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Re: National Park Service Consistency Determination for General Management Plan Amendment/Final Environmental Impact Statement for Point Reyes National Seashore and north district of Golden Gate National Recreation Area

Dear Mr. Larry Simon:

These are comments of the Center for Biological Diversity and Turtle Island Restoration Network (TIRN) on the National Park Service (NPS) Consistency Determination (CD) for their Preferred Alternative from their General Management Plan Amendment/Final Environmental Impact Statement (GMPA/EIS) for the Point Reyes National Seashore (PRNS) and the north district of Golden Gate National Recreation Area (GGNRA).

The Center is a nonprofit conservation organization with more than 1.7 million members and supporters, dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has expertise on protection of endangered species, cattle ranching impacts on the environment, management of federal public lands, and implementation of federal environmental protection laws. The Center has been working to protect native wildlife and other environmental resources of the Bay Area for more than two decades. Many Center members, supporters, and staff have a longstanding interest in preserving endangered species, tule elk and other native wildlife, and natural ecosystems of Point Reyes National Seashore and the GGNRA. Center staff in the Bay Area have been visiting PRNS for up to 50 years, and have been involved in tule elk reintroduction, salmon restoration, and endangered species protection efforts in PRNS and the GGNRA over the past two decades. Center staff and members have spent hundreds of hours in the PRNS and the GGNRA ranching areas observing wildlife and documenting the conditions of ranchlands.



TIRN is a nonprofit conservation organization with its principal place of business in Olema, California, located on Golden Gate National Parkland. TIRN has more than 200,000 supporters worldwide, with about 1,500 located in Marin County. TIRN has expertise on federal environmental protection laws and protection of endangered species, particularly with respect to endangered and threatened oceanic species and endangered and threatened salmonids in West Marin. TIRN has a 30-year history of protecting, conserving and restoring habitat in the entire Lagunitas Creek Watershed. TIRN has been working on issues related to sensitive species protection and environmental protection laws since its inception in 1987 (originally named the Sea Turtle Restoration Project).

The NPS has submitted to the Coastal Commission a misleading and incomplete Consistency Determination (CD) for their Preferred Alternative (B) from their General Management Plan Amendment/Final Environmental Impact Statement (GMPA/EIS) for the Point Reyes National Seashore and the north district of Golden Gate National Recreation Area.

The submitted CD reviews their Federal Agency Activity (NPS General Management Plan proposed amendment) and their Federal Agency Development (improvements to ranch buildings and other structures). The Coastal Commission must rigorously review the Federal Activity and Development in the CD against each of the Objectives in the California Coastal Act, particularly the enforceable policies located in Chapter 3 of the California Coastal Act (CCA). For the CD to be accepted, it must be consistent with all of the Objectives “to the maximum extent practicable.”

Although the NPS lands in this proposed GMP amendment are legally excluded from the California Coastal Zone, the impacts from the proposed activities and development under the Preferred Alternative will affect downstream and nearby coastal zone resources and public visitors to the Coastal Zone, so that a CD review is required. Under Section 307(c)(1) of the CZMA, 16 USC Section 1456(c)(1), federal activities that affect any land or water use or natural resource of the coastal zone are required to be consistent with the affected state's coastal management program to the "maximum extent practicable." Section 930.32 of the National Oceanic and Atmospheric Administration's regulations implementing the CZMA (15 CFR part 930) defines "consistent to the maximum extent practicable" as follows: (a)(1) The term “consistent to the maximum extent practicable” means fully consistent with the enforceable policies of management programs unless full consistency is prohibited by existing law applicable to the Federal agency.

Despite NPS assertions to the contrary, the Preferred Alternative (identified as Alternative B in the GMPA/EIS or plan) is not consistent to the maximum extent practicable with the California Coastal Management Program. Alternative B would allow significant new development, uses, and activities at PRNS and GGNRA, including expanded and new agricultural uses and intensity,



and new commercial and retail activities and facilities. The GMP amendment substantially increases the number and intensity of activities at the 24 ranches in the park by adding small livestock, crops, visitor B&B stays, retail sales of agricultural products, meat and cheese processing facilities, and camping. These activities will continue and worsen damage and impacts to soils, water quality, coastal grasslands, wildlife, sensitive plant species, scenic resources, and visitor aesthetics.

The GMP amendments propose to allow the intensification of land uses on 24 ranches on 18,500 acres in PRNS and on 10,000 acres in the GGNRA, currently under agricultural leases for beef cattle and dairy grazing. The NPS Preferred Alternative B will increase the acres dedicated to ranching in the parks by 7,600 acres, and allow: a new commercial land use, Small Retail, for stores and stands for agricultural products; a new industrial land use, Ag Processing, for small cheese factories, and slaughtering livestock; hostels, tent cabins, farm stay rooms, and various camping accommodations; housing and offices for volunteer organizations; other adaptive reuses of ranch buildings; horse boarding; up to 2.5 acres of row crops per ranch; and small livestock (40-70 sheep, goats, or pigs and up to 500 chickens per ranch).

The GMP amendment would treat native tule elk at PRNS, the only national park where they occur, as problem animals to be killed or hazed. It authorizes additional and expanded agricultural uses which are sure to cause further conflicts between ranching operations and native wildlife. The preferred alternative would enshrine long-term private cattle ranching as the primary use of a huge swath of PRNS and GGNRA, to the detriment of native wildlife and natural habitats. The preferred alternative would do very little to prevent harm to endangered species and other native wildlife, degradation of water quality, soil erosion, and spread of invasive species from cattle grazing and ranching activities. The mitigation measures proposed under alternative B are inadequate to offset the negative impacts from livestock grazing and ranching activities.

