertaken in order to maximize conservation of this rare species.

Habitat of the rare plant Sonoma Alopecurus, ungrazed for much of the year in order to conserve this rare native grass. Cattle are only allowed to graze in this rare plant habitat for short periods. Photo: Diana Oppenheim.

[19] https://www.fws.gov/sacramento/es_species/Accounts/Plants/Documents/Sonoma_alopecurus.pdf

Sensitive wetland, meadow, and coastal prairie habitat of the rare plant Sonoma Alopecurus, ungrazed for much of the year in order to conserve this rare native grass. Biologists surveying for the rare plant. Notice the very high RDM of this recovering cattle pasture, with native rush (*Juncus* sp.) and European velvetgrass (*Holcus lanatus*). Photo: Diana Oppenheim.

These rare, threated or endangered Point Reyes National Seashore plants are associated with the sensitive coastal prairie community, valley grassland, and associated wetlands and meadows, and north coastal scrub according to Calflora[20]:

- Blasdale's bent grass (*Agrostis blasdalei*)--Coastal Strand, Coastal Prairie, Northern Coastal Scrub; California Native Plant Society (CNPS) rare plant ranking 1B.2.
- Sonoma alopecurus (*Alopecurus aequalis* var. *sonomensis*)--Freshwater Wetlands; Federally Endangered.
- Thurber's reed grass (*Calamagrostis stricta* ssp. *inexpansa*)--Freshwater Wetlands, Northern Coastal Scrub; CNPS ranking 2.1.

[20] https://www.calflora.org

- Nodding Semaphore Grass (*Pleuropogon refractus*)--riparian, meadows; CNPS ranking 4.2.
- Buxbaum's sedge (*Carex buxbaumii*)--Coastal Prairie, meadows, wetlands; CNPS ranking 4.2.
- Tiburon paintbrush (*Castilleja affinis* ssp. *neglecta*)--Valley Grassland; Federally Endangered.
- Humboldt bay owl's clover (*Castilleja ambigua* ssp. *humboldtiensis*)--Coastal Salt Marsh, wetland-riparian; CNPS ranking 1B.2.
- Point Reyes blemnosperma (*Blennosperma nanum* var. *robustum*)--Coastal Prairie, Northern Coastal Scrub, wetland-riparian; California state rare, CNPS ranking 1B.2.
- Supple daisy (*Erigeron supplex*)--Coastal Prairie, Northern Coastal Scrub;
- Point Reyes birds' beak (*Chloropyron maritimum* ssp. *palustre*)--Coastal Salt Marsh, wetland-riparian; CNPS ranking 1B.2.
- San Francisco bay spineflower (*Chorizanthe cuspidata* var. *cuspidata*)--Coastal Strand, Coastal Prairie, Northern Coastal Scrub; CNPS ranking 1B.2.
- Wooly-headed Spineflower (*Chorizanthe cuspidata* var. *villosa*)--Coastal Strand, Coastal Prairie, Northern Coastal Scrub; CNPS ranking 1B.2.
- Sonoma spineflower (*Chorizanthe valida*)--Coastal Prairie; Federally Endangered, California state Endangered.
- Bolander's water hemlock (*Cicuta maculata* var. *bolanderi*)--Coastal Salt Marsh, wetland-riparian; CNPS ranking 2.1.
- Franciscan Thistle (*Cirsium andrewsii*)--Northern Coastal Scrub, wetland-riparian; CNPS ranking 1B.2.
- San Francisco wallflower (*Erysimum franciscanum*)--Coastal Strand, Valley Grassland, Northern Coastal Scrub; CNPS ranking 4.2.
- Fragrant fritillary (*Fritillaria liliacea*)--Coastal Prairie, Valley Grassland, Northern Coastal Scrub, wetland-riparian; CNPS ranking 1B.2.
- San Francisco hairy gumplant (*Grindelia hirsutula* var. *maritima*)--Valley Grassland, Northern Coastal Scrub, Coastal Sage Scrub, wetland-riparian; CNPS ranking 3.2.
- Short-leaved Evax (*Hesperevax sparsiflora* var. *brevifolia*)--Coastal Strand, Northern Coastal Scrub; CNPS ranking 1B.2.
- Marin western flax (*Hesperolinon congestum*)--Chaparral, Valley Grassland; Federally Threatened, California state Threatened.
- Point Reyes horkelia (*Horkelia marinensis*)--Coastal Strand, Coastal Prairie, Northern Coastal Scrub; CNPS ranking 1B.2.
- Perennial goldfields (*Lasthenia californica* ssp. *macrantha*)--Northern Coastal Scrub; CNPS ranking 1B.2.

- Large-flower leptosiphon (*Leptosiphon grandiflorus*)--Coastal Strand, Northern Coastal Scrub, Coastal Sage Scrub, Valley Grassland, Coastal Prairie; CNPS ranking 4.2.
- Rose leptosiphon (*Leptosiphon rosaceus*)--Open, grassy slopes, coastal bluffs[21]; CNPS ranking 1B.1.
- Coast lily (*Lilium maritimum*)--Coastal Prairie, Mixed Evergreen Forest, Northern Coastal Scrub; CNPS ranking 1B.1.
- Point Reyes meadowfoam (*Limnanthes douglasii* ssp. *sulphurea*)--Coastal Prairie, Freshwater Wetlands, wetland-riparian; California state Endangered.
- Harlequin's lotus (*Hosackia gracilis*)--Coastal Scrub, wetland-riparian (I observed this species in coastal prairie at PRNS); CNPS ranking 4.2.
- Marsh microseris (*Microseris paludosa*)--Northern Coastal Scrub;
- Curly-leaved Monardella (*Monardella undulata*)--Coastal Strand, Northern Coastal Scrub, Coastal Sage Scrub; CNPS ranking 1B.2.
- Gairdner's yampah (*Perideridia gairdneri* ssp. *gairdneri*)--vernal-pools; CNPS ranking 4.2.
- North coast phacelia (*Phacelia insularis* var. *continentis*)--Coastal Strand, Northern Coastal Scrub; CNPS ranking 1B.2
- Point Reyes rein orchid (*Piperia elegans* ssp. *decurtata*)--Generally dry, open sites, coastal scrub, coastal prairie[22]; CNPS ranking 1B.1.
- Michael's piperia (*Piperia michaelii*)--Northern Coastal Scrub, Coastal Sage Scrub; CNPS ranking 4.2.
- San Francisco popcornflower (*Plagiobothrys diffusus*)-- Coastal Prairie, Valley Grassland; California state Endangered.
- Marin knotweed (*Polygonum marinense*)--Coastal Salt Marsh, wetland-riparian; CNPS ranking 3.1.
- Lobb's aquatic buttercup (*Ranunculus lobbii*)--vernal-pools in Valley grassland; CNPS ranking 4.2.
- Point Reyes checkerbloom (*Sidalcea calycosa* ssp. *rhizomata*)--Coastal Salt Marsh, wetland-riparian; CNPS ranking 1B.2.
- Beach starwort (*Stellaria littoralis*)--Northern Coastal Scrub, Coastal Strand, wetland-riparian; CNPS ranking 4.2.
- Mt. Tamalpais jewel-flower (*Streptanthus* glandulosus ssp. *pulchellus*)--Chaparral, Valley Grassland; CNPS ranking 1B.2.
- San Francisco owl's clover (*Triphysaria floribunda*)--Coastal Prairie, Valley Grassland; CNPS ranking 1B.2.

