#### **CALIFORNIA COASTAL COMMISSION**

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# Th<sub>10</sub>b

CD-0006-20 (National Park Service)

**November 16, 2023** 

#### **CORRESPONDENCE**

Received between November 2, 2023 and November 13, 2023

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CORRESPONDENCE:
Letters from Elected Officials
and Organizations





November 10, 2023

### Agenda Item Th10b

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

RE: November Agenda Item Thursday 10b - November 2023 CD-0006-20 (National Park Service, Marin Co.)

Chair Brownsey and Vice-Chair Hart, and Members of the Commission:

The National Parks Conservation Association (NPCA) and Environmental Action Committee of West Marin (EAC), a local environmental nonprofit based in Point Reyes Station, California, submit these comments regarding the National Park Service's (NPS) Annual Report pursuant to its Water Quality Strategy. The Annual Report identifies significant, ongoing pollution from ranching activities within the Coastal Zone, violations of leases and permits, and highlights that coastal resources are not being protected to the maximum extent practicable as required by the Coastal Act.

NPCA and EAC request the Commission direct staff to schedule a Consistency Determination reopener agenda item at the February 2024 Commission meeting, so that the Commission can consider, and possibly act on, its options to ensure that coastal resources are being protected to the maximum extent practicable.

The report demonstrates more effective strategies need to be implemented by the NPS, including more effective management actions such as reduction in animals, to ensure coastal resources are being protected to the maximum extent practicable. For example:

- Water quality is bad in many sections of the park during the rainy season and the dry season.<sup>1</sup> Summer 2023 conditions offered park visitors and wildlife no relief, with poor summer water quality across the Point Reyes National Seashore (Seashore) that was accentuated by the low flow conditions. As predicted, drought conditions continue to strain the ecosystems of Point Reyes, perpetuating an imbalance where water for streams takes a back seat to water for cattle.
- Drakes Estero is the west coast's only marine wilderness and is a designated State Marine Protected Area, yet the Annual Report shows water quality downhill of dairy operations in the Drakes Estero watershed exceeded the six-week geomean contact recreation water quality benchmark for *E. coli* in winter.<sup>2</sup> In summer, nearly all sites with flowing water exceeded the six-week geomean contact recreation

<sup>&</sup>lt;sup>1</sup> California Coastal Commission, Appendix A – 2023 Annual Water Quality Strategy Report and Water Quality Monitoring and Assessment Report at 94 and 98.

<sup>&</sup>lt;sup>2</sup> Id. at 17, 77, 89.

water quality benchmark for *E. coli.*<sup>3</sup> These types of water quality exceedances are unacceptable for a National Seashore that people visit for recreation including a Marine Wilderness area.

- The data suggests that this ongoing pollution also challenges the integrity of the Point Reyes State Marine Reserve and the Point Reyes Headlands Area of Special Biological Significance.<sup>4</sup>
- In winter, all sites in the Drakes Bay Watershed downhill of dairy operations exceeded the *E. coli* contact recreation water quality benchmark for the six-week geomean. In the Kehoe Creek watershed, three sites exceeded the *E. coli* benchmark downstream of portions of both a dairy and grazing operation and another site downstream of a portion of a dairy operation.<sup>5</sup>
- With the exception of one site, NPS monitoring indicated high E. coli at nearly all stations that maintained flow through the summer series.<sup>6</sup> Six-week contact recreation geomean benchmark exceedances were observed at all remaining sampled sites.
- Various streams where monitoring occurred are important to listed species, such as salmonids.<sup>7</sup>
- Roughly 30% of the sites monitored have blown through pollution benchmarks.

Does the Coastal Commission believe that our coastal resources are being protected to the maximum extent practicable?

How many years should we all wait before the Seashore's waterbodies where the public communes and recreates have acceptable water quality?

With the dire situation for Central Coast Coho and steelhead in Marin County, how long are we willing to wait to address chronic waste discharge issues?

The staff report makes clear that a ranching program of this scale and intensity at the Seashore, coupled with ongoing permit violations by ranchers, is simply unable to be managed consistent with the Coastal Act, even with attempts by NPS to increase their financial investments in the program.

The results of water quality testing – which also highlight concerns about water *availability* – should encourage the Commissioners to think very seriously about further adjustments to the conditional concurrence or reopening of this concurrence to protect coastal resources at the Seashore. The way to have a serious, transparent conversation about fixing this urgent problem, in a manner that involves the public, is to direct staff to schedule a reopener agenda item at an upcoming Commission meeting.

Thank you for your consideration of our request.

Neal Desai Ashley Eagle-Gibbs

Senior Program Director, Pacific Region Interim Executive Director

National Parks Conservation Association Environmental Action Committee of West Marin

<sup>4</sup> Id. at 45.

<sup>&</sup>lt;sup>3</sup> *Id.* at 98.

<sup>&</sup>lt;sup>5</sup> Id. at 94.

<sup>&</sup>lt;sup>6</sup> Id. at 17

<sup>&</sup>lt;sup>7</sup> Viewing Coho Salmon, https://www.nps.gov/pore/planyourvisit/wildlife\_viewing\_cohosalmon.htm.



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### Agenda Item Th10b

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

RE: November Agenda Item Thursday 10b - November 2023 CD-0006-20 (National Park Service, Marin Co.)

Chair Brownsey, Vice Chair Hart, and Members of the Commission:

The Environmental Action Committee of West Marin (EAC), a local environmental nonprofit based in Point Reyes Station, California, submits these comments for consideration regarding the National Park Service's (NPS) Water Quality Strategy (WQS) update.

EAC thanks the NPS and the California Coastal Commission (Commission) staff for their presentation of the annual informational briefing on the NPS' implementation of the WQS for Management of Ranching Operations for General Management Plan Amendment (GMPA) for Point Reyes National Seashore (Seashore) and North District Golden Gate National Recreation Area.

#### Positive Improvements Related to WQS

First, we recognize and appreciate the strides the NPS has made in its water quality monitoring program, transparency, and reporting requirements. Specifically:

- 1) We have repeatedly asked for increased transparency. In that vein, we appreciate the NPS' efforts to upload copies of all interim leases to the NPS website.<sup>1</sup>
- 2) It is also positive that dedicated funds are being devoted to WQS implementation.<sup>2</sup>
- 3) We also appreciate the NPS' willingness to collaborate with all applicable agencies and with EAC for beach water quality monitoring.<sup>3</sup>

<sup>3</sup> *Id.* at 2, 5-6.

<sup>&</sup>lt;sup>1</sup> California Coastal Commission, Appendix A – 2023 Annual Water Quality Strategy Report and Water Quality Monitoring and Assessment Report at 8.

<sup>&</sup>lt;sup>2</sup> *Id*. at 6

#### **Concerns Related to WQS and Implementation**

We continue to have concerns about the water quality in the Seashore, as evidenced by the data presented in the Commission staff report (Staff Report) and appendices (2023 Annual WQS Report or WQS Report).

We raise seven specific concerns and propose some suggested resolutions including potential actions to address exceedances, and additional modifications to future information briefings to protect coastal and marine resources from pollution and degradation.

CONCERN #1: We need to identify the source of pollution. In several instances in the WQS Report, elk or human cause is identified as a potential cause of pollution. This should be confirmed via species-specific testing, which could help lead to appropriate management efforts. It would also be helpful to identify and eliminate any pollution from septic systems including public restrooms and ranch facilities such as sewage ponds. We commend the Commission and Marin County Environmental Services for their attention to septic and other coastal development permit violations. Any violations and County permit issues should be promptly resolved.

CONCERN #2: The funds being dedicated (\$50,000) to the WQS and the related management measures appear to be insufficient to reduce exceedances. EAC does not believe this low level of annual funding will ever allow the NPS to bring park lands into water quality compliance.

Dairy and beef ranching are creating water quality issues in the Seashore, especially dairy operations. The water quality exceedances of *E. coli* are significant. For instance, the Drakes Estero Watershed below dairy operations exceeded the six-week geomean contact recreation water quality benchmark in winter.<sup>4</sup> In summer, nearly all sites with flowing water exceeded the six-week geomean contact recreation water quality benchmark.<sup>5</sup> Significant exceedances also occurred at PAC1 for pH.<sup>6</sup> Several other water quality parameters (e.g., dissolved oxygen or DO) were also problematic including at Abbotts Creek site ABB1, algae cover greater than 30 percent and DO below the 5 mg/L minimum benchmark for two consecutive months.<sup>7</sup> DO levels were also consistently low at PAC1 for summer sampling.<sup>8</sup> The lack of DO could also be related to low flow levels, which could be correlated to water diversions for ranch operations. Also of concern, Nitrate as Nitrogen remained low but experienced a spike above the recommended literature at PAC1 in December.<sup>9</sup> Ammonia as Nitrogen exceeded the 1 mg/L benchmark twice at PAC1.<sup>10</sup> Not only do these exceedances have the potential to harm people, but they also harm the sensitive coastal resources including potential impacts on threatened or endangered species such as steelhead and California red-legged frogs.

These types of water quality exceedances are unacceptable for a national park unit. The Seashore is not even meeting requirements set by the NPS' own management policies that compel the NPS to meet the *highest* standards for environmental protection and compliance under laws such as the Clean Water Act.<sup>11</sup>

<sup>&</sup>lt;sup>4</sup> *Id*. at 16.

<sup>&</sup>lt;sup>5</sup> *Id.* at 17, 77, 79, 94, 98, 104 (10x benchmark exceedance for E. Coli).

<sup>&</sup>lt;sup>6</sup> *Id.* at 19, 67, 88, 90, 93.

<sup>&</sup>lt;sup>7</sup> *Id.* at 112-113.

<sup>&</sup>lt;sup>8</sup> *Id* at 96.

<sup>&</sup>lt;sup>9</sup> *Id.* at 111-113, (Data shows a measurement of 3.3 mg/L in December 2022. In 2005, Camargo et al. suggests a maximum of 2 mg/L, while a 2010 study by Worcester et al. suggests a guideline of 1.0 mg/L for the protection of aquatic life).

<sup>10</sup> *Id.* at 112.

<sup>&</sup>lt;sup>11</sup> National Park Service, Management Policies § 1.8 at 14 and § 4 at 36 (2006).

NPS Management Policies 2006 state: The Service will determine the quality of park surface and groundwater resources and avoid, whenever possible, the pollution of park waters by human activities occurring within and outside the parks. The Service will

- \* work with appropriate governmental bodies to obtain the highest possible standards available under the Clean Water Act for the protection for park waters;
- take all necessary actions to maintain or restore the quality of surface waters and groundwaters within the parks consistent with the Clean Water Act and all other applicable federal, state, and local laws and regulations;<sup>12</sup>

In addition, the Seashore contains the only Congressionally authorized marine wilderness on the West Coast.<sup>13</sup> As directed by the Wilderness Act, the NPS is required to retain a wilderness area's *primeval character and influence*.<sup>14</sup> That means ensuring the components that make up a wilderness area's water quality, such as temperature, chemistry, clarity, and turbidity, are not degraded by modern civilization. Simply put, neither the NPS management policies nor the Wilderness Act allow water quality to be degraded to the extent observed. Drakes Estero is also a California Marine Protected Area.<sup>15</sup>

CONCERN #3: While we understand the challenges related to ongoing litigation, response measures need to be incorporated into Ranch Operating Agreements or other implementation actions sooner rather than later. While we hope litigation is not further extended, it is not in the best interest of the environment to delay implementation any further.

**CONCERN #4:** The climate strategy is inadequate. Additional detail could be included related to the climate strategy, making it more specific to the Seashore rather than referencing state and other goals.

**CONCERN #5: Elk management is not sufficiently discussed in the report.** This is listed in the 2021 Letter to the NPS (Exhibit 1 to Staff Report): *Also, not formally adopted as a condition, there was NPS agreement to provide the Executive Director with an annual report describing the status of free-ranging elk herds in the GMPA planning area, the effects of drought, and the results of elk management in the GMPA planning area.* <sup>16</sup> The WQS Report includes little related information.

#### Procedural and Increased Transparency Concerns

**CONCERN #6: The reporting was delayed.** The WQS Report was released later than was expected by approximately three to four months. We are aware that the Commission staff gave the NPS until the end of August to submit the report and the hearing was subsequently delayed, but the October 26th report date provided the public with little time to review. Also, it may make sense to adjust the reporting schedule in the future to be able to analyze a full water year. We also understand that a report from Environmental Health Services is forthcoming, but in the future, it would be helpful if that was released before the comment deadline.

