

CALIFORNIA COASTAL COMMISSION

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CD-0006-20 (National Park Service)
April 22, 2021

CORRESPONDENCE
(received as of April 19, 2021)

Organized Groups
Part III



April 15, 2021

Mr. John Weber, Analyst
North Central Coast District
California Coastal Commission
Via email

Dear Mr. Weber,

I would like to call your attention to recent reporting regarding hazardous impacts from in-park dairy and beef ranching to coastal resources adjacent to Point Reyes National Seashore. A letter, published April 4 in the *Marin IJ*, connects the presence of diseased and dead sea stars, mussels and barnacles with pollution from cattle manure runoff at Kehoe Beach. The researchers, led by Dr. Sarah Cohen, SFSU Estuary and Ocean Science Center, observed the affected marine life in June 2020

Six months later, independent water quality tests showed E. coli or enterococci levels two to 300 times higher than accepted standards in Kehoe and Abbotts creeks and lagoons.

The researchers assert that there is a direct association between sea star wasting (SSW) and runoff from Seashore ranches near Kehoe Beach, supported by new scientific evidence: “organic matter from land-based sources is a potential contributor” [to SSW]; and the evidence is “consistent with worldwide cases of marine disease linked to human-derived contamination of oceans”. Whether or not the direct causal link is proven at this time, the Precautionary Principle states that steps must be taken to protect against the risk.

Over a dozen rare, threatened and endangered marine species are endemic to coastal waters that drain the watershed where cattle graze. Between 2000 and 2013, the park service tested and determined that these creeks and streams contained high levels of pollutants related to cattle but has failed to improve conditions or re-test over the past decade.

Recently, park spokesperson Melanie Gunn stated that cattle pollution is “expected after a rain event.” Later she added, “Over long periods of time, we’re trying to improve the water quality in all areas of the park where there’s ranching.”

NPS’s passive approach flies in the face of the 30x30 Initiative adopted by California and the US. The Initiative makes clear that only urgent action will preserve biodiversity and address the climate crisis.

Sea star and Tule elk die-offs, and the independent water quality tests signal that impacts from cattle extend well beyond the ranch fences. Yet the Park Service has put forth a plan that lacks critical water quality and water quantity data necessary for assessing the harms of ranching and managing the Park's natural resources, especially under worsening drought conditions. The plan also lacks enforceable mechanisms to protect critical coastal habitat that wildlife that must rely solely on natural resources for their survival.

As you deliberate, I respectfully request that the Coastal Commissioners withhold their approval of the NPS plan for the Seashore--until you have critical information you need to make an ecologically sound determination.

(Please see the letter and links to the research publications at the end of this email).

Thank you for your commitment to preserving and protecting our precious coastal resources,

Deborah Moskowitz, President

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<https://www.marinij.com/2021/04/03/marin-ij-readers-forum-for-april-4-2021/>

Park Service must consider harm to sea stars

Recent high coliform counts at several Point Reyes National Seashore waterways prompt us to raise concern for the health of proximate marine invertebrates.

Western Watershed Project commissioned tests Jan. 27 and 28 which showed *E. coli* or enterococci levels two to 300 times higher than accepted standards in Kehoe and Abbotts creeks and lagoons. The National Park Service tested park water quality from 2000 to 2013, but not subsequently. In 2013, the Pacific Coast experienced a massive die-off of sea stars. In December 2013 and twice in 2014, The Multi-Agency Rocky Intertidal Network observed sea star wasting disease (SSW) at Santa Maria Creek to Drakes Bay. Disease was not observed there from 2015-2019, or at McClure's Beach in 2018, as sea star populations showed some recovery.

In June 2020 at Kehoe Beach, as volunteers for San Francisco State University researcher Sarah Cohen, we observed many sea stars with SSW signs and many dead mussels and barnacles. In August 2020, our McClure's survey revealed more than 50 *Pisaster ochraceus* with SSW characteristics — twisting, white patches, missing rays and “melting.”

In January 2021, the group study “Evidence that microorganisms at the animal-water interface drive sea star wasting disease” was published. It substantiates that organic matter, possibly from

land-based sources, could be responsible. The data are consistent with worldwide cases of marine disease linked to human-derived contamination of oceans.

Sea stars are a keystone species critical for maintaining the ecological balance in the ocean's intertidal and subtidal zones. California's North Coast is struggling with kelp forest loss from overgrowth of sea urchins normally controlled by sea stars. The NPS has been delinquent in monitoring water contamination at Point Reyes. As it contemplates a 20-year commitment to ranching in Point Reyes, it needs to reconsider implications for life in the adjacent Greater Farallones National Marine Sanctuary.

— *Elizabeth Schriock, Corte Madera, and Carol Hunt, Woodacre*

<https://doi.org/10.3389/fmicb.2020.610009>

Evidence That Microorganisms at the Animal-Water Interface Drive Sea Star Wasting Disease

<https://doi.org/10.1002/ece3.7283>

Temporal and spatial variation in population structure among brooding sea stars in the genus *Leptasterias*

April 15, 2021

Mr. John Weber, Analyst
North Central Coast District
California Coastal Commission
Via email

Dear Mr. Weber,

We are writing on behalf of Resource Renewal Institute regarding the California Coastal Commission's (CCC) pending Consistency Determination (CD) for Point Reyes National Seashore (PRNS).

We believe that the Coastal Commission's "conditional approval" of the National Park Service's (NPS) preferred alternative ("Alternative B") is inconsistent with the protection of coastal resources to the "maximum extent feasible." The NPS plan lacks crucial timely data regarding environmental spillover impacts to the Coastal Zone. For decades, the NPS has failed to monitor the environmental impacts of ranching, resulting in some of the worst water pollution in the state.

Whether for a lack of capacity, will or by design, the NPS chose laissez-faire over measuring, monitoring and managing ranching's impacts on the public's resources.

The Big Picture

There is international consensus among scientists that the next twenty years—the terms of the leases the NPS seeks to provide at Point Reyes Seashore—are crucial to facing the dual challenges of climate change and the accelerating loss of species.

In light of these crises, the Biden Administration's Department of the Interior (DOI) is reprioritizing department-wide climate action and science-based outcomes. Secretary of the Interior Deb Haaland today issued two Secretarial Orders to prioritize action on climate change throughout the Department and to restore transparency and integrity in the Department's decision-making processes, revoking orders that are out of alignment with Biden Administration priorities.

- [Secretarial Order 3399](#) provides policy instruction to ensure that the level of National Environmental Policy Act (NEPA) analysis across DOI bureaus is not diminished, that climate change is appropriately analyzed, and that Tribes and environmental justice communities are appropriately engaged.
- [Secretarial Order 3398](#) revokes a series of Secretarial Orders issued in recent years that are inconsistent with the Department's commitment to protect public health; conserve land, water, and wildlife; and elevate science. Collectively, those Orders tilted the balance of public land and ocean management without regard for climate change, equity, or community engagement.

Climate Impacts

A Point Reyes National Seashore, NPS's GMPA/EIS, [like their 2010 Climate Friendly Parks publication](#), explains 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 National Park Service's preferred alternative does not seek to mitigate emissions produced by thousands of cattle (*See Figure 1*).

TABLE 23: ANNUAL LIVESTOCK-RELATED EMISSIONS FROM RANCHING UNDER ALTERNATIVE B (TONS/YEAR)

	NH ₃	VOC	PM _{2.5}	CO ₂ -Equivalent (metric tons/year)
Existing Conditions	104.9	46.9	0.671	24,601
Alternative B	105.3	46.6	0.706	24,468
Net Change	0.4	-0.2	0.035	-133
% Change	+0.37%	-0.49%	+5.23%	-0.5%

Figure 1. Source: National Park Service, Final GMPA/EIS

Nor does the GMPA/EIS 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 fact, the NPS states that

Alternative B would contribute adverse impacts from cattle, Manure and Nutrient Management, fugitive dust, and mobile source emissions. When the incremental impacts of alternative B are combined with the impacts from past, present, and reasonably foreseeable actions, the total cumulative impact on air quality would be adverse[...]

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 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 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. In addition, with changing precipitation patterns—and as we enter another drought—we expect operations to fail to meet residual dry matter requirements, resulting in worsening soil health and more carbon leaving this system.

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

Water Availability

The NPS preferred alternative in the GMPA permits various developments in the planning area that raise concerns about changes in the intensity of water use. Droughts in California and Marin County [continue to shift water demand and water supply](#). On December 15, 2020, the [Marin County Board of Supervisors declared](#) an agricultural emergency drought condition due to the lack of rainfall. In an April 16 Marin Independent Journal article, it is reported that Marin County ranchers say this year’s drought and record low rainfall is the worst they can remember. Furthermore, the article state, “[t]his year’s record low rainfall is the second consecutive dry winter in Marin and California. Just 20 inches of rain fell at Lake Lagunitas this rainy season, the second-lowest amount in 143 years of records and just shy of the record low of 18 inches in 1924. Stafford Lake in Novato has only recorded about 8 inches of rain, the lowest on record since 1916.” The Marin County Agricultural Commissioner’s office has asked the county’s two largest water suppliers to allow ranchers to draw reservoir water from Marin’s already drastically depleted reservoirs.

Based on the number of permitted cattle in the planning area, the National Park Service estimates that the beef operations use approximately 12,000 gpd to 34,800 gpd, and the dairy operations use approximately 75,914 gpd to 175,695 gpd, for a total water usage of approximately 32 million gallons (98 acre feet) to 77 million gallons (236 acre feet) per year.

The GMPA suggests, instead of measures to reduce cattle, that new wells and pumping plants near coastal water features be developed to meet the increased demand for water. Despite the increasing frequency of drought and the imminent water conservation measures in Marin County, under their preferred alternative the Park Service and ranchers plan to develop up to 25 new Spring, 40 Livestock Pipelines, 30 Watering Facilities, and 24 Pumping Plants over the next 20-year. There is no analysis of available groundwater.

In late 2020, the NPS issued emergency permits allowing dairy ranches to pump water from wetlands and streams around Abbotts Lagoon to supply their herds and operations. No environmental analysis was conducted because of the “drought emergency,” though these emergency permits.

Between November 26th and December 7th, nearly a half dozen individuals contacted RRI to share that commercial agriculture operations received “emergency permits” to extract from what surface water remains from various wetland ecosystems in the planning area. Pumps have been found between Abbotts Lagoon and Kehoe Creek, siphoning even more water from numerous freshwater emergent wetlands and freshwater forested/shrub wetlands, which can be found in the US Fish and Wildlife Service’s National Wetlands Inventory. These wetlands provide a crucial water supply for the Riverine intermittent streambed and Riverine tidal drainage at Kehoe Beach (*See one such permit document attached*).

Another member of the public alerted us to a new well that has been established directly across from Abbott’s Lagoon, within the zone of a freshwater emergent wetland that feeds the lagoon. Abbotts is one of the most important water features in the planning area, and RRI is deeply concerned that the removal of more water from the coastal watershed compounds documented concerns at Abbott’s Lagoon, such as eutrophication of water resources due to high nutrient input from the ranching operations

While the National Park Service has not provided adequate data to determine drought vulnerability and impacts within the planning area and believes there will continue to be efforts to minimize impacts (per the Commission Staff Report there is a lack of data on water quality testing, groundwater, etc.), Resource Renewal Institute believes ranching operations as proposed in the planning area will continue to have direct, impermissible impacts on ESHA and wetland habitat.

We believe the GMPA’s preferred alternative will greatly contributed to risks of ecological drought on coastal ecosystems such as water quality conditions, salinity, freshwater inputs, water levels, soil conditions, vegetation stress, and species composition within and around the Coastal Zone. Episodic deficits in water availability can drive ecosystems in the planning area beyond thresholds of vulnerability, impact coastal ecosystem services, and trigger unpredictable feedbacks in natural and/or human systems.

The recent mass die-offs of tule elk, for example, are easily trackable and highly visible impacts of ecological water deficit, but these aren’t the only impacts. Without more data, it is hard to be sure whether or not other listed/threatened coastal resources and ecosystem functions inside and adjacent to the planning area will experience population-level impacts. It is imprudent to concur or conditionally concur with a plan based on a desired outcome or a hope for data at a future date--that is not how the Commission should ensure the protection of coastal resources to the maximum extent feasible.

At a minimum, the GMPA should have provided climate futures that include projected changes in annual and seasonal temperature and precipitation, as well as extremes of these variables when considering more intensive agricultural operations at the Seashore. As outlined in Runyon et al. 2020, because it can be difficult to infer resource impacts from temperature and precipitation changes alone, the NPS should model water balance for the various alternatives provided in the GMPA/DEIS. 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. Without the analysis it is difficult to assess the implications for surface and/or groundwater flows, fire hazards, plant 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).

Water Quality

The NPS has not conducted water-quality testing at the Seashore since before 2013. No areas of the Seashore other than those in a 2019 study of Olema Creek, are regularly monitored for water quality. No current water data is provided in the GMPA EIS. Ranchers test the streams but are not required to share the data with the NPS. Frustrated with the lack of data, park advocates commissioned an independent lab in January 2021 to take water samples at streams draining the ranches. The data were compared with existing, though outdated, data from samples taken at the same sites. The recent samples contained E coli and (other pathogens) in levels well in excess of allowable standards. The NPS's initial response was to dismiss the findings and minimize the public health risk. However, the resulting media coverage pushed the SFRWQCB to perform more testing in the future. Until then, testing of coastal watersheds—particularly the Drake's Estero Marine Wilderness Area—remains scarce, despite known water quality problems within the planning area. Meanwhile, the NPS and the SFRWQCB continue to sign off on 5-year conditional waivers that permit 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. The impacts of water pollution from ranching will continue until ranchers adopt BMPs, which the NPS does not require. Data suggest that BMPs have either not been implemented at the Seashore or have not improved the water quality there in the 20 years since the CCC issued these recommendations. Though testing and monitoring are vital, ranchers have long resisted oversight. There is no discussion of funding for water quality improvements in the GMPA or the CCC's conditional approval of it. Typically, ranchers say they be incentivized (aka publicly funded) to do what's necessary to protect water resources.

As the CCC describes, bacteria and nutrient loading from beef ranches, dairy operations, stormwater runoff from roads and other developed areas, and other activities associated with ranching could result in algal blooms, depressed levels of dissolved oxygen, and introduction of pathogens that could adversely affect water quality in the planning area and affect coastal species within coastal zone waters. Excess sedimentation could alter in-stream habitats, making it difficult for salmonids and other species to find suitable spawning habitat,

Douglas Lovell, whose water quality report of January 2021 was submitted to the CCC by Western Watersheds Project on March 4, 2021, concluded that while further BMPs may further reduce bacteria contamination, "it is likely that exceedances of applicable criteria will persist." Lovell Report, at 5. He further concluded that based on his test results, macronutrient pollution "appears to persist at concentrations similar to those that predated the reported implementation of [BMPs]" and global warming will exacerbate this problem. Ibid. He also concluded that "to adequately protect surface water quality" it will be necessary to reduce "the localized abundance of cattle waste." In other words, while BMPs can reduce surface water

pollution, they will never reduce bacteria or nutrient levels adequately to meet water quality standards.

Thus, as the CCC staff report states, the NPS' analysis concludes that the proposed zoning and subzoning framework would be more protective of water quality than the present situation, but its application would not eliminate the potential for non-point source runoff or waste discharges to negatively affect water quality. Continued grazing and ranching activities could result in habitat effects on salmonid and other aquatic species' habitats through increased sedimentation, or affects to these species from water quality pollution. (p. 50). While things may *improve*, we want to remind the Commission and the Commissioners that the proposed plan must be consistent with the Coastal Act. It is not enough to be "better."

Wildlife

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. 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*. Agriculture—animal agriculture, in particular—is known to have an outsized influence on climate, conservation, preservation, and restoration outcomes for biodiversity across landscapes One of anthropogenic influences that dominates the GMPA's planning area and impacts listed species within the planning area and the adjacent coastal ecosystems is the artificial abundance of ravens subsidized by animal agriculture.

It is well documented that abundances of the Common Raven (*Corvuscorax*) and American Crow (*C. brachyrhynchosh*) have increased substantially over much of North America (Marzluff et al. 1994, Boarman and Heinrich 1999, Sauer et al. 2001).

Throughout their range, ravens appear to be invading agricultural areas to a greater extent than urban areas (Marzluff et al. 1994, Marzluff and Restani 1999). In the San Francisco Bay Area, the highest numbers of ravens occurred in the pastoral zone of Point Reyes National Seashore (Kelly, Etienne, and Roth 1999). In such coastal habitats, ravens feed on livestock carcasses, grain in cattle feedlots, and a variety of other foods found in grasslands, at public picnic areas, and along dunes and beaches (Roth et al. 1999). National Park Service Raven Monitoring Reports have found calf huts at dairy ranches in Point Reyes National Seashore to be major attractants to ravens due to open and easily accessible feed buckets (Press 2012).