[21] https://ucjeps.berkeley.edu/eflora/eflora_display.php?tid=80957
[22] https://ucjeps.berkeley.edu/eflora/eflora_display.php?tid=76440

Harlequin's lotus (*Hosackia gracilis*) in remnant coastal prairie, cattle pasture edge. April 2019. Photo: Laura Cunningham.

Few places on the California coast have such a large number of rare and endemic native plants. Sensitive habitats are in peril and significantly impacted by cattle grazing and habitat removal, and the above list indicates the level of biodiversity found at Point Reyes National Seashore that needs much better conservation management. These sensitive coastal habitats need protection, not continued commercial production on these rare high-value Pacific coast public lands.

B Ranch in Point Reyes National Seashore with drought conditions, very dry rangeland, bare ground, and heavily grazed down range and pasture areas. October 2020. Photo: Jocelyn Knight.

Cattle grazing and mowing or silage harvesting next to Abbotts Lagoon on the Pacific Ocean. H Ranch, Point Reyes National Seashore. The foreground is full of introduced weeds: radish and mustard. June, 2020. Photo: Jocelyn Knight.

Severe erosion, trailing, trampling, and gullying by dairy cows on N Ranch, Point Reyes National Seashore. Photo: Jim Coda.

By the end of summer on a non-drought year, the cattle pastures are reduced to very little European annual grass forage, much bare ground, and cow trails. This was former sensitive coastal prairie habitat. August 25, 2019. This was not a drought year. Photo: Laura Cunningham.

B Ranch in Point Reyes National Seashore with drought conditions, very dry rangeland (formerly lush coastal prairie), trailing from cattle, and sensitive wet meadow heavily grazed down. October 2020. Photo: Jocelyn Knight.

Comparable sensitive meadow-wetland habitat that is ungrazed: sedge meadow and coastal prairie in September 2019, near the Marshall Beach trailhead where cattle are not allowed. Photo: Laura Cunningham.

Cattle grazing on harvested silage fields next to Abbotts Lagoon and sand dunes, coastal strand sensitive communities on the Pacific Ocean. H Ranch, Point Reyes National Seashore. This is too close to the coast. June, 2020. Photo: Jocelyn Knight.

Tule elk habitat is found on the immediate coast, and we have observed both free-roaming elk and fenced elk within the Tomales Elk Reserve on hills and bluffs adjacent to the Pacific Ocean. Cattle displace free-roaming elk, and livestock fencing harms and even apparently kills native tule elk on the Seashore. Cattle spread invasive weeds by their excessive numbers in fenced pastures, degrading what was formerly rich coastal prairies that were habitat for tule elk.

Free-roaming Drakes Beach tule elk bull next to a beef cow on short-grazed European annual grassland in the spring season. Photo: Skyler Thomas.

Drake's Beach free-roaming herd of tule elk overlooking the Pacific Ocean. The public overwhelmingly wants to view native wildlife in this national park unit, instead of cattle. March 2018. Photo: Laura Cunningham.

Free-roaming Drakes Beach tule elk herd on degraded European annual grassland with bare ground and cow manure. Winter season. Photo: Skyler Thomas.

Free-roaming tule elk bull (on the left) on the ranch-side of the Tomales elk reserve fence. The 8-foot-tall elk exclusion fence is meant to keep tule elk in the Tomales Elk Reserve away from coastal cattle ranches in the Seashore, but is only an eyesore and prevents easy access to park coastal areas. Note the degraded condition of this cattle-grazed pasture, with mowing or disking in the distance. October 5, 2020. Photo: Matthew Polvorosa Kline.

Dairy cattle at the fenceline with a tule elk bull along the Tomales Point Tule Elk Reserve 8-foot high fence. Photo: Anonymous.

Drakes Brach tule elk herd dealing with fence obstructions on cattle pastures. Winter season. This is not wildlife-friendly fencing. Photo: Skyler Thomas.

A dead tule elk ensnared by rusted wire which caught its antler. This old fence was left behind while new material went up in its place along the 8ft high stretch of fence keeping elk from entering the ranches. September 16, 2020. Photo: Matthew Polvorosa Kline.

The same ensnared elk as in Figure, showing how the old fence caught the antler. Photo: Matthew Polvorosa Kline.

Barbed wire on a tule elk skull from Point Reyes National Seashore. Photo by Jim Coda.

Kehoe Dairy, J Ranch barbed wire fences and dairy cattle. This is not a wildlife friendly fence inside a national park unit. August 11, 2020. Photo: Jocelyn Knight.

7. **Soils in the grazed lands of the Seashore are degraded and eroding away. Article 5--*Section 30243 Productivity of soils;*** *The long-term productivity of soils and timberlands shall be protected…;*

   Soils across the ranches on Point Reyes National Seashore are eroded, bare of vegetation in many places from excessive cattle grazing, and exhibit trailing, gullying, and trampling/compaction. Unknown quantities of healthy topsoil from former coastal prairies have been lost and potentially eroded into the Pacific Ocean during heavy rainstorms. Soil productivity is now so low that many ranches on the Seashore must truck in supplemental alfalfa hay, grain, and also

grow silage to feed the dairy cattle, since only meager non-native annual grass cover barely persists on many ranges and pastures of the Seashore. A ranch zoning approach as proposed by the NPS will not alleviate this chronic problem without also greatly reducing the number of livestock and resting the pastures to allow recovery and restoration of deep-rooted native perennial grasslands.

A Ranch in Point Reyes National Seashore with drought conditions, very dry rangeland, bare ground, and erosion. October 2020. Photo: Jocelyn Knight.