The NPS has available an alternative that is consistent to the maximum extent practicable with the Coastal Act. The GMP amendment dismissed the only alternative (F) that would conserve the natural history of the parks and manage PRNS and GGNRA in the public interest. Only alternative F is consistent to the maximum extent practicable with the Coastal Act and the enabling legislation for the parks, the Organic Act, Point Reyes Act, and GGNRA enabling legislation.

The proposed NPS Federal Activity in the CD is not “consistent to the maximum extent practicable” with several mandates of the California Coastal Act. We urge the Commission to object to this submittal.

Soils



Neither the CD nor the EIS discuss the extensive soil erosion and soil compaction problems that currently exist in the planning area due to cattle grazing. The EIS notes grazing impacts on stream incision, but does not discuss the full extent of stream incision problems in PORE and GGNRA.

The EIS acknowledges that Alternative B would have long-term, adverse impacts on soils from livestock trailing, trampling, erosion, and compaction; and also from ranching activities such as diversification, vegetation management, forage production, and manure spreading. Cattle also contribute to the introduction of intensive weeds which can crowd out native plants. The diversification of ranching activities to include livestock like sheep, goats, pigs and chickens will likely cause unknown adverse impacts to soils which were not adequately addressed in the GMPA/EIS. Chronic overgrazing by cattle that is visible on many of the PRNS ranches was documented in a 2015 rangeland condition report by U.C. Berkeley for PRNS (Bartolome et al. 2015). The 2015 report showed that 33% of the grazing transects studied were below the minimum 1,200 RDM for the years 2012-2014.

The Resource Protection sub-zoning would only protect an additional 5% of soils with high erosion potential and 3% of soils with high compaction potential from grazing impacts. The EIS claims that “management activity standards” and mitigation measures are "expected" to reduce overall impacts on soils, but does not clarify whether they would reduce impacts to less than significant levels.

The preferred alternative notably advocates for culling of Tule Elk, who are named for the grasses they depend on and evolved in tandem with. The way the Tule Elk graze helps spread and protect the tule grass, which in turn helps the grass hold rainwater and stabilize the soil against erosion.

Only Alternative F would have noticeable, long-term benefits on soil resources: decrease in erosion rates and runoff, soil stabilization, and decreased soil compaction. Soil erosion, runoff, nutrient levels and compaction would return to natural conditions, and it would be more conducive to establishment of native vegetation communities.

Water Resources

The CD and EIS acknowledge the severe impacts to surface water quality from livestock grazing and dairy operations, and that the main sources of water quality degradation are potentially pathogenic bacteria and nutrient loading from nonpoint sources associated with ranches and dairies.

An NPS 2013 Coastal Watershed Assessment for Point Reyes National Seashore documented cattle ranching pollution of water resources in the park and identified bacterial and nutrient



pollution from dairies and ranches as a principal threat to water quality. Of the 6 diaries at PRNS, the NPS found "severe pollution" at 5 of them. The Park Service's assessment determined that dairies pollute the Drakes Estero, Limantour, Kehoe and Abbots Lagoon areas with high concentrations of fecal coliform. Other studies show that cattle ranches are one of the major contributors of fecal coliform and E. coli to Tomales Bay.

Water-quality monitoring data from 2012-2017 submitted by NPS to the Water Quality Portal (compiled by the U.S. Geological Survey, Environmental Protection Agency and National Water Quality Monitoring Council) show that some waters of PRNS rank in the top 10 percent of U.S. locations most contaminated by feces, indicated by E. coli bacteria. High fecal coliform readings reported by NPS came from wetlands and creeks draining ranches in the Kehoe Beach area of PRNS. Eight locations in the Olema Valley that receive runoff from cattle ranches within the GGNRA also stood out for high fecal bacteria levels. The Center for Biological Diversity mapped the highest E. coli test result for every available water testing location in the country submitted to the Water Quality Portal, from October 2012 to October 2017. PRNS stood out as one of the 10 most feces-contaminated locations monitored in California since 2012; and the state's highest reported E. coli level was on a Point Reyes cattle ranch (CBD 2017).

The EIS discusses impairment of the Tomales Bay watershed, Lagunitas Creek and Olema Creek for nutrients, pathogens, and sediment/silt, exceedances of TMDL for potentially pathogenic bacteria, and elevated nutrient, suspended solids, and turbidity levels; and acknowledges these pollutants are in part due to grazing (cow manure washes into local streams, contaminating surface waters with fecal coliform). The EIS discusses the high concentrations of total suspended solids and nutrients flowing into Drakes Bay and Drakes Estero from ranches. The EIS notes that in Abbots Lagoon and the Kehoe drainage that tributaries draining dairy operations or dairy grazing land have the highest nutrient levels or loading rates, and significant problems with excessive nutrients, sediment, and potentially pathogenic bacteria. The DEIS discusses impacts on water quantity due to the huge volumes of water used for livestock, conservatively estimated at 50 to 124 million gallons per year. The GMPA/EIS does not adequately analyze and account for the increased water pollution associated with diversified ranching operations, particularly the potential to introduce species like pigs in ranching operations.

The EIS acknowledges that Alternative B would have significant adverse impacts on water resources due to continued pollutant loading (manure, bacteria, pathogens, nutrients, sediment/turbidity), changes in nutrient levels, disturbance to surface waters, releases of other agricultural and mechanical pollutants, increased soil erosion, and excessive use of water.

The EIS claims that the Resource Protection sub-zoning, exclusion fencing, management activity standards and mitigation measures would "minimize" ranching impacts on water quality or quantity.



