



April 5, 2022

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

RE: Request for Commission to (1) NOT APPROVE Point Reyes Water Quality Strategy and (2) Withdraw Conditional Concurrence or Issue an Objection

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

The National Parks Conservation Association and the Environmental Action Committee of West Marin (local nonprofit based in Point Reyes Station, CA) write to **request the Commission not approve the Water Quality Strategy** submitted by the National Park Service (NPS) for the Point Reyes National Seashore General Management Plan Amendment (GMPA) because it does not comply with the Conditional Concurrence issued by the Commission and does not protect coastal resources to the maximum extent practicable with the California Coastal Management Program.

The fundamental flaw of the submitted Water Quality Strategy and Climate Action Strategy (Strategies) is the premise that allows ranchers to continue dictating the coastal resource protection terms and conditions in their leases, based on their willingness to seek long-term leases to make investments, rather than the NPS starting with a timeline and actions to protect coastal resources, and then directing the commercial ranching operation to conform. In fact, the NPS states it will be spending up to two years (i.e. the delay it is currently seeking) to determine a timeline and actions based on the type and length of lease a rancher applies for.

CONSIDERATIONS FOR COMMISSION ACTION AND DIRECTION TO STAFF

The NPS has not met a critically important condition of the Conditional Concurrence, despite the Commission clearly communicating the urgency to address ongoing problems with commercial ranching in the Seashore. **If the Commission decides to not approve the Water Quality Strategy, we assume the NPS' failure to satisfy a condition translates to an Objection by default. If an Objection is not the default or implicit, then we ask the Commission to take any needed action to make clear the GMPA is not consistent to the maximum extent practicable with the California Coastal Management Program** (e.g. Can the Commission reject the Consistency Determination, formalize an Objection, withdraw Conditional Concurrence, reopen the Conditional Concurrence, compel NPS to withdraw their application, or take any other comparable action?). While there may be more than one way to get to this outcome, the intent is to ensure that the "slate is clean" when NPS returns to the Commission and presents a new, updated proposal that addresses the deficiencies.

BACKGROUND

As the Commission observed a year ago at the Consistency Determination (CD) hearing, the impacts from Point Reyes commercial ranching on coastal resources are serious and real, requiring remediation for past degradation and mitigation/elimination of ongoing impacts. The urgency to address these matters was clearly communicated by the public and the Commission. The skepticism in the NPS' ability to "correct course" to have the GMPA implemented consistent with the Coastal Act was seen in the narrow 5-4 vote by the Commission. This urgency and skepticism led the Commission to take action to retain oversight and jurisdiction over its CD, including independently reviewing the NPS' water quality strategy within 12 months to determine if it protects coastal resources to the maximum extent practicable, or if it should be rejected.

FUNDAMENTAL FLAW

The submitted Strategies' statements of to-be-determined management priorities and objectives to protect coastal resources leaves us in the same place as last year: lacking confidence the GMPA will protect coastal resources to the maximum extent practicable within a reasonable timeline. In both Strategies, the NPS cites delays in implementation and notes that schedules of future priorities, action, timelines, and baseline data will be provided at a later date.

Our organizations remain concerned that the "tail wagging the dog" approach will continue at the Seashore, because the GMPA allows ranchers to enter into leases and associated Ranch Operating Agreements (ROAs) and dictate if, how, and when coastal resource protection measures are implemented based on if they decide to seek a long-term lease and make appropriate financial investments at this National Park.

The reason the NPS has not provided specific details to define the timeline and Management Actions, priorities, and objectives is due to the premise of the NPS allowing ranchers to dictate their needs and willingness to make needed investments rather than focusing on what is needed to protect coastal resources and improve Water Quality, and what is the timeline for actions.