Of particular concern is whether increases in numbers of ravens and crows might signal increases in nest predation of other native species including waterfowl (Stiehl and Trautwein 1991), the Marbled Murrelet (*Brachyramphus marmoratus*; Singer et al. 1991, Nelson and Hammer 1995), Snowy Plover (*Charadrius alexandrinus*; U.S. Fish and Wildlife Service 1993), Least Tern (*Sterna antillarum*; Fancher 1992, Avery 1995), Common Murre (*Uria aalge*; Thayer et al. 1999, Roth et al. 1999), herons and egrets (*Ardeidae*; Parsons 1995, Kelly and Fischer 2000), and forest-nesting passerines (Asndren 1992, Buler and Hamilton 2000).

Many corvids are opportunistic predators on other avian species and have the potential to adversely affect their populations. In 1998, Great Egrets at the Bolinas Lagoon Preserve of Audubon Canyon Ranch (ACR) suffered severe nest predation by resident ravens. Most nests were lost when nestlings reached 3.5-5 weeks of age and only 30 young were successfully fledged, compared with an expected production of 100-150 young based on annual monitoring since 1967 (Kelly and Roth 2001).

The negative impacts of cattle grazing and ranching impacts on snowy plovers at PRNS are well documented and discussed in the FEIS. The biggest impact is from the 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 (USFWS, 2002; Point Blue, 2015).

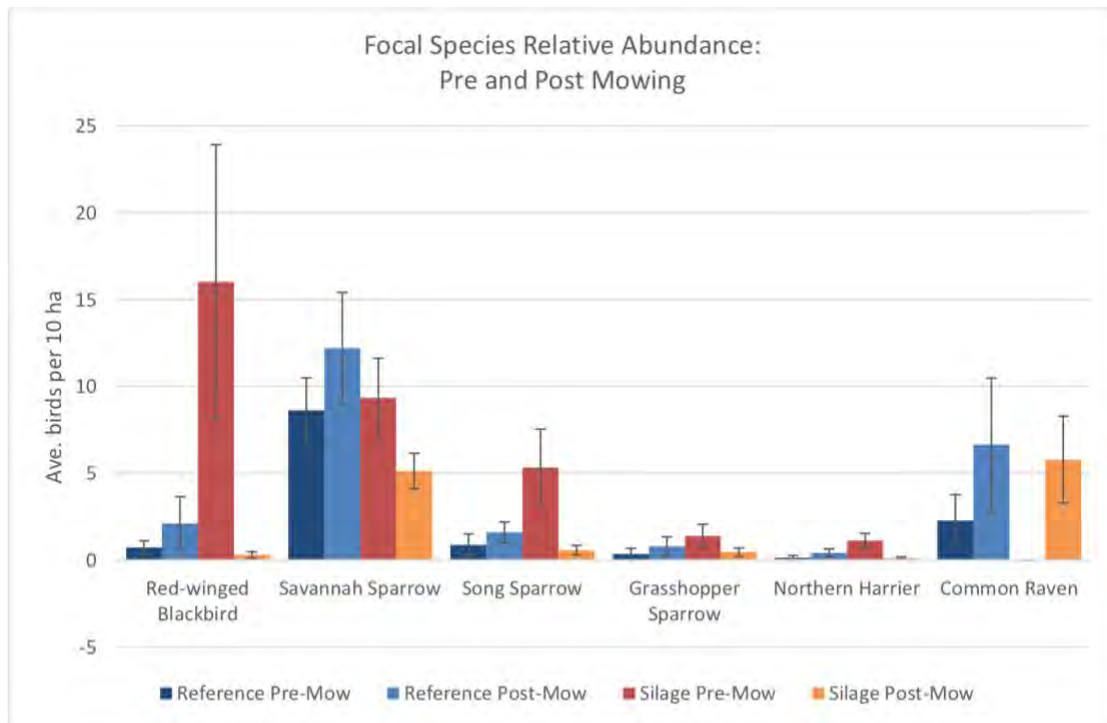
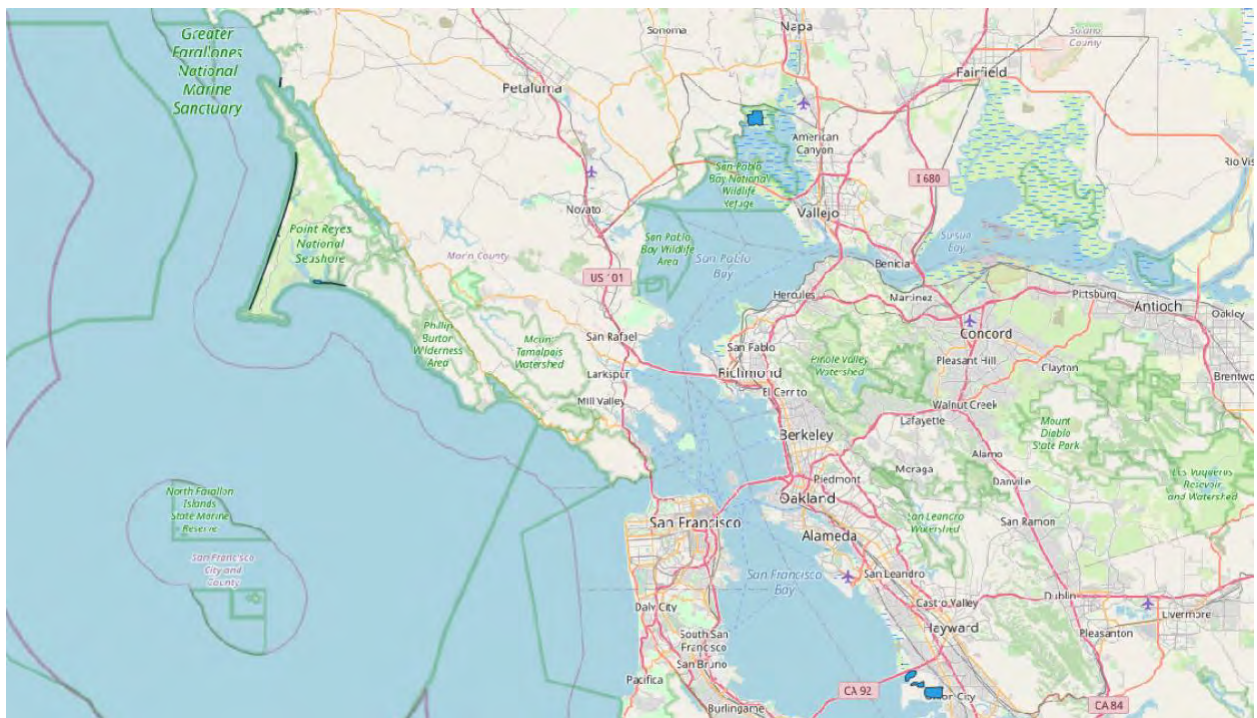


Figure 6. Mean relative abundance (birds per 10 ha) of focal species per visit per plot (with standard error bars) for pre-mowing and post-mowing periods in reference and silage plots (n=9 plots for each) as detected by Point Blue Conservation Science in PORE in 2015.

Snowy plover populations, with environmentally sensitive habitat along the coasts of Point Reyes National Seashore (see map below), declined 32% from 1986-2000 largely because of nest predation by ravens (Ruhlen and Abbott 2000, Point Reyes National Seashore report).



In 2012, of the 52 disturbances to 10 predefined common murre sub-colonies at Point Reyes National Seashore, 23 events were predation events during which murre eggs or chicks were taken by ravens (Press, 2012). In this same year. Juvenile brown pelican nests were also disturbed by ravens, causing loss of eggs and/or chicks. “Results indicate that the proximity to ranch lands may play a role in the amount of corvid predation on common murre colonies” (Press, 2012).

A study conducted by Point Blue (formerly Point Reyes Bird Observatory/PRBO), Audubon Canyon Ranch, USFWS, and PRNS on the ecosystem- level management of common ravens

(1999), recommended alteration of land-use practices (i.e. ranching) and the possible use of controlled taste aversion (CTA) to control the common raven population and reduce depredation

Starting in 2011, the National Park Service has routinely contracted with USDA Wildlife Services for targeted removal of ravens adjacent to common murre colonies in Point Reyes National Seashore. These expenses cost an average of \$40,000/y.

Press (2012) suggests immediate changes could be made by ranches to reduce common raven attraction, such as covering food troughs and calf housing areas, erecting exclusion fencing to keep cows away from sensitive areas, and prompt removal of raven food sources (e.g. uneaten or scattered feed, placentas, and carcasses).

And yet, common ravens have continued to cause a number of snowy plover nest failures so far in 2019. Of the 14 nests discovered by May 15th, eight have failed; of these eight failed nests, six were preyed upon by common ravens (75%) (Lau, 2019).

In a meeting on March 29, 2021, David Press stated that it is really just a couple of bad ravens that cause the trouble, that the public probably would not support lethal removal of this charismatic native bird, and that there would be other predators that snowy plovers are susceptible to, even if conflicts with ravens were mitigated. That, after all, is why this species is endangered. This, however, doesn't properly address the cause for concern as repeatedly discussed over the last 5-10+ years (and as discussed at the meeting on March 29th).

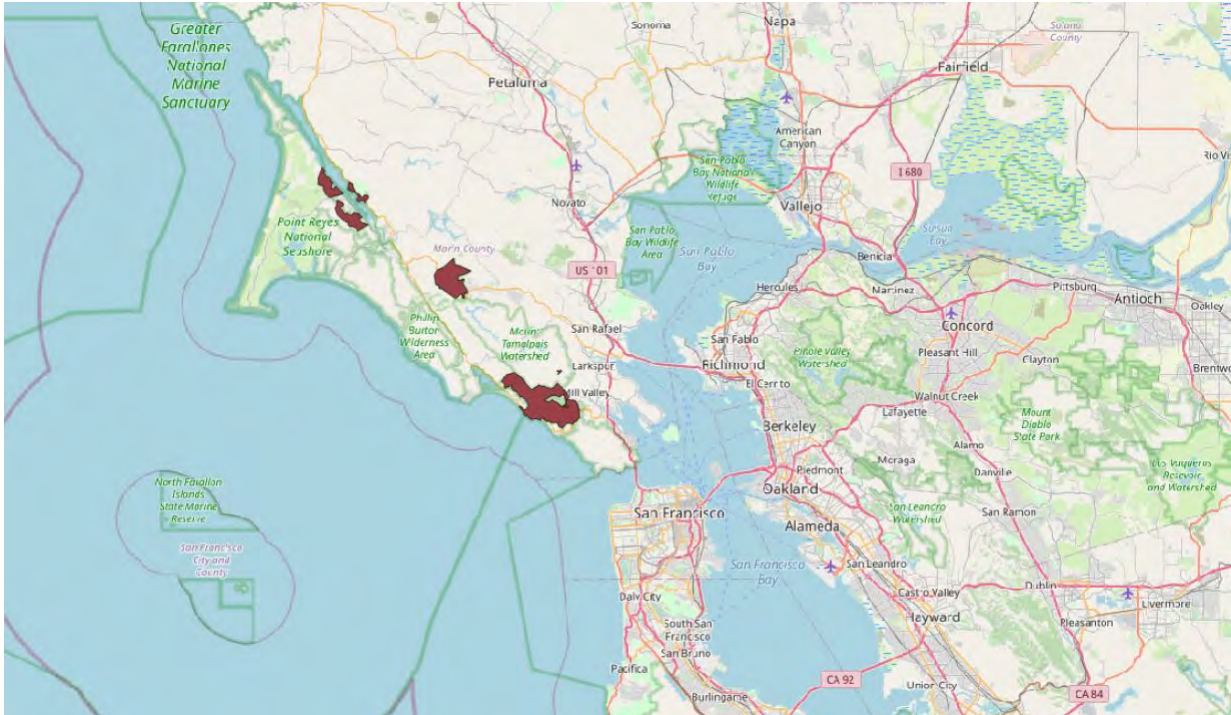
The "best management practices" for addressing conflicts with ravens within the National Seashore, as well as those that spill over to nearby habitats, have failed to address root causes. Since my initial 2015 meeting with Dave Press and the Point Reyes Superintendent on this issue the talking point has been the same: "we will just need to cover feed bins out at the ranches." In the nearly 6 years since we have seen ongoing damage to these native species.

It seems as if, over the last two decades, various attempts to curtail the artificially high number of ravens at Point Reyes National Seashore have been ineffective. As the famed Point Reyes naturalist and author, Jules Evans, stated in the previous (attached) correspondence with you all:

"Although adverse consequences of current ranching practices on plover reproductive success are explicitly stated in the BA, the alternatives provide no solution other than vague statements about the Park "working with ranchers." The plover-raven issue is just one example of the failure to protect, preserve and foster natural resources within the Park by the alternatives outlined in the GMPA."

The CCC finds the mitigation efforts proposed in the GMPA/FEIS to be "reasonable"; however, we remain concerned that the on the ground management is far from the ideals described in the management documents and correspondence with NPS staff.

Furthermore, the literature raises questions about other spillover impacts to other species that have been sited in the park as recently as this year and that potentially nest in old-growth ESHA nearby, such as Marbled Murrelets, (See Murrelet ESHA map below)



In U.S. Fish and Wildlife Service's (USFWS) 2019 5-Year Review of the Western Snowy Plover [Pacific Coast population Distinct Population Segment], USFWS state that threats to the Western Snowy Plover have not changed significantly since the last 5-year review. Evidence of habitat loss and degradation remains widespread; while the degree of this threat varies by geographic location, habitat loss and degradation attributed to human disturbance, urban development, introduced beachgrass, and expanding predator populations remain the management focus in all six recovery units.

Resource Renewal Institute plans to continue to have a dialogue with the NPS about this issue. But encourage the CCC to reconsider the reasonableness of the proposed "innovative" approaches that have been stated for years while listed species continue to face threats of predation due to associated activities taking place in the Point Reyes National Seashore Pastoral Zone--namely, ranching, and dairying, and associated silage mowing and calf hut management practices. While each recovery unit has its own challenges, we *do know* that in *this location* impacts can be mitigated by addressing raven populations and the land use policies that affect these listed species *in this unit*.

Costs and Benefits

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.

Proponents of ranching in West Marin have long claimed that the agricultural economy depends on the ranches at the Seashore. In fact, ranches in the Seashore receive substantial subsidies and tax advantages that may provide a competitive advantage over ranches operating outside the Seashore. However, there is no economic analysis on the economic impact to the region should the commercial ranching in the Seashore cease. Neither the NPS nor pro-agricultural interests have considered alternatives such as retraining or re-employing the approximately 90 farmworkers currently employed at the Seashore ranches. On the contrary, the GMPA is dedicated to the expansion of commercial activities intended to ensure that ranching continues at the Seashore even as consumer demand for beef declines along with prices for dairy products. The benefits of these heavily subsidized ranching, which largely accrue to 24 leaseholders, must be weighed against the costs of the impacts to the marine

environment, climate, water quality, endangered species and the public health benefits of outdoor recreation that these public lands offer.

Cultural Resources

Access to these coastal public lands and resources is limited by ranching on one-third of the national seashore. Thousands of years of history and culture of the Point Reyes peninsula's native inhabitants continue to be subordinated to the selective history of ranching at the Seashore (minus human genocide and extirpation of native wildlife). The NPS has avoided describing what was there originally—a rich bunchgrass prairie landscape with Indians and elk. The Coast Miwok did many small burns every Fall to clear brush out and the elk grazed grasses and browsed brush, and the NPS has failed to apply traditional ecological knowledge to manage this landscape. Relict prairie, native wildlife and traditional Native American management practices could be restored—an alternative for the Seashore the NPS has refused to consider, despite public comments requesting it.

Inadequate Data and Accountability

Both NPS's plan and the Coastal Commission's "conditional" remedy recognize the environmental harms of the status quo. The NPS, long underfunded, provides no analyses or assurances of its capacity to monitor the intensive commercial activities it seeks enshrine at this coastal park. Neither the NPS plan nor the CCC recommendation offer specificity—the cost (and who pays); testing protocols, timeline and benchmarks for compliance; the recourse should the required measures to protect California's coastal resources fail. In the absence of the above, the GMPA portends business as usual and an ongoing lack of accountability.

The CCC states that the NPS only seeks Commission concurrence with the detailed elements at this time. Meanwhile, they also acknowledge that range management and monitoring requirements would be described in these ROAs, which also would contain provisions to ensure that NPS management goals would be met. Furthermore, the CCC acknowledges that the 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. (p. 6) This doesn't sound lack the detail necessary for the CCC to make an informed decision.

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 present policies and recommendations that conflict with various CCC policies (e.g., natural resource protection, impacts to rare, threatened and endangered species, and the need 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).