Water quality impacts will place additional stress on endangered salmonids in the area, and while briefly addressed in the EIS, this issue is not adequately mitigated in the GMPA to ameliorate the negative effects it poses to endangered salmonids.

Only Alternative F would have long-term, beneficial impacts on water quality and quantity; it would reduce water use by an estimated 50-124 million gallons per year.

Vegetation

The EIS acknowledges extensive damage to wetlands from cattle grazing, but focuses on protection of some wetlands in grazed areas by using fencing to control the timing and duration of grazing to reduce impacts to water quality and ecological function. The EIS does not discuss grazing impacts on unfenced and unprotected wetlands, and documented instances of failure of ranchers and the NPS to monitor and repair fences near wetlands.

The EIS fails to discuss grazing impacts and extensive damage to riparian areas from cattle grazing, instead focusing on the dramatic recovery of some park riparian areas following fencing out of cattle. The EIS does not discuss documented instances of failure of ranchers and the NPS to monitor and repair fences near riparian areas.

The EIS discussion of grasslands notes that nonnative plants dominate California Annual Grassland and Agricultural Pastureland in the planning area, but does not fully evaluate the role of cattle grazing and ranching in promoting, maintaining and spreading these nonnative plants. The EIS discussion of invasions of non-native plant species notes that the NRCA found that the “total number of invasive plant species and the number of new introductions are high enough to warrant significant concern” in the planning area. The EIS discusses the role of livestock in spreading invasive weeds, as well as via seed mixes, supplemental feed, imported soils, and equipment used in ranch operations. The EIS notes that concentrated livestock use can also increase exposed soil, providing favorable germination sites for weeds.

The EIS notes that coastal native prairie is a rare and diminishing ecotype, and that grazing has noticeably reduced and altered the coastal prairie. Coastal native prairie is in fact the most endangered natural ecosystem at PRNS. There is no discussion in the EIS of how to restore native prairie.

The EIS acknowledges that Alternative B would have significant adverse impacts on native vegetation, including defoliation, trampling, nutrient redistribution, perpetuation of altered vegetation structure, changes in species composition and biomass production, introduction and spread of invasive species, adverse effects from nutrients on native grassland plant species, trampling of wetlands and riparian areas, reduction in native perennial forbs, and mechanical



treatment of shrubs. The rezoning associated with Alternative B to allow for future increase in ranching activities will further exacerbate all these effects. Cattle grazing under alternative B could have some beneficial or neutral impacts to some vegetation types and species, though this would be highly dependent on carefully managed cattle grazing regimes in which timing, duration, and intensity of grazing were monitored and controlled. NPS currently does not carefully manage, monitor or control cattle grazing in the planning area.

Proposed mitigations for vegetation impacts under alternative B include a new zoning framework intended to keep higher intensity activities in areas without sensitive resources. An additional 1,200 acres of resource protection exclusion areas would be created. Management activities such as using sufficient fencing and/or water troughs to improve cattle distribution, "could be implemented" to minimize adverse impacts on vegetation "to the extent possible." Other mitigations include range management guidelines, minimum RDM levels, and maintenance of exclusionary fencing.

Only Alternative F would eliminate the ongoing adverse impacts of ranching on vegetation in the planning area. The EIS notes that riparian areas and wetlands would benefit from the removal of livestock grazing. There would be an initial increase in abundance of native perennial forbs. Ranching operations would no longer be a pathway for the introduction and spread of invasive species. There would be a cessation of other ranching activities such as harvest mowing for forage production. Cattle grazing or trampling would no longer affect listed and rare plant species.

Removal of cattle could have some negative impacts for some native vegetation types. The EIS cites studies showing that removal of cattle grazing did not increase native species abundance or richness in grasslands, but these studies did not consider or include the positive impact of elk, as would be the case at PRNS. NPS has available a test case for removal of cattle grazing and reintroduction of elk at Tomales Point, where native plant species diversity and richness has become greater after removal of cattle and reintroduction of elk than in adjacent areas with continued cattle grazing. Also, alternative F would use limited prescribed cattle grazing and mowing to maintain some grasslands and control weeds, which could mitigate some of the adverse impacts of changes in grazing regimes. The EIS states that while overall, alternative F "would likely have both beneficial and adverse impacts on vegetation in the planning area, the limited use of prescribed grazing could mitigate some adverse impacts of removing the livestock operations."

Wildlife

The EIS notes significant impacts on native wildlife in the planning area from livestock and ranching operations: mammals are subject to disturbance, competition for resources, habitat alteration, fences, and domestic cats; ground nesting birds are susceptible to impacts from



cattle grazing and vegetation management such as plowing, harvesting and mowing; agricultural operations attract and unnaturally elevate populations of corvids, starlings and cowbirds, with significant predation and dislocation impacts on native birds; agricultural activities contribute to habitat degradation and reduced water quality and quantity for fishes; and agricultural activities could affect habitat suitability and water quality for reptiles and amphibians.

Other than killing and hazing tule elk, there is no discussion in the EIS of measures to avoid ranching conflicts with wildlife.

Alternative B would result in trampling and soil compaction by cattle that could impact habitat for the American badger and Point Reyes jumping mouse, but the EIS claims there would not be population-level impacts. Small mammals would continue to be injured or killed by silage harvest mowing. Vegetation control would reduce coast scrub habitat for the rare Point Reyes mountain beaver. Alternative B would result in impacts to native mammals from habitat modification, food web alterations, changes in nutrient cycling, and disturbance. Forage production would impact mammals through mowing on 1,000 acres. Manure spreading would continue on 2,500 acres.

