



Protecting Marin Since 1934

September 23, 2019

GMPA
c/o Superintendent Cecily Muldoon
Point Reyes National Seashore
1 Bear Valley Road
Point Reyes Station, CA 94956

Subject: Review Comments on the Point Reyes National Seashore General Management Plan Amendment — Draft Environmental Impact Statement

Dear Superintendent Muldoon:

Introduction

Thank you for this opportunity to provide comments on the Draft Environmental Impact Statement (DEIS) for the Point Reyes National Seashore and Golden Gate National Recreation Area North District (PRNS/GGNRA) General Management Plan Amendment (GMPA). Marin Conservation League (MCL) compliments the National Park Service's (NPS) authors on a well-organized and presented DEIS.

The mission of MCL since 1934 has been to preserve, protect, and enhance Marin's natural assets. In accordance with MCL's mission and goals, our comments are based upon the following assumptions and principles:

- Since its founding 85 years ago, MCL has been instrumental in setting aside many of Marin's most valuable lands for the public and has served as guardian of their unique resources for the enjoyment of future generations. In that spirit, MCL is committed to protecting the diverse flora and fauna, sensitive and endangered species, geology, culture and history, and scenic resources of PRNS from unacceptable impact.
- MCL has also long recognized the valuable contributions of Marin's historic agricultural community toward preserving open space in the County. This includes the successful and precedent-setting minimum parcel size limits established in 1970¹, referred to as A-60² in Marin County's zoning code. It also includes the willing sales of ranches that were instrumental in forming PRNS/GGNRA and, specifically, the planning area for this GMPA and DEIS;
- The capacity of working farms and ranches to protect west Marin's open and connected landscape, including the ranches in PRNS and the North District of GGNRA, requires a critical mass of land area and operating farms to remain viable³; and
- A comprehensive understanding of the purpose, goals, and management objectives for PRNS/GGNRA that are reflected in the enabling legislation⁴ and that uniquely establish an historic agricultural landscape, including the grazing livestock ranches and dairy farms within the GMPA area, as culturally significant resources within PRNS

1. Farming on the Edge, Chapters 2, 3, and 4, by John Hart

2. Marin County Development Code Chapter 22.08, pages II-9 to II-16 - https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/devcode-amendments-2019/devcode_2019_artii.pdf?la=en

3. Marin Countywide Plan and Agriculture and Food Chapter - https://www.marincounty.org/-/media/files/departments/cd/he/cwp_cd2.pdf

4. Managing Land in Motion: An Administrative History of Point Reyes National Seashore, Chapter 3 by Paul Sadin



These principles are supported in MCL's Agricultural Policy Statement's (attached) stated goal:

"To continue 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."

We emphasized and linked this goal to this GMPA planning process and pending outcome in our scoping letter dated November 13, 2017 (attached) with the following statement:

"We hold that there is a direct and mutually supportive connection between the GMPA and our agricultural policy and seek to partner with the National Park Service (NPS) and the ranch and farm families on the Seashore to realize this connection."

MCL Supports NPS's Preferred Alternative (Alternative B)

MCL considers the "preferred alternative" (Alternative B) presented in the DEIS to represent the best opportunities for environmental improvements compared to existing conditions. Furthermore, providing 20-year leases to 31 ranches on 28,700 acres provides a term of sufficient length to support NPS and leasing farmers in their collaborative efforts to manage the natural, cultural, historic, and scenic resources in the planning area. Accordingly, MCL supports Alternative B. We do have concerns about specific issues as described in the comments that follow. Our specific requests and recommendations for correcting deficiencies in the GMPA and DEIS are presented in italics.

Specific Comments and Recommendations

- **Implementation of Mitigation Measures in Agricultural Lease/Permits and Ranch Operating Agreements:** Appendices D, K, and L (respectively, Management Activity Standards and Mitigation Measures, Biological Assessment – US Fish and Wildlife Service, and Biological Assessment – National Marine Fisheries Service) provide detailed and appropriate management practices and mitigation measures for long-term protection of soil, water, air, and biological resources. The draft PRNS and North District GGNRA Agricultural Lease/Permit references Appendix D 13 times for its standards and mitigation measures to be incorporated into proposed Ranch Operating Agreements (ROA).

The GMPA and Final EIS should include the Agricultural Lease/Permit and ROA templates as appendices and clarify how proposed standards and mitigation measures will be selected and implemented within the planning area to ensure that preservation strategies proposed in the DEIS are achieved. Additionally, Appendices K and L should be referenced, where relevant in the Agricultural Lease/Permit and ROA, as resources for identifying additional standards and mitigation measures for protecting threatened and endangered biological resources.

