



September 6, 2022

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

**RE: September 2022 Agenda Item Thursday 10b - CD-0006-20 (National Park Service, Marin Co.)
Request for Commission to NOT APPROVE Unless Amended**

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

The National Parks Conservation Association (NPCA) and Environmental Action Committee of West Marin (EAC), local environmental nonprofit based in Point Reyes Station, CA, submit these comments for consideration regarding the National Park Service's (NPS) Water Quality Strategy (WQS). EAC submitted additional comments on 9/2/22.

NPCA and EAC requests the Commission not approve the submitted Water Quality Strategy unless amended.

We continue to have concerns with lack of transparency and accountability that undermine the Coastal Commission's authority to ensure coastal resources are protected to the maximum extent practicable. We raise three specific concerns and propose resolutions to include into the WQS to protect coastal and marine resources from pollution and degradation.

CONCERN #1: Outside of an annual report submitted to the Commission, the WQS provides no visibility for the Commission – or the public – to ensure the various first-year actions (e.g. monitoring reports, inspection results, corrective actions, etc.) that serve as the backbone to NPS' Objectives 1-5 are being implemented in a timely and appropriate manner. There is no way to ensure that the train is on or off the tracks. The Commission staff refers to these first-year actions as "short-term" efforts (see pg. 13 of Staff Report).

- NPS and ranchers have collectively failed to address operational, infrastructure, and pollution concerns for decades, should be reason for great concern that the train may quickly go off the tracks in the first year of implementation. Within this first year, key decision are being made that impact the overall implementation schedule and timeline, for example NPS is entering into short-term leases.
- The Commission should know in real-time if the NPS or another agency (e.g. county health, etc.) recommends a corrective action, but the rancher refuses to comply or slow-walks the process to remedy the situation. This is not a hypothetical. The RWQCB

8/8/22 Executive Officer's Report notes that "two dairy producers are in the process of meeting CAF Order requirements (but) ...were concerned with the required investment given their lack of a long-term lease." The Grazing Waiver program has been in place since 2010, these two dairies have had 12 years to make investments to come into compliance. Therefore, it appears the compliance is not from lack of a longer lease, but from a lack of willingness to make necessary investments.

- The Commission – and public – cannot ensure the agreements of the CD are being implemented to protect coastal resources if information is not shared or available in a timely manner. Should the Commission need to wait for the annual report to learn that the NPS didn't conduct sampling or take appropriate actions because ranchers could not secure loans or grants? That volunteers were unable to collect water quality samples? That a ranch is changing its primary use? *The answer is clearly "no."*

RESOLUTION #1: Require the NPS make available to the public, whose interest the Commission is acting on behalf of, all of the reports, assessments, corrective actions, etc. that are listed in Objectives 1-5.

- Our organizations are not asking for any new analyses, reports, or effort by the NPS. We are asking for improved public transparency. Our proposed resolution simply ensures the information the NPS is already receiving and promising to produce is made available to the Commission and public in real time, not potentially months after in an annual report.
- This may be achieved by either NPS' agreeing to post these materials on their dedicated webpage on the GMPA public process or by the NPS submitting these materials to the Commission to make available online.

CONCERN #2: The WQS does not direct the reduction in animals if water quality standards are not being met. Instead, the WQS proposes to take unknown actions, with an unknown timeframe, to get ranching operations into compliance. This is not acting in the spirit or letter of the Coastal Act standard of maximum extent practicable.

- The WQS approach allows for a ranching operation to be potentially out of compliance with water quality and public health standards while the NPS and ranchers determine what corrective actions to take, which necessitate investments and cooperation by ranchers. As noted above in Concern #1, some ranchers have been in violation of water quality standards and have failed to invest in corrective actions for decades.

RESOLUTION #2: Require the NPS 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 standard.

- The WQS must change from the status quo of *'let's wait years for implementation on actions to improve in water quality'* to *'let's reduce cattle count until actions are implemented that can support authorized limits.'*

- The NPS already has the authority to take action to reduce the number of animals based on environmental conditions (e.g. residual dry matter surveys and drought), so it is clearly possible to apply the same approach to protect coastal and marine resources from pollution.

CONCERN #3: Since the April 2022 Commission hearing, NPS has drafted what is calling “2-year interim leases” that it plans to execute by September 14, 2022. To our knowledge, the Commission did not review this and the NPS has not shared draft leases with the public. Our organizations have repeatedly asked the NPS to post online drafts of the leases so that the public - and Commission – can independently determine if the leases contain adequate standards to protect coastal and marine resources. NPS’ response on this matter over the past year – and currently with their WQS – is to trust them.

RESOLUTION #3: The Commission should push the NPS to make public its “2-year interim leases” for ample time for public inspection before they are executed. We are not aware of any reason why NPS is barred from extending the date by which 2-year interim leases are executed.

If NPS is unable to agree to remedy these three 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. Therefore, the Commission should 1) reject the Water Quality Strategy and 2) direct the Commission staff to schedule a date for a reopening hearing.

Thank you for your consideration.

Sincerely,

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National Parks Conservation Association

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