Headcut in Home Ranch hillside with beef cattle grazing introduced annual grassland closely. This severe erosion will grow, and is eroding sediment into Home Ranch Creek and Drake's Estero. March 2018. Photo: Laura Cunningham.

Trampled cattle pastures along L Ranch Road in Point Reyes National Seashore. April 2019. Photo: Laura Cunningham.

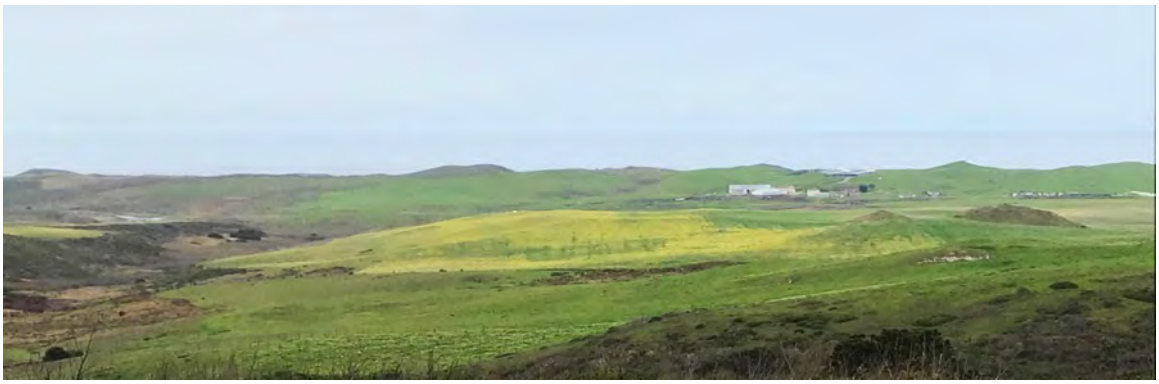
Kehoe Dairy, J Ranch supplemental feed delivered to dairy cattle in pasture. August 11, 2020. Photo: Jocelyn Knight.

Water trough and bare ground on ridge above Kehoe Dairy, Point Reyes National Seashore, June, 2020. Photo: Jocelyn Knight.

Truck delivery of seed bags in Point Reyes National Seashore. The photo was taken by an anonymous photographer at I Ranch (McClure Dairy) in October 2020. The 2 brands read Lockwood - Seed and Grain, and Oregon Grown - Grass Seed. These seed bags might be for planting silage fields to feed supplemental feed to dairy cattle, for planting dry ranges with grass forage in winter to feed cattle, or for drought-related reasons. These non-native grass and grain seeds may be invasive in native plant communities in park lands. Oregon Grown grass seed (https://oregongrassseed.com) are all European invasive plants in native plant communities: annual ryegrass, fescue, and other forage species.

L Ranch dairy cattle feeding on alfalfa hay in feedlot, Point Reyes National Seashore. Soils here have been completely denuded of all vegetation except a few European weeds, and trampled and compacted. August 2019. Photo: Laura Cunningham.

Alfalfa hay trucked in as supplemental dairy feed. Point Reyes National Seashore. August 2019. Photo: Laura Cunningham.



Silage field with yellow-blooming mustard, grown as supplemental dairy cattle forage. viewed from L Ranch Road towards the Pacific Ocean. March 2018. Photo: Laura Cunningham.

8. **Visual qualities of the Seashore are impaired by livestock operations. Article 6--*Section 30251 Scenic and visual qualities.*** *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

   Ye today in the ranching areas of Point Reyes National Seashore, visitors are treated to piles of cow manure, heavily eroded and gullied pastures, fields of weed thickets, streambanks collapsing from erosion and destabilization from

overgrazing, ugly livestock concentrated feeding operations, barren dirt fields, and artificially altered plant communities where mowing machines remove native coastal scrub plant communities and plant invasive European silage fields for cow forage.

In addition, modern dairy loafing barns block the view of the coast and ocean from many highland points in the Seashore--large, state-of-the-art agricultural facilities built since 2002 that are inconsistent with the historic character of old dairies or Historic Districts. Modern industrial dairy calf crates also are inconsistent with Historic Districts and visual scenery consistent with a rare coastal National Seashore.

Confined Animal Feed Operation (CAFO) consisting of old cement troughs full of non-local alfalfa hay. Solid manure piled up. On a ridge above Kehoe Dairy. Tomales Bay in the distance. Point Reyes National Seashore, June, 2020. Photo: Jocelyn Knight.

Mountains of solid dairy cow manure piled up next to a CAFO, on a ridge above Kehoe Dairy. Solid manure piled up. Tomales Bay in the distance. Point Reyes National Seashore, June, 2020. Photo: Jocelyn Knight.

Bare ground, dairy cow manure piled up next to a CAFO, on a ridge above Kehoe Dairy. Pacific Ocean in the distance. Point Reyes National Seashore, June, 2020. Photo: Jocelyn Knight.

L Ranch dairy alfalfa hay feeding area on Point Reyes National Seashore. November 16, 2020. Photo: Kelli Petersen.

H Ranch tire debris and old barbed-wire fence in Point Reyes National Seashore. November 16, 2020. Photo: Kelli Petersen.

H Ranch water troughs on Point Reyes National Seashore. November 16, 2020. Photo: Kelli Petersen.

I Ranch McClure dairy silage piles covered with tarps and tires, with calf crates in front, in Point Reyes National Seashore. November 16, 2020. Photo: Kelli Petersen.

Modern plastic dairy calf hutches also mar the natural scenery at Point Reyes National Seashore and are discordant with an Historic District visual landscape. Still shot from a film by Skyler Thomas, https://shameofpointreyes.weebly.com/calf-reality.html

Modern industrial dairy loafing barn, as seen from the L Ranch Road in Point Reyes National Seashore looking westward towards the Pacific Ocean. This does not fit the character of an Historic District. Photo: Laura Cunningham.

I Ranch McClure industrial dairy modern loafing barn and ranch buildings on Point Reyes National Seashore. November 16, 2020. Photo: Kelli Petersen.

I Ranch McClure dairy modern state-of-the-art loafing barn (on the left), and manure-filled cattle paddocks on Point Reyes National Seashore. November 16, 2020. Photo: Kelli Petersen.

L Ranch living quarters for ranch hands with manure-filled pastures on Point Reyes National Seashore. November 16, 2020. Photo: Kelli Petersen.

Extensive silage fields harvested in 2019, Point Reyes National Seashore dairy ranch. Film stillshot from Skyler Thomas.