WATER QUALITY STRATEGY CONCERNS AND COMMENTS:

- **Failure to prioritize coastal resources:** The NPS writes that the Commission's comments at last year's hearing informed specific changes the NPS made to the implementation of coastal resource protection, including water quality protections, and NPS notes that structural changes were made to shift optional conditions to mandatory requirements in leases/permits. Unfortunately, missing from the submitted Water Quality Strategy is information on what exactly those Management Actions, priority areas (as informed by most significant water quality related issues), objectives, and required investments will be for operations to protect coastal resources. This is the type of information that the Commission was seeking, as NPS did not provide details to the Commission a year ago. Throughout the Water Quality Strategy, the NPS references Management Activities and Best Management Practices will be shared at a later date.
- **Conditions of ROAs remain unclear and undefined:** When the NPS sought Concurrence last year, it specifically sought "Commission concurrence with the GMPA elements related to

management of ranch operations,” which has the ROA at the core. The ROA would outline the coastal protection priorities and objectives, including specific commitments made by the NPS and ranchers. Now, NPS is stating that it will delay issuance of GMPA leases for possibly two years, meaning that a lease’s ROA would also be delayed, possibly into a new federal administration. There is nothing preventing NPS from continuing delay of issuing ROAs, which also delays the two-year phase out of dairies that do not agree to make changes to their operations to protect coastal resources. If and when the NPS does decide to issue ROAs, the GMPA model is designed to respond to a lease application by the rancher and any conditions remain undefined for the public and the Coastal Commission for comprehensive review. To avoid investing in remediation of decades of degradation it has caused or mitigation/avoidance measures for ongoing impacts, the rancher could opt to apply for a short-term lease, since the NPS approach is to connect required coastal protection measures to lease length terms. Depending on the politics of the federal administration, the NPS could simply not require impactful coastal resource protection measures.

- **Unacceptable delays in issuing ROAs without legal basis (injunction has not been filed):** The Commission and public expected – and the NPS previously stated – that ROAs would be in place when the current interim leases expire in July 2022, yet NPS is delaying even though there is no legal action (e.g. injunction, etc.) stopping the ROAs from being developed.
- **Concerns with the NPS’ ability to manage long-term ranching operations:** Despite the well-intentions of the NPS to improve management, the past year has proven that the current ranching program is unsustainable because the GMPA requires significant funding for oversight and permit compliance by ranchers. Permit violations by ranchers have racked up since last year and the NPS lacks appropriate funding to monitor compliance of current leases, let alone planning for new leases. The Federal Administration has not provided the needed funding to implement a management plan on this scale and the NPS has had to rely on its non-profit Association organization to hire a position to collect and manage the water quality sampling program. The public continues to identify ongoing lease compliance issues (example: a large, multi-year dump site within the watershed of Drakes Estero; septic issues at ranches; oil barrel dump site in historic barns; and the rancher destruction of riparian habitat).
- **Dairy closure was an operator decision, not the NPS closing to improve water quality:** For both the Strategies, the NPS appears to be taking credit for any water quality and climate benefits resulting from the closure of the McClure Ranch (“I Ranch”). But the closure was a voluntary business decision by the operator, not because of any NPS management strategy or conditions of the GMPA.

CLIMATE ACTION STRATEGY CONCERNS AND COMMENTS:

- **Dairy closure was an operator decision, not the NPS closing to improve greenhouse gas emissions:** This framework inappropriately cites the closure of a dairy operation as part of the implementation, except that closure was a business decision of the dairy rancher, not the NPS.
- **Failure to analyze broader climate impacts and overlooked opportunities for additional coastal resource protection:** The NPS Climate Action Strategy is based on the actions adopted in the finalized GMPA (i.e. Record of Decision filed in September 2021) to reduce air emissions associated with agricultural activities. The Climate Action Strategy does not include additional

coastal resources protection driven by Department of the Interior and NPS policies and climate goals that should be included in ROAs prior to new leases being issued. For example, the NPS should analyze data and mapping to identify areas vulnerable to changing conditions including rising sea levels, reductions in average rainfall, drought, and increased average temperatures, and locations of federally listed and special status species, and likely changes scenarios to protect species and critical habitats. Provisions in the leases should include areas that must be phased out of commercial ranching operations over time to protect resources that will be negatively impacted by changing climate conditions. This is within NPS authorities (as directed by the 2006 NPS Management policies) that natural resources should be managed to preserve fundamental physical and biological processes. In the cases of special status and endangered species, NPS is legally compelled to protect habitat and should proactively protect reasonably foreseeable future habitat areas.

Due to the aforementioned fundamental flaws and delays, we request the Commission not approve the submitted Water Quality Strategy and additionally, request the Commission take any additional action needed as described above. The NPS should not enjoy the standing of meeting the conditions of the CD while it determines its next steps, as that has the potential to prejudice future review by the Commission.

Thank you for your consideration.

Sincerely,

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