<sup>&</sup>lt;sup>12</sup> *Id.* § 4.6.3 at 51.

<sup>&</sup>lt;sup>13</sup> Drakes Estero Restoration Project, https://www.nps.gov/pore/getinvolved/planning-drakes-estero-restoration-project.htm.

<sup>&</sup>lt;sup>14</sup> 16 U.S.C. § 1131(c).

<sup>&</sup>lt;sup>15</sup> Cal. Code Regs. tit. 14 §§ 632(b)(46); (47)

<sup>&</sup>lt;sup>16</sup> California Coastal Commission, Exhibit 1 - CD-0006-20 Post Hearing Letter at 5.

CONCERN #7: We are concerned that the WQS Report may not reach its intended audience. It is reasonable that visitors may believe that the Seashore waters are safe for recreation because it is part of a federally protected national park. In the interest of informing the public and protecting public health, we recommend that the NPS make more clear which bodies of water are contaminated and which ranches are causing the contamination, especially where this information is available. For example, a one-page attachment using common names for local water bodies and when those water bodies were contaminated should be made available. Ideally, a map identifying the location of contaminated water bodies should also be included.

EAC has consistently pushed for increased accountability and transparency related to public information sharing. A few suggestions to improve transparency and ease of reading the WQS Report in its current form (especially keeping in mind the general public audience) include the following:

- 1) Mark exceedances in tables in red.
- 2) The denotation of "E" and asterisks are helpful to call out exceedances. Expand the use of these tools.
- 3) Increase consistency in references to locations and ranch numbers or letters, pairing that with sampling sites where possible and avoiding vague references.

#### **Possible Resolutions**

In addition to the suggestions above, related to the consistency determination conditions, additional measures could be taken to improve water quality including measures related to GMPA implementation.

#### **Transparency**

RESOLUTION #1: Require the NPS to make more information available to the public and Commission related to non-compliance in real-time.

- 1) While we understand there have been regular communication channels between the NPS and other government agencies, the Commission should know in real-time if the NPS or another agency (e.g. Environmental Health Services, etc.) recommends a corrective action, but the operator refuses to comply, delays, or fails to remedy the situation. This would aid in transparency. If real-time is too onerous, at a minimum updates should be posted quarterly.
- 2) Require the NPS to make available to the public, whose interest the Commission is acting on behalf of, all of the reports, assessments, corrective actions, etc. listed in Objectives 1-5<sup>17</sup> before the annual report comes out. The WQS Report indicates that corrective action plans have been issued, but these were not made available as part of the staff report or appendix. Another example is that *only* beach monitoring data is available on the NPS website. All relevant water quality data should be available to the public. Signage should also be posted indicating any water quality exceedances, especially if water recreation is likely in that area.

<sup>&</sup>lt;sup>17</sup> *Id.* at 2-3.

RESOLUTION #2: Require the NPS to take immediate action to reduce animals to a level necessary to prevent future/ongoing water quality violations *until* the necessary improvements are implemented to protect coastal resources, which could allow animals to be restored in the future. This is acting in line with the maximum extent practicable water quality standard. The NPS already has the authority under existing leases to take action to reduce the number of animals based on environmental conditions (e.g. residual dry matter surveys and drought), so it is possible to apply the same approach to protect coastal and marine resources from pollution. For instance, the park could proactively reduce herd size in areas where water quality exceedances are anticipated before the wet weather season. This occurred at one dairy according to p. 9 of the WQS Report, which is positive.<sup>18</sup>

If the NPS is unable to agree to remedy these concerns that relate to the WQS, then the Commission – and the public – will not have all the information available to ensure coastal resources are being protected to the maximum extent practicable. We urge the Commission to ask the NPS to increase transparency and take more immediate management measures to address the unacceptable water quality issues.

Thank you for your consideration, and we look forward to the Commission meeting.

Sincerely,

Ashley Eagle-Gibbs

NEaget

Interim Executive Director

<sup>&</sup>lt;sup>18</sup> California Coastal Commission, *supra* note 1, at 9 and 13.

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November 10, 2023

Th<sub>10</sub>b

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

Via email to: EORFC@coastal.ca.gov

Re: Agenda Item Th10b: CD-0006-20 Annual informational briefing on the National Park Service's implementation of the Water Quality Strategy for Management of Ranching Operations for General Management Plan Amendment for Point Reyes National Seashore and North District Golden Gate National Recreation Area

#### Dear Commissioners:

River Otter Ecology Project, based in Marin County, CA, engages the public in supporting conservation and restoration by linking river otter recovery to the health of our watersheds through research, education, community science, and advocacy. River otters, although not a protected species, are sentinel apex predators whose habitat includes all parts of watersheds, including the coast. Their presence and success are important indicators of ecosystem function and environmental health, including the biological productivity and quality of coastal waters.

A number of our long-term research sites, including at Drakes Bay, Drakes Estero, and Abbotts Lagoon, are in the vicinity or directly downstream of water quality testing sites, and as a result we have direct experience of conditions in those areas. Over a period of years, we have observed and documented putative ranch lease violations, discharges of pollutants, and other negative impacts to coastal resources. We have provided our documentation variously to park management (NPS), the Coastal Commission, and the SF Bay Regional Water Quality Control Board (RWQCB).

The Annual Water Quality Strategy Report submitted by NPS makes clear that water quality at Point Reyes National Seashore (PRNS) is appallingly bad, and that coastal resources continued to be degraded rather than protected to the maximum extent practicable. Ongoing discharges of pollutants threaten the integrity and biological productivity of Drakes Estero Marine Wilderness, the Point Reyes Headlands Area of Special Biological Significance, and the Point Reyes State Marine Reserve. Moreover, the report demonstrates that park visitors may be exposed in all seasons to *E. coli* at levels that are unsafe for humans, which is unconscionable.

Throughout the Federal Consistency process, and continuing in this Annual Report, NPS portrays itself as constrained by ongoing litigation, and unable to fully implement effective management actions without long-term leases and Ranch Operating Agreements. In reality, NPS Management Policies (2006) direct park management to "...take all necessary actions to maintain or restore the quality of surface waters and groundwaters." [Policy 4.6.3]. The Annual Report shows that the scale of corrective actions taken thus far is dwarfed by the problems the ranch inspection and water quality monitoring efforts have documented. **Removal of livestock or reduction in herd sizes would directly improve water quality in the near-term.** 

For its part, the Coastal Commission has minimal authority in the Federal Consistency process to compel action by NPS. In contrast, the Commission has significant enforcement powers through its retained coastal permit authority over development by non-federal entities at PRNS. We recognize that the Commission exercises those powers only in the context of the Coastal Development Permit process, and that pursuant to Section 30401 of the Coastal Act, it cannot "duplicate or supersede the authority of any existing state agency," including the RWQCB. Even within those constraints, however, by exercising its enforcement authority at PRNS as broadly and energetically as possible, the Commission can make a positive difference in protecting coastal resources to the maximum extent practicable.

Respectfully,

Megan Isadore Executive Director

Megan Asadore



## Laura Cunningham California Director Western Watersheds Project

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Working to protect and restore Western Watersheds and Wildlife

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Marin County Health and Human Services Via web portal: https://www.marinhhs.org/form/email-health-human-services

November 10, 2023

RE: Point Reyes National Seashore Water Quality Report Public Comment on November 2023 Agenda Item Thursday 10b - CD-0006-20 (National Park Service, Marin Co.)

#### Dear Commissioners,

The National Park Service (NPS) prepared a Water Quality Monitoring and Assessment report covering all monitoring efforts conducted from December 2021 through September 2023, which it sent to the California Coastal Commission (CCC) as part of monitoring and compliance with ranch and dairy leases on Point Reyes National Seashore and Golden Gate National Recreation Area (GGNRA). This is included in the annual Water Quality Strategy for Management of Ranching Operations sent to the Commission and includes two annual reports: NPS Annual Report 2022 and NPS Annual Report 2023.

We are encouraged that the National Park Service, the Commission, and the Regional Water Resources Control Board cooperated in increasing the level of monitoring and oversight of commercial cattle operations in Point Reyes National Seashore and GGNRA, and this report has more detail about inspections, actions taken to mitigate livestock non-point source water pollution, and plans for follow up measures. The NPS 2023 Water Quality Strategy Report is good. We have a few comments that could continue to improve these reports in the future.

Due to the extremely short public comment deadline after the NPS water quality report was released, and unfairly curtailed amount of time allowed for the public to review this large report, we present these initial comments, and we will send further comments in the next several weeks with more observations. In the future the Commission should give a bare minimum of 30 days for the public to be able to read, understand, and comment on such reports on public lands.

#### **Water Quality**

We commend the agencies for clarifying the watersheds which are inspected and which are included under water quality planning in the Seashore, as stated in the Report at 6: "...NPS participated in planning for updates to the Regional Water Board Grazing Waiver (currently for the Tomales Bay Watershed) that are anticipated to be expanded to all grazing operations within Point Reyes National Seashore...." This seems to correct a lack of water quality management in much of Point Reyes Seashore on the Pacific drainage. This is significant because so many beaches and recreational areas, as well as elephant seal loafing beaches, sea otter habitats, kelp forests, eelgrass beds, salmon and steelhead trout habitats, whale migration corridors, and marine habitats in general have been impacted by severe cattle manure and erosional runoff into marine habitats. These Pacific Ocean watersheds need to be better monitored.

Yet the water monitoring continues to show that there is severe pollution in park water bodies, and numerous exceedances as the 2021-2023 NPS water quality sampling shows compared to the two independent water quality reports (Lovell 2021 and Lovell 2022). Only by removing cattle will the manure levels, erosion, turbidity, and sedimentation be decreased.

Summer exceedances are a concern in several places and show problems for salmonid fry attempting to oversummer.

Better numerical tables are needed, and not just colored tables of water quality indices. Environmental DNA testing should be undertaken at all locations. On Home Ranch Creek NPS has claimed that tule elk were the cause of contaminated water, but the creek flows a mile upstream to where cows are all over stream. We contend that tule elk are not the problem, and that cattle are the issue. eDNA sampling should be undertaken across the park units.

#### **Lease Violations**

NPS agreed that it will report on the status of its leases and any violations, and results (withdrawal, non-renewal, or revocation of leases), as well as the current status of each lease. (NPS Annual Report 2023 at 2)

The Commission staff also confirmed that they would directly consult with the San Francisco Bay Regional Water Resources Control Board, and Marin County Environmental Health Services and report any inspection/alleged violations, actions taken by the agencies, and the responses and current statuses of those violations.

Members of the public hiking in Point Reyes National Seashore in August 2021 reported a small bulldozer modifying a creek in Home Ranch, removing willows and pushing dirt into a creek, stopping its flow. This was an unnamed tributary of Home Ranch Creek. Several mature willows were observed to be cut down with a chainsaw. Citizen public lands monitors went out to document the event. This is National Park Service land in a drainage that contains critical habitat for Central Coast coho salmon. Western Watersheds Project's comment letter to NPS dated September 13, 2021described these lease violations (see WWP 2021: Home Ranch Riparian Bulldozing and Chainsawing Observations on Point Reyes National Seashore, attached). This is a clear violation of the park service beef ranch-lease.

On the NPS web page <a href="https://www.nps.gov/pore/getinvolved/planning-gmp-amendment-leases-permits.htm">https://www.nps.gov/pore/getinvolved/planning-gmp-amendment-leases-permits.htm</a> we do find current status of each lease, but we do not find any discussion of lease violations for Home Ranch, which have been carefully documented in writing and photos by the public.

The park service explained its calendar schedule for reporting water quality monitoring and any lease violations to the CCC in its cover letter. As part of the Annual Report, the NPS prepared a Water Quality Monitoring and Assessment report covering all monitoring efforts conducted from December 2021 through September 2023. (NPS Annual Report cover letter)

Are we to understand that the obvious ranch-lease violation on Home Ranch where a creek water flow was blocked, bulldozed, and riparian trees were chainsawed down, potentially to access more water for livestock, that was dated in August-September 2021, was not included in the NPS report to the CCC, based on an arbitrary cut-off date of December 2021?

This is unacceptable, and the Commission and NPS staff need to address this lease violation and why it was not included in the NPS Annual reports. Such a lease violation to water quality in a watershed holding critical habitat for federally threatened salmonids should lead to a

revocation of the lease based on the Endangered Species Act violations and non-impairment mandate of natural resources of the Organic Act.

We include our comment letter on Home Ranch lease violations as an attachment, (see WWP September 13, 2021: Home Ranch Riparian Bulldozing and Chainsawing Observations on Point Reyes National Seashore).



