Dear Coastal Commissioners,

The Resources Renewal Institute and its supporters thank you for holding the National Park Service to the agreed-upon schedule as outlined in the post-hearing letter from the California Coastal Commission (CCC) to the National Park Service (NPS) dated May 10th, 2022. As conditioned, there was NPS agreement to bring a first-year version of its water quality strategy within a period of twelve months for public review. There was NPS agreement to make a presentation on a climate action strategy at the same time as the hearing on the water quality strategy. Also, there was NPS agreement to provide an annual report describing the status of free-ranging elk herds in the GMPA planning area, the effects of drought, and the results of elk management in the planning area.

The Resource Renewal Institute has reviewed the information shared in the NPS letter to the CCC dated March 4, 2022 along with the Climate Action Strategy and Water Quality Strategy prepared by the NPS and dated March 24, 2022. Below, we delineate deficiencies in the plan:

**Climate Action Strategy**

1. The CCC and the NPS agreed that the Climate Action Strategy would “identify actions that could be conducted in response to local (Marin County) and/or state (CA Air Resources Board) climate-related requirements, delineate current conditions, and put forth a strategy about how to move forward toward reducing greenhouse gas emissions from ranching operations in the GMPA area”

Instead of developing a water quality strategy for the CCC, the NPS has stated that they have achieved a reduction of 690 dairy animals, which will result in 4-27% reduction in NH3, a 15-17% reduction in VOC, a 16% reduction in CO2e, and a 17% reduction in PM2.5. These reductions were achieved due drought conditions that resulted in the failure of aquifer recharge at the I Ranch dairy, as described by dairy rancher Bob McClure in a Point Reyes Light article published shortly after the CCC narrowly approved their conditional consistency determination. These reductions were not achieved due to any NPS strategy.

Similarly, under the NPS’s proposed “strategy” they will continue to achieve reductions in CO2e when operations close after they cause long-term adverse alterations of natural hydrological functioning and alterations of natural water quality into receiving waters, including the adjacent marine managed areas (MMAs) and areas of special biological significance (ASBS).
No carbon reduction/carbon neutrality milestones are identified. No on farm investments or adjustments are scoped out. They simply state that mandatory conditions will be developed and administered in future ranch plans. Clearly, these are not specific, measurable, actionable, realistic, or timebound goals. This “trust-us” approach does not hold the NPS accountable to state greenhouse gas reduction goals.

2. The CCC and the NPS agreed that this strategy would “consider how climate change initiatives from the Administration and Department of the Interior, to the extent that such initiatives are developed and pertinent, distill down to the level of Point Reyes National Seashore and the north district of Golden Gate National Recreation Area.”

A glaring omission from the NPS’s proposed Climate Action Strategy is the exclusion of the Department of Interior’s 2021 Climate Action Plan, which required some of the following commitments:

- **Use Best-Available Science and Traditional Knowledge.** Planning and decision-making will use the best-available information that considers existing and projected climate change vulnerabilities, risks, and impacts. Decision-making will also consider traditional knowledge, and the Department will meaningfully consult with Tribes and other indigenous communities throughout decision-making processes that affect their interests.

- **Mainstream Adaptation.** Climate change adaptation will be mainstreamed and integrated into Departmental policies, planning, practices, and programs. This will ensure that the Department’s decisions are not solely based on historic conditions but consider future scenarios and future-oriented management.

- **Tackle Inequity and Environmental Justice.** Issues of environmental justice and inequity will be integrated into decision-making to ensure adaptation efforts are sustainable and account for the impacts on all populations, including low-income communities, communities of color, Insular areas, and Tribes.

- **Maximize Co-Benefits.** Adaptation strategies will complement or directly support other climate-related initiatives, including respecting Tribal sovereignty and self-determination, improving disaster preparedness, promoting sustainable resource management, promoting environmental justice, restoring contaminated lands and waters, managing facilities sustainably to reduce energy and water consumption, and reducing greenhouse gas emissions.

- **Apply Risk Management Methods.** Adaptation planning will incorporate risk management methods and tools that consider potential future climate conditions to identify, assess, and prioritize options to reduce vulnerability to the environmental, social, and economic impacts of climate change.

This is just one example of policy documents introduced and approved by the new administration, which affect the proposed action in the planning area. The Resources Renewal Institute believes that the intent of the Commission was to ensure that policies of the new administration were captured and explained in the NPS’s climate action strategy. Instead the NPS has excluded any mention of federal, state, or regional climate plans/goals that will guide their management actions.

**Water Quality Strategy**

1. The CCC and the NPS agreed that the Water Quality Strategy would propose “overall strategy and timeline for assessing and improving water quality through installation of ranching-related infrastructure...
and management practices in areas of the GMPA outside of the Tomales Bay watershed, including Abbott’s Lagoon and Drake’s Estero and the creeks that drain to these features, but also including watersheds that drain directly to the Pacific Ocean.”

If water quality protection management activities (MAs) are predicted on yet-to-be-implemented a GMPA Zoning Framework and yet-to-be-designed ranch operating agreements on beef and dairy ranchers, then how can the CCC determine whether or not this strategy protects coastal resources to the maximum extent practicable?

2. The CCC and the NPS agreed that the strategy should be informed by existing water quality data, and water quality enhancement efforts that have proven successful elsewhere.