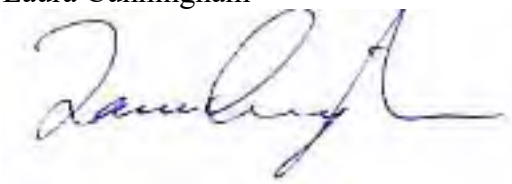
In conclusion, there is simply no longer a threat that agricultural lands will be converted to urban development here. Times have changed since the formation of these coastal national park lands. The public and park visitors seek the rare wild and natural Pacific Coast scenery, not modern industrial beef and dairy commercial operations. The severe impacts of livestock operations on Point Reyes National Seashore and the northern district of Golden Gate National Recreation Area now call for a reconsideration of the balance of public access, sensitive habitats, Threatened and Endangered species, marine and coastal resources, and poor water quality, compared to the obvious impairment of highly significant marine, land, and water resources in a popular national park unit from heavy agricultural use, cattle grazing and commercial ranching in this unique California coastal national park units, impacts which are so prevalent along the entire California coast at present.

We recommend that the California Coastal Commission "Object" strongly to this inconsistent consistency determination, and follow the popular recommendations of numerous local Marin County residents and national park visitors from across the U.S. in seeking better access and protection of these extremely rare and special Pacific Coast public parklands and waters.

Thank you for considering these comments. Western Watersheds Project, the Center for Biological Diversity, and the undersigned local groups and individuals thank you for this opportunity to assist the California Coastal Commission by providing comments for this determination. Please keep us informed of all further substantive stages in this and related processes and documents by contacting me at lcunningham@westernwatersheds.org.

Thank you,

Laura Cunningham



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Two-term Petaluma City Councilman

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Founder, Audubon Canyon Ranch

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Coordinator, Golden Gate Chapter of Code Pink

Elizabeth Dodge

Pat Cuviello

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Meredith Ittner

Judith Gottesman, MSW

Michelle Waters
Animal and Environmental Artist

Eberle Ewing

From: William Mott <wmott@aglandinvest.com>
Sent on: Thursday, August 20, 2020 8:30:18 PM
To: Weber, John@Coastal <john.weber@coastal.ca.gov>
Subject: Re. Pt Reyes National Seashore
Attachments: Letter to CCC Aug 20.doc (59 KB)

Dear John, I posted the attached letter today and I would appreciate your thoughts on the subject. All the best, Bill Mott

AgInvest International

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Telephone: 415-686 0828
E-Mail: wmott@aglandinvest.com • Web page: http://www.aglandinvest.com

Mr. John Weber, Analyst August 20, 2020

North Central Coast District

California Coastal Commission

Dear Mr. Weber,

I am writing to you as an advocate for State and National Parks, as well as the sensible use of our coastal zone and, specifically, the usage of Point Reyes National Seashore (PORE) for commercial dairy and beef cattle enterprises. During my professional career as an agriculture management consultant I have been an advocate for sustainable food and agriculture production...but not in National Parks. Incidentally, over 40 years ago I provided agricultural consulting services to the CCC for planning and projects in Half Moon Bay.

As you are aware, a decision is pending on a General Management Plan Amendment (GMPA/EIS) at PORE that will determine whether 20-year lease extension will be granted for livestock enterprises within the Seashore. I know the CCC has been provided information on the environmental degradation taking place because of ranching in the Seashore, as well as the threats to native elk and other wildlife posed by livestock grazing.

My concern is that commercial agricultural enterprises have no place in a National Park. Our state has millions of acres of pasture and ranchlands utilized for livestock, but very limited parkland devoted to conservation of the natural environment and offering recreation to all Americans. A national park near a large urban population is even rarer.

Dairy Economics

The California dairy industry is facing significant economic and environmental problems. While the state of California is the largest dairy producer in the USA, production is leveling off and is likely to decline. Many large dairies, previously profitable, are going out of business in the San Joaquin Valley, in part because there are more profitable uses of land and water. Land and water previously used for dairy operations and forage production are being utilized for more profitable permanent crops such as almonds, pistachio, and wine grapes. Some dairies have moved to Idaho.

Setting aside environmental issues to focus solely on economics, I do not believe the dairy operations in the Seashore can survive economically over the next 20 years. Continuation of the leases is a prescription for failure for farms there that manage to survive only by significant national, state, and local subsidies. For example, livestock operations managed by the Seashore do not have to pay property taxes, and the meager lease payments paid to PORE go to maintaining the fences and ranch facilities. It is basically a free ride for very small group of commercial farm operators and for what purpose? Certainly, it serves no public benefit nor restores or preserves the California coast.

According to United States Department of Agriculture (USDA) in 2016 the average size of a USA dairy is 1,581 cows. In the San Joaquin Valley of California, where most of the state's dairies are located, the minimum economic size is 1,000 cows. Small dairies are not viable for the long term. There will always be a market for very specialized dairies, but they do not need to be in a National Park. In the face of increasing operating costs and lower or static milk prices, dairies are becoming larger to survive. In 2005 USDA indicated the average income per 100 lbs. of milk was $1.48 in 2016 the same figure was $0.86.

What has saved many small California dairies over the past 15 years was the increase in demand for organic milk selling at significant premium prices. According to the 2019 Marin Agricultural Crop Report the farm price for organic milk was $29.00 per CWT vs. $14.50 per CWT for conventional milk. Unfortunately, the organic milk price is leveling off and is not projected to increase significantly over the next 10 years. In 2016, 80% of the North Bay's 90 dairies had been certified to sell organic milk. By 2018, that number was closer to 90%, resulting in a market awash with organic milk and substantially reducing the margins between revenues and expenses. (Source: Digitale, 2018, Sonoma County Press Democrat)

Agriculture is Dynamic

It is important to note that farming and crop production is not static, demand for crops and food products is continually changing. The PORE when considering providing 20-year leases, needs to know how the enterprise will operate, examine financial projections and business plans, and establish the criteria for environmentally beneficial operations before committing public land to commercial livestock operations for decades to come (and the lessees believe it will be in perpetuity). Without the data, **the ranching operations are akin to a "hobby farm" for the enjoyment of a very small number of private citizens subsidized by the U.S. Government to the detriment of the public.**

It is commonly known in farming that as profitability decreases, management short cuts such as ignoring environmental protocols, over-grazing, and reduced fence and building maintenance, increase. The net result at PORE is the loss of scenic beauty, environmental degradation, and headaches for Park Service management.