Purple mark indicates the site of the bulldozing incident on Seashore land on a creek (possibly named North Home Ranch Creek), on a NPS detail of the Home Ranch Incidental Lease map. This drains into Drake's Estero. (Thanks to Sarah Killingsworth and Jocelyn Knight for

Citizens have documented several trash dumps on ranch-leases that are also not mentioned, and these could be lease violations.

What are the consequences to the lessees for polluting water bodies in a National Park unit?

#### **Interim Lease Reporting**

The NPS states on its website concerning revised Interim Leases (<a href="https://www.nps.gov/pore/getinvolved/planning-gmp-amendment-leases-permits.htm">https://www.nps.gov/pore/getinvolved/planning-gmp-amendment-leases-permits.htm</a>):

Due to delays in the implementation of the General Management Plan Amendment related to inspections and assessments of ranching operations, as well as pending litigation, the NPS is issuing two-year interim leases for beef and dairy ranching on NPS lands. The interim leases incorporate by reference and extend the rents, terms, and conditions of the attached long-term lease/permits issued prior to the GMP Amendment

except as amended, revised, or otherwise modified. The interim leases are in effect until September 14, 2024.

The park service identified a number of conditions to better address water quality and resource protection objectives that each lessee needs to fulfill as performance elements.

The NPS Annual Report to the California Coastal Commission states:

#### October 2023 Status:

NPS completed issuance of two-year Interim Leases in mid-September 2022. As noted, Interim Leases are publicly available and posted to the park website. Interim Leases require lessees to report monitoring and maintenance of riparian fencing and other actions by November 1 annually. These metrics are tied to the Biological Opinion reporting requirements of the US Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). While Interim Leases with associated reporting metrics were only in place for a short period, NPS worked with lessees to meet the November 1 reporting goals for 2022. NPS submitted reports the USFWS and NMFS for the 2022 reporting period. NMFS acknowledged review and receipt of the report noting that it "thoroughly and adequately covers all reporting items." USFWS did not provide feedback on the report.

Interim Leases also added other reporting requirements, including monthly stocking and distribution of livestock. Monthly reporting is tracked by the NPS on an ongoing basis and will be considered as a lease performance element. NPS has received reporting for this element from all ranch operators. Monthly reporting is used to inform field observations, as well as water quality and residual dry matter (RDM) monitoring. Currently NPS is working to develop a standardized system with templates to ensure lessee reporting is more robust and completed in a timely fashion. NPS expects to begin using the reporting template in 2024. (NPS Annual Report at 11)

In numerous public comments to the CCC and NPS we have requested that all water quality monitoring and mitigation efforts be made publicly available immediately. We do not trust the ranchers to undertake their own fence repairs, riparian protection, water quality sampling, stocking rates, distribution of livestock, and residual dry matter measurements of grasses on pastures. On these high-value public lands we need to be able to independently review and track these monthly reports on management measures.

Yet nowhere on the NPS web page on Interim Leases (<a href="https://www.nps.gov/pore/getinvolved/planning-gmp-amendment-leases-permits.htm">https://www.nps.gov/pore/getinvolved/planning-gmp-amendment-leases-permits.htm</a>) do we find the monthly reporting of water quality and mitigation measures for 2022 and 2023. We will undoubtedly have to do a Freedom of Information Act request to obtain these monthly reports, but the state and federal agencies should be providing these in a public website so that the public may review the progress of healing these lands and waters.

Corrective Action Plans (CAPs) need to be made public and posted on the Point Reyes National Seashore website.

#### **Reduction in Herd Sizes**

Our 2021 independent water quality monitoring effort concluded that reductions in the localized abundance of cattle waste will likely be necessary to adequately protect surface water quality. Only less cattle will lead to improved water quality.

The NPS Report at 9 states that Short-term actions initially identified and implemented included a reduction in dairy animals at one dairy. We approve of this. This bolsters are numerous past comments to NPS and CCC that reducing cattle stocking rates/AUMs will improve water quality. This trend in removing cattle needs to continue.

Details of which dairy and the stocking rate and kinds of animals (milkers, heifers, foals, etc.) needs to be discussed and presented publicly. Heifers are more comparable to beef cattle as they are allowed to roam in pastures, and they weigh less, consume less forage, and do not produce the copious amounts of manure that milkers produce. Yet apparently even heifer feeding areas can cause excessive manure runoff into water bodies.

The NPS Report at 10 states that due to excessive manure runoff at J Ranch:

In early March 2023 dairy heifers were removed from satellite feeding areas and pastures where concerns were previously identified. By the end of March 2023, the remaining dairy heifers were removed from the ranch to further reduce concentration of cattle during the continued late winter/early spring rain events.

The CCC and NPS need to detail which dairies have implemented herd reductions. We have noticed certain dairies replace milkers with heifers, which would help reduce the massive amount of manure produced. This needs to be discussed in reports.

How many dairies have no milkers, or have replaced dairy cows with beef cattle?

#### **Fencing**

Fencing of sensitive riparian areas and streams is ongoing, and this can help prevent livestock access to riparian vegetation, lessen erosion and sedimentation of salmonid stream gravels, and prevent cattle direct fecal material entering the water. This is better management for rangelands that are heavily impacted by livestock grazing. Yet the mileage of barbed wire and electric fencing in these National Park units is already excessive (300 miles-plus), and we believe that constructing more fencing will only add to the problems of wildlife connectivity blockage, recreational hindrance in these special public lands that were meant to preserve natural resources and values and educate and inspire park visitors.

So on the one hand we applaud NPS for fencing off streams and riparian areas in proper range management measures to prevent further damage to these resources, but on the other hand we continue to push for the removal of all commercial cattle operations from the Seashore and Golden Gate National Recreation Area in order to be able to remove all the fencing and restore

this area to a natural, wild, and educational ecosystem that showcases native tule elk, salmon, coastal prairies, and the biodiversity of this rich Pacific Coast area.

The Report notes that some stock ponds have been dredged and berms raised to lessen overflow during rain events. Stock ponds are often spring-fed or fed by creeks. Therefore, allowing cattle direct access to these ponds potentially impairs natural resources. Ideally stock ponds should be mapped and assessed for berm removal to allow natural flow, spring and creek restoration, and removal of livestock from pastures that still allow cattle to access these water bodies. Restoration options are abundant on these habitats.

#### **Cattle Water Facility Management**

The NPS Report at 20 states:

Additional activities conducted in 2023 (to be included in 2023 annual reports to USFWS and NMFS) included the following:

• Livestock Water Supply extension was installed on one ranch allotment consisting of approximately 5,025 feet of pipeline, 2 troughs, and 2 storage tanks.

This needs to be mapped and any springs or groundwater resources that are used should be described. New water pipelines, livestock troughs, and water storage tanks for cattle imply that cattle were impacting sensitive spring resources. We recall the difficulty in providing similar water facilities to native tule elk in the Tomales Elk Preserve during drought years. Yet cattle in the park units receive easy water improvements without public review under any National Environmental Policy Act review.

#### **Cattle Stream Crossings**

The NPS Report at 9 states that improvements at creek crossings were made on two dairies. These should be named and mapped in detail.

#### **Manure Management**

We are pleased to see the agencies beginning to focus in on the huge water pollution problems caused by dairies on the Seashore, that we have documented over several years.

This includes installation of dairy-related infrastructure or practices to address manure management. The NPS Report at 9 states that improvements and runoff control were made on livestock travel lanes at two dairies, and restricting cattle from concentration areas with winter rainstorm runoff at four dairies as short-term actions to mitigate water pollution.

The NPS Report at 10 states:

Regional Water Board inspections were focused on the core areas of the dairy operations. Runoff from a satellite feeding area on J Ranch above Kehoe Beach Trail was discovered on January 15, 2023. NPS conducted follow up inspections of J Ranch satellite feeding

areas and manure storage areas on January 18, 2023. Short-term corrective actions were taken by the operator within the next week to buffer, disperse and filter runoff at the satellite feeding area, including temporary electric fencing and wattles, as well as rotation of animals. Management of accumulated manure surrounding the feeding bunker was also increased in subsequent weeks during the rainy season.



Photo showing a "manure avalanche" after heavy January rains flowing downhill towards the Pacific Ocean, with a late attempt to prevent further flow with straw wattles. The replacement of native deeprooted coastal prairie bunchgrasses by heavily grazed annual grasses and forbs has produced much bare ground and the lack of the soil to absorb rainwater. Residual Dry Matter levels are very low. Instead, large rain events cause sheetflow, rills, and washing manure down hillslopes. Only herd reduction and removal can halt such drastic water pollution. Photo: Jocelyn Knight.

Liquid manure spray irrigation: this should not even be allowed in a National Park unit period. Mitigation efforts fail to contain this kind of runoff. The NPS Report at 10 states:

Due to higher-than-average rainfall and numerous atmospheric river events, emergency irrigation to lower levels of waste storage lagoons during unsaturated winter conditions was requested by two dairies and implemented by one. NPS determined that allowing for irrigation during dry periods was appropriate to prevent the potential for these waste storage areas to overtop in anticipation of additional extreme winter weather events. NPS sent a letter specifying conditions and requesting response with details related to the proposed liquid spray operations that were required for review and approval. Only one operation responded and was authorized to conduct the winter season land application.

Authorization required that land application be conducted in accordance with the facility Ranch Water Quality or Nutrient Management Plan and "shall not occur in areas where standing water is present and must be fully completed at least 72 hours prior to the next forecasted rain event." NPS conducted several site visits to the second dairy that did not irrigate and no overtopping of the manure pond on was observed.

As is standard practice, all operations must prepare for winter conditions by removing liquid and waste from ponds. Waste management system preparedness will be evaluated during fall inspections to ensure they are prepared for the winter conditions.

We consider that liquid manure ponds and associated liquid spray operations are absolutely unacceptable at any level on high-value public lands—even more so that these are National Park Service lands. Higher-than-average rain years are regular in central California, especially with El Nino events, and atmospheric rivers are a part of winter rain season years in California. The first large rainstorms to hit the coast will result in sheetflow carrying spread liquified manure into adjacent draws, creeks, and into streams and eventually onto beaches and the Pacific Ocean.

This not only impairs natural resources in the Seashore, but also presents a public health hazard as park visitors visit beaches, lagoons, and bays. No amount of manure management of this form will mitigate the flow of liquified manure into water bodies—dairy operations need to stop and be fully removed from the National Seashore.

#### Residual Dry Matter and Range Management that Impacts Water Quality

Residual dry matter (RDM) is a standard used by land management agencies for assessing the level of grazing use on non-native annual rangelands in California. Residual dry matter is the old plant material left standing or on the ground at the beginning of a new growing season. The lower amounts or heights of residual grass matter on the ground after a grazing season, the more bare ground will be present and the heavier erosional impacts will be with rains and wind. Water runoff will also be greater with low RDM levels. Point Reyes National Seashore and GGNRA are managed for annual grassland RDM because most of the native deeprooted perennial bunchgrasses and rhizomatous grasses have been grazed off after 100 years of intensive cattle grazing. If native coastal prairies and meadows were still widespread and abundant under tule elk grazing, then other measures of grassland condition would most likely be used, such as utilization standards.

NPS admits that RDM measures of non-native European annual rangelands in these park units has not been standardized, and they are correcting that. We approve of this standardization.

#### The NPS Report at 11 states:

Interim Leases also added other reporting requirements, including monthly stocking and distribution of livestock. Monthly reporting is tracked by the NPS on an ongoing basis and will be considered as a lease performance element. NPS has received reporting for this element from all ranch operators. Monthly reporting is used to inform field

observations, as well as water quality and residual dry matter (RDM) monitoring. Currently NPS is working to develop a standardized system with templates to ensure lessee reporting is more robust and completed in a timely fashion. NPS expects to begin using the reporting template in 2024.