The NPS has not provided the CCC the necessary information to confidently approve the Consistency Determination for Point Reyes National Seashore, such as:

- Timely data and analysis to support the changes proposed in the GMPA
- A budget demonstrating the NPS's capacity to implement the GMPA and mitigation of impacts to coastal resources, including but not limited to water quality
- A plan that reflects projected climate change and drought implicated in recent wildfires and the deaths of native wildlife
- Analysis of available water supplies to meet the demands of the GMPA.
- Analysis of the Seashore ranches impact on the regional economy.

- The projections for beef and dairy consumption over the proposed 20-year lease terms.

We thank the Coastal Commission for its work and ask that the Commission withhold its approval of the Consistency Determination pending additional information from the NPS.

Sincerely,

Deb Moskowitz
President, Resource Renewal Institute
debmosk@gmail.com
415.613.9675

Chance Cutrano
Director of Programs
Resource Renewal Institute
ccutrano@rri.org
312.403.3702

Susan Ives
Co-Founder, Restore Point Reyes Seashore
susan@susanivescommunications.com
415.987.6764

ATTACHMENT:



National Park Service

U.S. Department of the Interior

Point Reyes National Seashore

Date: 11/02/2020

ENVIRONMENTAL SCREENING FORM (ESF)

Updated Sept 2015 per NPS NEPA Handbook

A. PROJECT INFORMATION

Project Title: J Ranch Emergency Drought Water Use
PEPC Project Number: 97923
PMIS Number:
Project Type: Other Natural/Cultural Resource Activities (NCR)
Project Location:
County, State: Marin, California
Project Leader: Dylan Voeller

B. PROJECT DESCRIPTION

This action would allow the J Ranch operator to temporarily pump water from a ponded area of Kehoe Creek when the main stock pond and source of livestock for the ranch water dries up under drought conditions. This temporary use was most recently authorized by NPS during the severe to extreme drought conditions spanning 2013-2015. In 2020 Marin County has been experiencing severe drought conditions since at least May according to the U.S. Drought Monitor. This is considered an emergency situation due to the need to provide daily drinking water to the 500 dairy cows and additional heifers around the ranch complex authorized under lease/permit.

On the east side of Pierce Point Road just south of the trailhead to Kehoe Beach an existing pipe and pump installed previously to draw water from the location will be used. The estimated amount of water needed by the ranch operator for this use is between 10,000 and 15,000 gallons per day. No federally listed fish species are present in the area and a perforated pvc intake will be in place to ensure wildlife is not injured by the pump. The location of the intake is consistent with past emergency requests. It is also noted that this has been a backup source of water for many decades, with the 1970 RUO (now expired) including a clause that allowed the operator the right to pump from the creek "at the southerly portion of the property."

Since the last drought conditions (2015), J Ranch has instituted water conservation measures as part of normal operations, including scraping the milking barn so that cleaning is limited to approximately 1,000 gallons of water per day. All other barns are dry scraped and no water is used. This year the operator reports that the milking string is reduced by 30-40 cows and now is at 450 rather than previous number of 500. The ranch is also able to supply all the heifers from recent spring developments which has further reduced water demand on the primary pond source. Additionally, water is recycled within the chilling and pasteurization systems. The ranch operator will continue to institute all water conservation measures available to minimize impact to water resources during this temporary emergency period.

The park and ranch operator will continue to explore long-term solutions to address water needs at the J Ranch, including additional spring development, that would be reviewed at a later time.

PEPC 97923 - J Ranch Emergency Drought Water Use

C. RESOURCE IMPACTS TO CONSIDER:

Resource	Potential for Impact	Potential Issues & Impacts
Air Air Quality	Potential	Issue: Use of temporary generator Impact: Negligible potential impacts to air quality in vicinity of the use
Biological Nonnative or Exotic Species	None	
Biological Species of Special Concern or Their Habitat	None	
Biological Vegetation	None	
Biological Wildlife and/or Wildlife Habitat including terrestrial and aquatic species <i>wildlife habitat</i>	Potential	Issue: emergency water use Impact: potential to impact wildlife by drawing water, however, the use will not deplete the water source
Cultural Archeological Resources	None	
Cultural Cultural Landscapes	None	
Cultural Ethnographic Resources	None	
Cultural Museum Collections	None	
Cultural Prehistoric/historic structures	None	
Geological Geologic Features	None	
Geological Geologic Processes	None	
Lightscares Lightscares	None	
Other Human Health and Safety	None	
Socioeconomic Land Use	None	
Socioeconomic Minority and low-income	None	

populations, size, migration patterns, etc.		
Socioeconomic Socioeconomic	None	
Soundscapes Soundscapes	Potential	Issue: use of temporary generator Impact: impact to soundscape immediately adjacent to pump. The ranch operator has indicated that they will use the quietest generator they can find.
Viewsheds Viewsheds	None	
Visitor Use and Experience Recreation Resources	None	
Visitor Use and Experience Visitor Use and Experience	None	
Water Floodplains	None	
Water Marine or Estuarine Resources	None	
Water Water Quality or Quantity <i>Water quantity</i>	Potential	Issue: emergency use of water Impact: removal of approximately 10,000-15,000 gallons of water per day for livestock consumption until rains recharge existing stock pond.
Water Wetlands	None	
Wilderness Wilderness	None	

D. ESF ADDENDUM QUESTIONS:

Question	Answer	Notes
Would the proposed action affect park operations or infrastructure?	No	

Reviewers:
Dylan Voeller



Optional Signatures:

Compliance Specialists:

NEPA **DAVID PRESS** Digitally signed by DAVID PRESS
Date: 2020.11.02 13:00:31 -08'00' **Date:** 11/02/2020
Dave Press

NEPA **BRANNON KETCHAM** Digitally signed by BRANNON KETCHAM
Date: 2020.11.03 08:55:44 -08'00' **Date:** 11/03/2020
Brannon Ketcham

NHPA **PAUL ENGEL** Digitally signed by PAUL ENGEL
Date: 2020.11.02 14:10:08 -08'00' **Date:** November 2, 2020
Paul Engel

Approved:
Acting **JULIETTE BYERLY** Digitally signed by JULIETTE BYERLY
Superintendent: Date: 2020.11.03 11:14:53 -08'00' **Date:** 11/03/20
Carey Feierabend
/s/ Julie Byerly acting



MARIN COUNTY FARM BUREAU

P.O. Box 219, Point Reyes Station, CA 94956 · (415) 663-1231 · manager@marincfb.com

April 16, 2021

Chair Steve Padilla
c/o Mr. John Weber
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. Padilla:

The Marin County Farm Bureau (MCFB) 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 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. Marin County Farm Bureau also supports comments in the 4/15/2021 letter of support submitted by California Farm Bureau for this hearing.

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 more than 120 animals. Lastly, it provides direction and a framework for increasing visitor experience.

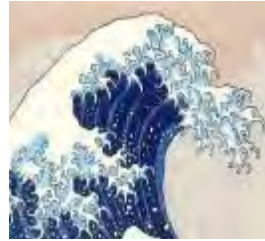
Because of this shared policy purpose and goal between CCA and GMPA EIS and the overall rigor and thoroughness of the GMPA EIS Marin County Farm Bureau supports NPS

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,

A handwritten signature in black ink, appearing to read 'Brian Dolcini', with a long horizontal flourish extending to the right.

Brian Dolcini
President
Marin County Farm Bureau



People for a GGNRA * National Parks Conservation Association * Save Our Seashore

April 16, 2021

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

Re: **OBJECT UNLESS AMENDED** re: Point Reyes National Seashore GMPA Consistency Determination

Dear Commissioners:

We represent organizations that for more than a decade have expressed support for the continuation of multi-generational beef and dairy ranching at the Point Reyes National Seashore if it could be managed consistent with law, policy and science – a standard that the National Park Service (NPS) has failed to meet for many years. We have supported the NPS in its efforts to take on the important challenges that this General Management Plan Amendment (GMPA) presents. We have also met directly with Seashore ranchers for many years to understand their views and interests.

Signatories to this letter here have been engaged in Seashore matters for many years, including someone who led the citizen effort to establish the Golden Gate National Recreation Area in 1972 (Amy Meyer), members of the Seashore Federal Advisory Commission (Amy Meyer and Gordon Bennett), and the leading national advocacy organization on matters of national park policy and funding (National Parks Conservation Association). Based on our long history working with the Commission on matters at the Seashore, we believe you appreciate that this once-in-a-generation planning effort impacting this unit of the National Park System is of local, state and national importance.

We write to seek your objection to the Consistency Determination unless amended to address two important concerns that we hope you share. Below, we provide you with solutions that build on the Staff Report and that we hope you also agree are reasonable in efforts to advance this process.

Our concerns and solutions focus entirely on the limited jurisdiction the Commission has on this matter (i.e. “spillover effects” on coastal resources within the coastal zone). From discussions with staff, we understand there is Commission precedence for the solutions we seek.

The Staff Report, in particular pages 56-61, makes clear two major challenges you face with conditionally concurring at the April 21, 2021 Commission public hearing:

- 1) For the Commission to concur with the GMPA, Staff writes that a comprehensive Water Quality Strategy (Strategy) that minimizes adverse effects of water pollution is a necessary condition. This comprehensive Strategy, however, is yet-to-be-developed and as currently written, the condition does not allow for any input by the Commission or the public. Said differently, the

condition is currently worded such that the one thing allowing the Commission to move from Objection to Conditional Concurrence – the substantive, detailed Strategy that would spell out timeframes for action and how water quality will actually be improved –*would not even come back to the Commission for review and approval*. Additionally, the public is completely shut out of also reviewing and providing the Commission with input on this matter squarely within its duty to review and determine if appropriate.

- 2) The Strategy has a great deal of uncertainty in being successfully implemented. This is largely because it will require a significant increase in funding and staffing for the NPS, a significant investment in resources by Seashore ranchers to improve their private commercial operations, a commitment by Seashore ranchers to end the history of permit violations at the Seashore, and a testing of NPS theories to reduce water quality pollution that may not actually work. Those are the matters within the control of the NPS and Seashore ranchers, yet factors such as drought, wildfires and climate change add to the uncertainty. Since the Conditional Concurrence, as proposed in the Staff Report, would span the 20-year term of the GMPA, *this amounts to 20 years of uncertainty and risk* clouding Commission oversight over documented spillover effects and public expectations of an improved national park coastal zone.

We urge the Commission add the following four conditions which has Commission precedence. These will improve accountability, improve rightful Commission oversight, and incentivize action and improvement by Seashore ranchers and NPS, all while allowing for the NPS to finalize its GMPA on schedule.

- 1) We believe the Commission should not sign-off on the yet-to-be-developed Water Quality Strategy – which would contain all the coastal resource within coastal zone protection details that the Commission has not seen or voted on, and that the public has also not seen or provided input on to inform the Commission. Instead, **the Commission should require that the Strategy be brought back to the Commission for review and approval, presumably later this year, which will also allow for public input and review.**
- 2) We believe the Commission should not provide a 20-year concurrence given there is such a high level of uncertainty in the Strategy's ability to protect coastal resources within the coastal zone, and practically, the NPS is committing to numerous changes to ranching operations. Instead, **the Commission should limit the Conditional Concurrence to 5 years, so that the Commission can hear from the NPS in 2026 to determine what progress has been made on protection of coastal resources in the coastal zone and if the Commission's expectations are being met on that matter.**
- 3) We believe the Commission should not allow for NPS to authorize "diversification" (i.e. activities beyond the dairy and beef ranching such as new types of livestock and chickens ranching) at this moment, which can introduce new impacts to coastal resources and can also divert scant resources away when the impacts from current activities are yet to be addressed. If and until NPS has the appropriate dedicated funding, resources, and trained staff to manage the spectrum of proposed new diversification activities, which could be more than a decade away, the scale of the proposed diversification activities exceeds the ability of NPS to monitor and

enforce water quality standards that are essential to protect coastal resources within the coastal zone. Instead, **the Commission should not concur, for at least the first 5-year Conditional Concurrence, with the authorization of new diversification activities (i.e. those beyond dairy and beef ranching), in order to ensure that the NPS can focus limited staffing and funding on protecting coastal resources in the coastal zone from adverse effects *resulting from existing dairy and beef ranching.***

- 4) We believe the Commission should not sign off on NPS giving blanket authorizations for 20-year leases when the stated reason for longer leases was to enhance the ability of lessees to finance water quality and other environmental improvements. Instead, **the Commission should require that NPS demonstrate its lessees' commitment and willingness to develop water quality and other environmental improvements as a condition of extending leases beyond the current 10-year authorization.**

Thank you for your thoughtful consideration of these concerns and proposed solutions.

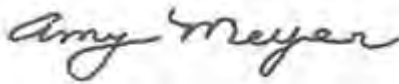
Sincerely,



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



Gordon Bennett
President
Save Our Seashore



Amy Meyer
Co-Founder
People for a GGNRA
Vice-Chair, former GGNRA & Point Reyes National Seashore Federal Advisory Commission, 1974-2002



National Wildlife Federation

National Advocacy Center

1200 G Street NW, Suite 900 • Washington, DC 20005 • 202-797-6800

April 16, 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, Marin County), April 22, 2021 Special Meeting
National Park Service Consistency Determination for the 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. We also urge the Commission to require the following information before the Commission makes any future decision on concurrence: documentation of significant progress in achieving water quality standards for existing activities in the Park; a detailed plan that ensures compliance with water quality standards for GMPA activities; and a detailed plan to prevent population-level impacts to California's tule elk.¹

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.

Adverse Impacts of the GMPA

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

¹ Additional details are provided at pages 6-7 of this letter.

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, which will harm 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 while also ensuring continuation of activities that exacerbate climate change. Agricultural activities in the Park, including methane produced by cattle and the decomposition of animal waste in storage ponds, are [the largest source of greenhouse gas emissions in the Park](#), accounting for 62% of the Park's total greenhouse gas emissions.² As recognized in the Staff Report, the GMPA will harm the waters and marine resources in the state's coastal zone.

Because of these adverse impacts, 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 Is Not Consistent with the California Coastal Act

The National Wildlife Federation agrees with the Staff Report's conclusion that the GMPA is not consistent with California 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. However, we oppose the conditional concurrence recommended in that Report because it will not protect against the GMPA's damaging spillover impacts to California's coastal zone.

As recognized in the Staff Report, there is a long history of significant water quality violations from the ongoing ranching and dairy operations in Point Reyes National Seashore. These polluted waters flow directly into critical habitat areas in the coastal zone, including Drakes Estero and other areas of special biological significance. As the Staff Report acknowledges, best-management practices and water quality protection measures have not been implemented to reduce the water quality impacts of ranching and

² National Park Service, Climate Friendly Parks, [Point Reyes National Seashore Action Plan](#).

dairy activities in Point Reyes National Seashore, despite such measures having been successfully implemented to reduce severe water quality problems in Tomales Bay.³ Water quality data also has not been collected since 2013.

The Park Service has not provided information on the potential adverse impacts of the Park's water pollution on eelgrass, as recognized in the Staff Report. Studies show that long-term nutrient loading can promote the growth of algae and lead to elevated turbidity levels that reduce the light availability essential for eelgrass survival. Both chronic and episodic reductions in light availability have played a major role in the decline of global seagrass coverage over the last century.⁴ Importantly, reducing nutrient inputs and improving water clarity "have been instrumental in avoiding a catastrophic loss of eelgrass ecosystems."⁵ Given the vital role of eelgrass for sustaining marine species and storing organic carbon,⁶ it is critical to fully assess the implications of the GMPA on the long-term health and viability of eelgrass in the coastal zone, including the implications for the long-term success of the Park Service's efforts to restore critically important eelgrass beds in Drakes Estero.

The GMPA also does not assess the impacts of polluted runoff from ranching and dairy activities on the marine mammals and other species that rely on Drakes Estero and other critical coastal habitats. The information on this important issue in the GMPA Final Environmental Impact Statement is limited to the following:

Wildlife exposure risk to poor water quality and bacterial pathogens associated with park ranching operations could result in adverse impacts on wildlife, including marine mammals. However, infectious diseases and bacterial infections are not known to be significant mortality factors affecting mammal populations in the planning area (Stoddard et al. 2008; Greig et al. 2014).⁷

³ Staff Report at 6.

⁴ Wong, M.C., Vercaemer, B.M. & Griffiths, G. Response and Recovery of Eelgrass (*Zostera marina*) to Chronic and Episodic Light Disturbance. *Estuaries and Coasts* 44, 312–324 (2021). <https://doi.org/10.1007/s12237-020-00803-3>.

⁵ Krause-Jensen, D, Duarte, et. al., Century-long records reveal shifting challenges to seagrass recovery. *Glob Change Biol.* 2021; 27: 563– 575. <https://doi.org/10.1111/gcb.15440>.

⁶ E.g., Fourqurean, J.W., C.M. Duarte, H. Kennedy, et. al, Seagrass ecosystems as a globally significant carbon stock. 2012 *Nature Geoscience* 5: 505–509 (seagrass meadows are significant "blue carbon" sinks due to their ability to accumulate and store organic carbon in sediments over millennial time scales).