Alternative B would result in impacts to birds from spread of invasive species and livestock trampling of ground nests.

Mowing, harvesting silage, or occasional tillage during the nesting season could also destroy bird nests and eggs, kill fledglings, or cause adult birds to abandon their nests. A 2015 Point Blue report (DiGaudio et al. 2015) documented significant mortality and declines in grassland bird abundance and nesting at PRNS due to silage mowing. 1,000 acres of the planning area would still be subject to harvest mowing under alternative B. Under alternative B, mitigation measures to reduce wildlife mortality during forage mowing include conducting harvest mowing outside bird nesting season, mowing from inside the middle of a field toward the outside to increase likelihood for wildlife escape, using flushing bars on the mower to flush incubating birds and mammals before the mower reaches them, and not mowing at night when there would be higher wildlife mortality. The EIS does not detail how these measures will be implemented, monitored, or enforced.

Alternative B would continue to promote an unnatural abundance of corvids, starlings, and cowbirds that compete with, prey upon, and parasitize nests of native birds, resulting in continued impacts to birds over the long term. Alternative B could have some positive impacts and maintain habitat for grassland birds that prefer short grass or bare ground.

Wildlife-friendly fencing would be required under alternative B to reduce mammal entanglements and bird strikes, and to allow wildlife movement. Ranchers would be required to



remove and dispose of abandoned fences and barbed wire, something which has not been adequately enforced in the past.

Alternative B would result in the degradation of habitat for salmonids. Nearby creeks support the largest run of Central California Coast coho salmon in the state, and the continued agricultural operations, possible increase of agriculture in the future due to zoning changes, and diversification of ranching operations will all likely increase the already significant water quality impacts to nearby coastal streams, further imperiling these endangered species.

Alternative F, the elimination of livestock grazing, would have the most positive benefits for native mammals, birds and fish, due to cessation of cattle impacts, silage mowing, manure spreading, vegetation control, subsidizing of predators, and water quality benefits. It could have some negative ecological impacts for some native wildlife because the primary disturbance regime to which mammals and birds have adapted for more than 150 years would be removed.

Tule Elk

The GMP amendment will institute ongoing lethal removal (shooting) of tule elk so as to be “compatible with authorized ranching operations.” The CD falsely claims that the Preferred Alternative “would preserve and improve habitat for the park’s free ranging tule elk herds” when in fact Alternative B will authorize killing elk to meet an arbitrary population cap on the Drakes Beach elk herd and to prevent the establishment of any new elk herds in the park. The elk culling has no ecological basis or justifiable management purpose, other than to expand and prioritize commercial agricultural uses of park grasslands. The CD does not even mention the proposed killing of tule elk.

The EIS notes that the tule elk at Point Reyes are believed to be among the most inbred in California, but does not discuss any methods, solutions or efforts to counteract this or improve the genetic variability of the Point Reyes herds.

The EIS discusses Johne’s disease, but does not acknowledge that cattle, particularly in confined dairy conditions, are a known vector of this disease, nor does it discuss the primary route of transmission, which is from cattle to elk, rather than from elk to cattle. The NPS 1998 Tule Elk Management Plan discloses that in 1979 half of the dairy herds in PRNS tested positive for Johne’s. NPS has done nothing in the 40 years since then to deal with Johne’s disease in the dairy herds, yet it lethally tests elk. The spread of Johne’s to wildlife, including elk and potentially other wildlife, could be impairing the natural resources of PRNS.

Some of the methodology and assumptions in the EIS regarding tule elk are flawed. The DEIS evaluates impacts of the alternatives on elk based on their overall effect on elk population size and herd viability. The EIS concludes that any actions that would reduce the population of an



individual elk herd in the planning area below a minimum threshold for a viable herd of 100 elk (purported to be based on CDFW 2017 and 2018) would have adverse effects on elk over the long term. Alternative B proposes arbitrary minimum and maximum population sizes for the Drakes Beach elk herd of 120 elk. The NPS falsely claims this is based on “guidance” from the California Department of Fish and Wildlife (2017, 2018) Elk Conservation and Management Plan. Yet this CDFW elk plan contains no such guidance on maximum or minimum population size. In fact, the state’s elk plan explicitly acknowledges that CDFW has no idea what constitutes minimum population viability (MPV) for elk herds and states “it is beyond the scope of this management plan to validate a specific PVA approach or independently estimate MVP size for tule elk” (see discussion pages 27-31 of the elk plan). The CDFW elk plan does reference minimum population viability size estimates for elk by the U.S. Forest Service, which range from 1,500 elk on the Salmon National Forest to 3,000 elk on the Gallatin National Forest, way more than the 120 elk proposed in alternative B.

The EIS fails to explain the science or ecological rationale behind the arbitrary 120 Drakes Beach elk goal, and explain why a maximum population threshold is needed for the Drakes Beach elk herd. There is no ecological justification for limiting the size of this elk herd. The EIS acknowledges that under no scenario are elk expected to exceed the park’s carrying capacity in the near future.

Because Alternative B establishes a threshold of 120 adult elk in the Drakes Bay herd and the fact that the herd currently numbers 138 elk, the NPS would kill at least 18 elk this year. Alternative B would allow lethal removal of 10 to 15 adult elk from the Drakes Beach herd annually. Removals would target suspected diseased animals, older reproductive females, and prime bulls. There is no discussion in the EIS what the population demographic and genetic fitness implications would be from continuously removing older reproductive females and prime bulls from this herd.

Alternative B would artificially limit the geographic extent of the Drakes beach herd using hazing techniques. There is no discussion in the EIS what the impacts of this would be during years of extended drought and reduced forage availability for elk. The EIS acknowledges that hazing elk is not a very effective method to keep male bachelor groups off of ranchlands.