The NPS Report at 12 appears to point towards water quality problems in the Seashore after some rainstorms that were greater than 1 inch of precipitation (which could cause rain runoff on pastures) along Kehoe Creek and other water quality monitoring sites in the ranch-leases. The NPS Report continues, admitting that some ranch-leases have not met objectives to improve water quality:

NPS completed RDM monitoring in fall of 2022, and RDM analysis and reporting in winter 2022. In aggregate, the RDM results reflect efforts that were made to address impacts of the drought. While the 2022 season started in exceptional and extreme drought conditions and remained in severe drought during 2022, 85% of visually mapped areas (14,200 of 16,728 acres) and 68% of transects on active grazing leases (26 out of 38) sustained RDM at or above the 1,200 pound per acre standard maintained by the park. Allotment specific reports and recommendations were sent to ranchers in spring 2023. For operations where RDM values did not meet NPS objectives, NPS staff met with the ranch lessee to review practices and determine required operational changes for 2023. (NPS Report at 12, emphasis ours)

In addition, we have questions about how these RDM measurements were undertaken. How many ranch-leases were measured quantitatively, and how many were guessed at levels using qualitative visual observation estimates (the 85% of "visually mapped" areas)? How were "visually mapped" areas calibrated? We can accept visual observation methods for estimating range status, but we need to understand the methodology and the training protocols for field observer accuracy of such "visually mapped" ranch-leases. Visual estimates of resource status can be acceptable for resource management but only if the methods used are described. We believe that RDM levels below 1,200 pounds per acre may be more than the NPS Report admits to. This could indicate widespread overgrazing and water quality impacts, and we would like to understand the NPS methodology better before we accept these RDM measure results.

#### **Climate Action Plan**

The NPS Report states at 7:

#### Climate Action Plan:

Since approval by the Commission, NPS continued to prioritize substantial resources to stand up the Water Quality Monitoring Program and inspection elements of the Strategy. Implementation of the Water Quality Strategy will remain the NPS priority in 2024. As stated during earlier hearings, the park anticipated that a system-wide framework would be issued for National Park Service units with respect to Climate Action. In conjunction with the September 28, 2023 announcement by Secretary of the Interior Deb Haaland of new policies to strengthen climate adaptation and resilience efforts, NPS released a

Climate Change Response Strategy 2023 Update, which supersedes the 2010 Climate Change Response Strategy.

This gives little detail on NPS's proposed Climate Action Plan and appears to defer any real plan into the future. The public wants to see a Climate Action Plan for Point Reyes National Seashore ranches now, to be reviewed at the CCC hearing this month, not in 2024.

Following state climate plans NPS in their Report at 8 delineates goals to reduce greenhouse gas emissions for Point Reyes dairies that include technologies to change cattle waste management on intensive dairy operations, and expansion of riparian and sensitive resource protection areas (NPS Report at 8). We are skeptical of dairy operations being able to reduce Carbon, Methane, and other industrial agricultural emissions, but we are hopeful that the expansion of natural resources, habitats, and native ecosystems that are placed off limits to cattle grazing will greatly increase Climate goals. The more natural resources that are protected from dairy and beef cattle grazing means the less greenhouse gases will be emitted due to intensive industrial livestock operations. Restoring natural California plant communities and native wildlife will result in greater emissions reductions, more Carbon sequestration in restored soils, less methane emissions from agricultural production, and least cost gains in fighting climate change.

When it comes to industrial commercial livestock operations on public lands, there is no such thing as "climate smart agriculture." We recommend the NPS continue on its path to removing cattle operations and fully restoring these lands to wildlife and native ecosystems which will greatly benefit state climate goals, as well, as protecting 30x30 goals.

#### Conclusion

Again, we commend the National Park Service, California Coastal Commission, and the California State Water Resources Control Board for expending considerable time and effort to cooperatively restarting water quality sampling and monitoring, inspections of ranch-leases, and engaging in many water pollution mitigation measures. We look forward to continuing improvements in restoring these unique and beautiful coastal public lands and waters.

Thank you,

Laura Cunningham California Director

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#### **References:**

Lovell, D. W. 2021. Report Surface Water Monitoring Conducted 27 and 28 January 2021 Point Reyes National Seashore Marin County CA. Prepared for Western Watersheds Project and In Defense of Animals, 3 March 2021.

Lovell, D. W. 2022. Report Planning and Conduct of the October 2021-January 2022 Surface Water Monitoring Kehoe, Abbotts, Drakes Estero, and Drakes Bay Watersheds Point Reyes National Seashore Marin County CA. Prepared for Turtle Island Network, 28 August 2022.

#### **Attachment:**

Western Watersheds Project (WWP) September 13, 2021: Home Ranch Riparian Bulldozing and Chainsawing Observations on Point Reyes National Seashore.



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Working to protect and restore Western Watersheds and Wildlife

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

September 13, 2021

### **Re:** Home Ranch Riparian Bulldozing and Chainsawing Observations on Point Reyes National Seashore

Dear Superintendent Kenkel,

Following are descriptions from three-plus anonymous observers reporting to Western Watersheds Project and other groups about their reports and photographs of bulldozing and other natural resource disturbances in Home Ranch, in Point Reyes National Seashore recently. We talked with the observers personally. See the Appendix for photos. Please enter this comment into the Administrative Record.

We understand that the historic drought is extreme in central coastal California in 2021, and that livestock operators across California may be pressed for water resources. Yet public lands are held to a high standard for resource values, and National Park Service lands are held to the highest level of consideration of non-impairment of natural resources under the Organic Act.

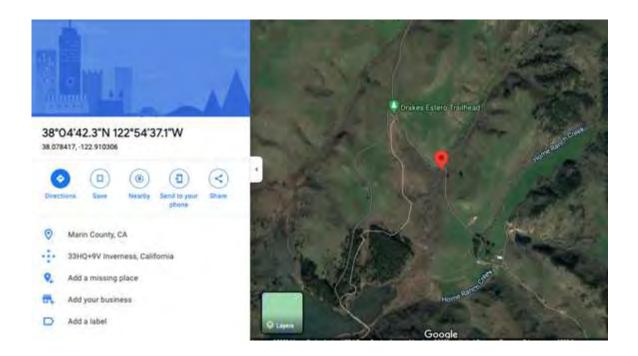
The incident was first observed in early August, where observers encountered a small tractor-bulldozer clearing brush on Home Ranch.

To the best of our knowledge this occurred in early August and was observed by several park visitors on August 12, 13, and 17, 2021, on Home Ranch, along an unnamed creek just to the north of Home Ranch Creek, that feeds into Drakes Estero. It is on a creek just west of the roadway right after the gate with the signs on it, entrance to Home Ranch.

Observers saw bulldozing along a road for a quarter mile, and into the creek, into willow riparian areas, apparently to allow cattle to access water. A small tractor-bulldozer was observed to push into the creek, stopping water flow. Willow riparian habitat was observed to be bulldozed for approximately 150 feet. The apparently new dam was created and blocked water flow in this channel which was observed to be 6-8 feet deep, and the water flow stopped.

Observers recorded bulldozing along a quarter mile along a creek into willow riparian, and saw cattle drinking here. A small bulldozer was observed to push dirt into the creek, stopping water flow. Willows were observed to be bulldozed for 150 feet. Below the bulldozed dirt dam, on this creek, water flow was observed to be minimal. Chain-sawed willow branches and alder tree trunks were photographed.

A black water hose was observed to be partly placed and buried to possibly a ranch lease.



Observers say that it looks like the bulldozer path was cut to provide cattle access to the stream that runs through the property. Trees were chainsawed down, the creek bank was destroyed, dirt was pushed into the creek and the riparian area simply destroyed.

Observers say that the flow has slowed to a mere trickle but the rancher has dumped dirt into a low spot that effectively stops the flow and creates a small pool where they allows the cows to drink directly from the creek alongside the roadway. It seems that it goes alongside the road for about a 1/2 mile and then stops to reveal a single track pathway. The most egregious damage was in the creek near the road where dirt had been dumped and the creek bank destroyed, and then 10 to 20 feet from the creekbed further west from the roadway.

From the photos, we observe that chainsaws were used to clear riparian trees away from the creek access, including larger DBH alder tree trunks with 6- and 7-inch diameter, and other unidentified tree branches—possibly willows. Other riparian trees appear to be broken, with branches hanging, as if bulldozed through.

Some photos show a barbed wire fence—was this creek fenced off from livestock?

An abundance of non-native and invasive Poison Hemlock was also observed in this area as well.

In other lease violation cases on public lands that we have been involved in, these types of potential lease violations, and significant impairment of park natural resources, would result in investigations and possible cancellation of the ranch-lease.

We would like to understand any impacts to coho salmon, steelhead trout, redlegged frog, and any other special status species.

We hope to hear back from you concerning follow-up on this important case.

Thank you,

Laura Cunningham

California Director

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**Appendix:** Photos by various photographers, August 2021, Home Ranch, Point Reyes National Seashore.



















































# CD-0006-23 (National Park Service) CORRESPONDENCE

# CD-0006-23 (National Park Service)

November 16, 2023

CORRESPONDENCE:
Letters and Emails
from Individuals

# James Coda 2009 Falcon Ridge Drive Petaluma, CA 94954

Th<sub>10</sub>b

November 10, 2023

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

Re: Agenda Item Th10b; CD-0006-20; NPS's Annual Briefing on a Water Quality Strategy; (NPS, Point Reyes GMPA); Hearing on November 16, 2023

Dear California Coastal Commission:

Thank you for the opportunity to comment on NPS's second Annual Informational Briefing on Its Implementation of a Water Quality Strategy for Management of Ranching Operations, its Appendix, and the CCC staff report on these documents.

Unfortunately, the public has not been given a reasonable amount of time to read and comment on these documents, which are 129 pages and 20 pages in length, respectively. The documents were put on the CCC website on November 2, 2023. However, the link did not work and that was not corrected until about the close of business that day. The public's opportunity to review the NPS and staff reports began Friday morning. That gave the public only eight days to read these lengthy documents. Yet, the staff memo states on page 1 that the lengthy NPS report was received by staff on October 26. If staff had put the NPS report online on October 26, the public would have had an additional seven days to read the NPS report. In summary, the public has not had enough time to read these lengthy documents and prepare cogent comments for consideration by the Commissioners. Staff should have rescheduled this hearing for December.

Having quickly read the new NPS report and having re-read the Turtle Island Restoration Network (TIRN) report prepared by Douglas Lovell in 2022, and submitted by TIRN to the CCC then, water quality has not improved. Starting at the north end of the dairy ranches, Kehoe Creek is still being heavily polluted by the dairies. I expected some improvement because L Ranch removed its milk cows prior to the NPS testing. When they are returned, the pollution measurements should be even higher.<sup>1</sup>

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<sup>&</sup>lt;sup>1</sup> McClures Creek (PAC4), the only perennial stream in the Tomales Point Elk Reserve, is a poor choice for a background (no cattle influence) site. While cattle don't have access to it, the elk in the Reserve do. It is one of the few good water sources in the water-deficient Reserve and therefore the elk go into it often to drink which affects water quality. Removal of the elk fence in the future may lessen use. NPS should use a stream with cattle-exclusion fencing as a background site.

I am surprised that Abbotts Lagoon is still being heavily polluted, given that the I Ranch dairy closed two years ago, and the L Ranch removed its milkers about two years ago, apparently on a temporary basis. Moving southward, it is no surprise that Drakes Bay is still being heavily polluted by the A, B and C Ranch dairies as the TIRN water quality study also reported in October 2022. Finally, Drakes Estero is being heavily polluted by Home Ranch's beef operation. All of these water bodies are still receiving extraordinary amounts of E. coli and other pathogens. Nutrients, and the algae they create, are also a big problem.

A couple of weeks ago I was at Drakes Beach on Drakes Bay, more specifically at the Drakes Beach parking lot, observing a new lagoon that was constructed two years ago as mitigation for the widening of Sir Francis Drake Boulevard, including where it impacts East Schooner Creek, an anadromous stream. I was at the Seashore to photograph wildlife. I immediately spotted a great blue heron and began photographing it. Note in the photo below how this heron is having difficulty even wading through the algae in this two-year old lagoon. What will it be like in another two years? Will algae cover the entire surface? This lagoon is at the bottom of a watershed with C Ranch at the top. The algae is the result of nutrients coming down the drainage from the C Ranch dairy.



NPS's report shows that the dairies are violating their lease terms (Calif. WQ standards are included) and the regional water board's CAF General Permit Order.

NPS should be requiring reductions in cattle numbers by now, even if only temporarily, given the continued violations of water quality standards going back to when NPS first started testing water quality in 1999. There is no reason to believe that doing testing for the next five or ten years, without significantly reducing cattle numbers, will cause these areas to meet water quality standards. Doing the same thing over and over and expecting a different (successful) result is the definition of insanity. NPS (and the CCC) need to start reducing cattle numbers.

The Commission has a duty under the Coastal Act to require actors in the Coastal zone to comply with water quality standards, but as I have pointed out in previous comments, nowhere does the Commission specifically require NPS to meet water quality legal standards. It only requests monitoring, reporting, and "improving" water quality. There should also be a deadline for meeting water quality standards.