⁷ U.S. Department of the Interior, National Park Service, Point Reyes National Seashore General Management Plan Amendment and Final Environmental Impact Statement (September 2020) at 164-165. Notably, neither the Stoddard 2008 nor the Greig 2014 studies cited by the Park Service were designed to assess mortality factors. See Stoddard, R. A., R. L. DeLong, et. al, 2008 "Prevalence and Characterization of Salmonella spp. Among Marine Animals in the Channel Islands, California." *Diseases of Aquatic Organisms* 81:5–11. doi: 1-.3354/dao01905 (finding that published studies show that there may be a "higher prevalence of salmonellosis in wild pinnipeds on the California Channel Islands compared to pinnipeds in other locations throughout the world."); Greig, D. J., F. M. D. Gulland, W. A. Smith, et. al, 2014 "Surveillance for Zoonotic and Selected Pathogens in Harbor Seals *Phoca vitulina* from Central California." *Diseases of Aquatic Organisms* Vol. 111: 93–106 (finding that *Clostridium perfringens* and *Escherichia coli* were more prevalent in stranded seals than in wild-caught seals, and that *Vibrio* spp. were 16 times more likely to be cultured from the feces of seals from San Francisco Bay than other tested locations).

Critically, this extremely limited and generalized statement ignores studies that demonstrate the potential for highly significant impacts to marine mammals from polluted run-off. Indeed, one study reports that:

there is no doubt that overt morbidity and mortality among marine mammals have resulted from terrestrial pathogens spreading to the ocean, as well as from harmful algal blooms and epidemics of virulent viruses and bacteria⁸

Cattle manure can be a significant source of zoonotic pathogens that can cause infections in people and animals,⁹ and these pathogens can create significant risks to marine mammals and other aquatic life:

Estuaries are recognized as being critically endangered worldwide. Pollution of estuarine waters is a significant threat to the health of aquatic life, as well as to humans who depend on coastal habitats. Contamination of nearshore waters with terrestrially derived, zoonotic pathogens has received little attention in the field of marine water pollution, which has primarily focused on chemical and nutrient pollutants. Yet, studies have documented the presence of fecal pathogens from terrestrial animals in coastal waters and filterfeeding shellfish, as well as infections and deaths in aquatic wildlife and humans who become exposed through recreation activities or seafood.¹⁰

The National Oceanic and Atmospheric Administration reports that:

Pathogens of terrestrial origin, such as *Toxoplasma gondii*, are causing disease in marine mammals and appear to originate in fresh water run-off (Miller et al. 2002, Stoddard et al. 2008). Thus anthropogenic effects on the ocean may cause an increase in disease outbreaks and deterioration of health in marine mammals (Gulland and Hall 2007).¹¹

Another study found “evidence implicating land-based surface runoff as a source of *T. gondii* infection for marine mammals, specifically sea otters, and provides a convincing illustration of pathogen pollution in the marine ecosystem.”¹²

⁸ Gulland, Frances & Hall, Ailsa. (2007). [Is Marine Mammal Health Deteriorating? Trends in the Global Reporting of Marine Mammal Disease](#). EcoHealth. 4. 135-150. 10.1007/s10393-007-0097-1.

⁹ Ronald Fayer, Jitender P. Dubey, David S. Lindsay, [Zoonotic protozoa: from land to sea](#), Trends in Parasitology, Volume 20, Issue 11, 2004, Pages 531-536, ISSN 1471-4922, <https://doi.org/10.1016/j.pt.2004.08.008>, (<https://www.sciencedirect.com/science/article/pii/S1471492204002144>)

¹⁰ Karen Shapiro, Conrad P, Mazet J.A.K, et al, [Effect of Estuarine Wetland Degradation on Transport of *Toxoplasma gondii* Surrogates from Land to Sea](#), Applied and Environmental Microbiology Oct 2010, 76 (20) 6821-6828; DOI: 10.1128/AEM.01435-10 (internal references omitted).

¹¹ Green, M. A., McFee, W. E., and N. Levine. 2010. [A GIS analysis of coastal development and trends in bottlenose dolphin strandings in Charleston, SC: implications for coastal marine spatial planning](#). NOAA Technical Memorandum NOS NCCOS 124. 56 pp.

¹² M.A Miller, I.A Gardner, C Kreuder, D.M Paradies, K.R Worcester, D.A Jessup, E Dodd, M.D Harris, J.A Ames, A.E Packham, P.A Conrad, Coastal freshwater runoff is a risk factor for *Toxoplasma gondii* infection of southern sea otters (*Enhydra lutris nereis*), International Journal for Parasitology, Volume 32, Issue 8, 2002, Pages 997-1006, ISSN 0020-7519, [https://doi.org/10.1016/S0020-7519\(02\)00069-3](https://doi.org/10.1016/S0020-7519(02)00069-3), (<https://www.sciencedirect.com/science/article/pii/S0020751902000693>).

The spillover risks to marine mammals in the coastal zone from water pollution resulting from at least 20 more years of ranching and dairy operations, along with greatly expanded agricultural operations, are significant and must be fully assessed and protected against before the Coastal Commission issues a consistency determination.

The National Wildlife Federation also believes that the Staff Report does not adequately evaluate the potential population-level effects of the GMPA on California's tule elk. The Staff Report focuses solely on the fact that the GMPA proposes to "maintain viable herd numbers in accordance with wildlife agency recommendations" noting that the "CA Department of Fish and Wildlife states that in its statewide elk management efforts, it seeks a minimum of 100 animals to maintain a viable elk herd (CDFW 2018)."

However, this limited focus ignores other critical components of the California Elk Management Plan, including the importance of maintaining connectivity between herds to ensure the long-term viability of California's tule elk:

Long-term viability of California's endemic tule elk is of particular concern because of their precipitous decline in the 1870s and the persistent development and fragmentation of the state's rural landscape. . . . Maintaining long-term viability of California's elk herds requires sustaining individual herd numbers and genetic diversity. If there is minimal or no movement of individuals between herds, they can become genetically isolated (Franklin 1980, O'Brien et al. 1985, Partridge and Bruford 1994).¹³

To sustain the long-term viability of California's tule elk, the Elk Management Plan states that conservation efforts:

should concentrate on maintaining connectivity between remaining populations and translocations of tule elk between herds should continue. . . . Fragmented populations, populations on marginal habitat, dense populations, or populations that overlap significantly with livestock may be at increased risk for disease outbreaks and could potentially serve as sentinel populations for initiating enhanced surveillance plans.¹⁴

The Elk Management Plan goes on to acknowledge that fencing at Tomales Point prevents this critical connectivity between the Tomales Point herd and the other tule elk herds at Pont Reyes.¹⁵ The Management Plan also recognizes that the Tomales Point herd has suffered significant losses as a result of being fenced in, and thus unable to access other areas of the Park:

Between 2012 and 2015 the population at Tomales Point declined by approximately 50% dropping from 540 to 283. The loss of animals is believed to be related to drought conditions, mineral deficiencies, and a population level above carrying capacity within the enclosure.¹⁶

¹³ California Elk Management Plan Department of Fish and Wildlife, [ELK CONSERVATION and MANAGEMENT PLAN December 2018](#) at 36.

¹⁴ Id. at 38.

¹⁵ Id. at 451.

¹⁶ Id. at 454.

Losses within the Tomales Point herd continue, even as the Park's free-roaming herds remain relatively stable. In 2020, 152 tule elk, one-third of the fenced-off Tomales Point herd died. By contrast, the free-roaming elk in the park at Limantour declined only 5% while the Drakes Beach herd population remained stable, [according to the Park Service](#).

The Staff Report also appears to ignore the Elk Management Plan goals of enhancing or increasing elk habitat by at least 5% by 2028¹⁷ and of maintaining a minimum ratio of 15 bulls per 100 cows.¹⁸

By continuing the status quo approach of managing the Point Reyes tule elk herds—including by preventing connectivity between the Point Reyes herds, preventing the Tomales Point herd from accessing areas in the Park with better forage and adequate water, and failing to increase or enhance elk habitat—the GMPA is likely to result in population-level effects on California's tule elk. This is particularly true in the face of the ongoing impacts of climate change, which are expected to lead to more intense and frequent droughts that will further limit water availability for the Tomales Point herd and lead to further degradation of the plant species vital to tule elk survival.

The Coastal Commission Should Not Approve Conditional Concurrence with the GMPA

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 and population-level impacts on California's tule elk. The 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.

To help achieve these goals, the National Wildlife Federation urges the Coastal Commission to require the Park Service to provide the following documentation before the Commission makes any future decision on concurrence:

1. Documentation of significant progress in achieving water quality standards within the Point Reyes portion of the GMPA planning area for existing ranching and dairy activities. Progress should be demonstrated by documentation of the implementation of best management practices and other water pollution control measures, and by regular water quality testing carried out during both dry and wet conditions including testing carried out immediately after storm events.
2. A detailed plan that will ensure compliance with water quality standards from both nonpoint and point sources resulting from GMPA activities. This Plan should: identify specific and mandatory best management practices that will be carried out; provide a detailed timeline for implementing such practices and obtaining any necessary water quality or wetland permits; require regular water quality testing carried out during both dry and wet conditions including testing immediately after storm events; provide the text of enforceable provisions that will be included in each lease to ensure compliance with the plan requirements and water quality standards; and provide assurances that the Park Service will have the resources needed to

¹⁷ Id. (Objective 1.3).

¹⁸ Id. (Objective 1.7).

enforce those provisions. This plan should be made available for public notice and comment before the Coastal Commission considers any future consistency determination.

3. A detailed plan outlining the actions that will be taken to prevent population-level impacts to California's tule elk, including actions that will be taken to ensure connectivity between the Park's tule elk herds and to enhance and expand tule elk habitat at Point Reyes. This plan should include a specific timeline for carrying out the identified actions, and should be made available for public notice and comment before the Coastal Commission considers any future consistency determination.

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

WESTERNUNITEDDAIRIES

April 16, 2021

John Ainsworth
Executive Director
California Coastal Commission
455 Market Street
San Francisco, CA 94105

Sent via email to: pointreyesmanagementplan@coastal.ca.gov

Regarding: **Agenda Item CD-0006-20 (National Park Service, Marin Co.)**

Dear Mr. Ainsworth:

Western United Dairies (WUD) provides the following comments regarding the U. S. National Park Service General Management Plan for the Point Reyes National Seashore. WUD is a statewide dairy farm trade association. Five of the six dairies located within the National Seashore are members of WUD.

The existing ranches and dairy farms occupy about 20% of the National seashore, which exists today in part because of the contribution of land by their fathers and grandfathers in 1965 to preserve the beautiful landscape and historic agriculture traditions of the region. The ranchers today recognize their responsibility to protect the diverse and unique resources of the Seashore and work tirelessly in partnership with many agencies and partners, including the National Park Service in that endeavor. These farms and ranches are and continue to be forward thinking and innovative in the best practices they implement to sustain the coastal grasslands, provide a local food source to the communities of West Marin and the greater North Bay, and protect wildlife and fauna unique to the North Coast.

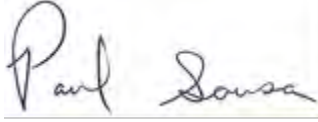
The farmers and ranchers work hard to be good stewards of the land their fathers and grandfathers worked hard to save. Water quality is an important part of that stewardship. All the dairies in the park are regulated by the San Francisco Bay Regional Water Quality Control Board. Included below is a section from the Executive Officers Report to the Board about the status of the water quality efforts of the dairies and ranches in the Park. Having long term leases allows the dairies and ranches to make long term investments in water quality and land stewardship.

We urge the Coastal Commission to approve the GMPA that the National Park Service has worked hard to develop over recent years. Completion of the GMPA will ensure continuing best

WESTERN**UNITED**DAIRIES

practices for environmental stewardship of the wonderful natural and cultural resources we treasure in the Point Reyes National Seashore.

Sincerely,

A handwritten signature in dark ink, reading "Paul Sousa", is written over a light blue horizontal line. The signature is cursive and fluid.

Paul Sousa, Director of Environmental Services
Western United Dairies

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

MEETING DATE: April 14, 2021

Item: 4

Executive Officer's Report

Water Quality Impacts of Dairies and Ranches at Point Reyes National Seashore
(Jan O'Hara and Laurie Taul)

In the March 10, 2021 Board meeting, members of the public voiced concerns about the water quality impacts of dairy and beef ranches in Point Reyes National Seashore (PRNS). The commenters requested we urge the National Park Service to continue year-to-year leases rather than extending leases for these ranches to 20 years, as proposed in the PRNS General Management Plan Amendment. They also highlighted recent water quality data that indicate high bacteria concentrations in Abbotts Lagoon and nearby creeks.

Water Quality Information

The commenters referred to water quality data collected for the Western Watersheds Project in January 2021 following a rain event. These data, which appear to be of good quality, show high bacteria densities in surface water downstream of ranches that have implemented best management practices (BMPs) such as fencing, manure management, wastewater collection systems, off-stream livestock water supply, and other infrastructure. Commenters were rightly concerned that water quality, as characterized in January, is poor despite existing pollution prevention ranch practices.

Other data sets also show elevated bacteria densities in certain creeks that drain into Drake's Estero and the Pacific Ocean. The National Park Service (NPS) evaluated data it collected between 2003 and 2013 in four watersheds with dairies and/or beef cattle grazing. These watersheds include Kehoe creek, Abbotts Lagoon, Drakes Estero and East Schooner Creek. Concurrent with the monitoring, ranch operators, NPS, and others collaborated to implement BMPs across the study area. The study found that bacteria decreased by one or two orders of magnitude where BMPs were implemented. Bacteria still exceeded water quality standards periodically, especially during rain events, when bacteria counts were elevated in all samples. Watersheds with dairies had larger reductions in bacteria than did those with beef cattle operations.

The Western Watersheds Project data provide a snapshot that shows elevated bacteria during a single rain event, and from limited sample locations. This is useful information, but lacks the context given by the NPS study, which included a decade's worth of data. The NPS study found bacteria counts were reduced over time in conjunction with implementation of BMPs that targeted manure management, animal concentration areas, and livestock distribution to reduce fecal inputs to surface waters. However, additional progress is needed to meet water quality standards during every season and in all sample locations.

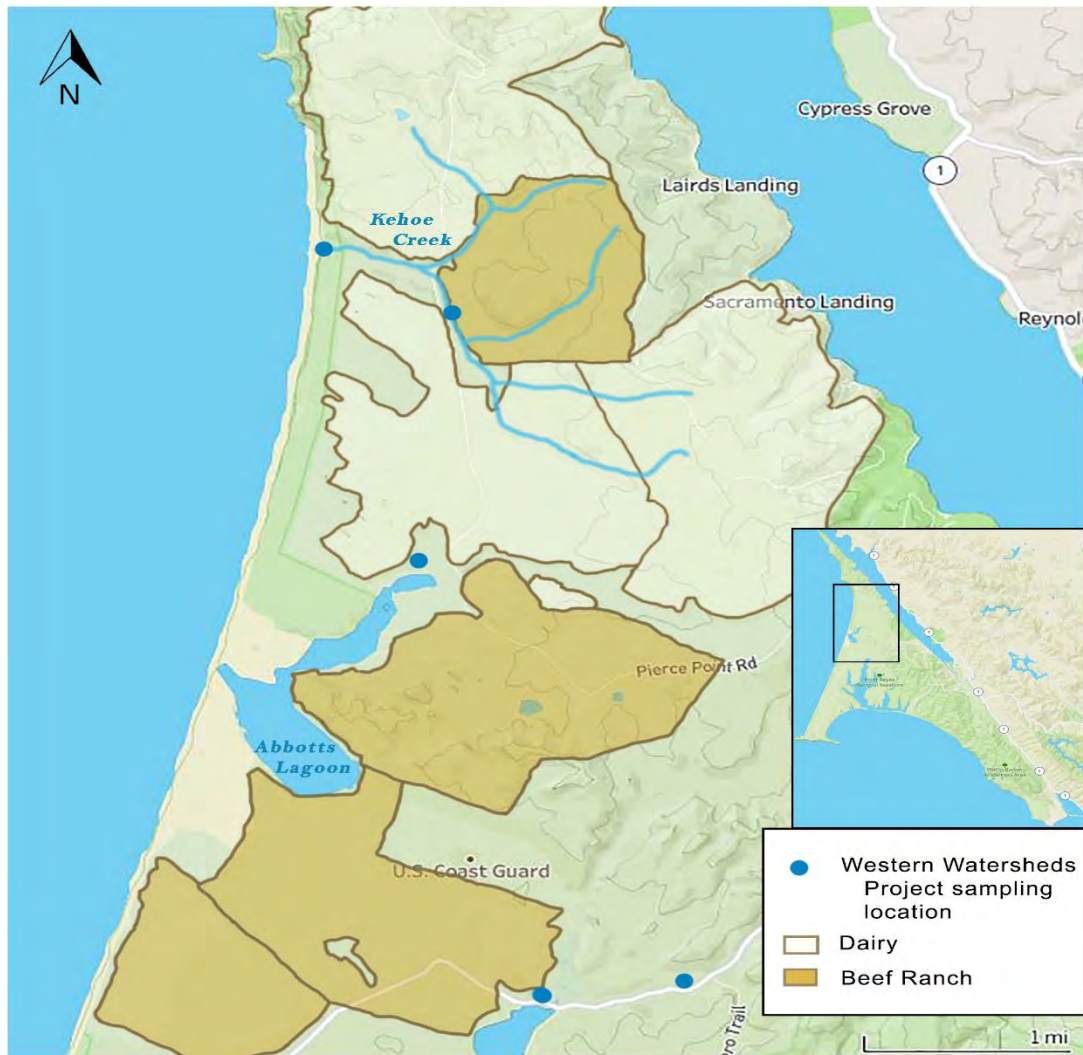


Figure 1: Western Watersheds Project sample points and PRNS land use

Mitigating Water Quality Impacts in Point Reyes National Seashore

Currently, the NPS is the primary entity overseeing implementation of ranch BMPs within PRNS, and all ranches enter into ranch operating agreements with the NPS. Proposed amendments to the PRNS General Management Plan call for more details, including additional water quality BMPs, to be included in ranch operating agreements. We understand the added details would mirror the requirements of our orders (described below), thus adding NPS oversight to our own oversight of dairy and beef ranch compliance with the orders. The amendment also identifies zones within PRNS where grazing and other operations are prohibited to protect sensitive species.