Alternative B would also allow hazing and lethal removal for the Limantour elk herd, to manage the herd’s geographic extent if individuals establish outside the core use areas or to address “localized impacts.” The EIS does not explain what these localized impacts are, but they are presumably impacts to private ranching operations, not park resources.

Wildlife-friendly fencing would be required under alternative B, and more lowered elk crossings “could” be installed in the areas frequented by the Drakes Beach and Limantour herds, which could reduce the risk of injury to elk compared to existing fencing conditions, which are



documented to injure and kill elk.

Alternative B would continue Johne's disease monitoring and testing for elk, but not for cattle at PRNS, a primary vector of this disease. The EIS does not disclose whether lethal testing of elk for this disease will continue under alternative B, nor the numbers of elk that would be killed annually under the guise of testing for a disease which NPS has no intention of managing in the PRNS dairy cattle herds.

Only under alternative F would Point Reyes elk be free of persecution and killing. Both the population and geographic extent of elk would increase in Point Reyes. The fence at Tomales Point would be removed and all elk in the park would be free roaming, able to find food and water even during drought conditions. Ranching activities would not disturb elk and cattle would not compete with elk for forage because ranching would be discontinued. Without population control, the free-range elk population could grow to as many as 2,000 individuals over a 20-year period. This would be a desirable condition in the only national park where these elk occur.

The Tule elk are particularly beloved to those of us residing and working in West Marin. These elk represent the lost history of wildlife brought back from the brink of extinction, similar to the American buffalo. By the 1870's, white colonists in California had hunted them down to less than 10 individual animals. Now, one of the largest populations of Tule Elk in the state lives in Point Reyes National Seashore, so the thought of intentionally killing these iconic animals is emotionally distressing to West Marinites.

Listed and Sensitive Species

Beach Layia

The EIS notes that cattle directly affect Beach layia through trampling, as well as indirectly via increased weeds associated with grazing disturbance. Livestock trampling was indicated as a threat when beach layia was listed under the ESA. The EIS acknowledges that since 2004, the beach layia population in PRNS has declined 84% - from an estimated 35,893 plants in 2004 to 5,689 plants in 2018 - and that beach layia occurrences subject to grazing have declined in abundance an unspecified amount since 2004. Beach layia populations in dunes at PRNS are subject to trampling by cattle loafing in the dunes.

Alternative B proposes avoidance and mitigation measures to protect beach layia which rely on exclusions and effective and maintained fencing. The EIS acknowledges current adverse impacts from grazing on approximately 20% of known beach layia occurrences, but presumes that zoning would reduce that because 12% of the layia population would be protected by new resource protection exclusion areas on the E and F ranches. This would eliminate the potential



effects of cattle trampling on all but 8% of known beach layia occurrences in the Range subzone. The EIS acknowledges that although cattle would be excluded from areas supporting nearly 90% of all known beach layia occurrences in the park, they could occasionally breach pasture fences and trample beach layia in protected coastal dunes. This could occur as a result of broken fences, gates being left open, or the poor siting of pasture fences in sandy areas.

Sonoma Alopecurus

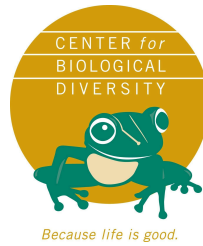
There are only 20 occurrences of Sonoma alopecurus remaining in the world. At one point, there were 10 Sonoma alopecurus populations in PRNS, but 4 have been extirpated leaving 6 of the 7 existing populations of this species in the park. Trampling and grazing by cattle has been one of the factors for decline of the species. One population in the planning area was reduced by 90% in 2001 after cattle were released onto the site. Grazing can result in trampling of individual plants, soil compaction, and influence the presence of competitive invasive species. Heavy grazing of this plant can also limit its ability to photosynthesize, which could result in death or diminished reproductive output.

Conversely, some grazing regimes may be beneficial and necessary to maintain Sonoma alopecurus in the face of competition from other plants. NPS monitoring of Sonoma alopecurus in the action area suggests that it thrives in wetlands that are grazed just enough to reduce competing vegetation. “Moderate-intensity” grazing would reduce competition from more abundant native plants or non-native species. Seasonal grazing appears to result in more Sonoma alopecurus inflorescence production than no grazing or year-round grazing.

Alternative B proposes mitigation measures for Sonoma alopecurus, including instituting seasonal grazing on the AT&T Ranch and seasonal exclusion of grazing around Population 5 near Abbotts Lagoon. The NPS claims it would use ROAs to direct the appropriate timing, intensity, and duration of grazing. Fence construction around populations would allow cattle to be excluded in the spring and summer to avoid impacts to plants during active growth, flowering, and seed-set. Adherence to RDM standards is supposed to ensure moderate grazing. NPS states it would monitor populations and coordinate with ranchers to adjust grazing if there are any documented adverse effects in pastures. The EIS acknowledges that the extent of cattle grazing that is advantageous for Sonoma alopecurus is unknown and so the potential for inappropriate cattle grazing would still exist.

Tidestrom’s Lupine

The EIS notes that cattle grazing has been associated with the extirpation of Tidestrom’s lupine elsewhere in Marin County. In the planning area 85% of occurrences of Tidestrom’s lupine are in areas “largely excluded” from cattle grazing. For 15% of the remaining occurrences, cattle currently directly affect the plants through trampling and indirectly affect



them via increased weeds associated with grazing disturbance. Trampling by livestock was the cause of some plants at PRNS going from a reproductive to non-reproductive state.