Furthermore, as I have pointed out previously, NPS will never meet water quality standards because the amount of manure that is put on the lands of the Seashore each year far exceeds the ability of the Seashore's BMPs to ever meet water quality standards.<sup>2</sup> I recently calculated the amount of manure being placed on Seashore lands each year under the two-year interim leases. My method for calculating the amount of manure that is deposited on seashore lands each year is too long to be incorporated into this letter. However, it is detailed in the attached Appendix. Here are the basis facts.

The five remaining dairies (the sixth and largest, I Ranch Dairy, stopped operating as a dairy two years ago) produce 54,271 tons of manure each year and all of it is dropped on the lands of those five dairies. The beef ranches in the Seashore produce another 24,888 tons of manure each year and all of it is dropped on the beef ranch lands each year. The total amount of manure that goes on the ranching lands of the Seashore, a unit of the national park system, is 79,159 tons of manure each year.

Numbers can be hard to relate to, so let me put this into perspective. The USS Hornet is an historic World War II aircraft carrier now berthed in Alameda. It is a National Historic Landmark and open to the public. The Hornet weighs 33,100 tons. Ship weights are given in long or Imperial tons. A long ton is 2,240 pounds. My manure figures are in short (U.S.) tons. A short ton is 2,000 pounds. Converted to short (U.S.) tons, the Hornet's weight is 37,072 tons. That is less than half the 79,158.67 tons of manure placed on the Seashore lands each year. Yes, even two USS Hornets weigh less than the amount of manure deposited each year

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<sup>&</sup>lt;sup>2</sup> Doug Lovell, the professional engineer who prepared two water quality reports submitted by Turtle Island Restoration Network and Western Watersheds Project prior to this NPS document, also said that it would be impossible to bring the Seashore into compliance with the water quality standards without reducing cattle numbers.

by the cows directly on pastures or later deposited by manure trucks that spread it on pastures.

When it rains and the ground is saturated, that manure and its constituents are carried by runoff across the fields and into the nearest creeks. No wonder the Seashore's watercourses get so polluted during the rainy season.

The park states in the ranching FEIS that in the next 20 years it will build 35 miles of additional fencing to improve livestock management, mainly to exclude cattle from walking into watercourses. But barbed wire fencing will have no effect on runoff.

And there is no plan to fence all the stock ponds the cattle go into to drink from and then defecate and urinate in while standing in them. Some of the constituents of that manure percolate through the earthen dams and, at times of high water, exit through high-water-level drainpipes or spill over the dams. Stock ponds should be fenced with water troughs placed down grade and connected by pipes from the ponds to the troughs. This is SOP. Raising Beef Cattle for Dummies at 125-126. As long as NPS refuses to fence stock ponds, which cattle spend a lot of time in, especially in summer, exclusion fencing along the watercourses below the ponds will not prevent much, if not most, of the manure from getting into the watercourses. Furthermore, many, if not most, stock ponds are built in drainages and the dams at some of them also prevent anadromous fish from migrating up some drainages, such as has been reported regarding tributaries of Olema Creek.

Barbed wire and other BMPs are not going to bring the ranching operations into compliance with water quality standards. The only way to do that is to reduce cattle numbers. And given that more manure than the weight of two USS Hornet aircraft carriers is dumped on the ranching lands of the Seashore every year, cattle numbers need to be drastically reduced, especially given NPS's legal responsibilities for protecting units of the national park system. What are NPS's responsibilities?

NPS has a statutory duty to avoid any "impairment" of the Seashore's "natural values." Permitting the dumping of 79,000 tons of manure each year on Seashore lands is certainly an impairment of natural values. This portion of the Seashore statute requires the Secretary to manage the Seashore:

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.

16 U.S.C. § 459c-6. (Emphasis added.)

That NPS is violating this provision is one of the claims in the litigation challenging the GMPA's ROD. As an attorney (retired) who worked as an NPS attorney and later as an Assistant U.S. Attorney specializing in representing federal land management agencies such as NPS, I can see no way NPS can defend its actions and inactions under this statutory provision.

In conclusion, the Coastal Commission needs to declare that it intends to and will require NPS to meet applicable water quality standards and it needs to set a deadline by which NPS must meet those standards. NPS, in consultation with the CCC, must agree to meet water quality standards and it must agree to a deadline for compliance with those standards. As a first step in that process, it must begin reducing cattle numbers annually until compliance with water quality standards is met on a watershed-by-watershed basis.

s/James Coda

Attachment

#### APPENDIX

# HOW MUCH MANURE IS PLACED ON POINT REYES NATIONAL SEASHORE RANCH LANDS EACH YEAR?

There is a lot of debate going on about how much harm manure from the dairies and beef ranches is causing to Point Reyes National Seashore, especially its watersheds. I've seen a few statements as to how many tons of manure per year is produced, but I never saw anyone show how that tonnage figure was determined. So, I decided to do this step by step to see for myself how many tons per year are placed on the park's lands.

### **Dairy Cow Numbers**

I soon learned that this would take some effort with regard to dairy cows. That's because there are four types of dairy cattle on most dairies, namely (a) wet cows or "milkers", (b) "dry" cows (Milkers go dry for two months each year), (c) heifers (dairy cows-in-waiting) and (d) bulls at dairies that don't rely strictly on artificial insemination. Each produces different amounts of manure.

For numbers I went to the Final Environmental Impact Statement on ranching and found that after eliminating the I Ranch dairy that closed during the EIS period there were still 1815 milkers, 217 dry cows, 635 heifers and 18 bulls on the five remaining dairies.

As I was in the process of using those numbers, I realized NPS has issued interim two-year leases to the five dairies pending litigation over NPS's ranching decisions. As I looked at the five interim leases, I noticed two changes. First, the number of dairy cows overall was significantly reduced. Second, one dairy (A) was in the process of switching from the normal Holstein cows which are most popular for good milk production to smaller Jersey cows which are better for making cheese. That meant I would have to take the Jersey cows smaller size into account for my calculations.

Three dairies (B, C, L) were given the exact same numbers by NPS, namely 250 milk/dry cows, 100 heifers and 6 bulls. The fourth dairy (J) was given a higher number of 400 milk/dry cows, 200 heifers, and 6 bulls even though it is the smallest dairy acreage-wise. The fifth dairy (A) was switching from Holsteins to the smaller Jerseys and NPS allowed it to have 350 milk/dry Jersey cows, 133 heifers and 6 bulls. The interim lease states that Jersey cows are the "equivalent of 0.7 Holstein based on forage intake, manure production, etc. Additionally, Jersey heifers are identified at 0.6 Animal Unit Equivalent (AUE)."

The first thing I did was separate the milk/dry category to work with milkers and dry cows separately to calculate manure output correctly. I went back to the FEIS and added up all the milkers and dry cows for all the dairy leases in Table 1 of the FEIS and found the average number of dry cows was 16% of the total milk/dry cows. In other words, the 1150 milk/dry cows can be broken down to 966 milkers (1150 x 0.84), 184 dry cows 1150 x 0.16), 500 heifers and 24 bulls. The fifth dairy, A Ranch, is a somewhat different case and will be addressed after the first four dairies. From that I created the following table:

Ranch	Milkers	Dry	Heifers	Bulls
В	210	40	100	6
$\mathbf{C}$	210	40	100	6
L	210	40	100	6
J	<u>336</u>	<u>64</u>	<u>200</u>	<u>6</u>
Totals	966	184	500	24

In order to calculate the amount of manure, we need to determine weights. These four dairies all use Holstein cattle.

### **Calculating Dairy Cow Manure**

Holstein milkers weigh 1,500 to 1,700 pounds for an average of 1,600 pounds. <a href="https://en.wikipedia.org/wiki/Holstein Friesian\_cattle">https://en.wikipedia.org/wiki/Holstein Friesian\_cattle</a>

<u>Milkers</u>. A Holstein milker produces about 106 pounds of manure per 1,000-pound unit and therefore a 1,600-pound milker produces about 170 pounds of manure per day or 62,050 pounds per year or 31.025 tons/year. So, 996 milkers would produce **30,876 tons of manure per year**. <a href="https://ag.umass.edu/crops-dairy-livestock-equine/fact-sheets/manure-inventory">https://ag.umass.edu/crops-dairy-livestock-equine/fact-sheets/manure-inventory</a>

<u>Dry cows</u>. A Holstein dry cow produces about 82 pounds of manure per 1000-pound unit or 131 pounds per day based on a 1600-pound dry dairy cow. *Ibid*. 131 pounds of manure per day x 365 days is 47,888 pounds per year per dry cow or 24 tons per year per dry cow. So, at 24 tons per year per dry cow, 184 dry cows produce **4,416** tons of manure per year.

<u>Heifers</u>. Holstein heifers produce about 87 pounds of manure per day based on a 1000-pound animal unit. *Id*. Assuming a 1,000-pound average weight, 87 x 365 is 31,755 pounds per year or 15.88 tons per heifer per year. So, 500 heifers produce **7,940 tons of manure per year**.

<u>Bulls.</u> Bulls are bigger, equivalent to 1.3 milk cows. So, 24 bulls equal 31 milkers. Thus, 31 x 170 pounds of manure per day is 5,270 pounds per day or 1,923,550 pounds per year or **962 tons of manure per year**.

## Special Case; The A Ranch

The last dairy, A Ranch, is different. In the last two years or so it has converted its herd, which was all Holsteins (known for high milk production) like the other four dairies, to smaller Jersey cows (known for cheese production). Its interim lease authorizes 350 milker/dry Jersey cows, 133 heifers and 6 bulls. The interim lease states that the smaller Jersey cows are the "equivalent of 0.7 Holstein based on forage intake, manure production, etc. Additionally, Jersey heifers are identified at 0.6 Animal Unit Equivalent (AUE)."

<u>Milkers</u>. Therefore, I will follow the same procedure as above but multiply numbers by 0.7. But first, I need to separate milkers from dry cows, as I did above. Doing so results in 294 milkers ( $350 \times 0.84$ ) and 56 dry cows ( $350 \times 0.16$ ).

Next, I have to multiply the milkers and dry cows by 0.7 to reduce each by 30% which leaves 205.8 Jersey milkers as equivalent to Holstein milkers and 39.2 Jersey dry cows as equivalent to Holstein dry cows to calculate manure output. 205.8 milkers x 170 pounds is 34,986 pounds per day for milkers times 365 days is 12,769,890 pounds per year divided by 2000 equals **6,384.945 tons of manure per year for milkers**.

<u>Dry cows</u>: 39.2 dry cows x 170 pounds of manure is 6,664 pounds of manure per day for all the Jersey dry cows or 2,432,360 pounds per year or **1,216.18 tons of manure per year for dry cows**.

<u>Heifers</u>. The interim lease says there are 133 Jersey heifers. It also says that to convert them to equivalent Holsteins, multiply Holstein milker weight by 0.6 to be equivalent. Multiplying the 170 pounds of manure a Holstein milker produces per day by 0.6 reduces manure output to 102 pounds/day (170 x 0.6) or 3,797,460 pounds per year or **2,475.795 tons of manure per year for heifers**.

In summary, the five dairies in the Seashore produce **54,271tons of manure each year** and it is all placed on the dairy pastures either by the cows directly or later by the ranchers using their manure spreading tanker trucks.

#### **Beef Cow Manure in the Seashore**

This is simpler. According to Table 1 in the EIS, there are 1452 beef cows authorized in the Seashore. I have added 160 cows to that figure because the I Ranch got authorization for 160 beef cows to replace its former dairy operation

which raises the total beef cow number to 1612 beef cows. Beef cows with calves produce 60 pounds of manure based on a 1,000-pound animal unit. *Id.* Essentially all beef cows in the two parks are Black Angus. Black Angus cows weigh 1410 pounds, on average. <a href="https://www.beefmagazine.com/cow-calf-operation/the-relationship-between-cow-size-production">https://www.beefmagazine.com/cow-calf-operation/the-relationship-between-cow-size-production</a>

Thus, a single 1,410-pound Black Angus cow produces 84.60 pounds of manure per day (60 pounds x 1.41) and 30,879 pounds per year or 15.439 tons of manure per cow per year. Given that there are 1612 beef cows (each with calf) in the Seashore and given that each cow produces 15.439 tons of manure per year, 1612 of them produce **24,887.67 tons of manure per year**.