In addition to implementing additional BMPs, the factors below may also help to mitigate water quality impacts at PRNS:

Density of animals: Dairies at PRNS generally have a lower density of animals per acre than ranches in other parts of California. For example, the average PRNS dairy has 390 head of cattle, compared to 2120 head in Tulare County. Cows also pasture graze for a

larger portion of their food intake and spend less time in concentrated feeding areas in PRNS.

Organic Certification: All six PRNS dairies are certified organic. To meet the requirements under the National Organic Program, dairies must prevent runoff of water and wastes to surface water; practice erosion control and protect natural wetlands and riparian areas; put animals to pasture at least 120 days per year with a minimum 30 percent dry matter intake from grazing; and maintain a pasture management plan that ensures pasture of a sufficient quality and quantity is available to graze throughout the grazing season. While not a guarantee, we would expect organic certification would help in protecting water quality from polluted dairy runoff.

Lease Terms: The proposed PRNS General Management Plan amendment proposes to extend lease agreements to 20 years. While one commenter at the March Board meeting suggested that keeping single-year leases is the best way to encourage ranchers to improve their BMPs, we suggest that the security of having a 20-year return on investment period is a better way. For example, fencing to keep cattle out of streams is particularly expensive; a rancher concerned about losing the lease is less likely to consider this investment.

Water Board Staff Actions

Water quality impacts from dairies and grazing operations are a major focus for Water Board staff. We developed and enforce [General Waste Discharge Requirements for Confined Animal Facilities](#) (CAF Order) and several Conditional Waiver Programs for Grazing Operations (Grazing Waiver), including [a Grazing Waiver for the Tomales Bay Watershed](#). Both programs require ranchers to install and maintain best management practices to minimize impacts to water quality. The CAF Order also requires a manure management plan, a pasture management plan, and monitoring of instream receiving water and domestic wells. Monitoring requirements are new, and few valid data have been submitted to date.

The CAF Order covers all six dairies at PRNS. While we maintain authority to enforce the CAF Order, NPS staff are a local presence and have been the primary entity to inspect ranches. Water Board staff intend to work more closely with NPS staff as the PRNS General Management Plan amendment is completed.

Because a portion of PRNS drains to Tomales Bay, ten of its 18 grazing operations (those that drain to Tomales Bay) are covered by the Grazing Waiver. Water Board staff inspect grazing operations in PRNS on a rotational basis. Each year, staff consider all the grazed watersheds in our region and focus inspections based on water quality data, past violations, time since last inspection, and similar factors. We plan to inspect PRNS ranches and dairies at our earliest opportunity.

Last December, Water Board staff commented on the proposed General Management Plan Amendment for PRNS. Our overriding concern was that ranch lease agreements and/or ranch operating plan agreements should require compliance with our CAF Order and Grazing Waiver. We think our comments will be acted upon and see this amendment process as an opportunity to improve our coordination and cooperation with the NPS, and to ultimately improve water quality.



April 16, 2021

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c/o John Weber
Energy, Ocean Resources and Federal Consistency Division
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105
Via Electronic Delivery: EORFC@coastal.ca.gov

Re: Agenda Item: Th3a Consistency Determination CD-0006-20, Point Reyes National Seashore General Management Plan Amendment, Federal Consistency Determination – OBJECT UNLESS AMENDED

Dear Mr. Padilla,

The Environmental Action Committee of West Marin (EAC) is based in Point Reyes Station and has been working to protect the unique lands, waters, and biodiversity of West Marin since 1971. Since our inception, we have been committed to the health of West Marin's lands, estuaries, bays, and watersheds.

EAC's participation in the public process for Point Reyes National Seashore (Seashore) dates back to 2012 following the Secretary of Interior's decision to designate Drakes Estero Wilderness that included in that decision a directive to the National Park Service (NPS) to pursue extension of multigenerational beef and dairy leases up to 20-years through a public planning process.¹

On December 5, 2020, we objected to the rushed concurrence process that NPS had imposed on the California Coastal Commission (Commission), highlighting the need for additional time for a thorough review of the proposed plan. In our letter, we asked for additional measures to protect water quality, and to improve accountability and public transparency.

As proposed, the General Management Plan Amendment (GMPA) Final Environmental Impact Statement (Final EIS) will extend leases to ranchers for a maximum of 20 years that will include new diversified agricultural use, visitor

¹ U.S. Department of the Interior, Secretary of Interior, Memorandum, *Point Reyes National Seashore – Drakes Bay Oyster Company*. November 29, 2012. Available: www.nps.gov/pore/getinvolved/upload/PORE_Nov-29-2012-Secretary-s-Memo.pdf

experiences, and management strategies to mitigate negative impacts of ranching on public lands and waters, and provide for termination of ranching if the impacts cannot be mitigated. Now is the time to ensure that these management strategies are properly designed and enforceable in order to protect coastal resources today and into the future.

We are concerned with several aspects of the GMPA and Final EIS. First, the November 2012 Memorandum by the Secretary of the Interior delegated authority to pursue lease extension for beef and dairy ranching²; the GMPA exceeds that authority by introducing new uses in the planning area. Second, while the stated purpose of the GMPA is “to establish guidance for the preservation of natural and cultural resources and the management of infrastructure and visitor use on the planning area,”³ the GMPA planning process and Final EIS prioritizes management for the benefit of commercial leaseholders over preservation of natural and cultural resources in the planning area. For example, culling the tule elk, a native species, and the introduction of diversified agriculture activities are solely for the benefit of the economic interests of leaseholders.

While we remain deeply concerned about several aspects of the GMPA; we understand the Commission has limited jurisdictional authority in this review, and we focus our comments on the Coastal Act Chapter 3, specifically Sections 30230 Marine Resources and 30231 Biological Productivity and Water Quality, and focus on areas of Special Biological Significance including: Drakes Estero, Drakes Bay, and Abbotts Lagoon.

We strongly urge the Commission to include additional measures to strengthen the staff-recommended conditional concurrences to ensure that mitigation measures are successfully implemented with public transparency and metrics for evaluating eligibility for ranching leases and long-term monitoring of impacts to ensure consistency to the maximum extent practicable⁴ with the California Coastal Act.

Our comments are organized as follows:

- A. Overview of Areas of Special Biological Significance
- B. Support of the Staff-Recommended Concurrence Conditions
- C. Required Additional Recommended Conditions

² ...”to pursue extension of multigenerational beef and dairy leases up to 20-years through a public planning process.” U.S. Department of the Interior, Secretary of Interior, Memorandum, *Point Reyes National Seashore – Drakes Bay Oyster Company*. November 29, 2012. Available: www.nps.gov/pore/getinvolved/upload/PORE_Nov-29-2012-Secretary-s-Memo.pdf

³ National Park Service, *General Management Plan Amendment, Final Environmental Impact Statement*, page ii, 2020.

⁴ 15 CFR §§ 930.32(a) and 930.39 (a) Federal Consistency with Approved Coastal Management Programs

A. Overview of Areas of Special Biological Significance: Drakes Estero, Drakes Bay, and Abbotts Lagoon

Drakes Estero is considered an area of special biological significance, as confirmed through federal and state designations including the 1976 Point Reyes Wilderness Act (Public Law 94-544), and the 2009 California Department of Fish and Wildlife designation of the Drakes Estero State Marine Conservation Area. Section 30230 of the Coastal Act requires that special protection be given to areas and species of special biological significance.⁵

In our 2019 comment letter to NPS, EAC noted the publication by the Central Coast Wetland Group's detailed analysis of coastal estuaries on the West Coast that concluded that nearly 750,000 acres of historic tidal wetlands have disappeared. In contrast, Drakes Estero has only lost 2.7 percent of historic habitat, while other estuaries have lost 60-80 percent.⁶ This highlights the special biological significance of Drakes Estero and its importance as a functional interconnected ecosystem.

The Seashore is subject to the San Francisco Regional Water Board's (Regional Water Board) Basin Plan for the Marin Coastal Basin⁷ through the *Water Quality Control Plan for the San Francisco Bay Basin*. This Plan requires that operations within the Seashore not discharge waste in a way that would impede beneficial uses. The beneficial uses associated with the Drakes Estero, Abbotts Lagoon and Drakes Bay waterbodies and tributaries that require protection include: Marine Habitat, Fish Migration, Preservation of Rare and Endangered Species, Water Contact Recreation, Noncontact Recreation, Fish Spawning, Warm Freshwater Habitat, and Wildlife Habitat.⁸

Cattle are frequently observed standing on the shores of, or actually in the water of, both Abbotts Lagoon and Drakes Estero. The Final EIS fails to adequately consider the indirect impacts ranching activities have on water quality and biological productivity despite noting in the Chapter 3: Affected Environment, the "observed high concentrations of total suspended solids and nutrients present in Drakes Bay and Drakes Estero watersheds ... that surrounding land uses such as ranches and pastures for dairies and other livestock operations contribute to nutrients and sediment...and that occasionally high fecal indicator bacteria counts have been observed in some drainages."⁹

⁵ California Coastal Commission, *Addendum to CD-0001-15 – National Park Service, Point Reyes National Seashore*, page 18, 2015.

⁶ Environmental Action Committee of West Marin, General Management Amendment Comment Letter, page 19, September 23, 2019. Available at: <https://bit.ly/36MvCD4>

⁷ Regional Water Quality Control Board, *Marin Coastal Basin Map*, available at: https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html.

⁸ Regional Water Quality Control Board, *Table 2-1: Existing and Potential Beneficial Uses of Water Bodies in the San Francisco Bay Region*. available at: https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html.

⁹ National Park Service, *General Management Plan Amendment, Final Environmental Impact Statement*, page 77, 2020.

The Final EIS further explains that the drainages to Drakes Bay have historically been adversely affected by high fecal bacteria counts, with only 38 percent (i.e., 62 percent failure rate) of the 2007-2013 samples passing the public health safety standards. Abbotts Lagoon (another Congressionally-designated Wilderness and arguably an area of special biological significance) is fed by streams which carry discharge from dairies that have the highest nutrient levels or loading rates. In January 2021, an independent water quality analysis was conducted following the “first flush”¹⁰ or significant rainfall event that confirmed the high fecal bacteria counts continue.

In these areas (and others) the Final EIS highlights how beneficial uses are not adequately protected¹¹ and proposes mitigations. However, those proposed mitigations are insufficient to ensure future protections, as they lack enforceable mechanisms to realize full implementation effectiveness.

Sections 30230 and 30231 of the Coastal Act require the Commission find the proposed actions provide special protection of these areas of special biological significance. The Final EIS not only fails to meet that heightened standard, but fails also to meet the basic requirement that the biological productivity of these waters be maintained, and, where feasible, restored. In order to be consistent to the maximum extent practicable with the relevant coastal management policies, the Final EIS must minimize adverse effects through enforceable mitigation measures, implemented in a timely manner, accompanied by ongoing scientific monitoring and data collection to assess their effectiveness.

B. Support of Staff-Recommended Concurrence Conditions

We appreciate the time and effort of the Commission staff to thoughtfully develop conditions for concurrence seeking to improve mitigations and practices to protect water quality.

We support the Commission staff’s recommended conditions (subject to additional conditions itemized in Section C of our letter) summarized below:¹²

- Developing a strategy and timeline for assessing and improving water quality through installation of ranching-related infrastructure and management practices in areas of the GMPA that includes the Tomales Bay Watershed, Abbotts Lagoon, Drakes Estero, and other watersheds that drain to the Pacific Ocean;

¹⁰ “First flush” refers to the hypothesis that the concentrations of stormwater constituents are higher at the beginning of the discharge event than during the complete event. Designated states were able to modify some of these sampling requirements to better address local concerns.” The National Stormwater Quality Database, Version 1.1., page 4. Available at: www.unix.eng.ua.edu/~rpitt/Publications/Stormwater%20Characteristics/NSQD%20EPA.pdf

¹¹ National Park Service, *General Management Plan Amendment, Final Environmental Impact Statement, Appendix L: Coastal Watershed Water Quality Analysis*, Introduction, 2020.

¹² California Coastal Commission, *Staff Report, Consistency Determination No: CD-0006-20*, pages 6-8. March 26, 2021.

- Developing a sampling methodology to collect water quality data and strategies comparable to existing water quality standards by the Regional Water Board and Environmental Protection Agency;
- Submitting an annual report to the Commission that reports on the water quality monitoring results, and the measures taken and planned to address water quality issues in the leased ranchlands and environmentally sensitive areas that includes responsible parties, funding, timelines, and schedules for implementation;
- Including in the annual report the mitigations and practices implemented from the same year that would provide a measurement of actual implementation strategies over time; and
- Including in the annual report the results of the continuing or proposed mitigation and best management practices of water quality monitoring of ranchlands.

In light of the conditional concurrences recommended in the staff report, we set out below additional measures and conditions that should be included in order to protect water quality, improve accountability, and provide transparency:

C. Required Additional Conditions for Coastal Consistency Determination (CD):

In addition to the staff recommendations, the following conditions must be included in the CD to further mitigate adverse effects to coastal waters and the marine environment, and to ensure that management decisions are based on science and specific performance indicators:

1. Lease Contingency Checklist: Determine Lease Eligibility by History of Tenancy and Future Intentions;
2. Public Health: Notice Impaired Water Bodies;
3. Diversifying Agriculture Operations: Protect Water Quality by Delaying and, if eligible, Phasing in Implementation;
4. Lease Compliance: Enforcement Criteria;
5. Public Trust: Improve Transparency by Publishing Documents and Data; and
6. Programmatic Evaluation: Limit Coastal Commission Consistency Determination to Five-Years;

Inclusion of additional measures ensures transparency and accountability are built into this plan to hold both potential leaseholders and NPS responsible if the GMPA and mitigations and management strategies are not realized. Public trust depends on upholding the conditions included in the GMPA Final EIS and the Commission's CD. If leaseholders fail to meet those obligations then leases should be terminated due to non-compliance.

1. Lease Contingency Checklist: Determine Lease Eligibility by History of Tenancy and Future Intentions.

The GMPA is intended to guide the management of the proposed activities in the Seashore in a manner that is consistent with the overriding objective "to establish guidance for the preservation of natural and cultural resources and the management of infrastructure and visitor use on the planning area."¹³

The proposed Commission staff conditional concurrence recommendations seek to establish an essential framework creating timelines and metrics to protect water quality and analyze results on an annual basis to ensure the required management measures are being implemented and the resource protection goals of the GMPA are being realized.

Missing from the recommendations is a lease contingency checklist to determine appropriate length of the leases that ranchers are eligible to receive. The contingency checklist replaces a baseline assumption of issuing 20-year leases to all ranchers following the Record of Decision, and instead incorporates a reasonable system to evaluate eligibility and lease term lengths based appropriately on a leaseholder's history of performance and the type of operational impact on water quality.

- The lease contingency checklist should not be based solely on future intentions of financial investment to establish and meet water quality goals as outlined in the annual Ranch Operating Agreement.¹⁴
- The lease length must incorporate the long history of tenancy and performance by the leaseholder, including a record of lease compliance and implementation of practices to improve water quality, restore, and conserve riparian habitat areas demonstrating a history of advancement of NPS values.
- Operations with a history of lease violations must not be awarded long-term leases until and unless they have demonstrated long-term compliance with lease terms and implementation of measures to protect water quality and riparian habitat.
- Operations with a documented history of failure to meet lease obligations and/or degradation of water quality should not be considered eligible to obtain a new lease in this process. Going forward, operations with repeated lease violations should have their leases terminated.