Alternative B proposes mitigation measures for Tidestrom's lupine, including a new 67-acre resource protection exclusion area on the F Ranch intended to protect all known Tidestrom's lupine occurrences that are potentially impacted by grazing under existing conditions. The EIS acknowledges that a small number of Tidestrom's lupine occurrences could be negatively impacted if cattle breach pasture fences and loaf in coastal dunes. Cattle trespassing in coastal dunes could occur if pasture fences are poorly sited, inadequately maintained, or if gates are left open.

Other Sensitive Plant Species

The EIS states that other rare and special-status plant species would continue to be adversely affected by cattle grazing or trampling, including coastal marsh milkvetch (*Astragalus pycnostachyus*), swamp harebell (*Campanula californica*), Point Reyes ceanothus (*Ceanothus gloriosus*), Marin checker lily (*Fritillaria lanceolata* var. *tristulis*), North Coast phacelia (*Phacelia insularis* var. *continentis*), and Point Reyes checkerbloom (*Sidalcea calycosa* ssp. *Rhizomata*).

Western Snowy Plover

The negative impacts of cattle grazing and ranching activities on snowy plovers at PRNS are well documented and discussed in the EIS. The biggest impact is from unnatural elevation of populations of common ravens near snowy plover beaches, which increases predation upon snowy plover eggs and chicks. Large raven populations are subsidized by ranch activities that provide food sources, such as livestock feeding and forage mowing that kills birds and small mammals, attracting ravens.

There are also direct impacts to plovers from cattle, including disturbance to birds or trampling of nests and crushing of eggs. The presence of cattle within nesting areas could also result in nest failure due to western snowy plovers being flushed from their nests for extended periods of time. The EIS acknowledges that livestock do escape pasture fences and trespass onto beaches and coastal dunes occupied by western snowy plovers, but "only rarely." The Center has reported trespass cattle at PRNS within snowy plover nesting areas.

Under alternative B, the EIS claims that NPS would "continue to take actions to reduce feeding opportunities for ravens at ranches and dairies, such as covering feed troughs, cleaning up waste grain around troughs, removing and placing troughs in enclosed structures, and storing



harvested crops in enclosed structures.” The EIS also states that “NPS has coordinated with ranchers to limit raven access to supplemental feed and shelter...and worked with ranchers to install covered feed bins.” However, large congregations of ravens can still be observed feeding at uncovered food sources at PRNS ranches and dairies. Every observation of forage mowing at PRNS has a large number of attendant ravens. The EIS admits that it is “uncertain whether alternative B would reduce indirect impacts of ravens.”

Alternative B proposes mitigation measures for western snowy plovers intended to reduce the attraction of ravens by ranches and dairies. These include inspection by ranchers of all pasture fences prior to moving cattle into a pasture, a highly unlikely scenario. ROAs would require annual fence maintenance, but how this would be enforced and whether maintaining on an annual basis would be adequate are not discussed. NPS has eliminated the existence of carcass dumps which attract ravens and the EIS claims NPS would find ways to ensure that afterbirths and dead livestock are disposed of quickly by ranchers, but does not detail how this would be accomplished.

Under alternative B, where agricultural diversification is proposed to be allowed, NPS claims it would require methods to reduce feeding opportunities for common ravens at ranches and dairies, including requiring ranches to cover or remove feed troughs or place them in structures “where possible,” storing harvested crops in enclosed structures, and cleaning up waste grain around troughs. These are measure supposedly already in place for cattle which are not being complied with by ranchers and not monitored and enforced by NPS.

Listed Salmonids

The myriad of negative impacts from livestock grazing on salmonids and their habitat are well known and well documented, as discussed in the EIS and the NMFS 2004 Biological Opinion for PRNS and GGNRA. These include increased erosion, sedimentation, and suspended sediment; damage to riparian vegetation and streambanks; increased water temperatures; and adding nutrients, sediment, bacterial contaminants, and other pollutants into streams. These impacts could degrade habitat for listed salmonids in the planning area, including California coastal Chinook salmon, Central California coastal steelhead, and Central California coast coho salmon.

The EIS claims that these impacts are minimized due to adherence to RMD standards, grazing in riparian areas in grazed pastures that is managed for riparian health, fencing and topography which prevents livestock access to Olema Creek, Lagunitas Creek and numerous tributaries, and development of upland water sources which reduce livestock use of most intermittent streams.



Mitigation measures for salmonids under alternative B would include implementation of management activity standards in appendix D, and range management guidelines that minimize erosion and stormwater runoff. There would be new resource protection areas that would exclude cattle from approximately 2.4 miles of perennial streams in the Lagunitas and Olema Creek watersheds and 1.6 miles of streams in the Drakes Estero watershed. Fencing is expected to keep cattle out of salmonid-bearing streams, but habitat for salmon and steelhead could be directly affected if cattle breach pasture fences into excluded riparian areas.

Alternative B continues and will likely expand the well-documented already-occurring negative effects of ranching operations on endangered salmonid habitat.

Visitor Use, Experience, and Access

An estimated 2.3 million visitors come to Point Reyes National Seashore annually to watch the Tule Elk. The EIS acknowledges that the experience of park visitors who enjoy elk would be adversely affected by alternative B because the Drakes Beach herd would not be allowed to expand. The EIS claims that lethal control, i.e. shooting of elk in the most viewed free-roaming elk herd would somehow not affect visitor experience or enjoyment.