In summary, Seashore dairy and beef cattle produce a total of

54,271.00 tons manure from dairy cows <u>24,887.67</u> tons beef manure from beef cows

79,158.67 total tons of cow manure deposited in the Seashore each year.<sup>3</sup>

Numbers can be hard to relate to, so let's put this into perspective. The USS Hornet, an historic World War II aircraft carrier, now a museum berthed at Alameda, weighs 33,100 long (Imperial) tons, or 37,072 short (U.S.) tons—less than half the 79,158.67 short (2,000 pound) tons of manure placed on the Seashore lands each year. All that manure is either deposited by cows directly on pastures or later by manure trucks that spread it on pastures. When it rains and the ground is saturated, that manure is carried by runoff across fields into the nearest creeks. No wonder the Seashore's watercourses get so polluted during the rainy season.

The park says that in the next 20 years, it will build an additional 35 miles of fencing to improve livestock management, mainly to exclude cattle from drainages. But that will have no effect on runoff. And there is no plan to fence the stock ponds the cattle go into to drink from and then defecate and urinate in. Some of that manure percolates through the earthen dams and, at times of high water, it exits through high-water level drainpipes or spills over the dams. Those dams also prevent anadromous fish from migrating up some drainages, such as tributaries of Olema Creek.

s/James Coda

<sup>&</sup>lt;sup>3</sup> There are 870 beef cattle authorized for the GGNRA. At 15.439 tons per cow per year, the 870 cows produce **13,431.93 tons of manure each year** which is spread throughout the GGNRA ranches.

# Julia Stalker San Francisco, CA <u>judestalker@gmail.com</u>

November 10, 2023

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

Re: Agenda Item Th10b; CD-0006-20; Hearing on November 16, 2023

Dear California Coastal Commissioners:

Thank you for the opportunity to comment on the NPS Annual Briefing on a Water Quality Strategy. I am pleased to see that the NPS has reinitiated a water quality monitoring program after several years of not monitoring and that they are fulfilling most of their requirements and commitments made to the Coastal Commission regarding the conditions of the approval of the GMPA.

I am very disappointed with the very short amount of time that has been given for the public to try to sift through the report and make sense of what I find to be somewhat vague and confusing information given related to the Water Quality Strategy and associated requirements and conditions.

One requirement that is very cryptic, if not altogether absent is the requirement of Enforcement Efforts.

The Report is required to report all lease violations by the leaseholders and to describe any actions taken by NPS, any responses, as well as the result and the current status of each lease.

The report provides general reference to several violations but does not list the specific violations, the specific ranch where the violation took place, the leaseholder responsible for the violations and any actions taken or penalties given to the leaseholder(s) by the NPS.

There have been several very drastic, very well publicized and documented violations (bulldozed creek and listed species habitat, large land excavation and filling with potentially toxic materials, ranches operating without working septic systems, etc.). Although I respect any privacy laws that may be in place, PRNS is public land and the public deserves to know what is happening there and what actions are being taken to penalize those leaseholders that do not comply with the laws and/or conditions of their leases.

This is, in effect, the same as a property owner not being informed by the management company as to what violations a tenant is committing.

Of course, if the property owner has asked not to be informed, that is legitimate but the general public property owners in this case are screaming loud and clear that we want to be informed and that is not always happening.

Another violation that has been taking place regularly for many years is the fact that the leaseholders from some of the ranches are not managing their cattle according to the requirements of their lease agreements, allowing the cattle to roam, defecate, urinate and trample freely in sensitive dune and wetland areas of the National Seashore causing potential depredation and trampling of several listed species including Snowy Plover, Tidestrom's lupine, beach laylia, curly-leaved monardella, bluff wallflower, blue coast gilia and dark-eyed gilia. This is also adding to the already high levels of *E-coli* bacteria detected at Abbott's lagoon, Drake's Estero and elsewhere in the Seashore. These occurrences are well documented, as the cattle can be seen in these locations regularly, including during the snowy plover breeding season.

The NPS does an impressive job of managing a very successful snowy plover protection program with beach closures, monitoring and education through the snowy plover breeding season. I find it very irresponsible to allow cattle to trample the backshore, dune and wetland vegetation in the breeding areas, especially during the breeding season; and to allow the ranch leaseholder to continue to allow their cattle to roam from the areas their restricted areas without any penalties or repercussions to the leaseholders.

I also do not understand how NPS can allow cattle to trample rare and endangered dune and wetland vegetation in a time when protecting these plants and encouraging their expansion in the face of sea level rise should be a top priority.

A top priority (and law) of the management of the Seashore, as recorded in the NPS Management Policies (2006) and the NPS Organic act (1916) and the NPS General Authorities Act (1970/1978) is to conserve the scenery, natural and historic objects and wild life therein....as will leave them unimpaired for the enjoyment of future generations. The Coastal Act contains similar provisions for protecting the natural resources of the coastal zone.

I understand that the process of getting the ranch operations in the Seashore into compliance with the lease restrictions and requirements is an iterative process but also believe that if it becomes clear that this is not 100% possible within the near future, the source of the impairments of the natural resources of the National Seashore and the Coastal Zone should be eliminated to allow the natural resources to flourish and be protected far into the future.

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Sincerely,

Julia Stalker



Cattle on Abbott's Lagoon Shore 09222020 D. Dietrich



Cattle at Abbott's Lagoon D. Dietrich



Cow on Abbott's Lagoon Shoreline 07/2021 Sarah Killingsworth



Cow Manure on Abbott's Lagoon Trail 05/2022 Sarah Killingsworth

# Matt Maguire 626 East D St. Petaluma, CA 94952

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

Re: Agenda Item Th10b; CD-0006-20; NPS's Annual Briefing on a Water Quality Strategy; (NPS, Point Reyes GMPA); Hearing on November 16, 2023

November 10, 2023

**Dear Commissioners:** 

Please accept these comments for the record in regard to the above referenced agenda item.

First, I would like to note that the public has had insufficient time to fully absorb and consider the implications of the staff report for this item. This is a disservice to the transparent operation and understanding of the information in the report. In the future, I would ask that the public be allowed a much longer review period, preferably at least a month.

Nonetheless, I commend the National Park Service for its efforts to fulfill its responsibility to adhere to the Commission's requirements for retaining the Commission's conditional concurrence on Consistency Determination No. CD-0006-20 for NPS' 2020 General Management Plan Amendment. Having briefly reviewed NPS' Annual Report for the Water Quality Strategy for Management of Ranching Operations, it is disappointing but not surprising to learn that the cattle ranching in Pt. Reyes National Seashore continues to pollute the waterways in the park, which impacts coastal waters as well.

Although it appears the NPS has gotten more serious about actual monitoring of cattle operations since the original Commission hearing on this issue, the problem of dangerous levels of bacterial and other has not been corrected, and it appears may not have even had much improvement. In addition, the staff report notes "NPS has not provided specific plans for implementing proposed measures to address identified issues resulting from water quality results."

So once again, as it did in the prior hearings on this issue, it raises several questions. If monitoring and testing continue to find water quality violations, what will trigger a reversal of the Commission's finding of compliance of the NPS' GMPA with the Coastal Act? What is the process for review and remediation? Will there be public hearings upon findings of violations? Or will it be an administrative hearing? Would the public be notified of that, should it occur? When will NPS establish its measures to address issues of violation?

Doug Lovell, the certified engineer who in the absence of NPS testing for years conducted water testing for Turtle Island Restoration Network, has noted that it is unlikely that safe manure pollution levels can be achieved without reducing the number of cows on the ranches. By one estimate, over 79,000 tons of manure are currently produced and spread on the land each year. If continuing testing and tracking of

pollutants shows no improvement, will the Commission require the NPS to make a reduction in the number of cattle on the polluting ranches? Will repeat violators be held accountable? Will ranchers who continue to pollute at some point lose their lease(s)?

Thanks to the Commission's commitment to protecting our coastal resources, many ranch violations have been addressed in the past year. The Commission now has the opportunity to further improve NPS oversight of the ranches, particularly where manure runoff and pollution of the park's waterways are concerned, and to help it clarify the answers to the above questions. I encourage you to require NPS to specify its next steps to clarify the above issues and its enforcement process, since that is what I and many others of the public have been asking for over the past years.

Thank you for your consideration.

Matt Maguire

Comments for the California Coastal Commission November 16, 2023 Hearing Agenda Item Th10b, CD-0006-20 NPS

From: Elizabeth Dodge November 10, 2023

Re: The National Park Service Annual Report – 2023 *Water Quality Strategy for Management of Ranching Operations,* submitted in response to the California Coastal Commission's conditions for consistency determination.

The Coastal Commission is to be commended for compelling the National Park Service to resume water quality monitoring at Point Reyes National Seashore after it has neglected to do so for the past 12 years. While the current National Park Service monitoring program has several flaws, it nevertheless yielded significant results, notably that water quality is worse in the summer when it is not raining. This is counter to conventional wisdom that rainfall carrying pollutants into streams results in worse water quality. Instead, as shown in Table 1 which summarizes the data in Tables 11 and 18 of the NPS report, the benchmark for fecal indicator bacteria was exceeded in 8 out of 16 sample sites during the rainy season in January 2023 and all but one location during the dry season in July 2023. This suggests that while rainfall conveys contaminants to surface waters in the park, it is also diluting their concentrations. Not only were there more exceedances in July, but the concentrations were even higher, ranging from one to 22 times the benchmark versus one to eight times in January. The NPS report shrugs off this finding as "likely representing localized conditions" (page 49), but when elevated contamination is found throughout the Point Reyes National Seashore peninsula in dry conditions it indicates there is a widespread systemic problem.

Table 1 Geometric Mean (MPN/100ml) red values exceed benchmark

Sample				
Site	January 2023	exceedance	July 2023	exceedance
PAC1	45	0.5	160	1.6
PAC2	233	2.3	556	5.6
PAC2B	104	1.0	296	3.0
PAC3	411	4.1	104	1.0
PAC4 *	49	0.5	467	4.7
PAC5	44	0.4	1182	11.8
ABB1	48	0.5	166	1.7
ABB2	88	0.9	2195	22.0
ABB4	14	0.1	13	0.1
ABB5	311	3.1	NA	NA
DES1A	224	2.2	280	2.8
DES2	73	0.7	232	2.3
DES3	37	0.4	309	3.1
DBY1	787	7.9	NA	NA
DBY2	209	2.1	NA	NA
DBY3	519	5.2	NA	NA

NA = insufficient flow for sampling

The NPS report is inconsistent in its analysis of data because it uses the geometric mean of 100 MPN as the benchmark for the "assessment" monitoring program cited above, but uses the 90<sup>th</sup> percentile value of 320 MPN as the benchmark for discussing the "long term" monthly monitoring program. Had the geometric mean been used throughout, many more bacteria exceedances would be apparent in the long term monitoring program.

The persistent, widespread year-round pollution in Point Reyes national Seashore surface waters indicates the problem is that there are too many cattle producing more manure than the land can bear. Data from the San Francisco Regional Water Quality Control Board Annual Reports for 2020 and 2021 and the National Park Service Final Environmental Statement (NPS 2020) indicate there are 4,100 cattle on the Point Reyes National Seashore Peninsula producing 21,455 tons of manure per year (*Report on Surface Water Monitoring Conducted* 

<sup>\*</sup>Sample site PAC4 is not indicative of background conditions because it is located in the Tule Elk preserve at McClure's Creek where elk congregate because it is one of the few perennial streams in the reserve.

October 2021 through January 2022 Investigation of Cattle Waste Impacts on Surface Water Quality Kehoe, Abbotts, Drakes Estero, and Drakes Bay Watersheds Appendix D (Lovell, Douglas, PE 28 October 2022). If the National Park Service is sincere in its goal of protecting the Park's natural resources, it needs to reduce the number of cattle in the park rather than continuing the ineffectual band aid activities of stringing up more barbed wire and diverting water for cattle, which it has been doing for the past 20 years.

Tule Elk activity at Site DES3 (page 75) of the NPS report implies that water quality on Home Ranch Creek is exclusively affected by Tule Elk stating "this area is not grazed by cattle". That may be true of the immediate area around the sample site, but Home Ranch Creek extends almost a mile upstream of the site and drains an area where cattle graze, as can be seen in the attached Google Earth photo showing cattle trails. This is the creek that was illegally bulldozed in 2021 to provide access water for cattle, as shown in the photos below.







