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April 16, 2021

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

Via email to: pointreyesmanagementplan@coastal.ca.gov

Re: Agenda Item CD-0006-20 National Park Service Federal Consistency
Determination for the Point Reyes National Seashore General Management Plan
Amendment **Support Staff Recommendation but Request Additional Conditions**

Dear Commissioners:

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, and community science. River otters, although not a protected species, are sentinel apex predators whose habitat includes all parts of watersheds, including the coast. Their presence and success are important indicators of ecosystem function and environmental health, including the biological productivity and quality of coastal waters.

For nine 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." Our work also supports the Coastal Commission's commitment to rigorous use of

science and strong public participation as embodied by Coastal Act Sections 30006 and 30006.5, your mission statement, and the recently adopted 2021-2025 Strategic Plan.

Our research entails field study in PRNS at least once a week at up to 10 different sites. We have had abundant opportunity to observe and document changes and conditions that affect the natural resources and visitor experience in the Seashore. The following comments reflect our organizational mission; our understanding of laws and policies relevant to management of California's Coastal Zone generally and PRNS in particular; and 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, subject to the provisions of the Coastal Zone Management Act.

The General Management Plan Amendment (GMPA) would result in continuing and increasing degradation of water quality and the marine environment in California's Coastal Zone, and is not consistent to the maximum extent practicable with the California Coastal Management Program. The GMPA and its accompanying Final Environmental Impact Statement (FEIS) detail the many adverse effects of continued beef and dairy ranching on water quality and the marine environment, which are immediate and substantial. In contrast, the proposed mitigations for those adverse effects are largely aspirational, lacking any timeline for implementation, mechanism for enforcement, or quantitative framework for assessing their effectiveness. As such, the GMPA is not consistent to the maximum extent practicable with Coastal Act Sections 30230 and 30231 regarding marine resources and the biological productivity and quality of coastal waters.

In order to address the deficiencies in the GMPA, Commission staff recommends including a condition for Commission concurrence with the NPS Consistency Determination. The condition would require that NPS, prior to issuing new ranch leases, provide a water quality strategy for review and approval by the Commission's Executive Director. The water quality strategy would have five elements, summarized as:

1. Overall strategy and timeline for assessing and improving water quality in areas of PRNS outside the Tomales Bay watershed, including Abbotts Lagoon and Drakes Estero and the creeks that drain to them.
2. Proposed methodology for collecting quantitative water quality data in those areas.

3. Annual reporting to the Executive Director of water quality monitoring results, as well as measures taken or planned to address water quality issues.
4. Annual reporting of best management practices implemented in the previous year.
5. Annual reporting of best management practices and water quality monitoring of ranch lands in the Tomales Bay watershed.

Because the CZMA definition of the coastal zone excludes federal lands, the Commission's jurisdiction is effectively limited to the spillover effects the GMPA's proposed activities on federal lands will have on coastal resources. Recognizing that limitation, we support the staff recommendation for conditional concurrence with the Federal Consistency Determination.

The staff recommendation, however, leaves unaddressed certain spillover effects on marine resources and the biological productivity and quality of coastal waters, specifically at Drakes Estero, an area of special biological significance, and Abbotts Lagoon, an area of high ecological importance. In particular, cattle have regular and effectively unimpeded access to these areas, directly contributing to increased sedimentation and water quality pollution. We have regularly observed and documented over time, including up to the present day, cattle grazing, urinating, defecating, and even dying in these areas. These incursions and their adverse effects occur both in the water and in the adjacent areas, including areas marked as Resource Protection Zones on the GMPA maps shown in Exhibits 4 and 5 of the staff report. We regularly report these incursions to NPS staff, but no consequence has ever resulted.

In order to ensure that the negative effects of cattle incursions are avoided, the Commission should include the following requirements as part of its Conditional Concurrence:

Prior to issuing any new ranch leases, NPS will:

- 1. Ensure that all identified Resource Protection Areas adjacent to Drakes Estero and Abbotts Lagoon, including creeks that drain to those waters, are fenced with wildlife-friendly fencing;**
- 2. Repair or replace all existing broken fencing in other areas adjacent to Drakes Estero and Abbotts Lagoon, including creeks that drain to those waters;**

3. Provide a report for review and approval by the Executive Director of all actions take to meet these requirements, and make a copy of the report publicly available.

As we noted earlier, the GMPA lacks any timeline or enforcement mechanism for the proposed mitigations. Requiring that those mitigations be in place prior to the issuance of new leases is the only way to ensure consistency with Coastal Act Sections 30230 and 30231.

Thank you for your thoughtful attention to this very important issue.

Respectfully,

A handwritten signature in cursive script that reads "Megan Isadore".

Megan Isadore, Executive Director - River Otter Ecology Project
Deputy North American Coordinator - IUCN/SSC Otter Specialist Group

Attachments:

Attachment 1. Photographs of cattle at Drakes Estero and Abbotts Lagoon

Attachment 1

Image 1. Dead Cattle on the Shore of Drakes Estero, January 2021



Image 2. Cow Skeleton in a Resource Protection Area Adjacent to Drakes Estero, March 2021



Image 3. Broken Fencing in a Resource Protection Area and Drainage to Drakes Estero, April 2021



Image 4. Cattle Standing and Urinating in Abbotts Lagoon, September 2020