The real economic driver in West Marin is recreation and tourism at PORE. Per PORE's Draft GMPA/EIS, ranch leases generate $16 million out of $96 million of Marin County's agricultural revenue while tourism to the Seashore generated an estimated $107 million in 2018.

I know the CCC is familiar with the many controversial issues surrounding coastal dairy operations, particularly in Northern California. I would be interested in your analysis of the environmental impacts and economics of the coastal dairies. I urge the CCC to consider these impacts in reviewing the plan proposed by the National Park Service as the Preferred Alternative for the privately-run commercial livestock operations ranches at PORE.

The optimum solution is to gradually eliminate livestock operations over the next 10 years...the public and even the ranch operators will be happier in the long run if they move to private lands. Many years ago, there was a reason why John Muir lobbied hard to keep sheep from grazing in Yosemite National Park!

Sincerely yours,

William P. Mott, Partner

CC Acting Superintendent Carey Feierabend, Point Reyes National Seashore

From: Chance Cutrano <ccutrano@rri.org>
Sent on: Saturday, July 4, 2020 12:20:38 AM
To: Weber, John@Coastal <john.weber@coastal.ca.gov>
Subject: Resource Renewal Institute letter to CCC re Point Reyes Nat'l Seashore_July 3, 2020

Good afternoon, Mr. Weber,

Please find a letter from Resource Renewal Institute/Restore Point Reyes Seashore attached to this email along with various supplemental supporting attachments. In addition, I include the letter in its entirety in the body of the email below.

If there is another analyst that may be the appropriate point of contact for this subject please advise.

Please let me know if you have any questions or concerns.

Have a lovely 4th of July weekend,

Chance Cutrano [he/him/his]
Director of Programs
Resource Renewal Institute
187 E Blithedale Ave, Mill Valley, CA 94941
Office:415.928.3774
Direct: 415.888.8248
Cell:312.403.3702
ccutrano@rri.org

July 3, 2020

Mr. John Weber, Analyst
North Central Coast District
California Coastal Commission
Via email

Dear Mr. Weber,

I am writing on behalf of Restore Point Reyes Seashore, a citizen initiative of education, advocacy and conservation for the Point Reyes National Seashore (PRNS), under the fiscal sponsorship of the Resource Renewal Institute, a 501c3 organization in Mill Valley, California.

The National Park Service's (NPS) General Management Plan Amendment/Environmental Impact Statement (GMPA/EIS) for 18,000 acres of the Point Reyes National Seashore (PRNS) and 10,000 acres of the adjacent Golden Gate National Recreation Area (GGNRA) is expected to be finalized this summer. It is our understanding that the release of the final plan and Environmental Impact Statement will be reviewed by the California Coastal Commission (CCC) for consistency with the California Coastal Act.

Based on the draft GMPA/EIS (GMPA/DEIS) issued last summer, we believe that the NPS's "preferred alternative" under consideration is inconsistent with the Coastal Act. Alternative B portends unavoidable impacts to the coastal zone and marine environment for decades to come, including to water quality, endangered plants and wildlife, public access to and enjoyment of the coastal resources, public health, climate and the local agricultural economy.

For the record, we and others have sent letters about these concerns to the NPS management at the Seashore and the San Francisco Regional Water Quality Control Board (SFRWQCB). It is our understanding that the NPS will copy the CCC on this correspondence prior your Consistency review. If that's not the case, please let me know so that we may provide these documents, as needed.

Point Reyes National Seashore is the only national seashore on the Pacific Coast and is designated part of the Golden Gate Biosphere Reserve by the United Nations. The CCC was a staunch defender of the Seashore's Drakes Estero, a designated federal wilderness that, until 2014, suffered the impacts of a now-closed commercial oyster operation. We also note that the CCC was instrumental in eliminating the devasting environmental impacts of cattle on Santa Rosa Island, part of the Channel Islands National Parks. Many of the threats to these coastal areas continue unabated at the Point Reyes National Seashore.

We welcome the opportunity to discuss these concerns with you, and would encourage staff and commissioners to visit the national seashore to experience firsthand the impacts of ranching on coastal resources. We are available to answer any questions, and to meet with you in person or via phone or video conference call.

Please notify us of any significant steps in your upcoming consistency review process.
Additional information on Point Reyes ranching can be found at https://restoreptreyesseashore.org

General Management Plan Background and Status

In 2016, the Resource Renewal Institute, Western Watershed Project, and Center for Biological Diversity brought an Administrative Procedures Act complaint against the NPS for the failure to update its 1980 General Management Plan, while it engaged privately with ranchers to develop a special-use, "Ranch Comprehensive Management Plan" for continued ranching on 18,000 acres of the Point Reyes National Seashore and 10,000 acres of the adjacent Golden Gate National Recreation Area.

A settlement agreement reached in 2017 committed the NPS to amend its General Management Plan (GMPA) and, for the first time in the history of the Seashore, required NPS to produce an EIS on the impacts of the ranching. Under the National Environmental Policy Act (NEPA), the public would be

allowed to comment on ranching alternatives, including "Reduced Ranching," "No Dairying," and "No Ranching" alternatives.

The NPS received more than 7,600 public comments, which it made public in February 2020. The NPS, elected officials, and agricultural agencies, have long claimed—without evidence— that the public unequivocally supports ranching in these national parks. An independent analysis of the 7,600 comments found that more than 90 percent of the comments submitted during the GMPA/EIS NEPA planning process opposed the NPS's preferred alternative (Alternative B) on various grounds.

Alternative B provides for unprecedented 20-year ranch leases; permits diversification of livestock to include sheep, goats, turkeys and chickens in addition to the estimated 5,500 beef and dairy cattle in the Seashore; supports a new pastoral zone framework with hundreds of acres in newly designated "ranch core" areas converted to row crops, which may constitute "development" as defined by Section 20106 of the Coastal Act (e.g., grading, removing, or extraction of any materials; changes in the density or intensity of the use land, …change in the intensity of use of water, or access thereto); opening B&B's and retail stores; and lethally removal of some or all of the free-roaming elk that populate the environs of Drakes Beach—a measure meant to guarantee sufficient forage for the cattle, which outnumber elk at the Seashore 10 to 1.

These expanded commercial activities, which ranchers have long pressed for, are clearly intended to shore them up financially at a time when overproduction has pushed dairy prices to all-time lows and demand for beef and dairy products is in decline.

