

April 15th, 2021



Chair Steve Padilla
c/o Mr. John Weber
Federal Consistency Program
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Subject: Coastal Commission Staff Report recommending conditional concurrence for the Point Reyes National Seashore and North District Golden Gate National Recreation Area General Management Plan Amendment and Environmental Impact Statement

Dear Mr. Padilla:

This letter is a resubmission of our letter dated January 6th, 2021 submitted when this item was scheduled for review on January 14th, 2021. The Marin Conservation League appreciates the extended time provided for review and comment. We have continued to study the details and issues of this item, and find the staff recommendations reasonable and supportable, as detailed in our previous letter and communicated again in this letter.

The purpose of this submission is to urge the Commission to support the Staff Report's recommendation for conditional concurrence with the National Park Service's (NPS) request for a Coastal Consistency Determination (CCD) for the Point Reyes National Seashore (PRNS) and North District Golden Gate National Recreation Area (GGNRA) General Management General Management Plan Amendment/Environmental Impact Statement (GMPA/EIS). We previously provided our initial analysis of the proposed action and support for a CCD in our letter to staff dated December 14, 2020 (attached).

Marin Conservation League's 85-year history of conservation is synonymous with the preservation of coastal lands for the public in Marin County. The designations of both the Point Reyes Peninsula and Golden Gate National Recreation Area as national parks are landmark achievements in which MCL played key roles in collaboration with many others. MCL continues to steward the treasured natural and cultural resources as well as the scenic and recreational coastal values of these national parks that make up almost one-third of Marin's land area and attract millions of people from around the world every year.

In supporting the NPS 'Preferred Project' before you today, MCL has been guided by the lengthy legislative record and policy directives that, together, continue to affirm ranching as a distinctive historic cultural feature of PRNS. Of particular note is the Order of Ken Salazar, then-Secretary of the Interior (November 29, 2012), directing the NPS to offer 20-year leases to the multi-

175 N. Redwood Dr., Ste. 135, San Rafael, CA 94903 | 415.485.6257 |
mcl@marinconservationleague.org

Marin Conservation League was founded in 1934 to preserve, protect and enhance the natural assets of Marin County.

generational ranches dating back more than 100 years. MCL is also guided by an Agriculture Policy (attached) whose goal is “to support the role Marin’s agricultural community plays in maintaining open space, protecting wildlife corridors, managing carbon, preserving a valuable local heritage, and contributing to food security and the local economy.”

In keeping with our long-standing conservation mission to preserve public lands, our understanding of the legislative and policy history, and our locally-focused agricultural policy, MCL has diligently tracked and participated in NPS planning processes to balance and integrate multiple resource values into the management of PRNS and GGNRA. The result of this research and deliberation is MCL’s support for ranching within PRNS and GGNRA because it is compatible with and does not compromise “the natural environment, recreational opportunities, and the scientific and historical merits” that prompted the parks’ original authorizations. Traditional family ranching can continue, but with the additional implementation of environmentally sound mitigation measures detailed in the GMPA/EIS. MCL also believes that, although not subject to the jurisdiction of the Coastal Act, healthy populations of tule elk can be managed with State Department of Fish and Wildlife approval as they are in every elk preserve in the state, where issuance of annual hunting tags is the primary tool for managing populations. And three quarters of the park will continue to be “natural” and “wilderness” in perpetuity. Fuller analysis and explanation of MCL’s support of the GMPA/EIS and Preferred Alternative (Alternative B) is available on our website¹.

Determination of Conditional Consistency with the California Coastal Act

MCL commends the California Coastal Commission staff for its careful and detailed review of the NPS request for consistency determination under the authority of the Coastal Zone Management Act (CZMA), and for its disciplined application and adherence to the California Coastal Act, specifically Chapter 3. Staff analysis and recommendations demonstrate an accurate understanding of the advisory authority the CCC has over proposed actions on reserved federal lands and the potential for “spill-over effects” of such actions on State waters and lands and resources.

In their report to the Commission, your staff recommends finding that the majority of actions proposed by the NPS’ Preferred Alternative would be consistent with the policies in Chapter 3 of the Coastal Act. The exception is a finding for *conditional* consistency with respect to the potential for adverse water quality in PRNS coastal drainages to impact downstream marine habitats: “. . . missing, however, from the NPS proposal is a comprehensive water quality monitoring component. . . to demonstrate whether implementation of those actions (would) result in compliance with water quality standards.” (Staff Report, pp. 58). Therefore, as a condition, staff requests that a water quality monitoring plan for PRNS coastal drainages be reviewed and “approved” by the CCC before new leases with ranchers are finalized.