¹³ National Park Service, *General Management Plan Amendment, Final Environmental Impact Statement*, page ii, 2020.

¹⁴ Example: A longer lease should not be awarded on the basis that an operator intends to seek a loan to build a loafing barn on a dairy and needs a longer lease length to obtain a loan.

Lease compliance continues to be an issue in the Seashore for several operators. *Some examples of lease violations that impact water resources and quality that EAC has reported to NPS over the last year include:*

- Unauthorized raising of 50 pigs on a dairy ranch lease,
- Records of dead cattle in the wetland of Drakes Estero and on pastures near surface water (see attachment 1),
- Cultivation of barley in the place of silage for whiskey distillation,
- Unmaintained fencing that allows cattle to access environmentally sensitive riparian and wetland habitat that include Drakes Estero (see attachment 1) and Abbotts Lagoon (see attachment 2),

We urge the inclusion of a lease contingency checklist that includes:

- 1.1. A review of the number of leaseholder violations (whether from intentional disregard of, or inattention to lease requirements) on record that have negatively impacted water quality;
- 1.2. A review of lease violation remediations by NPS (warnings, penalties, etc.);
- 1.3. A review of leaseholder's history of implementation measures to protect and improve water quality;
- 1.4. A review of leaseholder's future intentions documented in the review of the Ranch Operating Agreement to implement the GMPA and water quality standards; and
- 1.5. Evaluate eligibility and lease term lengths based appropriately on a leaseholder's history of performance and the type of operational impact on water quality.

A contingency checklist is critical to the success of the GMPA and protection of water quality and resources as it provides an incentive for operations to step into the new lease arrangements and written intentions of the GMPA and Final EIS. Leaseholders would need to work up to longer-lease terms if applicable based on their performance and lease compliance. Non-compliance would result in a termination of the lease.

2. Public Health: Notice Impaired Water Bodies

As previously noted in our letter, the Final EIS outlines the historic pollution levels in Drakes Bay that have recorded persistently high fecal bacteria count, with only 38 percent (62 percent failure rate) of the 2007-2013 sampling passing the public health safety standards. Abbotts Lagoon—an area of special biological significance within the Philip Burton Wilderness Area – is fed by streams which carry discharge from dairies that have the highest nutrient levels or loading rates.

On January 28, 2021, an independent lab collected a single sample set at seven locations throughout the park, including at the Drakes Estero sample location. Their report confirms the historically recorded high fecal bacteria coliform in areas discharge to the Pacific Ocean or estuaries including Drakes Estero and Abbotts Lagoon continue. The presence of *Escherichia coli* and *enterococcus* were at levels that far exceed public health standards for recreational water contact.¹⁵

Based on the continued presence of pathogens in recreational water bodies, the following requirement should be added to the conditional concurrence:

- 2.1. NPS must protect public health and notice impaired water bodies following the first significant rainfall (greater than 1 inch of rain) within one day of the storm event to remain for at least a week in order to protect public health (unless a sample is collected during that time frame that does not exceed the public health limit of *Escherichia coli* (not greater than 200 MPN per 100 mL sample) and *Enterococcus* (not greater than 100 MPN per 100 mL sample)).

Suggested Locations to be Noticed:

- Drakes Estero - Kayak Drop In
- Drakes Beach
- Abbotts Lagoon Trailhead
- McClure's Beach Trailhead
- Any other waterbodies, creeks, tributaries, or drainages frequented (hiked or accessed) by the general public that would experience pollutant runoff from beef or dairy operations.

¹⁵ Western Watersheds Project, *Point Reyes National Seashore Water Quality*, Table 2 and Table 3. March 4, 2021.

3. Diversifying Agriculture Operations: Protect Water Quality by Phasing in Implementation

The GMPA Final EIS provides authorization for diversification of ranching activities in specific ranching subzones in the planning area. Plans for diversified uses must be incorporated into a Ranch Operating Agreement prior to implementation and be subject to the guidance established under Alternative B concerning the scale, location, and mitigation measures.¹⁶

The ability of NPS to ensure the successful implementation of the GMPA will require additional staffing and effort to develop Ranch Operating Agreements, provide training on the new requirements for all parties (NPS and lessees), and conduct site inspections. We understand NPS has only received a portion of the funding required to manage the GMPA and half of this funding is dedicated to a staffing position to haze the tule elk from ranchlands and not be available for training and compliance activities.¹⁷

NPS currently has one dedicated staff person to manage 28,000 acres of ranchlands. The scale of the proposed diversification activities exceeds the ability of NPS to monitor and enforce water quality standards until NPS has the appropriate dedicated funding, resources, and trained staff to manage the spectrum of new uses.

As we outlined above regarding the standards for determining appropriate lease length, there have been numerous lease violations that have occurred during the public planning process for the GMPA that demonstrate the ongoing inability of NPS to enforce existing lease requirements or manage lease compliance.

Therefore, requests to diversify operations should be denied/delayed to ensure the successful and appropriate implementation of these new uses.

In addition, it is likely that the Final EIS has not fully analyzed all of the mitigation measures regarding diversified uses.

- For example, the GMPA allows 18 ranch units each to have 500 chickens. The manure and nutrient management plans for these operations are not detailed in or analyzed in the Final EIS. Chicken manure contains more nitrogen and phosphorous than other livestock manure and includes pathogens that are harmful to public health and water quality that include:
 - Coliforms: *Actinobacillus*, *Compylobacter*, *Salmonella*, *E. coli*;

¹⁶ National Park Service, *General Management Plan Amendment, Final Environmental Impact Statement*, page 42, 2020.

¹⁷ National Park Service, *General Management Plan Amendment, Final Environmental Impact Statement, Appendix D: Estimated Costs of the Alternatives*, 2020.

- Pathogenic Fungal Contaminates; *Aspergillus*, *Fusarium*, *Penicillium*, *Scopulariopsis*, *Fusarium*, and *Histoplasma capsulatum*; and
- Zoonotic Protozoa: *Cryptosporidium*, *Giardia*, and *Avian Influenza (HPA2 H5N1)*.¹⁸

Therefore, the following requirements should be added to the conditional concurrence:

- 3.1. Not authorize diversified uses until NPS has sufficient resources to manage and enforce the requirements for diversified uses, and a comprehensive written plan for doing so.
- 3.2. Require NPS to include additional testing metrics to include public and environmental health standards of different livestock.
- 3.3. Require NPS to conduct annual monitoring by mapping the scale and intensity of diversified uses to ensure that mitigation and best management practices are in place to sufficiently mitigate adverse impacts, or terminate uses if negative impacts persist, and publish results of all monitoring on the Seashore's website.

Diversified operations will add an entirely new spectrum of uses that NPS will be required to manage, monitor and ensure compliance with Ranch Operating Agreements. The public should have confidence and clear testing evidence that beef and dairy ranching is not harming water quality before NPS introduces new uses.

¹⁸ *How Safe Is Chicken Litter for Land Application as an Organic Fertilizer?* A Review. International Journal of Environmental Research and Public Health, October 16, 2019. Available: www.ncbi.nlm.nih.gov/pmc/articles/PMC6801513/

4. Lease Compliance: Enforcement Criteria

Chapter 4 of the Final EIS (Environmental Consequences: Water Resources) outlines the cumulative impacts of ranching activities:

Each of the proposed alternatives would affect water quality and quantity in the planning area and vicinity, including changes in pollutant loading (i.e. pathogens, nutrients, sediment, and other pollutants), flow patterns, infiltration, and changes in the amount of water use.¹⁹

The Final EIS further states, these negative cumulative impacts would be minimized based on the “change in the nature of the operations by alternative as well as mitigation measures...”²⁰ To mitigate the degradation of the marine environment and surrounding watersheds NPS included proposed mitigations in Appendix F: Management Activities, Practices Standards, and Mitigation Measures; and Appendix L: Coastal Watershed Water Quality Analysis.

- Appendix F outlines mitigations to protect natural resources while allowing continuing ranching practices to occur with special lease/permits or Ranch Operating Agreements and subject to general terms that would constitute overall authorization for ranch families to operate on park lands in specific subzones. All management activities analyzed in the Final EIS are intended to guide planning, implementation, and operation and maintenance for ranches.²¹
- Appendix L provides an analysis of the pollutants, like sediment and fecal coliform bacteria, to surface waters through either runoff or direct access by livestock grazing and dairy operations that pose risk to human health and cause ecological degradation. Surface waters may become contaminated by fecal coliform, by excess nutrients (nitrogen and phosphorous) from animal waste that leads to eutrophication, by reduced oxygen levels for aquatic ecosystems, and by erosion from the presence of cattle on stream beds and shorelines that reduces vegetation.²²

¹⁹ National Park Service, *General Management Plan Amendment, Final Environmental Impact Statement*, page 125, 2020.

²⁰ *See Id.* page 6, page 126.

²¹ National Park Service, *General Management Plan Amendment, Final Environmental Impact Statement, Appendix F: Management Activities, Practice Standards, and Mitigation Measures*, page F 1-2, 2020.

²² National Park Service, *General Management Plan Amendment, Final Environmental Impact Statement, Appendix L: Coastal Watershed Water Quality Analysis*, pages 3-4, 2020.

With the inclusion of the staff’s conditional concurrence recommendation, there are now metrics for measurement over time to ensure that mitigation measures and best management practices are being taken and measured to provide programmatic evaluation standards that are publicly accessible.

We strongly support the Commission Staff Report condition that states, “NPS lease terms would include remedies if lease conditions were not being met. For example, leases will contain terms stating that the lease shall become void at the option of NPS if any provisions are not met by leaseholders.”²³

In addition, NPS should include in their compliance language:

- 4.1. If water quality standards, best management practices, and mitigations are not being met or upheld by the leaseholder that NPS shall reduce the number of animal units authorized for commercial and personal use and revoke diversified use authorizations.

²³ California Coastal Commission, *Staff Report, Consistency Determination No: CD-0006-20*, page 29. March 26, 2021.

5. Public Trust: Improve Transparency by Additional Public Input, and Publishing Documents and Data

Since 2012, we have engaged in the NPS public processes concerning the proposed ranchland zone. In order for the public to have confidence in this plan and its stated intentions, increasing public transparency on ranchland management activities is essential.

The following requirements are necessary to ensure public confidence in the implementation of the GMPA:

- 5.1. Require NPS to post the annual report submitted to the Commission on the Seashore's website to ensure transparency and to provide the public with the information that the goals and programmatic objectives outlined in the GMPA Final EIS are being implemented on the scale that has been promised.
- 5.2. Require water quality sampling be conducted by a neutral third party for beef and dairy ranches.
- 5.3. Publish water quality sample results (at a minimum on a monthly basis) for public review. If NPS contracts with a partner to obtain samples, those results should be made publicly available on the Seashore's website.
- 5.4. Publish an annual review of approved diversified operations so that the public may understand the cumulative impacts of changed ranching activities and uses over time.
- 5.5. Publish annual report of all lease violations and consequences imposed by NPS, for public review on the Seashore's website.
- 5.6. Amend the Commission staff recommendation²⁴ to require NPS to return to the Coastal Commission to review the water quality strategy before the new leases are finalized.

²⁴ California Coastal Commission, *Consistency Determination No. CD-0006-20, National Park Service*, page 6, March 26, 2021

6. Programmatic Evaluation: Limit Coastal Commission CD to Five-Years

Finally, we request that the Commission limit the CD Approval to five years rather than twenty years. At the five-year mark the NPS would return to the Commission and supply comprehensive information on implementation measures undertaken and results achieved in protecting water quality and biological resources of special significance that fall under Coastal Act jurisdiction.

We urge the Commission to reconsider the CD timeline and include:

- 6.1. Limit the CD to five years, so that the Commission can hear from the NPS in 2026 to determine what progress has been made on protection of coastal resources in the Coastal Zone and if the Commission's requirements are being met on that matter.

A twenty-year timeline for review is too great. To effectively measure whether the planned implementation is successful and able to factor in rapidly changing conditions related to climate change – that was not fully analyzed in the GMPA Final EIS – it will be important to review the plan a quarter of the way through to allow for appropriate revisions to the concurrence conditions well before twenty years have elapsed.

Conclusion

We strongly urge the Commission to include additional requirements to strengthen and uphold the Coastal Act during this federal consistency review process to ensure that there is public transparency and accountability included in the Final EIS.

Thank you for your consideration of our comments on NPS's CD and for the effort by the Commission staff to review this complicated plan and develop recommendations that strengthen and protect areas of special biological significance and uphold the Coastal Act Sections 30230 Marine Resources and 30231 Biological Productivity and Water Quality.

Sincerely,



Morgan Patton
Executive Director



Bridger Mitchell
Board President

List of Attachments:

Attachment 1: Drakes Estero Marine Wilderness photographs of cow manure, public restroom access blocked due to cattle manure impacts, dead cattle in wetland, and cattle in mudflats.

Attachment 2: Abbotts Lagoon photographs of cattle grazing and urinating in the water.

Attachment 1: Drakes Estero Marine Wilderness

Images 1 and 2: Public restroom blocked due to cattle management issues

November 17, 2020. Located at 38.082809, -122.932261

Sign Reads: *"Please leave in place. It keeps the cows from defecating in the entry way."*



Image 3: Dead Cattle in Drakes Estero

Incident reported to NPS in January, NPS unable to remove the deceased animals.

January 14, 2021. Located at 38.061, -122.954



Image 4: Cattle Bones in Pastures near Drakes Estero
March 29, 2021. Located at 38.066, -122.954



Image 5: Cattle in Drakes Estero March 17, 2021
Located at 38.062, -122.928



Image 6: Cattle in Drakes Estero February 16, 2021
Located at 38.076, -122.955



Attachment 2: Abbotts Lagoon Wilderness Area

Image 1: Cow standing in Abbotts Lagoon.

November 29, 2019. Located at 38.118, -122.951



Image 2: Cattle standing in and urinating in Abbotts Lagoon captured by field camera.

September 29, 2019. Located at 38.119, -122.952





April 16, 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 again 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.

We submitted comments on this issue on January 4, 2021 and request they continue to be part of the record. However, we have several new concerns that we believe should be addressed. They are:

1

On March 26, 2021, CCC staff filed an updated report which assumes the projected benefits of BMPs in PRNS waters that drain to the ocean will alleviate water quality issues. This assumption is concerning. First, Lagunitas, and Olema Creeks and Tomales Bay despite the past implementation of BMPs (fencing off wetlands, streamside protective corridors, and waste management BMPs in particular), are still listed as impaired for pathogens/bacteria, nutrients and sediments by the San Francisco Regional Water Quality Control Board. This calls in to question the staff reports determination.

A recent report by Douglas Lovell, whose water quality report of January 2021 was submitted to the CCC by Western Watersheds Project on March 4, 2021, concluded that while further BMPs may further reduce bacteria contamination, "it is likely that exceedances of applicable criteria will persist." He further concluded that based on his test results, macronutrient pollution "appears to persist at concentrations similar to those that predated the reported implementation of [BMPs]" and global warming will exacerbate this problem. He also stated that "to adequately protect surface water quality" it will be necessary to reduce "the localized abundance of cattle waste." This report seems to contradict that proposed BMPs are adequate to protect water quality. It may require the reduction of cattle waste.

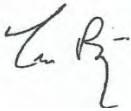
We are still concerned that the PRNS GMPA and the CCC report primarily use water quality outdated data compiled in the 2013 Coastal Watershed Assessment (Natural Resource Report NPS/PWR/NRR—2013/641). Because this report uses data between 1999 and 2005, we believe it is not reliable in determining current conditions and whether park waterbodies meet water quality standards.

Recently it was revealed that PRNS under an “emergency drought declaration” authorized ranchers to take water resources from wetlands and streams that feed into the Pacific Ocean including Abbotts Lagoon and Drakes Estero. We believe there are potential negative impacts on water quality and native species. Because climate change is predicted to adversely affect rainfall, the CCC and PRNS must consider the long-term effects of drought and its potentially significant effect on natural resources.

We recommend that the CCC postpone its Consistency Determination until the PRNS can determine adequate measures to protect water quality and these issues are resolved. If the CCC decides to conditionally approve that the PRNS GMPA is consistent with the Coastal Act, we recommend the following sentence. ***If after two years of regular independent testing and water quality monitoring, results show that NPS and the ranchers have failed to bring all ranches into compliance with all relevant water quality standards, this conditional concurrence shall be voided.*** This would help ensure the PRNS will adequately address the water quality impacts.

We appreciate the opportunity to comment.

Sincerely,



Tom Baty
President, Public Lands Conservancy



April 16, 2021

Mr. John Weber
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. Weber:

The Agricultural Institute of Marin (AIM) 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). 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. The GMPA EIS Preferred Alternative similarly provides 20-year leases and establishes strict ranch operating agreements using tested practice standards and measures 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.

