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September 25, 2023

Craig Kenkel, Superintendent  
Point Reyes National Seashore  
1 Bear Valley Road  
Point Reyes, CA 94956

RE: Tomales Point Area Plan Environmental Assessment Scoping Comments

Dear Superintendent Kenkel,

River Otter Ecology Project, based in Marin County, CA, engages the public in supporting conservation and restoration by linking river otter recovery to the health of our watersheds through research, education, advocacy, and community science. River otters, although not a protected species, are sentinel apex predators that use every part of watersheds, from headwaters to ocean. Their presence and success are important indicators of ecosystem function and environmental health.

For more than ten years we have conducted intensive research on river otter populations within Point Reyes National Seashore (PRNS). Consistent with National Park Service (NPS) Management Policy 4.2, our "studies support the NPS mission by providing the Service, the scientific community, and the public with an understanding of park resources, processes, values, and uses that will be cumulative and constantly refined."

The following comments on the Tomales Point Area Plan (Plan) reflect our organizational mission, our understanding of laws and policies relevant to management of NPS lands generally and PRNS in particular, our dual role as scientists working to understand the ecosystem function of the park's natural resources, and as members of the public on whose behalf these lands and waters have been entrusted to the care of the National Park Service.

As a general observation, the statement of Purpose and Need for the Plan in the Public Scoping Newsletter is unclear or misleading in several respects. First, it describes Tomales Point as “a geographically isolated peninsula,” when in fact any isolation is due solely to the different management policies applicable to the peninsula and to the lands adjacent to it. While the Wilderness designation of most of the peninsula dictates or disallows certain management strategies, it is NPS’s decision to amend the 1980 General Management Plan (GMP) in a piecemeal and goal-seeking way that isolates the peninsula, to the detriment of the Tule elk and other natural resources. The statement of Purpose and Need should clearly acknowledge this reality. Second, the statement of Purpose and Need should specifically define the current problem as well as the goals of proposed management actions regarding the elk in the Plan Area. As it stands, the statement defines the problem with merely a vague reference to adverse effects on habitat conditions from successive droughts. In order to develop reasonable alternatives, the problem to be solved and the goals of the Plan must be clearly defined.

Our specific comments on issues to be addressed in the Environmental Assessment (EA) are as follows:

### **1. What purpose and need are served by removing the elk fence?**

The contiguous lands directly south of the Plan Area are “areas leased for ranching” managed under the 2021 General Management Plan Amendment (GMPA). The Record of Decision (ROD) for the GMPA states, in relevant part:

*“The NPS will manage the elk at Tomales Point in accordance with applicable plans for that area. The establishment of new elk herds on areas leased for ranching will be discouraged through management actions. A graduated response will be taken to deter establishment of new herds. First, NPS staff will try to haze elk back to their original location or onto other park lands that are not leased for ranching. If unsuccessful, NPS will employ more aggressive hazing techniques such as firing bean bag shots at the elk. If hazing does not work, lethal removal of a few individuals in coordination with CDFW and the FIGR may be tried.”* [ROD Section 6.6.1, Page 36]

The practical effect of the GMPA’s elk management policy is that the Tomales Point elk will be confined to the peninsula irrespective of the presence or absence of the elk fence. In addition, a reasonably foreseeable result of removing the elk fence will be cattle straying into the Plan Area, an adverse effect that will need to be mitigated, presumably by constructing another fence.

## **2. What is the management goal for the elk in the Plan Area?**

The alternatives presented in the Public Scoping Newsletter cannot be properly evaluated without a clearly-stated management goal for the elk in the Plan Area. For example, if the goal is to prevent large swings in population levels due to drought and other environmental stressors, only Alternative C includes management actions to meet that goal. Alternative C was rejected by NPS, though, so perhaps that is not the goal. It is unclear. In contrast, Alternative B has no goal at all except removal of elk-related infrastructure, which contributes to preserving wilderness character but may be detrimental to the elk, and this is the proposed alternative.

*“Alternatives represent different means of solving the problems and meeting the goals articulated in the purpose and need for action.”* [2015 NPS NEPA Handbook, Page 52]

By presenting Alternatives without articulating the goals, NPS stands the planning process on its head. Whatever the management goal, NPS needs to develop “reasonable alternatives...that meet the purpose and need for action and are technically and economically feasible.” [2015 NPS NEPA Handbook, Page 52] The first step in that process is to articulate the management goal.

## **3. We support some aspects of Alternative B, but others are confusing or unclear.**

We support improved visitor use management, with the goal of increasing protections for natural and cultural resources. In particular, overnight camping on Tomales Bay beaches should be better regulated to minimize impacts to resources. We also support the various measures intended to restore or enhance degraded conditions for native plant and wildlife communities.

Conversely, the reference to updating management zoning to include a Wilderness Zone and a Scenic Landscape zone makes little sense. The Wilderness area has already been designated by Congress. Presumably, the remainder of the Plan Area would be in the Scenic Landscape Zone, an undefined term. Whether this zoning has any practical effect beyond the No Action Alternative is unclear.

In summary, the EA needs to state clearly the management goals, or desired conditions, that the Plan seeks to achieve, especially with respect to the elk confined to Tomales Point. Only then can NPS propose reasonable alternatives that can be meaningfully analyzed and evaluated.

Thank you for considering our comments.

Respectfully,

Megan Isadore  
Executive Director  
River Otter Ecology Project