The PRNS preferred alternative described herein raises a number of concerns with respect to resource protection policies enumerated under the Coastal Act, including Section 30230 (maintenance of marine resources), Section 30231 (protection of biological productivity of coastal waters and water quality), Section 30244 (preservation of archaeological resources), Section 30233 (restrictions on filling of wetlands), Section 30230 (protection of marine resources), Section 30235 (limitations on shoreline altering development), Section 30240 (protection of ESHA), and Section 3353 (minimization of adverse impacts of development).

The NPS recently postponed the planned release of final GMPA/EIS until later this summer.

Relevant Legislative History

Congress established Point Reyes National Seashore (PRNS) in 1962 *"to save and preserve, for the purposes of public recreation, benefit, and inspiration, a portion of the diminishing seashore of the United States that remains undeveloped."*

Nothing in the enabling legislation provides for ranching in perpetuity, including in the pastoral zone—18,000 acres that constitute one-third of the national seashore leased to commercial beef and dairy operators. The continuation of ranching at the Seashore is at the sole discretion of the Secretary of the Interior.

Ranches at the Seashore predate establishment of the park. During the 1960s and 70s, the federal government paid ranch owners the equivalent of $380 million in today's dollars to purchase the land for the national park. The owners retained a right of use and occupancy of not more than 25 years, or for a term ending at the death of the owner or his or her spouse, whichever came later. But when the end

dates arrived around the mid-1980s, ranchers did not want to leave, and the National Park Service continued commercial ranching and dairying activities under special use permits. The ranchers continue to assert their entitlements at the Seashore and GGNRA, two NPS units that are managed by staff at Point Reyes National Seashore. Through powerful political allies and legislative maneuvering, 24 ranches and more than 5,500 cattle remain in the park.

Local Agriculture

By NPS estimates, ranching in PRNS and the GGNRA combined accounts for $16 million of Marin County's $96.5 million in agricultural revenues. The economic value attributed to tourism at Point Reyes Seashore in 2018 alone was more than $107 million.

Ranchers in the park pay no property taxes and are afforded unique subsidies, including below-market rent, deeply discounted grazing fees compared to those paid by ranchers outside the park, and NPS maintenance for their residences, fences, and ranching infrastructure. Local agriculture isn't bolstered by these subsidized operations. These unique benefits to ranchers in the park—at taxpayer expense—put local ranchers outside the park at a competitive disadvantage.

The ranches were added to the National Register in 2018, preserving them as historic resources. None of the working ranches in the park are open to the public. The NPS provides no interpretation of these ranches, which are regarded as family farms.
Various historic aspects of ranching have been replaced by massive modern infrastructure (i.e., the I ranch loafing barn development) necessitated by these commercial operations.

Ranches do not need to be in operation in order to be preserved as "historic"
resources. Under Alternative F, the seven qualities of historic integrity (location, design, setting, materials, workmanship, feeling and associations) relating to the ranching operation can remain intact as they have in other significant historic ranching districts such as the Santa Rosa Island Ranching District, Channel Islands National Park, as well as the Hunter Hereford Ranch Historic District, Grand Teton National Park. In its GMPA/DEIS, the NPS at Point Reyes does not adequately explore how cessation of ranching and dairying could provide for adaptive reuse and public use, interpretation, and enjoyment of these historic resources by increasing overall public access to these coastal resources.

Case and point: Pierce Point Ranch, which opened in 1858, ceased operations in 1973. Three years later, Congress authorized the creation of the wilderness area and incorporated the Pierce Point Ranch as habitat for the reintroduction of native Tule elk, a species that had been extirpated when the land was taken over for ranching. Pierce Point remains the only interpreted and publicly accessible ranch within the legislative boundary of PRNS.

Public Access and Interpretation in the Seashore and GGNRA

Point Reyes National Seashore is the only national seashore on the Pacific Coast. In addition to preserving an undeveloped swath of the California coast, the Seashore was envisioned to provide a national park experience to a growing urban population, including those who might not have the means to get to a Yosemite or Yellowstone. The Seashore is barely an hour from San Francisco and other parts of the Bay Area. It is accessible by public transportation and there's no entrance fee.

Surveys show that visitors come to the Seashore is to see wildlife and to be in nature. COVID-19 has focused attention on the growing need for outdoor recreation close to home, and the importance of parks and nature to health and well-being. Yet, contrary to the purposes of national parks, the public is excluded from one-third of the national seashore and encounters unofficial “No Trespassing” signs; locked gates; barbed wire fences; and trails, beaches, and waterways fouled by cow manure. Ranchers recently posted signs and closed the road to all visitors when the park was open to bicyclists and pedestrians. When informed, the acting superintendent claimed to be unaware that the ranchers had closed the road.

Cattle roam on trails and encroach on beaches, wetlands, and creeks, which are, at times, closed to the public due to high concentrations of fecal bacteria from cattle manure.

Water Quality

Numerous local, state and federal agencies charged with protecting water quality and marine environments have been enacted since PRNS was created in the 1960s. It is difficult for a layperson to navigate the maze of agencies and regulations regarding California’s water laws and the processes by which determinations are made.

It is unclear whether water-quality testing at the Seashore is conducted regularly, or at all, or by whom.

Testing data for coastal watersheds—particularly the Drake’s Estero Marine Wilderness Area—remains scarce. Despite a lack of current data on water quality, and known water quality problems within the planning area, we anticipate the NPS at PRNS and the SFRWQCB will continue to sign off on new conditional waivers that allow nonpoint source polluters (i.e., dairies) to continue to exceed the total maximum daily load of pollutants into the coastal watersheds and the marine protected area.

What is known is that tons of cow manure spread on parklands ultimately washes into creeks that flow into Drakes Estero—a federal wilderness area vital to migrating birds and marine mammals; Abbotts Lagoon; Tomales Bay, and surrounding coastal and marine environments. Kehoe Creek is distinguished as one of the most polluted waterways in the state. High fecal bacteria have closed public beaches and aquaculture in the Tomales Bay watershed.

Compliance by ranchers at PRNS traditionally has been lax, as have oversight and enforcement. The current conditional Clean Water Act waivers, issued to ranchers by the SFRWQCB in 2015, expired in June 2020. New 5-year waivers are imminent, despite known long term and ongoing discharges into the coastal watershed.
A 2020 letter from the SFRWQCB (attached) suggests that no areas of the Seashore other than those in a 2019 study of Olema Creek, are regularly monitored for water quality. No water data was provided in the letter, which states:

"We also received several comments that the Water Board is well aware that dairy manure is causing high fecal coliform levels in Point Reyes waters. We are not aware of the basis for this comment. While we cannot monitor every creek, the Water Board and our partners monitor water quality in some surface waters located near dairies and grazing operations. For example, we assessed Olema Creek bacteria levels to evaluate the effectiveness of the regional water quality improvement plan for the Tomales Bay watershed, which includes some Park lands.”