AIM's mission is to educate, inspire, and connect communities, responsible farmers, and producers as part of a healthy, earth-friendly, equitable local and regional food system. We operate Bay Area farmers markets for producers who use ecologically sound growing practices, animal grazing methods, and responsible food production. Our markets provide a platform for farmers and ranchers—including several located in the Point Reyes National Seashore—who grow and harvest food using practices that are environmentally-beneficial; that create safe, healthy, and equity-conscious working conditions; and that demonstrate healthy and humane care for animals. We are poised to work with National Park Service staff and Seashore ranchers to successfully support the implementation of the GMPA as a community partner.

We thank you for this opportunity to provide our comments and for your consideration.

Respectfully,

A handwritten signature in black ink that reads "Andy Naja-Riese". The signature is fluid and cursive, with the first name "Andy" and last name "Naja-Riese" clearly distinguishable.

Andy Naja-Riese, MSPH
Chief Executive Officer

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PROJECT COYOTE

F O S T E R I N G C O E X I S T E N C E



April 16, 2021

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

Submitted via email: EORFC@coastal.ca.gov

Re: General Management Plan for Point Reyes National Seashore and Golden Gate National Recreation Area - Public Comment on April 2021 Agenda Item Special Meeting 3a—CD-0006-20 (National Park Service, Marin Co.)

Dear Chair Padilla and Commissioners:

On behalf of Project Coyote and our California supporters, we urge the California Coastal Commission to support protection of park resources and wildlife, best articulated in Alternative F from the General Management Plan (GMP), which would end ranching activities at Point Reyes National Seashore (PRNS) and expand visitor opportunities.

Project Coyote is a national non-profit organization based in Marin County, California. We have more than 8,000 supporters, activists, advisors, volunteers and staff working together to promote compassionate conservation and coexistence between people and wildlife through education, science, and advocacy. Our supporters include nationally and internationally recognized scientists, educators, ranchers, political leaders and everyday citizens who strive to change laws and policies to protect native carnivores from abuse and mismanagement, advocating coexistence instead of killing. We seek to change negative attitudes toward wolves, bobcats, mountain lions, coyotes and other misunderstood predators by replacing ignorance and fear with understanding, respect and appreciation. Thousands of our members and supporters live and work in California, and many are regular visitors to Point Reyes, a federally designated protected area, where they partake in hiking, camping, birdwatching, photography, wildlife observation and study, kayaking, and beach-going.

Project Coyote has many concerns about several aspects of the preferred Alternative B identified by the National Park Service (NPS). Set forth below are just a few examples.

Agricultural Diversification and Ecological Impacts

Alternative B of the GMP mentions two specified allowable forms of agricultural diversification in the Park: row crops and new livestock species (particularly pigs, goats, sheep and chickens). Row crops will attract a host of animals (native and non-native) such as various rodents, skunks, gophers, moles, voles, deer, and fox, who prefer to consume vegetables or leafy greens. These will in turn attract small to mid-size predators, such as bobcats and coyotes. Retaliation toward species deemed “pests” or

“vermin” is inevitable, and despite the NPS’ assurances that no rodenticides or other lethal measures will be allowed, killing and retribution will very likely occur, and these actions can have cascading detrimental effects on the local ecosystem and on non-target wildlife, including threatened and endangered species.

Introduction of other livestock farm animals into the park (the livestock species referenced above—pigs, goats, sheep and chickens) will almost certainly attract other larger predators seeking easy prey. Coyote, bobcat, and mountain lion populations would undoubtedly increase, bringing with them a host of possible human/wildlife conflicts.

There is a large extant literature on the ecological impacts of cattle on ecosystems, which we discuss in our comments below.

In addition to these well-known ecological impacts detrimental to ecosystem function and services, agricultural diversification is likely to greatly alter the ecology and wildlife patterns in and around the park, and result in an environmental disaster for the animals, the leaseholders, and park visitors alike. All this, combined with continued climate change and disruption that will exacerbate impacts, must be considered when choosing an alternative.

Climate Change and Climate Disruption

Most policymakers and governmental agencies realize that the climate represents an existential threat to the planet, and is already affecting the weather, sea levels, polar ice levels, water temperatures, and more. Methane is known to be one of the most potent greenhouse gasses, and methane from cows to be one of the most prevalent sources of emissions. Other threats include:

- . Rising seas
- ☐ Tidal flooding
- ☐ Shoreline erosion
- ☐ Saltwater intrusion
- ☐ Larger storm surges
- ☐ Chronic or permanent inundation of roads, beaches, marshes, etc.
- ☐ Ocean acidification
- ☐ Worsening air and water quality
- ☐ Longer and more frequent heat waves and droughts
- ☐ Longer wildfire seasons and hotter and more frequent wildfires

Not only is methane (CH₄) one of the most potent greenhouse gasses, it has *80 times* the heat-trapping properties of carbon dioxide (CO₂). A study out of UC Davis reveals that a single dairy cow will belch 220 pounds (~99 kg.) of methane per year. Agriculture (mostly cows) contributes almost 25% of all greenhouse gas emissions worldwide according to the World Resources Institute, which found that over the next 20 years, dairy and beef cows will have twice as much impact on climate change globally as will all of the world’s passenger vehicles. In addition, manure management accounts for about 14% of total greenhouse gas emissions from the agriculture economic sector in the United States.

It is imperative that this impending crisis be front and center in any decision-making about preferred alternatives, which should include ways to address the many serious impacts of climate change, as well as ways to mitigate cow-based emissions with better manure management, feed practices, etc.

Tule Elk Culling

Project Coyote strongly opposes lethal culling of the Tule Elk herd within the Point Reyes/GGNRA planning area. As the only national park with a population of the rare Tule Elk, which have been reduced to just 1% of their historic population, PRNS and the agencies influencing its management should uphold the NPS mission and prioritize native and imperiled wildlife over livestock grazing. Agricultural interests are currently resulting in significant, negative impacts on the PRNS Tule elk with fencing and culling keeping the population artificially low. To our knowledge, no other national park fails in its mission to protect wildlife so egregiously as PRNS prioritizing private agriculture interests.

Dairy Ranching

Due to the substantial emissions and the intense and impactful manure and water quality issues resulting from their operation, dairy ranching facilities should be phased out over a period of five years, as set forth in Alternative E of the GMP.

Cattle Ranching

Rather than increasing the level of allowed beef cattle AUs to offset the loss of dairy ranching operations, the number of beef cattle AUs allowed should be phased out, in order to best serve (1) the statutory purpose of national parks under the National Park Service Organic Act, which is “to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations;” and (2) the Point Reyes Seashore enabling legislation, as amended, which states that the NPS shall administer Point Reyes “*without impairment of its natural values*, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with, based upon, and *supportive of the maximum protection, restoration and preservation of the natural environment within the area . . .*” (Emphasis added.)

It is clear (even from the deficient final EIS) that extensive beef ranching on park lands has, and will continue to have, deleterious environmental impacts on the area’s soils, water quality, vegetation, wildlife (including the Tule Elk), and the climate. Phasing out cattle ranching, as set forth in Alternative F, is the best option to address these myriad and critical issues.

To the extent that lease extensions under these parameters are appropriate, only members and descendants of the original ranch families can participate. No “new” ownership interests shall be allowed, in keeping with the intent of the enabling legislation and other agreements made when these park lands were acquired from those legacy families. When and if existing families leave, retire, abandon their lease(s), or otherwise vacate their leaseholds, those lands shall be transitioned from cattle ranching to the natural and indigenous ecosystems.

Conclusion

The law requires that the NPS seek to implement the most protection and least detrimental consequences to the environment (including wildlife, water and soil) in its management and oversight of the PRNS. Alternative F is the single best option to accomplish this mandate (with elements of Alternative E also helpful).

We welcome further discussion with you about this matter. Thank you for your consideration.

Respectfully submitted,



Camilla H. Fox
Project Coyote Founder & Executive Director
(415) 945-3232
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Michelle Lute, PhD
Project Coyote National Carnivore Conservation Manager
(406) 848-4910
mlute@projectcoyote.org



Sent via email: EORFC@coastal.ca.gov

Date: April 15, 2021

To: Members of the California Coastal Commission (CCC)

Subj: **Public Comment on April 2021 Agenda Item Special Meeting 3a—CD-0006-20. (National Park Service, Marin Co.)**

Ladies and Gentlemen:

As regular visitors to the beautiful Sonoma, Marin, and Mendocino County coastlines, we have followed this tragic Pt. Reyes National Seashore story (PRNS). Not only are we gravely concerned about unacceptable private land use of public lands, but also we are deeply disappointed with the National Parks Service's (NPS) intransigence in favoring ranching over natural landscapes for scenic enjoyment. Even if the cruel, abusive and neglectful death of elk were not an issue, the degradation cattle or other livestock ranching brings to any area¹—especially to iconic, sensitive public lands—is egregious and unacceptable.

What should be open-space public lands with wildlife and scenic views are instead fenced off areas for private profiteering via dairy and/or other cattle operations. Worse is that these types of cattle ranching and dairies are fraught with problems which are increasingly coming under public scrutiny (unnatural breeding, cow/calf separation at birth, and/or abject cruelty inflicted in dairy and livestock industry operations—including CAFOs. Much of the barbaric treatment of dairy cows is caught on camera, posted online, and can be readily viewed.²

Instead of making the Point Reyes National Seashore public, as it should be, the NPS proposal is to expand ranching to almost 30,000 acres. NPS's responsibility, goal, and mission should be to reduce all private operations anywhere on PRNS lands to zero acres--especially since taxpayers already purchased and own the land!

We urge the CCC to take a firm stand against NPS ranching-expansion proposals that deny public access, kill rare elk, and negatively impact the environment, to name just a few. Additionally, we urge the CCC to strongly support Alternative F. Farming and ranching on or in the PRNS needs to be halted immediately. Visitor opportunities need to be expanded, and wildlife protection and preservation must be a top priority for this public landscape.

Thank you for considering our views

Marilyn Jasper, Chair

¹ Methane releases, diseases (e-coli, CWD), water contamination (manure lagoons), drug resistant bacteria, etc.

² Simply Google "Video" + "dairy cow" "abuse"



Governmental Affairs
1127 11th Street, Suite 626
Sacramento, CA 95814
916-446-4647

April 15, 2021

Steve Padilla
Chair, California Coastal Commission
276 Fourth Avenue
Chula Vista, CA 91910

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

**Re: Consistency Determination-0006-20: General Management
Plan Amendment for Point Reyes National Seashore**

Dear Chair Padilla and Director Ainsworth:

The California Farm Bureau (Farm Bureau) appreciate the opportunity to express support for the consistency determination conducted by the California Coastal Commission (Commission) on the 2020 General Management Plan Amendment (GMPA) for the Point Reyes National Seashore (PRNS). Farm Bureau is a non-government, non-profit, voluntary membership corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau currently represents nearly 34,000 members throughout California, including many of the beef ranchers and dairy producers at PRNS and the GGNRA.

While the GMPA is primarily important to our organization because of its immediate impact upon the ranches and dairies in the PRNS and GGNRA, concurrence of management decisions by the Coastal Commission have impacts that would reverberate throughout Marin County. The GMPA presents an extraordinary opportunity to preserve the social, environmental, and economic balance that has made Point Reyes such a remarkable resource. We recognize that finding the best way to preserve this balance is challenging, and we appreciate the Coastal Commission's thoughtful consideration. Our organization has long been actively involved in issues of ranch management at PRNS and GGNRA, previously engaging throughout every phase of the now-superseded Ranch Comprehensive Management Plan process and in the initial public comment and scoping periods of the current GMPA process, in addition to numerous other policy issues on which we have engaged the PRNS Superintendent. We urge the Coastal Commission to examine the scrutiny of each of these prior phases in developing a well-founded GMPA and we respectfully request concurrence on the detailed elements related to zoning, and management of ranch operations and Tule elk.

In addition to these elements of the GMPA, the Commission's staff report recommends that the Commission include a condition that the Park Service provide the Executive Director, for review and approval, a water quality assessment plan for the Drakes Estero, Abbotts Lagoon, and the Pacific Ocean prior to finalization of new leases. The recommendation is inconsistent with the GMPA, namely, best management practices implemented to maintain water quality in the PRNS, mission-creep by the Commission into the purview of the California Water Resources Control Board and Regional Water Quality Control Board, and disregards the Waste Discharge Requirements and waivers approved for dairies in the PRNS by the San Francisco Bay Regional Water Quality Control Board. We urge the Commission to not adopt this stated staff recommendation and respect the authorities of sister state and regional agencies.

ZONING ELEMENTS

The zoning framework proposed under the GMPA designates two additional areas as Ranchland (28,1000 acres) and Scenic Landscape (600 acres). These two designations allow for the continued existence of elk herds, including the Drakes Beach herd in the Scenic Zone, and dairying and ranching in the Ranchland zones. Within each respective zone and subzone, a variety of ranching activities, including targeted grazing the Scenic Landscape Zone, allows for co-existence, but segregation of elk populations and beef and dairy operations. Each distinct area, through subzones, are crafted in a manner to also facilitate the proliferation of sensitive resources, like native grasslands and riparian habitat, and the abatement of invasive species. Those areas that lack such resources are available for grazing and diversified agricultural activities and appurtenant infrastructure currently under permit/lease.

RANCH MANAGEMENT

We are pleased to see that the GMPA continues to contemplate 20-year leases for the beef ranchers and dairy producers at PRNS. Cattle ranchers, including those at PRNS, strive to be good stewards of the land, water, and wildlife resources. Short-term leases stymie efforts at good stewardship. With short-term leases, ranchers are unable to obtain external financing for ranch improvements that could benefit the land. Additionally, without any intermediate- or long-term certainty regarding the continuation of ranching permits, ranchers are hesitant to invest their own capital in ranch improvements, as there is no assurance that they will see returns on those investments. Long-term, 20-year, leases will enable ranchers to obtain financing and see returns on their own investments, incentivizing good stewardship practices and benefitting both the rancher and the unique environment of the PRNS. The solution to environmental concerns at PRNS is not to eliminate or reduce ranching, but to provide the Seashore's ranchers with operational security that will allow them to invest in improvements benefitting the ranch, the land, the water, and the Seashore's unique wildlife.

These leases would be buttressed by annual submissions and reviews of Ranch Operating Agreements, detailing specifically related agricultural activities. These Agreements would contain provisions to ensure that NPS management goals would be met and allow the continued use of many tools and management approaches currently in place, including existing monitoring of grazing levels, water quality, riparian area conditions, and invasive vegetation species. Management activities further contemplated in the GMPA would be conducted in accordance to best practices with embedded, individualized mitigation measures. Such management practices contemplate water control, vegetation, and importantly, allow for agricultural diversification activities. We understand that the Commission's staff report includes a suggestion that the NPS provide the Commission's Executive Director a water quality assessment plan for review and approval before new leases with ranchers are finalized and that the NPS report annual water quality analyses; however, we believe that Agreements can be individually tailored to ensure water quality standards are met and, if possible, exceeded without this administrative hurdle. In the wake of the COVID-19 pandemic and the subsequent economic recession to follow, it is critical that the GMPA be drafted in a manner consistent the environmental and economic best interests of the State and Marin County.

ELK MANAGEMENT

Finally, among the most important considerations of the GMPA is improved management of Tule elk. This is necessary not only to reduce impacts upon the historic ranches and dairies of the Seashore, but also to ensure that the elk population remains stable and viable.

Between 2012 and 2015, extreme drought conditions in California led to lack of water and available forage that devastated the Tule elk herd at Tomales Point. During that period, the Tule elk population at Tomales Point declined from 540 animals to 286.¹ While the same fate did not befall the Limantour and Drakes Beach herds of Tule elk—partly because those herds had access to the forage and water resources of the ranches and dairies at the Seashore—the fate of the Tomales Point herd teaches the lesson that elk populations should not be allowed to grow unchecked. Resource scarcity in California is an unfortunate reality, with recurring droughts, wildfires, or other climate related cases becoming more pressing. Should elk herds grow unmanaged, they risk devastation during these periods of scarcity. Additionally, improperly managed Tule elk wreak havoc on the ranches and dairies of the Seashore. This includes (1) competing with livestock for forage, often necessitating the purchase of supplemental feed (2) damaging fencing and other ranch and dairy infrastructure, (3) threatening lessees' compliance with PRNS grazing standards, such as residual dry matter standards, and (4) threatening organic or other certifications obtained by lessees, among other impacts. Additionally, elk incursions into the pastoral zone risk transmission of serious diseases, such as Chronic Wasting Disease and Johne's Disease, to cattle.