The NPS states that short-term and long-term bacterial water quality monitoring must be conducted to identify water quality concerns and target sources areas for improvement within the planning area. However, under Monitoring Program 3: Regulatory Dairy Monitoring, the NPS states that ranchers have been participating in qualified group monitoring to meet the San Francisco Regional Water Quality Control Board’s General Waste Discharge Requirements (WDRs) for Confined Animal Facilities (CAFs).

Why doesn’t the NPS require existing data from recent years to be submitted to the NPS to jump-start targeting of problem areas and implementation of MAs? This appears to be another oversight which will only delay long-overdue action.

Further, while the WDRs don’t necessarily impose numeric effluent limits on nonpoint pollution sources in WDRs, there is nothing to prevent the NPS from imposing its own numeric discharge objective based on baseline data already captured in the annual submissions under the WDRs.

Tule Elk Management

1. In their March 4, 2022 letter to the CCC the NPS notes that it has completed the 2021 population census for the Drakes Beach herd. The NPS stated that the Drakes Beach herd consists of ≈151 animals. Further, he NPS states it is currently engaged in government-to-government consultation (confidential) with the Federated Indians of Graton Rancheria under the General Agreement regarding the implementation of management actions for the Drakes Beach herd. Finally, the NPS states: “At this time, the NPS does not intend to initiate reduction of the Drakes Beach herd to a population threshold of 140 individuals.”

If the Drake’s Beach herd exceeds the arbitrary population threshold of 140 elk approved in the Record of Decision for the GMPA, what protocols/MAs is the NPS using to evaluate the need for management actions to enforce the arbitrary population threshold? (To be sure, this is a question about how the public agency is evaluating the need for management actions, not a question about confidential consultations.)

What is the process the NPS will follow in informing partner agencies and the general public if they intend to implement management actions for the Drake Beach herd?

Drought Conditions
1. In their March 4, 2022 letter to the CCC the NPS notes they required ranch operators to identify actions to address drought conditions, and that most ranchers adjusted operations due to the drought.

The NPS failed to mention that additional concerns about water quantity were revealed during communications between NPS and leaseholders—specifically Kehoe Ranch. In a NPS letter to Tim Kehoe dated August 19th 2021, the NPS stated: “Given that your dairy operation cannot currently be supported by existing water sources, and that you are hauling water daily to meet needs, it is imperative that you seriously evaluate current stocking rates and water use, and report changes that you will make to minimize impacts to resources.”

While rancher operators may avoid disruptions by trucking in water when natural water bodies are depleted, these water quantity issues indicate more serious ecological drought conditions that may be pushing hydrological systems beyond thresholds of vulnerability. How does the NPS plan to mitigate these issues and any downstream, spillover impacts on coastal resources and natural water quality in neighboring MMAs?

The deficiencies above indicate that the CCC should reject the strategies proposed by the NPS.

General Concerns about the Viability of Strategy Implementation

Fundamentally, the Resource Renewal Institute expresses grave concerns about the NPS’s track record enforcing leases with commercial beef and dairy operators at Point Reyes National Seashore. Since the CCC narrowly approved a conditional consistency determination in 2021, the Resource Renewal Institute has endeavored to update the Commissioners on-the-ground conditions and new information related to proposed activities in the planning area within the CCC’s jurisdiction:

In March of 2021, the NPS announces die-off of one third of Tomales Point Tule elk herd due to drought. That same month five waterways at Point Reyes National Seashore were found to contain unsafe concentrations of bacteria — incl. 40 times the state health standards for E. coli at one site. (E-mails obtained via a Public Records Act request indicated that the State Water Board had concerns about the waste discharges, but needed additional information.)

After the CCC approved their conditional concurrence Consistency Determination No. CD-0006-20 on Earth Day 2021, I Ranch, the largest and oldest dairy ranch at the Seashore, shuts down due to exceptional drought conditions and an aquifer that stopped recharging on the ranch.

In late summer, birders caught ranchers at Home Ranch bulldozing into an ESA streambank that drains into the Drakes Estero State Marine Conservation Area (SMCA). Weeks later, park visitors documented hazardous waste disposal violations at numerous ranches adjacent to Drakes Estero SMCA.

Since then, our Freedom of Information Act requests have uncovered that additional ranches have had to truck in water because there is not adequate water supply in natural systems to meet the needs of ranch operators. And based on tips from the general public, the County of Marin is investigating failed and missing septic systems at ranch worker homes Point Reyes National Seashore. Untreated human sewage may be impacting living conditions for ranch workers and may be discharging directly into the Drakes Estero SCMA. (News publications forthcoming.)
To date, the general public has essentially been the enforcement agent for activities taking place at Point Reyes National Seashore. At the bottom of page 18, the NPS states: “Overall cost and funding availability may also influence timing and the nature of proposed management changes.” This begs the question: are any of these well-intentioned proposals realistic if the NPS already has trouble overseeing and enforcing leases within the planning area?

Federal Consistency regulations §930.45 Availability of mediation for previously reviewed activities and §930.46 Supplemental coordination for proposed activities allow you to reconsider your previously determined conditional concurrence and/or require additional remedial action-supplemental coordination if the proposed action is no longer deemed consistent to the maximum extent practicable.

Please hold the NPS accountable. Reject the proposed strategies due to the aforementioned deficiencies. And, based on findings that there is sufficient new information in the planning area that has been made available to the Commission regarding the proposed activity’s effect on any coastal use or resources, please direct staff to reopen the conditional concurrence following the rejection.

Thank you for protecting California’s coastal resources for current and future generations,

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