The 2019 study referred to above, *Management Scale Assessment of Practices to Mitigate Cattle Microbial Water Quality Impairments of Coastal Waters*, was conducted by agricultural agencies to assess mitigation measures (BMP) that could improve water quality at the Seashore. It recommends strategies to protect public health from waterborne microbial pollutants in grazed coastal systems, including fencing to keep cattle out of creeks and providing alternative drinking water sources for cattle.

These BMPs are neither new nor radical. A 2000 report by the CCC, *Nonpoint Source Program Strategy and Implementation Plan, 1998-2013* (PROSIP) states: *"MM 1E is intended to protect sensitive areas (including stream banks, lakes, wetlands, estuaries, and riparian zones) by reducing direct loadings of animal wastes and sediment. This may include restricting or rotationally grazing livestock in sensitive areas by providing fencing, livestock stream crossings, and locating salt, shade, and alternative drinking sources away from sensitive areas."* (p.90.)

Whether any of these BMPs have implemented at the Seashore in the 20 years since the CCC issued these recommendations is not apparent. Neither is it clear whether the NPS's "sign off" on CWA waiver applications is based on current data (or any data), or if the SFRWQCB requires or uses data in determining to renew the waivers. It is unrealistic and financially prohibitive that concerned citizens conduct water-quality testing or monitor the ranches for compliance with state and federal laws.

If recent or current data does exist for the creeks, ponds, estuaries, bays, lagoons, and ocean beaches at Point Reyes Seashore, it is beyond the public's reach. California Water Law is applicable to all federal lands. Water quality in the national seashore must be addressed.

Water Availability

In addition to ongoing concerns about water quality, the NPS at PRNS propose various developments in the planning area that raises concerns about changes in the intensity of water use and access thereto. The proposals delineated in the GMPA/DEIS preferred alternative (Alternative B) include maintenance of current stocking rates, diversification of livestock, and land-use change for row crops, but the GMPA/DEIS fails to analyze relevant climate futures (e.g., "Warm-Wet"; "Hot-Dry") scenarios to examine the natural resource impacts of sustained and increasingly altered land-use for commercial agriculture. At a minimum, the NPS at PRNS should have provided climate futures that include projected changes in annual and seasonal temperature and precipitation, as well as extremes of these variables.

Furthermore, as outlined in Runyon et al. 2020, because it can be difficult to infer resource impacts from temperature and precipitation changes alone, the NPS at PRNS should model water balance for the various alternatives provided in the GMPA/DEIS. Changes in water availability are almost always important to park resources.

The NPS at PRNS fails to integrate temperature and precipitation using a simple water balance model that can estimate changes in soil moisture, evapotranspiration, and ecological water deficit, where water deficit is the difference between the amount of water available to plants and the amount of water that plants could use if it were available (Lutz et al. 2010).

Without various credible, easily understood stories about future climates at PRNS, or projections for best- and worst-case futures, it is increasingly difficult for the public, government agencies, or other interested stakeholders to understand the changes in water balance under each of the proposed alternatives. As a

result, there is no way to surmise the implications for surface and/or groundwater flows, fire hazards, plan distribution and growth, forage availability, and other processes important for park management—especially under the preferred alternative in the GMPA/DEIS for PRNS (Bonan 2008).

Wildlife

Agriculture—animal agriculture, in particular—is known to have an outsized influence on conservation, preservation, and restoration outcomes for biodiversity across landscapes. In addition to the state and federal laws protecting Endangered, Threatened and Rare species, Point Reyes was designated a State Marine Conservation Area in 2010. Under California Code of Regulations (CCR) Title 14, Section 632, *it is unlawful to injure, damage, take or possess any living, geological or cultural marine resource for recreational and/or commercial purposes.*

Yet, commercial ranching and dairying activities PRNS and the GGNRA are within and adjacent to riparian, coastal sage scrub, dune, grassland, and/or oak woodland and maritime chaparral ecosystems, and the Draft EIS for PRNS has indicated that under both the "No Action" alternative and the "Preferred Alternative (B)" cattle ranching and dairying have altered and adversely impacted the resources associated with these sensitive habitat-types, including: soil erosion, erosion of sensitive coastal bluffs, soil compaction, and alteration of soil fertility; impacts to the watershed; emissions of criteria pollutants and greenhouse gases including ammonia (NH3), volatile organic compounds (VOC), carbon dioxide-equivalent (CO2e) emissions, fugitive dust, and particulate matter (PM2.5). Some such impacts meet the definition of "damage" provided in Section 13190(b) of Title 14 of the California Code of Regulations ("14 CCR"). A host of federal and state-listed native species within and around the Coastal Zone are at risk from the water pollution, habitat destruction, and predators related to ranching at the national seashore.

Over fifty plants at the Seashore are currently listed by the federal government, state government, or the California Native Plant Society. And more than fifty species of animals at Point Reyes are listed by the state or federal government as threatened, rare, or endangered, including many dependent on the coastal zone.

A few examples:

- Endangered Western Snowy Plovers nest in areas along Drake, Kehoe, and Limantour Beaches and the dunes at Abbotts Lagoon. Statewide, the nesting habitat for plovers was halved between 1970 and 2001 and the population has dwindled to a few thousand. Since then, the species has been subject of a multi-decade, multi-million-dollar recovery effort at the Seashore, frequently resulting in extensive beach closures during nesting session. The Plover chicks are predated by artificially large populations of common ravens that congregate at the ranches on the outer peninsula. In 2012, PRNS staff suggested immediate changes could be made by ranches to reduce Common Raven attraction, such as covering food troughs and calf housing; erecting exclusion fencing; and prompt removal of raven food sources (e.g., uneaten or scattered feed, placentas, and carcasses). In the 2019-20 Western snowy plover nesting season, common ravens have continued to cause impacts to this endangered species. As of May 15, 2020, 57 percent of nests had failed and 75 percent of failed nests were preyed upon by Common Ravens.

- According to water-quality data downloaded from The Water Quality Portal, a cooperative service sponsored by the U.S. Geological Survey, Environmental Protection Agency and National

Water Quality Monitoring Council, Kehoe Creek consistently exceeds water quality criteria and standards and is one of the most polluted waterways in the state.