The EIS makes the unsubstantiated claim that viewing livestock and ranching operations brings visitors to the park. The DEIS provides no evidence or substantiation for this assertion, nor does it provide any context of what proportion of park visitors come to view native wildlife and intact ecosystems versus to see ranching operations. The EIS also notes that under alternative F visitors would no longer be able to “experience working ranches in the planning area” and claims that removing operating ranches “would eliminate a unique experience that the park currently provides.” Cattle ranching in the parks is in no way a unique experience. There are numerous working ranches surrounding PRNS and GGNRA, throughout Marin and Sonoma counties, many of which offer tours or farm stays. There is no loss to public use or enjoyment of the parks by removing these commercial activities, especially when they are ubiquitous in west Marin and Sonoma. The EIS acknowledges that under alternative F, NPS would continue to offer and possibly expand interpretive opportunities related to ranching history.

There is little meaningful discussion of ranching’s negative impacts on the public’s use or enjoyment of the park. The EIS cites electric fencing, interactions with cattle, and “manure management” as ranching operations which diminish the visitor experience; but fails to fully discuss the negative aesthetic impacts of the ranches and industrial scale dairy operations,



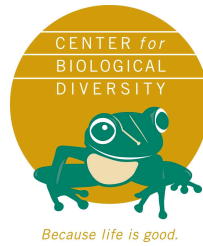
including odors, lighting, noise, abandoned agricultural equipment, barbed wire, and trash. The EIS does not discuss the safety danger from ranching to park visitors, including potential trampling and injury from aggressive cattle and bulls, and road hazards and damage to roads from oversized farm equipment.

Alternative B would continue the practice of excluding the public from about one third of the parkland due to incompatibility with ranching operations, forcing visitors into designated areas. This is especially detrimental in the time of COVID, where the ability to social distance is paramount. The EIS also states that preserving ranches and ranch structures will benefit the public by providing “cultural resources,” but this completely ignores the culture of the original Miwok inhabitants, who were eliminated from the landscape by ranchers. Now, the Indigenous peoples of the Coastal Miwok tribe are confined to a small area while ranchers are given access to about one third of the National Park via leases and permits.

The EIS acknowledges that alternative F would be beneficial to visitor opportunities related to experiencing natural sights and sounds in the parks, and that the negative impacts of cattle and ranch operations on natural resources such as vegetation, wildlife, water resources, and air would cease as the park is restored to a more natural environment. The EIS acknowledges that potential expansion of the elk population in Point Reyes under alternative F would result in long-term, beneficial impacts on visitor use and experience for visitors who enjoy observing elk in their natural and historical habitat, which is the vast majority of the American public and visitors to the park. The Drakes Beach and Limantour herd populations would increase, providing additional opportunities and new locations for visitors to view elk. In addition to the Drakes Beach and Limantour herds, the Tomales Point elk fence would be removed, and all elk would be free ranging throughout the park. The Tomales Point herd would likely expand into the planning area, which would benefit visitor experience by increasing viewing opportunities.

Inadequacy of Mitigation Measures

The proposed mitigation measures for all of the significant environmental impacts from livestock grazing and ranching activities discussed above consist of eight main approaches: 1) new subzoning of ranches to avoid cattle grazing in areas with sensitive resources and to concentrate more intensive activities and impacts in ranch core zones; 2) exclusion fencing to prevent cattle access to areas with sensitive resources; 3) some combination of ranchers and NPS managing rotation, timing, and duration of livestock to achieve grazing levels that are not detrimental or could be beneficial for certain habitat types and species; 4) adherence to RDM standards to prevent overgrazing; 5) a Ranch Operating Agreement specific to each grazing lease/permit that specifies what activities can occur; 6) a grab-bag of best management practices and standards from other agencies listed in Appendix D; 7) mitigations for impacts to ESA listed species contained in the Biological Assessments (Appendices K and L); and 8) some combination of



rancher compliance and NPS monitoring and enforcement of lease conditions and promised avoidance and mitigation measures.

The EIS is relying on some combination of these mitigation measures to reduce significant environmental impacts from the livestock grazing and ranching activities that would take place under alternative B.

While the sub-zoning is a promising concept, it relies heavily upon ranchers understanding and NPS enforcing which activities are not permitted in which zones. Resource Protection subzones would, at least on paper, remove grazing from sensitive resources such as riparian areas, surface waters, and federally listed wildlife habitat. The zoning maps make clear that this is going to be a confusing situation at best. For example, the I Ranch zoning map provided in the EIS shows how difficult it will be to actually delineate, let alone protect resources or prohibit activities in Resource Protection sub-zones.

The responsibility for monitoring and maintaining exclusion fencing seems to lie with the ranchers, with some oversight from NPS. PRNS has had continuing problems with unmaintained fences allowing cattle to access supposedly protected areas. Likewise managing rotation, timing, and duration of livestock grazing will be the responsibility of ranchers, with some oversight from NPS. Presumably these responsibilities will be spelled out in the individual Ranch Operating Agreements, which have not yet been produced and the public has no chance to view or comment on.

PRNS and the NPS have a long history of complete failure to adequately monitor ranching operations or enforce the conditions of PRNS grazing leases. Because of past history and lack of public confidence, we asked NPS in our scoping comments to disclose the ongoing monitoring and enforcement problems with grazing leases, specifically: continuing instances of grazing lease violations by ranchers; if and how the NPS ensures compliance with lease conditions; and whether the NPS has ever taken any enforcement action for grazing lease violations, which it apparently has not. The EIS utterly fails to disclose these issues or evaluate NPS ability to adequately monitor and enforce lease conditions and promised mitigations in the future.

