



April 16, 2021

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California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA 94105  
Via Electronic Delivery: [EORFC@coastal.ca.gov](mailto:EORFC@coastal.ca.gov)

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

Dear Mr. Padilla,

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

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

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

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

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<sup>1</sup> U.S. Department of the Interior, Secretary of Interior, Memorandum, *Point Reyes National Seashore – Drakes Bay Oyster Company*. November 29, 2012. Available: [www.nps.gov/pore/getinvolved/upload/PORE\\_Nov-29-2012-Secretary-s-Memo.pdf](http://www.nps.gov/pore/getinvolved/upload/PORE_Nov-29-2012-Secretary-s-Memo.pdf)

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

We are concerned with several aspects of the GMPA and Final EIS. First, the November 2012 Memorandum by the Secretary of the Interior delegated authority to pursue lease extension for beef and dairy ranching<sup>2</sup>; the GMPA exceeds that authority by introducing new uses in the planning area. Second, while the stated purpose of the GMPA is “to establish guidance for the preservation of natural and cultural resources and the management of infrastructure and visitor use on the planning area,”<sup>3</sup> the GMPA planning process and Final EIS prioritizes management for the benefit of commercial leaseholders over preservation of natural and cultural resources in the planning area. For example, culling the tule elk, a native species, and the introduction of diversified agriculture activities are solely for the benefit of the economic interests of leaseholders.

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

**We strongly urge the Commission to include additional measures to strengthen the staff-recommended conditional concurrences to ensure that mitigation measures are successfully implemented with public transparency and metrics for evaluating eligibility for ranching leases and long-term monitoring of impacts to ensure consistency to the maximum extent practicable<sup>4</sup> with the California Coastal Act.**

**Our comments are organized as follows:**

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

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

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

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

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

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

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

The Seashore is subject to the San Francisco Regional Water Board's (Regional Water Board) Basin Plan for the Marin Coastal Basin<sup>7</sup> through the *Water Quality Control Plan for the San Francisco Bay Basin*. This Plan requires that operations within the Seashore not discharge waste in a way that would impede beneficial uses. The beneficial uses associated with the Drakes Estero, Abbotts Lagoon and Drakes Bay waterbodies and tributaries that require protection include: Marine Habitat, Fish Migration, Preservation of Rare and Endangered Species, Water Contact Recreation, Noncontact Recreation, Fish Spawning, Warm Freshwater Habitat, and Wildlife Habitat.<sup>8</sup>

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

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

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

<sup>7</sup> Regional Water Quality Control Board, *Marin Coastal Basin Map*, available at: [https://www.waterboards.ca.gov/sanfranciscobay/basin\\_planning.html](https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html).

<sup>8</sup> Regional Water Quality Control Board, *Table 2-1: Existing and Potential Beneficial Uses of Water Bodies in the San Francisco Bay Region*. available at: [https://www.waterboards.ca.gov/sanfranciscobay/basin\\_planning.html](https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html).

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

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

In these areas (and others) the Final EIS highlights how beneficial uses are not adequately protected<sup>11</sup> and proposes mitigations. However, those proposed mitigations are insufficient to ensure future protections, as they lack enforceable mechanisms to realize full implementation effectiveness.

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

## **B. Support of Staff-Recommended Concurrence Conditions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The lease contingency checklist should not be based solely on future intentions of financial investment to establish and meet water quality goals as outlined in the annual Ranch Operating Agreement.<sup>14</sup>
- The lease length must incorporate the long history of tenancy and performance by the leaseholder, including a record of lease compliance and implementation of practices to improve water quality, restore, and conserve riparian habitat areas demonstrating a history of advancement of NPS values.
- Operations with a history of lease violations must not be awarded long-term leases until and unless they have demonstrated long-term compliance with lease terms and implementation of measures to protect water quality and riparian habitat.

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

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

- Operations with a documented history of failure to meet lease obligations and/or degradation of water quality should not be considered eligible to obtain a new lease in this process. Going forward, operations with repeated lease violations should have their leases terminated.

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

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

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

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

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

## 2. Public Health: Notice Impaired Water Bodies

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

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

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

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

*Suggested Locations to be Noticed:*

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

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

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

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

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

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

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

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

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

- For example, the GMPA allows 18 ranch units each to have 500 chickens. The manure and nutrient management plans for these operations are not detailed in or analyzed in the Final EIS. Chicken manure contains more nitrogen and phosphorous than other livestock manure and includes pathogens that are harmful to public health and water quality that include:
  - Coliforms: *Actinobacillus*, *Compylobacter*, *Salmonella*, *E. coli*;
  - Pathogenic Fungal Contaminates; *Aspergillus*, *Fusarium*, *Penicillium*, *Scopulariopsis*, *Fusarium*, and *Histoplasma capsulatum*; and
  - Zoonotic Protozoa: *Cryptosporidium*, *Giardia*, and *Avian Influenza (HPA2 H5N1)*.<sup>18</sup>

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

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

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

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

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

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

#### 4. Lease Compliance: Enforcement Criteria

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

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

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

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

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

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

<sup>20</sup> *See Id.* page 6, page 126.

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

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

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

*In addition, NPS should include in their compliance language:*

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

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

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

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

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

- 5.1. Require NPS to post the annual report submitted to the Commission on the Seashore's website to ensure transparency and to provide the public with the information that the goals and programmatic objectives outlined in the GMPA Final EIS are being implemented on the scale that has been promised.
- 5.2. Require water quality sampling be conducted by a neutral third party for beef and dairy ranches.
- 5.3. Publish water quality sample results (at a minimum on a monthly basis) for public review. If NPS contracts with a partner to obtain samples, those results should be made publicly available on the Seashore's website.
- 5.4. Publish an annual review of approved diversified operations so that the public may understand the cumulative impacts of changed ranching activities and uses over time.
- 5.5. Publish annual report of all lease violations and consequences imposed by NPS, for public review on the Seashore's website.
- 5.6. Amend the Commission staff recommendation<sup>24</sup> to require NPS to return to the Coastal Commission to review the water quality strategy before the new leases are finalized.

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

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

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

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

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

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

### Conclusion

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

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

Sincerely,



Morgan Patton  
Executive Director



Bridger Mitchell  
Board President

### List of Attachments:

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

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

## Attachment 1: Drakes Estero Marine Wilderness

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

November 17, 2020. Located at 38.082809, -122.932261

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



### Image 3: Dead Cattle in Drakes Estero

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

January 14, 2021. Located at 38.061, -122.954



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



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



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



**Attachment 2: Abbotts Lagoon Wilderness Area**

**Image 1: Cow standing in Abbotts Lagoon.**

November 29, 2019. Located at 38.118, -122.951



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

September 29, 2019. Located at 38.119, -122.952