- Drakes Estero, the ecological heart of Point Reyes National Seashore and the only Marine Wilderness Area on the West Coast, is contaminated with cattle manure. Cattle are frequently seen on the wetlands and beaches of the estuary (see photos). Offsite discharges also flow into Drakes Estero. Eel grass, crucial to marine mammals and migrating birds, is under restoration at the Estero, but compromised by cattle impacts to the estuary and watershed.

- Abbotts Lagoon suffers from cattle manure effluent that dairy ranchers routinely spread on park pastures.

- Tomales Bay is listed as "impaired" under the Water Quality Control Policy for Developing California's Clean Water Act, Section 303d

Climate Impacts

California's sand dunes are relatively limited due to its young, tectonically active coastline. Dunes provide a number of ecological and human benefits, including wildlife habitat, recreation, water purification, and beach access.

The NPS recognizes that PRNS is vulnerable to sea level rise. Its own website includes projections of significant inundation and loss of coastal habitats as a result of climate change.

The scientific modeling shows us that the consequences for our park's coastal landscapes are serious, including flooding, beach erosion, and saltwater intrusion. A 2005 report by the U.S. Geological Survey entitled "Coastal Vulnerability Assessment of Point Reyes National Seashore to Sea-Level Rise" indicates that areas such as Limantour Beach and Drakes Beach, which are ecologically important as well as favored visitor attractions, will go through the most drastic alterations due to sea level rise. Such "coastal squeeze" will continue to create hurdles to dune restoration and limit habitat for the myriad species that rely on these ecosystems at PRNS.

The NPS's draft GMPA/EIS reveals that cattle are the largest source of GHG emissions at the Seashore, surpassing the GHG of the cars that deliver 2.5 annual visitors to the Seashore. However, the EIS does not discuss mitigation for the GHG (methane) produced by thousands of cattle. Nor does it account for the additional GHG emitted by trucking in cattle feed from the Central Valley and Nevada when the grasses at the Seashore are depleted.

In 2008, PRNS joined the Climate Friendly Parks Network, a collaboration between the Environmental Protection Agency and the National Park Service. Its 2010 Climate Action Plan claims to have achieved a 14 percent reduction in GHG through implementing solar panels and electric shuttles. Its Climate Action Plan also calls for exchanging incandescent light bulbs with LEDs and biking to work. The plan mentions methane digesters that, if installed, could convert cow manure to electricity. However, there is no mention in the EIS of installing them, nor of reducing the number of cattle that are the source of the GHG problem.

The answer, according to ranching advocates, is "carbon farming," a method by which the cattle are constantly rotated among pastures to lessen the soil compaction, erosion, overgrazing, and manure

concentrations that result from current grazing practices at the Seashore. In theory, rotating the cattle promotes carbon sequestration. Unfortunately, native grasses, which have deep roots and have been shown to be even more effective than forests in sequestering carbon, have been almost entirely replaced by exotic plants with limited capacity to retain carbon or stabilize the soil.

Replacing cattle with native grazers and restoring native plants are not discussed in the EIS. Of the six alternatives the NPS analyzed, only Alternative F, which would phase out ranching, eliminates many of the environmental and climate impacts to the park and coastal zone.

Johne's Disease

A potentially fatal bacterial disease has been found among free-roaming elk herd at Point Reyes National Seashore, raising concerns about the proximity of wildlife to cattle on national parkland.

Johne's Disease (pronounced Yo-nees) is a contagious and chronic intestinal disease that afflicts cattle—particularly dairy cows. Other ruminants, deer, sheep, goats, antelopes, elk—also are susceptible when they come into contact with water or forage where the fecal bacteria that carry the disease are present. (See Letter to the NPS on Johne's Disease attached.) Johne's is a "zoonotic disease," meaning it can spread between species and "spill over" from animals to humans. Zoonotic diseases cause billions of cases of human illness each year.

The NPS is aware that Johne's disease has infected elk and deer at the Seashore, but has not tested cattle at the Seashore in 40 years.

"A 1979 study documented the presence of Johne's disease in 5 of 10 dairy herds tested at Point Reyes National Seashore (PRNS) (Riemann et al.). The disease has been documented in Tule elk at Tomales Point Elk Reserve during the course of several studies since 1980 (Jessup et al. 1981, Manning et al. 2003, Cobb 2010). Johne's disease has been detected in (now-extirpated) axis and fallow deer at Point Reyes (Riemann et al. 1979), and several studies have documented Johne's in North American deer species, suggesting that black-tail deer at Point Reyes are potential carriers of the disease."

More is now known about Johne's Disease. Recent studies of the bacteria responsible for Johne's Disease, *M. a. paratuberculosis* (MAP), found the bacteria in humans with Crohn's Disease. (A direct causal link is not yet confirmed.) MAP also is associated with a number of other human illnesses including irritable bowel syndrome, rheumatoid arthritis, Type 1 diabetes, and colorectal cancer.

According the U.S. National Advisory Committee on Microbiological Criteria for Foods, *the bacteria associated with the disease, called MAP, survives in cattle feces, water and soil… and can come into contact with food crops that result in human exposure."*

The draft EIS for the Seashore omits the impacts of Johne's to wildlife, as well as potential human health risks of the disease. Neither is the likely role of cattle manure in spreading the disease discussed. Cattle manure is routinely spread over park pastures as slurry, (see photo), which runs off into the park's waterways and Coastal Zone.

Alternative B—the NPS's "preferred alternative" expands livestock agriculture to include goats and sheep—animals highly susceptible to Johne's Disease that are known to transmit the disease. More than 2.5 million people visit Point Reyes Seashore annually. The confined cattle operations and manure

concentrations are at dairy ranches in the coastal areas that are popular with visitors, who are likely to come into contact with water sources and land subjected to manure spreading. At very least, the NPS needs to consider mitigation and inform the public of the risks of exposure.

Conclusion

Per Section 30007.5 of the California Coastal Act, the Legislature finds and recognizes that conflicts may occur between one or more policies of the division. It is clear the numerous alternatives proposed in the PRNS GMPA/DEIS present policies and recommendations that conflict with various CCC policies (e.g., natural resource protection and desires to preserve coastal agriculture and public access). The Legislature also declares that in carrying out the provisions of the CCC, "such conflicts be resolved in a manner which on balance is the *most protective of significant coastal resources"* (emphasis added).

Given the myriad concerns and conflicts expressed above, we implore you to take great care in resolving conflicting policies within the planning area in a manner that is most protective of these coastal resources.

Thank you for your consideration of these impacts when considering the consistency of the NPS's forthcoming GMPA with California laws.

We welcome continued engagement with you.

Sincerely,

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