NPS documents we obtained through a Freedom of Information Act (FOIA) request showed a pattern of grazing lease violations by some ranchers and a lack of any enforcement by NPS for lease violations. These violations included: harassing and hazing wildlife with vehicles and dogs; illegal dumping of debris on ranches, including tangled barbed wire strands that risk elk entanglement; trespass cattle regularly occurring for more than a decade; documented overstocking of cattle beyond numbers allowed in a lease; conducting hayage and silage tilling and mowing in unauthorized areas; dead cattle and calves dumped on a ranch in violation of the lease; and failure to pay permit fees on time. Some of these lease violations are posted on The



Shame of Point Reyes web site: <http://www.shameofpointreyes.org/documents.html>. Grazing lease violations which our organization and other conservation groups and local residents have more recently reported to NPS were ignored and were not contained in the files turned over by NPS. The FOIA documents we received from the agency made it clear that NPS has no systematic or comprehensive program to monitor grazing leases or ensure compliance with lease conditions.

There should be very little public confidence in the willingness or ability of NPS to monitor and enforce any promised grazing lease conditions, given the history of rancher violations and NPS failure to enforce them. The ROAs contemplated in the GMPA will be much more complex leases, with numerous conditions and mitigation measures. Many of the promised mitigations in the EIS are simply not credible absent a detailed, specific monitoring program conducted by NPS, not ranchers. The GMPA would need to identify dedicated staff and secure funding for regular monitoring, unannounced inspections, and an enforcement policy. It would need to show that these programs would be in place, funded, and effective for the duration of the grazing leases. It would require regular reporting to the public on grazing lease compliance and corrective measures.

Reliance on the RDM standards for mitigation is also flawed, due to unscientific forage calculations and rancher non-compliance with RDM standards. The NPS and the EIS overestimate available forage at PRNS, based on overly optimistic and not up to date soil productivity data, animal unit calculations based on inaccurate average cattle weight, and an assumption that 100% of the forage above the required minimum RDM is allocated to cattle. The forage calculations also do not account for new livestock which will be introduced under alternative B. The EIS is missing a detailed analysis of forage consumption for any new domestic animals. Furthermore, the U.C. Berkeley rangeland study which NPS commissioned (Bartolome et al. 2015) reveals that 33% of the studied rangelands at PRNS violated the NPS lease minimum RDM standards, the same standards that are included as mitigations in the preferred alternative.

Many of the mitigations for significant impacts are purportedly contained in Appendix D of the EIS. Appendix D seems designed to be confusing and to obscure what mitigations are mandatory and what mitigations are required for which impact. It covers a lot of mitigations and standards for infrastructure, planting, water supply, water management, and discrete projects, for example road upgrades and fencing. There are a couple places in Appendix D where specific measures are called out for specific activities of concern, such as for mowing a requirement for buffers and no mowing zones. The EIS claims NPS staff will monitor to ensure mowing does not exceed agreed-upon areas, but again there is no identification of dedicated staff, funding, or a monitoring program to ensure this will actually happen. Table D-11 is just a slapdash assortment of guidelines and best management practices from other agencies assembled in a confusing and incoherent manner. Appendix D does not further the public



understanding of what measures are going to be implemented to protect natural resources. Many of the “mitigations” in Appendix D are simply non-binding Marin County RCD and NRCS best practices and standards with respect to things like soil, water and vegetation conditions. They include USDA farming standards (also non-enforceable guidelines) as mitigation measures for the conservation of soil, water, air, and related plant and animal resources. The EIS is supposed to address mitigations for activities in national parks, not a farm.

Many of the mitigation measures in Appendix D rely upon plans which have not been formulated yet, with unknown conditions, and no ability for the public to view or comment upon them, including Stormwater Pollution Prevention Plans, Weed Monitoring Plans, Nutrient Management Plans, Manure Management Plans, and Conservation Plans from NRCS or NPS for silage or row crops.

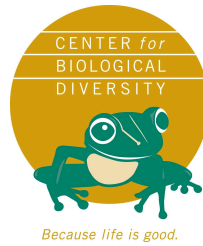
The proposed mitigations for ESA listed plants and wildlife are spelled out in Biological Assessments (Appendices K and L). It is clear that the purported beneficial effects from cattle grazing on native plants is highly dependent on the season, intensity and duration of grazing. This would require very highly managed grazing operations, which NPS and the ranchers have never proven capable of conducting at PRNS or GGNRA. Successful rotational, seasonal grazing of the type contemplated in the Biological Assessments would require frequent monitoring by NPS, rancher acceptance and responsiveness, willingness and motivation for lease holders to comply with difficult and confusing constraints, and enforcement. Some of the mitigations for the listed plants rely on adherence to RDM standards, which has been problematic at PRNS.

Greenhouse Gasses

The cattle industry is one of the largest contributors to climate change on the planet, and in California, the dairy sector is the largest source of methane emissions in the state. In addition to the aforementioned effects of Alternative B, the preferred alternative will continue to increase this region’s contribution to climate change, and the Coastal Commission must acknowledge that fact in their consistency review, as climate change is inextricably linked to coastal issues.

Conclusion

The Center and TIRN believe that in order to conform with the CCA, the priority for the GMPA/EIS should be to improve native wildlife preservation, ecosystem health and function, and ecological integrity. Management of Tule Elk should occur in a way that promotes the health, function and ecological role of the species on the landscape, and agricultural resources



should be managed in ways that reduce the negative impacts to native wildlife and ecological processes.

We urge you to object to the NPS CD because it is not consistent with the CCA for the aforementioned reasons.

Sincerely,

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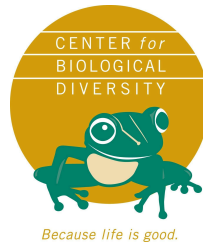
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