I suggest the Commission staff read Appendix D of the Report on Surface Water Monitoring Conducted October 2021 through January 2022 Investigation of Cattle Waste Impacts on

Surface Water Quality Kehoe, Abbotts, Drakes Estero, and Drakes Bay Watersheds (Lovell, Douglas, PE 28 October 2022) which contains the most comprehensive analysis of manure loading from cattle and elk at the seashore for each ranch and watershed. For the Drakes Estero watershed Elk accounted for 4% of manure impacts.

From: <u>Margo Wixsom</u>
To: <u>Energy@Coastal</u>

Cc: Craig A. Kenkel; Melanie Gunn; Dennis Rodoni

Subject: Public Comment on November 2023 Agenda Item Thursday 10b - CD-0006-20 (National Park Service, Marin Co.)

Date: Thursday, October 26, 2023 2:01:32 PM
Attachments: PRNS Shoreline Cattle Violations.pdf

#### Dear CA Coastal Commissioners:

Re. Nov. Mtg., Thurs. 2b, Marin Co., NPS
Agenda Item Thursday 10b - CD-0006-20 (National Park Service, Marin Co.)

I am writing to request that you take immediate action on the constant violations of the CA Coastal Act by private ranchers at Point Reyes National Seashore allowing cattle to regularly graze and degrade water quality on shorelines along Abbotts Lagoon and Kehoe Beach. This is a direct violation of the water quality standards of the Coastal Act in Section 5.3.2 Geographic Applicability: Exclusions cannot be applied to the following areas: By statute, Categorical • Tide and submerged lands; • Beaches; • Lots immediately adjacent to the inland extent of any beach; • Lots immediately adjacent of the mean high tide line of the sea where there is no beach; and • Public trust lands.

The lack of fencing on many shoreline access areas of Point Reyes National Seashore violates water quality protection of shorelines from Section 30103 "extending inland generally 1,000 yards from the mean high tide line of the sea."

The Park Service claims that cattle are on beaches and shorelines due to "dune restoration," which is untrue as the problem is the historic lack of fencing in many ranch lease areas that border beach areas in the park. This lack of fencing and allowances for cattle grazing along protected shorelines that degrade water quality are documented in the attached PDF. The lack of fencing has allowed cattle to trample those beach areas regularly in flagrant violation since the 1976 enactment of the Coastal Act. Historically the Park Service has no consequences for water quality and Coastal Act violations, including; bulldozing riparian creekbed, massive illegal toxic dump, 11 buildings with intentional human sewage redirected onto public lands, as well as cattle regularly grazing on beaches. The Park Service provides no oversight, and relies on citizen hikers, like myself, to report all of the above violations of water quality and coastal land use regulations. I have regularly reported these violations to the Park Service with no consequence to ranch violations, allowing cattle to continue to degrade water quality on CA beach/shoreline areas.

This month after cows were documented in September on Abbotts Lagoon shoreline supposedly protected for otters and herons, I hiked the eastern shoreline of Abbotts Lagoon and photographed that there are NO FENCES along the hillside pastures where cattle have regular tracks and trails to the beach. Attached is a document with photographs of cattle manure all along that shoreline, heavily degraded cliff areas from recent and historic cattle track access, and heavily degraded creekbed along the RCA historic area that is well fenced off. Cattle heavily trample that creekbed and the surrounding supposed "protected" snowy plover sand dunes. Ironically the historic RCA buildings are fenced off, but the public lands and

fragile avian habitat are accessible to cattle on a regular basis. This cattle degradation of protected habitat is a violation of **Section 30107.5 Environmentally sensitive area** "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments."

I ask that the Coastal Commission review and consider the repeated violations of ranch leases degrading water quality along the CA shoreline with more serious consequences.

Please confirm reception of this report of violations of the CA Coastal Act with animal agriculture regularly allowed access to public beach/shoreline areas degrading water quality at Point Reyes National Seashore, without consequence.

Margo Wixsom 375 Aberdeen Way Box 665 Inverness CA 94937-0665 408-203-0798

# CA Coastal Commission meeting - Public Comment on November 2023 Agenda Item Thursday 10b - CD-0006-20 (National Park Service, Marin Co.)

Margo Wixsom

375 Aberdeen Way Inverness, CA 94937

Documentation of chronic cattle grazing along the CA Coastal shoreline at Point Reyes National Seashore. Photo documentation from September 2023. This is a regular occurrence throughout the year at Point Reyes National Seashore due to lack of shoreline fencing and neglect by the national Park Service.

Cattle trampling the shoreline at Abbotts Middle Lagoon across from the lagoon bridge in Point Reyes National Seashore. Notice RCA historic transmission poles on the horizon. 9/28/23 Photo by Andrea Glass of Inverness



Photographs below by Margo Wixsom hiking the eastern shoreline of Abbotts Middle Lagoon on 9/30/23



Cow manure and trampled shoreline where otters and herons fish and roost daily. Bridge in background.



Fresh cow manure all along the eastern side of Abbotts Middle Lagoon.



Fresh cow manure all along the 2 miles of the eastern shoreline of Abbotts Middle Lagoon.



Hundreds of fresh cattle manure all along the shoreline: in gullies, on shoreline used by bird/otters

Fenced area above pedestrian hiking trail @ right and NO FENCES all along the shoreline pasture area @ left. Documentation of cattle trails and pasturing with access to the entire shoreline below.





Cattle trails degrading cliffside with access to shore



1 of 4 cattle trampled and degraded gullies on shore

The RCA Historic Transmission site has fencing all around it. Sadly, and illegally the pasture lands leased to ranchers have NO FENCING all along the 2 mile stretch of the eastern shore of Abbotts Middle Lagoon. Documentation of current cattle manure and trampling of shoreline, gullies, and creekbed that leads to protected plover nesting grounds. Cattle are regularly photographed trampling those fragile nesting grounds.





Cattle trampled shoreline and creekbed strewn with manure – plover nesting grounds to the right with evidence of cattle tracks all along the shoreline leading to protected nesting grounds



Cattle trails leading from ranch leases with evidence of cows trampling creekbed adjacent to RCA historic site.

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

RE: November Agenda Item Thursday 10b - November 2023 CD-0006-20 (National Park Service, Marin Co.)

Chair Brownsey, Vice Chair Hart, and Members of the Commission:

Thank you for the opportunity to comment on this issue. First, I want to acknowledge that the fact that NPS is testing water quality and reporting those results to this commission, and thereby to the public, is an improvement and an important one. For many years, knowing that ranching operations negatively impacted the land and water in the park, NPS failed to do any monitoring of water quality. The results in this first report reflect ongoing issues in a number of locations and exceedances at A, B, C, J and K ranches with unhealthy conditions at popular areas like Drakes beach/Estero and Abbotts lagoon.

I have reviewed both the letter submitted to this Commission by NPS and the CCC staff report. I have two areas of comment and concern: (1) transparency and (2) accountability. Neither of these concepts are new to this discussion, and in prior meetings this Commission heard numerous comments raising concerns about lack of transparency about lease violations (among other things) and a lack of consequences or remediation for the problems in PRNS.

#### **Transparency**

As a National Seashore, PRNS is owned by the citizens of this country. The public assumes and expects that water quality in a National Park is safe for recreational contact. The truth is, the water in PRNS isn't consistently safe, and the information about water quality needs to be made clearly and timely available to members of the public. While there may not be an intention to make it difficult to understand, the lack of clarity in the results furthers the impression that NPS is more interested in protecting commercial operations than in providing meaningful information to the public. As noted in prior hearings on this issue, there is a pervasive lack of trust. Specifically, both the NPS report and the staff report are very difficult to wade through and determine what locations tested as unsafe, for what reason and on what dates. Only the beach monitoring data is on the PRNS website – <u>all testing results</u> should be on the website. The Commission should require NPS to create a chart for all monitoring programs, available on the PRNS website and updated each time testing results are received as well as in the annual reporting to this Commission, which lists in table form the following:

Location (common name like Kehoe creek, Drakes beach, etc) Date of exceedance Types of exceedance

In addition, signs should immediately be posted at locations where water quality exceeds the standards, including freshwater creeks, lagoons, etc.

The Commission received the Park's testing results on October 23, but the public only had a week to review the 129-page report and provide comments to the Commission. That isn't sufficient time to review and analyze the data.

#### **Accountability**

While NPS and others may downplay the results, saying it is just "the first set of data", that is disingenuous. The prior testing by NPS (which ceased in 2013) showed water quality problems, the EIR for the GMPA acknowledged the negative impact of ranching on water in the park, and the Lovell report provided to this Commission in 2022 revealed pervasive problems of contamination in park waterways. Remediation measures need to be implemented immediately to address exceedances impacting not only human health, but also the health of waterways in the park. And a list of those actions, and the timeline for completion should similarly be available on the NPS website, in a table format and listed as:

<u>Ranch location</u> <u>Remediation</u> <u>Completion Deadline</u>

The NPS report suggests that in certain locations with exceedances, the source of the contamination is unknown. In that case, the park has two options — either assume the cattle in the vicinity are the source and remove them (and cease manure spraying in that area), or conduct species-specific testing to concretely identify whether it is caused by cattle, humans or wildlife. Given the extensive spraying of manure in fields (by sprinkler as well as truck transport from ponds and including the fields immediately adjacent to the elk reserve at Tomales Point), it is possible that cattle are the source of contamination even in areas where they are not actively grazing.

Reviewing the NPS report, there are exceedances in areas designated as Marine Wilderness and an Area of Special Biological Significance. A question for this Commission and for NPS, is what level of contamination/pollution is acceptable in areas with these designations? Similarly, low water flow was blamed for poor results in some of the freshwater in PRNS – yet the ranches are diverting water from Kehoe Creek and other locations, thereby reducing the flow. The exceedances occurred in waterways that are habitat for endangered species like steelhead and red-legged frogs. To what extent is this Commission, and NPS, concerned with the health of the creeks and waterways, not just for human contact, but for the health of the ecosystem as a whole? Should pumping and diversion of water to ranches cease? What actions will be taken to restore the health of these waterways and protect them in the future?

#### Conclusion

In closing, I sincerely thank you for the time you have spent and will continue to spend protecting the coastal resources in PRNS. I am including photographs, below, of (1) the August 2021 bulldozing of Home Ranch Creek and what the area looks like in November 2023, (2) runoff at K ranch and manure spreading at J ranch by sprinkler and truck, adjacent to the elk reserve, (3) images of pumps at I and K ranches pulling water from Kehoe Creek, and (4) images of cattle and manure at Abbotts Lagoon in 2019, 2021 and 2022.

Respectfully submitted,

Sarah Killingsworth

Bulldozer at Home Ranch Creek, August 12, 2021 (2 images)





The bulldozed area in November 2023 (2 images)

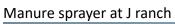




Home Ranch Creek - The one hay wattle is visible in the lower third of the image, center.

# Kehoe ranch runoff







Manure spreading truck in field adjacent to Tule elk Reserve on Tomales Point (J ranch)









Pump at I ranch



Cow in Abbotts Lagoon, November 29, 2019



Cattle at Abbotts Lagoon, July 29, 2021

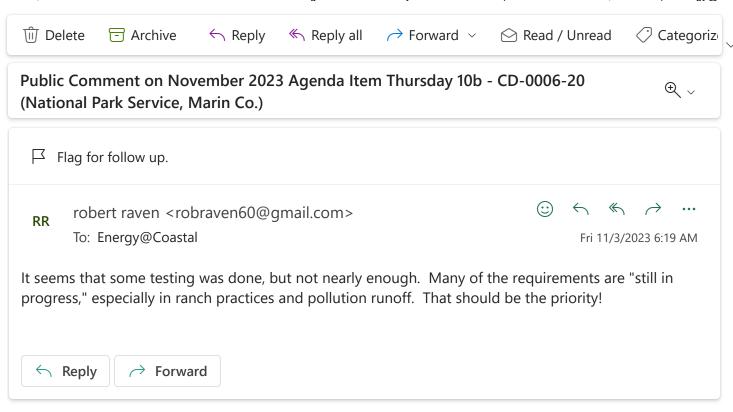


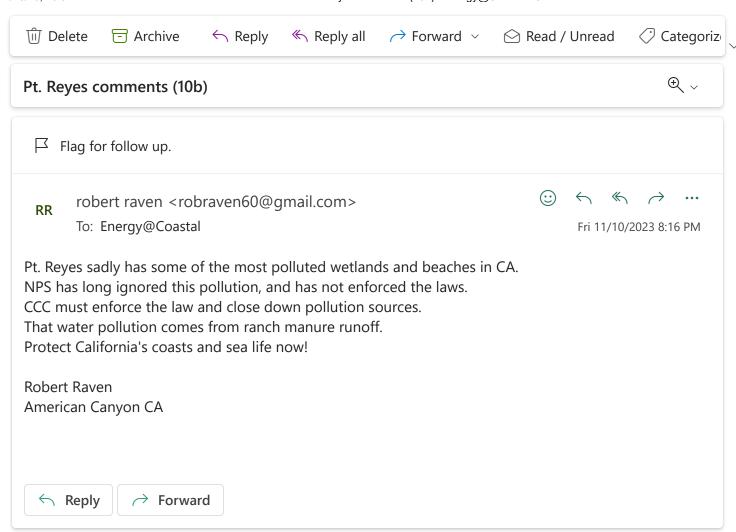


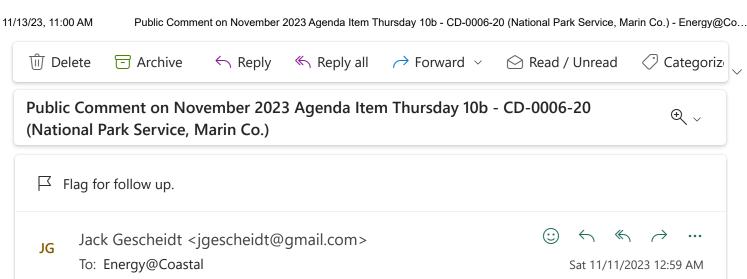


Manure on Abbotts trail May 20, 2022









## Dear Commissioners,

Cc: amyntrip@icloud.com

I live in Marin County, visit Point Reyes National Seashore often, and feel strongly about this issues.