To avoid these instances, the GMPA includes improve management of elk at Point Reyes. For the Drakes Beach and the Limantour herd, proposed management measures would include but aren't limited to hazing practices and fencing to discourage elk from becoming established in ranched areas and methods to maintain a population of specified herd size. Setting a population goal allows the Park Service to better match the size of the herd to the available habitat resources. We know that some in the community believe that the elk should be allowed to roam freely without any limits on their herd sizes. Elk are beautiful creatures, but they also require large areas to roam and a significant amount of feed. We believe these management practices can allow for elk populations to persist and, ultimately, thrive.

COASTAL COMMISSION STAFF RECOMMENDATION

As mentioned, Farm Bureau requests the Commission reject staff's recommendation for GMPA concurrence and issuance of new leases to be contingent upon Commission approval of a water quality assessment plan. This recommendation largely ignores nearly thirteen years of water quality data collection and analysis conducted in Drakes Estero, Abbotts Lagoon and oceans watersheds which serve as the basis for best management practices (BMPs) implemented to significantly improve water quality.² A 2020 Water Quality Report cites that "While livestock grazing on public lands introduces fecal coliform bacteria into surface waters, our results further support previous studies showing that BMPs can dramatically, effectively, and rapidly reduce FIB and increase the probability of meeting water quality objectives."³ This recommendation also omits the demonstrable water quality improvements that have occurred from conversion of conventional to organic dairying in those areas in the mid to late 2000s. We contend that there is more than an adequate record and analysis in the GMPA to support its conclusion that it is consistent with the California Coastal Act and that best management practices will protect water quality in the Drakes Estero, Abbotts Lagoon, and ocean watersheds. These same BMPs have been acknowledged by the Commission's staff report as suitable accommodations for water quality in the Olema and Lagunitas Creek Watersheds.⁴ Therefore, it is inappropriate that they may not too be applicable in this context.

¹ Peter Fimrite, *Conservationists Upset as Much of Point Reyes Elk Herd Dies*, SF GATE (San Francisco), April 19, 2015.

² 2020 Report "Improved Water Quality in Coastal Watersheds at Point Reyes National Seashore Associated with Rangeland Best Management Practices, 2000-2013"

³ GMP App. L at 3.

⁴ See Coastal Commission staff report, page 39-40.

Additionally, the Coastal Commission's staff report and contingency statement are representative of mission creep by the Commission into statutes and regulations effectuated by the State Water Resources Control Board (State Water Board) and the appropriate Regional Water Quality Control Board. California Public Resources Code states the State Water Board and regional water quality control boards have the primary responsibility to coordinate water quality control measures. Section 30412(b) even more explicitly states:

"The commission shall assure that proposed development and local coastal programs shall not frustrate this section. The commission shall not, except as provided in subdivision (c) [for waste water treatment plants], modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights."

This interrelationship is further explored in a Memorandum of Understanding, specifying that the Commission, with limited exceptions for wastewater treatment plants, "shall not modify, adopt conditions, or take any action in conflict with any determination by the SWRCB or any RWQCB in matters relating to water quality or the administration of water rights."⁵ The GMPAs water quality BMPs were drafted with consideration of the role of the State Water Board and in concert with the San Francisco Bay Regional Water Quality Control Board across five categories, including infrastructure, fencing, manure management, livestock water supply and pond restoration.⁶ These BMPs are further buttressed by ranches' and dairies' obligation to comply with stringent water quality management requirements governing agricultural nonpoint source pollution, such as general Waste Discharge Requirements and dairies must meet the Statewide Minimum Standards.⁷ This is all in addition to conformance with the Federal Clean Water Act, Section 319 water quality grants from the Environmental Protection Agency for control of nonpoint source runoff administered by the water boards and voluntary partnerships with the Resource Conservation Districts and the National Resource Conservation Service to make improvements or conduct operations that will further water conservation and the prevention and control of soil erosion. Therefore, an obligatory reporting structure to also include the California Coastal Commission is unwarranted, redundant and beyond the Commission's statutory purview.

Finally, and perhaps most significantly, an unabridged consistency determination of the GMPA is consistent with the California Coastal Act and its charge associated with land resources, which include production agriculture in the Coastal Zone. Public Resources Code Section 30241 states that, "Prime agricultural land; maintenance in agricultural production. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy." By its own writings, the Commission continues, "The Coastal Act identifies coastal agriculture as one of several priority land uses (along with uses such as public access and recreational facilities, visitor-serving facilities, and commercial fishing) that require informed consideration and protection."⁸ Consistency offered by the Commission to the GMPA is not only obligatory based upon the provisions of its charge, but also because it is necessary to facilitate the continuation of a century of agriculture on PRNS. Ranches are essential to many local and regional businesses and Marin County agriculture is a recognized leader in California's agricultural sustainability movement and local food security. Family ranches on PRNS contribute important historical, cultural, social, educational, scenic, environmental, and economic values that benefit the community and the State.

⁵ MOU, February 2000.

⁶ GMP App. L at 10.

⁷ https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/agriculture/CAF/Title_27.pdf

⁸ <https://documents.coastal.ca.gov/assets/agriculture/Informational%20Guide%20for%20Agricultural%20Development%209.2.2017.pdf>

In conclusion, the Farm Bureau appreciates the opportunity to provide support as the Coastal Commission considers the GMPA. We respectfully request the Commission reject staff's recommendation regarding implementing additional water quality obligations on family farms and ranches and we encourage unanimous concurrence to ensure that agriculture at PRNS and GGNA remain viable.

Sincerely,

A handwritten signature in dark ink, appearing to read 'T. Roschen', with a stylized flourish at the end.

Taylor Roschen, Policy Advocate
California Farm Bureau Federation

cc: Honorable Members, California Coastal Commission
National Parks Service
Marin County Farm Bureau

April 15th, 2021



Chair Steve Padilla
c/o Mr. John Weber
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:

This letter is a resubmission of our letter dated January 6th, 2021 submitted when this item was scheduled for review on January 14th, 2021. The Marin Conservation League appreciates the extended time provided for review and comment. We have continued to study the details and issues of this item, and find the staff recommendations reasonable and supportable, as detailed in our previous letter and communicated again in this letter.

The purpose of this submission is to urge the Commission to support the Staff Report's recommendation 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 coastal 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.

In supporting the NPS 'Preferred Project' before you today, MCL has been guided by the lengthy legislative record and policy directives that, together, continue to affirm ranching as a distinctive historic cultural feature of PRNS. Of particular note is the Order of Ken Salazar, then-Secretary of the Interior (November 29, 2012), directing the NPS to offer 20-year leases to the multi-

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mcl@marinconservationleague.org

Marin Conservation League was founded in 1934 to preserve, protect and enhance the natural assets of Marin County.

generational ranches dating back more than 100 years. MCL is also 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.”

In keeping with our long-standing conservation mission to preserve public lands, our understanding of the legislative and policy history, and our 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 website¹.

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, however, from the NPS proposal is a comprehensive water quality monitoring component. . . to demonstrate whether implementation of those actions (would) result in compliance with water quality standards.” (Staff Report, pp. 58). 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.

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).

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. 59)

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 GGNRA². 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 EIS³. 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 watershed⁴ and confined animal facilities, including dairies, in both the Tomales Bay and coastal watershed areas⁵. 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.

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

In Conclusion

MCL is calling upon California Coastal Commissioners to follow staff lead in recommending a water quality strategy before new leases with ranchers are finalized. We also agree with the five elements to be included in the assessment plan: 1) provide short and long-term goals and timelines for Drakes Estero and 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 and 4) provide annual reports that 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; and 5) inclusion in the annual report of water quality monitoring results and practice implementation from Tomales Bay including Lagunitas and Olema Creek watersheds.

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



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) . . . upland 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 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.

April 14, 2021

Chair Steve Padilla
c/o Mr. John Weber
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:

We are providing you this letter to convey to you and California Coastal Commissioners our support for 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).

Combined, we represent the majority of the North San Francisco Bay milkshed. Our creameries partner with 50 Marin and Sonoma dairies (out of the approximately 80 in the counties), purchasing their milk and processing it into locally available dairy products. These partnerships are a critical underpinning of our local and regional community and food system.

The dairies we partner with are fourth and fifth generation family farms. The majority are Organic certified, and pasture based. They also adhere to our standards for sustainability and quality. This includes land and resource stewardship in general and, specifically, compliance with respective California Regional Water Quality Control Board General Orders for Waste Discharge.

The whole milk, cheese, yogurt, and other dairy products we craft are available throughout the greater Bay area through our respective products and creamer labels. The result is a community of consumers that have access to a local, healthy source of dairy products and protein. In turn, the purchase and consumption of these dairy products supports local on-farm and in-creamery employment.

The dairies on the PRNS are every bit part of this vibrant local food system as any dairy elsewhere in the region. Their continued success is integral to our continued success and presence. Our creameries partner directly with those dairies, adding the milk they produce to the products we make. We also collaborate with them through our sustainability programs.

The GMPA EIS provides needed 20-year leases that will support operational success of these dairies by providing a sufficient horizon for planning and implementation. The GMPA EIS also requires a rigorous process for establishing those leases and monitoring adherence to individual Ranch Operating Agreements. With the integration of tested and proven management practices

from GMPA EIS Appendix F and required annual review of accomplishments, these leases and their complementing Ranch Operating agreements place some of the most stringent environmental resource protections there exists in agricultural leases.

We reserve one critic of California Coastal Commission staff recommendations, leading to a request of the Commissioners prior to making a decision. As we shared earlier, we are aware and experienced in the mission and jurisdiction of the California State Water Resources Control Board and the California Regional Water Quality Control Board. Specifically, we have supported our partnering dairies through their compliance with respective Regional Board orders. Based upon that experience, the recommendations for Commission staff for water quality management, monitoring, and reporting are duplicative of the Commission's counterpart agencies the State and Regional Boards. California Coastal Commission staff and Commissioners should be encouraged and even required to work directly through the lead agency and avoid this duplication in governance and regulation.

The critic of regulatory redundancy aside, we support Commission staff recommendation for consistency of the GMPA EIS. The six dairies on the Seashore are of critical importance to our local and regional food system and the rigor and accountability between leasing dairies and PRNS staff in the GMPA EIS will be protective of environmental resources, including water quality.

Thank you for considering our comments.

Respectfully,

Albert Straus

Founder & CEO



Bill Van Ryn

President



Marcus Benedetti

Chairman / CEO





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April 14, 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 among 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 mitigate climate change, store water, support pollinators, and keep invasive plant species in check. Elements of the GMP that limit agriculture to protect natural resources and create incentives for ranchers to invest in the land will further enhance the stewardship of this valuable public asset.

We note that ranches in the park were not affected by the Mt. Vision fire in 1995 or the Woodward fire in 2020, the responses of ranchers being key to those outcomes.

Today we ask 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,

A handwritten signature in black ink, appearing to be "Thane Kreiner", written over a horizontal line.

Thane Kreiner, PhD
Chief Executive Officer





April 7, 2021

Mr. John Weber
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. Weber:

The Marin Resource Conservation District 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 develop the GMPA EIS, providing comments and offering our organization as a resource for NPS staff and affected agricultural producers ranching on the PRNS and GGNRA.

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 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, the Marin Resource Conservation District

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

nancy@marinrcd.org



Marin Audubon Society

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April 6, 2021

Steve Padilla, Chairman
California Coastal Commission
455 Market Street.
San Francisco, CA 94105

RE; COMMENTS ON POINT REYES NATIONAL SEASHORE MANAGEMENT PLAN
CONSISTENCY DETERMINATION

ATT: John Weber

Dear Chairman Padilla and Commissioners:

Thank you for the opportunity to comment on the Consistency Determination for the Point Reyes General Management Plan and the north District of Golden Gate National Recreation Area. Although we have issues with other components of the Management Plan that are not within the Commission's jurisdiction, we agree with staff's finding that the Plan is not consistent with Coastal Act policies related to water quality and marine resources in areas outside of Tomales Bay. Our specific concerns and recommendations about the strategy and measures that are intended to lead to full concurrence are discussed further below.

Water Quality Impacts

In the most recent water quality testing, performed by the Western Watershed Network in 2021, fecal bacteria counts exceeded thresholds in all sampling locations at sites flowing into the Pacific Ocean. Higher measurements were found at Abbotts Lagoon and Kehoe. Other constituents tested also exceeded water quality standards. It is clear from these limited test results that marine resources are at significant risk.

We strongly support the recommendation that a strategy be developed and that the Executive Director approve it before ranch leases are finalized so that ROAs can incorporate conditions. The overall strategy and timeline would identify where the tests and measures will be performed and when; present the sampling methodology and how their efficacy will be evaluated; inform management strategies and prioritization; and provide annual reports that include water quality data and BMPs used. **We strongly recommend that testing of marine species be added to the strategy requirements to better inform the effectiveness of the strategy**

According to the staff report, the conditional concurrence will remain in place until the NPS submits a revised consistency determination when it believes the water

quality strategy is no longer warranted or should be modified, or the Commission chooses to exercise its reopener provisions of the CZMA.

We have several questions and recommendations:

How will requirements of the strategy be enforced?

How will it be determined that the strategy is no longer warranted or should be modified? There should be objective standards to guide when removal of the conditional concurrence is warranted.

Testing of marine species should be required.

Will the water quality reports be available to the public? The draft strategy should be available for public review and comment.

Ranch Operations –

Ranch Lease – We accept the 20-year leases, but we have a real problem with the lack of opportunity for ranchlands to be restored to natural habitats. If family members do not wish to continue in ranching, there should be provision for that ranch to be retired without having to go through a complicated public process.

- Enforcing Lease requirements - While the NPS would be able to revoke leases for non-compliance, that decision is completely at the discretion of the NPS. There should be identified criteria for revoking leases – (e.g. – exceeding AU limits for five years or some other number of years, or failure to meet water quality standards for a specified number of years).

- Implementing Ranch Operation Agreements - We question whether annual meetings and routine ranch visits (whatever that means) will be sufficient? Regular monitoring is required, however, the only definitive requirement is for once-a-year meetings. There should be a requirement for a specific number of random on-site visits (e.g. five or ten) to monitor what is going on.

Given the history of lack of compliance with AU limits, as reported in the EIS, we recommend that a specific number of unscheduled visits be required throughout the year to oversee compliance with AU numbers, compliance with lease requirements and permits, biological opinions, NRCS Practice Standards, water quality testing, other regulatory and monitoring requirements.

There is no discussion of enforcing ROA provisions. There should be penalties for non-compliance. Non-compliance actions or inactions add up to cumulative impacts on natural resources. The only penalty noted is the extreme penalty of revoking leases. An enforcement plan that includes penalties and timelines should be part of the overall strategy.

The leases, ROAs and the enforcement plan also should be available for public review and comment.

Staff Needs -

Developing leases and ROAs, preparing and overseeing implementation of the strategy, working with ranchers to agree on and carry out requirements in the leases and ROAs, water quality protocols testing and biological resource protection requirements, overseeing and enforcing all required activities, and developing reports will be a complex and lengthy process.

We understand that two of the four staff projected to be needed to implement the plan have been approved. We urge that these two positions be dedicated, at least initially, to working on the natural resource protection components of the Plan. To get the Plan operating quickly to correct damage to the natural resources, it is essential that there be adequate dedicated staff.

Our preference is that all four of the projected staff should be dedicated to natural resources until it can be demonstrated that the strategy is succeeding in bringing water quality into compliance with accepted standards. This should occur before the conditional concurrence is lifted.

Other Resource Impacts -

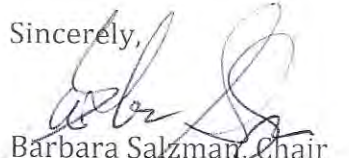
Adverse impacts on other natural resources are of concern, even if they are not within the Commission's jurisdiction. These flow from activities allowed in the Management Plan:

- The raven population is already unnaturally large due to ranch activities and will be even greater with the diversification activities. Adverse impacts on the Western Snowy Plover from this unnatural abundance of corvids should be anticipated.
- Many grassland-nesting birds will continue to be lost from forage production. Mowing is responsible for the loss of eggs and nestlings that cannot fly out of the way of mowers. An earlier requirement that mowing take place after nesting season has been removed, and should be reinstated.
- The ranch animal and crop production allowed under the diversification provision will attract native predators. Although NPS policy does not allow harming of native wildlife but there is basically no oversight.
- Attention should be given to the impacts on the natural ecosystems from the loss of water diverted from the natural stream systems to support ranch animals, particularly in drought years such as this one.
- While lethal means may be necessary to control the elk population in the future to prevent them from entering private property, it is not essential at this time particularly if they had more habitat available to them.

Finally, discussions about adverse impacts to species all conclude that there will be no population-level affects. That may be, but shouldn't the operating principals for a National Park be higher than that?

We emphasize that the conditional concurrence status should not be removed until it has been demonstrated that there is uniform compliance with leases, ROAs and other regulatory requirements and the water quality strategy is effectively reducing water quality degradation. Thank you for considering our input.

Sincerely,



Barbara Salzman, Chair
Conservation Committee