¹ Marin Conservation League Newsletter: November December 2019 (http://www.conservationleague.org/images/stories/Newsletters/NL19D_NovDec_web.pdf); and September October 2020 (http://www.conservationleague.org/images/stories/Newsletters/NL20D_Sept-Oct_web.pdf).

In response to this condition, MCL asks you to note that the intent and analysis, and all plans, practices and other measures in the GMPA/EIS to manage water quality, are in alignment with and supportive of the regulatory authority of the State Water Resources Control Board and San Francisco Regional Water Quality Control Board. To avoid unnecessary duplication, it is essential that any final conditions requested by CCC staff and Commissioners be coordinated to ensure that NPS' proposed plans and SFRWQCB authority are consistently and fully carried out. This is consistent with element number 2 that your staff recommends for the Water Quality Assessment Plan. (Staff Report, p. 59)

By way of background, as early as 1995, NPS staff established water quality monitoring plans for both the Tomales Bay and Coastal drainage portions of PRNS and GGNRA². The results from this monitoring network have facilitated evaluation of ambient water quality conditions and effectiveness of conservation practices in an effort to improve those conditions. For example, the robust water quality sampling program carried out by the NPS between 2000 and 2013 in three coastal drainages documents a consistent decline in fecal indicator bacteria (FIB) and six-fold increases in samples meeting regulatory criteria, coincident with instituting a variety of best management practices on both cattle and dairy ranches. The program is documented in Appendix L of the GMPA/Final EIS³. The GMPA/EIS provides a plan to build on this progress. The plan also would strengthen partnerships with technical and financial assistance organizations, and secure much needed funding support for implementing both conservation measures and monitoring water quality.

In 2005, the California State Water Resources Control Board issued its Non-point Source (NPS) Pollution Monitoring and Enforcement Policy. This policy directed the respective nine Regional Water Quality Control Boards (RWQCBs) to regulate water quality from multiple sources, including agriculture, through existing authority of the Federal Clean Water Act, California Porter-Cologne Water Quality Act, and respective regional Basin Plans. The San Francisco Bay RWQCB has subsequently established regulations for grazing operations in the Tomales Bay watershed⁴ and confined animal facilities, including dairies, in both the Tomales Bay and coastal watershed areas⁵. In the case of confined animal facilities, the Regional Board order specifically requires annual monitoring and reporting of water quality results. Any monitoring protocol requested by the CCC would have to be consistent in both timing and content with these already-established state programs.

² National Park Service and Point Reyes National Seashore Water Resources Management Plan and San Francisco Bay Area Monitoring Network - <https://www.nps.gov/articles/water-quality-monitoring.htm>.

³ Point Reyes National Seashore Water Quality Monitoring Report 2001; National Park Service GMPA/EIS Appendix L 2020; and Lewis et al. 2019

⁴ SFRWQCB, 2018, Resolution No. R2-2018-0046 Renewal of Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed

⁵ SFRWQCB, 2016, Order No. R2-2016-0031 General Waste Discharge Requirements for Confined Animal Facilities within the San Francisco Bay Region

In Conclusion

MCL is calling upon California Coastal Commissioners to follow staff lead in recommending a water quality strategy before new leases with ranchers are finalized. We also agree with the five elements to be included in the assessment plan: 1) provide short and long-term goals and timelines for Drakes Estero and other Pacific Ocean watersheds and the creeks that feed them; 2) collect data sufficient to determine water quality standards are met using protocols that are consistent with existing regulatory protocols for monitoring and reporting of a “sister” State agency with equivalent public trust responsibilities on the coast; and 3 and 4) provide annual reports that include water quality standards, data, priority areas for grazing-related best practices and indicate how these practices are incorporated into the individual Ranch Operating Agreements for implementation; and 5) inclusion in the annual report of water quality monitoring results and practice implementation from Tomales Bay including Lagunitas and Olema Creek watersheds.

Thank you and the other Commissioners for considering support of your staff’s recommendation for conditional consistency of the proposed action.

Sincerely,



Robert Miller
President



Nona Dennis
Chair
Parks and Open Space Committee

Attachments:

- Marin Conservation League letter to Consistency Review Program Coordinator dated 12/14/2020
- Marin Conservation League Agricultural Policy Statement 2015