Simply put, thousands of privately-owned beef and dairy cows have been a constant source of water pollution as far back as 2013 when the Park Service ended its testing. Recent NPS testing has confirmed massive fecal indicator bacteria exceedances.

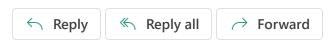
The pollution by all the cattle businesses will continue until the cattle industry is removed from the park.

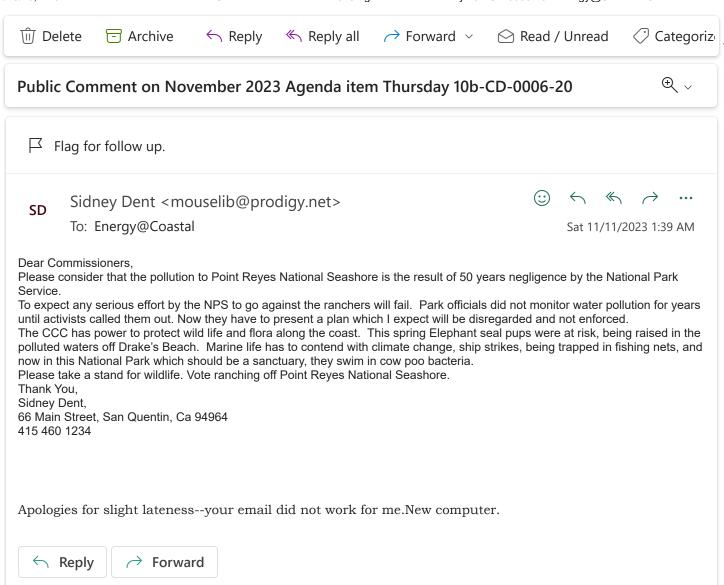
In addition, ranch sewer systems have been leaking onto the land, and into manure lagoons which already pollute its waterways.

I beg you to NOT grant cattle businesses a consistency determination for their ranch pollution. They in violation of county ordinances and the Clean Water Act and have been for *decades*. There is no justification for allowing this outrageous desecration of a public treasure.

Sincerely,

Amy Allen, San Rafael, CA





From: Genny Cat Richards

To: Energy@Coastal

Subject: Public Comment on November 2023 Agenda Item Thursday 10b - CD-0006-20 (National Park Service, Marin Co.)

Date: Thursday, November 9, 2023 7:39:55 PM

### **Dear CA Coastal Commission**

Riparian compliance by the PRNS tenant ranchers should be a non-issue: The PRNS NPS and its remaining 18 tenant ranchers with only 2 year leases are compliant with all the very extensive and expensive water quality mitigations required of them based on the very detailed summary by the PRNS NPS to The CA Coastal Commission. And in fact: The Staff Conclusion: NPS has fulfilled this commitment.

I am a supporter of the Save Marin's Food Community and I understand that there is a lot of opposition to the remaining 18 PRNS tenant ranchers. I am concerned about all the negative consequences and ramifications of losing our PRNS ranchers. But, it is not just our food supply, and losing 30% of Marin's dairy and about 25% of Marin's overall agriculture, our local economy, housing, school enrollment, etc., but also how destructive an overpopulation of elk are to the land, in terms of soil erosion which can be washed into Tomales Bay and Pacific and fecal water pollution as the elk are not required to be fenced off from riparian areas as the cows are. The Chicken Ranch Beach Restoration Project has already completed bacterial studies that show fox, coyote, deer and bobcat e-coli in the waters there. There is also the problem of highly flammable brush overgrowth of the land if the PRNS Pastoral zone is no longer stewarded by the sustainable and organic generational family ranchers with over a 100 years of a personal relationship with this land, even if they're tenants of the PRNS. And then just imagine the water demands if we have another Woodard or Vision fire due to unmanaged lands that used to be managed by the PRNS ranchers. Their commitment is amazing as the free ranging elk herds destroy their fences, their irrigation systems and even gore their cattle. And just imagine when the forage becomes poor and the seashore is filled with flammable plants where will the elk go next. In our backyards? Will they go after our water supply or irrigation systems, our fences and our children and pets? And yet another demand on our waters to put out fires! It is not like the elk have any natural predators in this area. All National Parks usually have the philosophy of "Let nature take its course" or survival of the fittest." In other words, without natural predators the weak, the infirm or injured should be culled. But that is not a popular option. Yet, the fenced

herd came back 20% stronger after the drought! Perhaps those suing The PRNS Park should put their money where their mouth is and they should Adopt an Elk!

The whole idea of the creation of the PRNS seashore was the wisdom of having grasslands, a true ecosystem with its own endangered species, wildflower and pollinator habitat, also a perfect area for quality forage for all the park's animals and carbon sequestration as well as prudent water management to protect these beautiful natural grassland resources with ocean views from housing developments.

.....Lands suitable for agricultural use shall not be converted to nonagricultural uses unless continued and renewed agricultural use is not feasible (CA Coastal Act Section 39242) So, if we lose The PRNS ranches does it mean this beautiful area will become a housing development? I wonder if the anti-ranch activists have thought that through?

Respectfully Submitted,
Cathy Richards
Full Time Resident and Homeowner, Inverness, CA

From: Spirit Wiseman
To: Energy@Coastal

Subject: Public Comment on November 2023 Agenda Item Thursday 10b - CD-0006-20 (National Park Service, Marin Co.)

**Date:** Friday, November 10, 2023 9:37:42 PM

As a person who swims 4-5 times a week in Tomales Bay and just swam today...........I have concerns about all the waterways in Point Reyes National Seashore. It does seem that there has been some neglect from the Park Service in the area of managing run off from the ranches. Particularly around manure.

I believe the septic violators were able to put in septic systems ,where there were none, without penalty and was to hear that......

Still we need monitoring as it is a National Park not a National Ranch

AND we need the Elk fence down asap!!!! After the Park Service allowed the Elk to die of thirst, which is documented, but was convenient for them, I just have a hard time trusting them......I want to but not a great track record......so please keep an eye on as someone has too.

Spirit L Wiseman 9 Herrera Dr Fairfax, Calif 94930 415-847-4828

Engel and Voelkers Realtor 
 From:
 Jack Gescheidt

 To:
 Energy@Coastal

 Cc:
 Lisa Levinson

Subject: Public Comment on November 2023 Agenda Item Thursday 10b - CD-0006-20 (National Park Service, Marin Co.)

**Date:** Friday, November 10, 2023 4:55:26 PM

#### Dear Coastal Commission,

The private cattle industry should no longer be permitted to operate inside Point Reyes National Seashore. They have, for years, been polluting the land and the coastal and Pacific waterways of the Seashore - - literally for decades.

Manure run-off poisons the water and harms untold numbers of supposedly protected animals, including Coho salmon, numerous mammals who drink from the park's waterways. This must stop.

Please do not grant your pending consistency determination — and instead insist that the only scientifically valid method for ending Point Reyes park pollution is to remove these polluting industrial ranches posing as "family farms."

Thousands of beef and dairy farms are a blight on the land, and poison this gem of a national park's waterways.

You have the power to say no, and not rubberstamp this ongoing water pollution, and desecration.

Sincerely,

Jack Gescheidt
Tule Elk Consultant
In Defense of Animals
<a href="http://www.IDAusa.org/elkjackg@idausa.org">http://www.IDAusa.org/elkjackg@idausa.org</a>

Office landline: 415-488-4200

From: Jack Gescheidt

To: Energy@Coastal

Subject: Public Comment on November 2023 Agenda Item Thursday 10a - Consistency Certification No. CC-0002-23

(Seren Juno Network America, Inc., Grover Beach)

**Date:** Friday, November 10, 2023 4:49:26 PM

#### Dear Commissioners,

The thousands of privately-owned beef and dairy cows inside Point Reyes National Seashore were determined to be a source of water pollution as far back as 2013 when the Park Service ended its testing. Private citizen-scientists arranged for testing in two recent years - - which also found massive fecal indicator bacteria exceedances.

The Park Service again tested this past winter season and yet again found numerous, massive exceedances of fecal indicator bacteria in several of the park's surface waters.

The pollution by all the cattle businesses will continue until they are REMOVED from Point Reyes. As long as there are cows in the park, there will be cow manure (and methane) pollution — which is in violation of law, and should not be tolerated one day longer.

Please act within your proper authority and do NOT grant cattle businesses a consistency determination for their ranch pollution - - when they are clearly in violation of county ordinances and the Clean Water Act, ongoing, for *decades*. There is no justification for allowing this outrageous desecration of a public treasure.

Sincerely, Jack

Jack Gescheidt, Founder <u>The TreeSpirit Project</u> San Rafael, CA 415.488.4200

jack@treespiritproject.com

http://www.TreeSpiritProject.com

https://www.twitter.com/jgescheidt

https://www.facebook.com/TreeSpiritProject

https://www.instagram.com/jackofalltrees

Raising awareness of the crucial role of trees, forests and the natural world in our lives.

Re: Public Comment on November 2023 Agenda Item Thursday 10b - CD-0006-20 (National Park Service, Marin Co.)

Energy@Coastal <EORFC@coastal.ca.gov>

Thu 11/2/2023 7:47 PM

To:Robert Johnston < rajohnston@ucdavis.edu>

Thank you, this has been received.

From: Robert Johnston <rajohnston@ucdavis.edu>

**Sent:** Thursday, October 26, 2023 4:09 PM **To:** Energy@Coastal <EORFC@coastal.ca.gov>

Subject: Public Comment on November 2023 Agenda Item Thursday 10b - CD-0006-20 (National Park Service,

Marin Co.)

Commissioners:

Re. Nov. Mtg., Thurs. 2b, Marin Co., NPS

This park has openly violated State WQ standards for decades, according to data obtained by them and other agencies. The Turtle Island Restoration Network published a comprehensive WQ study a year ago. It closely followed the SFRWQCB rules for sampling and testing. A copy was sent to you and the park. It showed a pattern of persistent and often massive exceedances in most creeks draining dairies.

The park's proposed WQ Study program approved by you a year ago was deficient in many ways. I was surprised that the water board and your staff approved it. It failed to adequately specify the timing of sampling, which is critical. The water board requires sampling on the day after a rainstorm, for example. If not done according to these protocols their results will under-represent pollutant levels. Pollution surges during and right after storms are critical in terms of effects on aquatic organisms.

Please tighten up your memo to the park by incorporating all the water board's protocols. The TIRN report outlines these requirements. They are also found in water board and USEPA reports. If the park samples two or more days after storms their data will be biased downward, under-representing pollution. Also, you will not be able to compare their results to those from the very thorough private study. Past studies published by park scientists have been biased in terms of data discussions.

I am happy to discuss these matters with staff and commissioners. The simplest approach is to just ask the park to follow exactly the methods used by the TIRN engineer.

Thank you,

Robert A. Johnston, Prof. UC Davis Talk: 415 663-8305 (landline) Text Messages: 530 559-0032 Best to email and call landline, both.

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CCC Staff: Pls verify receipt of this. Thx.