- **Visitor Use, Experience, Access, and Capacity:** The DEIS is programmatic in its approach to the topic of Visitor Use. As stated in Appendix E, "...this appendix contains potential recommendations..." and "...establishes a *vision of the future*..." for visitor use (emphasis added). Similarly, the DEIS Executive Summary explains that "Implementation of some programmatic direction, such as future development to facilitate public use and enjoyment, would require additional project-level planning and compliance..." (emphasis added) Although MCL has aspirations for increased visitor use experiences and strategies to improve PRNS/GGNRA visitor capacity, we are also concerned about this topic and previously provided extensive comments on how it should be addressed in the DEIS in our scoping comments dated November 28, 2018 (attached, page 2).

The analysis of options to achieve improved visitor experience and capacity in the DEIS is inadequate for the following reasons:

- *It fails to provide sufficient detail regarding methods and modes for improving traffic congestion and vehicle management, and for reducing impacts at trailheads both within and outside the planning area.*
- *The DEIS assumes that visitor volume will be similar to historical numbers of 2.5 million per year. An adequate analysis for impact assessment purposes must anticipate that visitor numbers will surpass this annual volume over time, analyze related impacts, and identify measures to accommodate and avoid or mitigate localized impacts from the demands that more visitors will place on new trail networks, trail heads, and other locations used by visitors.*

This inadequacy of the DEIS's impact assessment should be corrected in the Final EIS.

- **Working landscape and cultural resource preservation:** Table 2 in the DEIS (pages 27-30) lists specific strategies for the “preservation of area resources” within the planning area. These include strategies for protecting ecological functions, native and nonnative species, and cultural resources. The strategies for cultural resources provide for the protection and management of historic features, such as fences, buildings, and historic and prehistoric archeological sites. Missing from this table and desired conditions is preservation of the current “working landscape” as a cultural resource. As summarized from MCL’s scoping letter (dated November 13 2017):

“The cultural and historic resources that have been preserved in PRNS/GGNRA are the combination of the historic pastoral landscape and the multi-generational farm families, who, four and five generations later, are the legacy of the historic period of ranching and farming on the Point Reyes Peninsula which dates to the mid-1800s. The working landscapes they manage exemplify the national movement to strengthen local food systems; and they have contributed to maintaining the scenic resources of coastal grassland and other ecological riches that are the hallmark of PRNS/GGNRA. They also must comply with stringent state and federal environmental standards.”

We believe that a preservation strategy for managing the cultural resources represented by operating farms and ranches is important for achieving the intent of the PRNS/GGNRA enabling legislation and amendments. As reconfirmed in the recently published House Joint Resolution 31, “multi-generational ranching and dairying is important both ecologically and economically” and is “consistent with Congress’s intent for the management of Point Reyes National Seashore.” This approach is supported by the NPS *Management Policies* 2006, which include “the park’s scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park...cultural landscapes...” as being subject to the no-impairment standard, and that “a cultural resource may be a tangible entity or a cultural practice.”⁵ Appropriately, the two Historic Districts are cultural resources that are made up of features such as fences and buildings, and by historic vernacular landscapes that continue to be maintained by the historic and cultural activity and practice of ranching.

NPS, through the GMPA and Final EIS, should recognize this current connection between historic and ongoing active agricultural operations as a “cultural practice” and, therefore, a cultural resource subject to the no-impairment standard. This ongoing cultural practice represents an important cultural resource and exceptional educational opportunity for the public. The environmental, ecological, cultural, educational, and other socio-economic benefits that active agricultural operations bring to PRNS/GGNRA support NPS’s mission and should be fully addressed in the Final GMPA and EIS.

- **Zoning and Subzoning Framework:** MCL supports applying a new management zone, the Ranchland Zone, to the planning area. This will clear-up ambiguities that currently fail to clearly

5. NPS Management Policies 2006, 1.4.6.

demarcate the planning area. MCL also generally supports the Subzoning Framework proposed in Alternative B with some qualifications. Successfully achieving both natural resource and agricultural management objectives may require implementing some practices across the boundaries between the proposed resource protection, range, pasture, and ranch core subzones. Managing fire fuels for example, must, by necessity, cross subzone boundaries. Similarly, integrating soil and water conservation practices, including carbon beneficial practices (listed in Appendix D), should relate to where on the landscape they can be most effective. MCL's scoping letter of November 28, 2018 (attached, page 3) recommended a planning approach that invests the Subzoning Framework with enough flexibility to enable working across subzone boundaries. This flexibility will enable management activities to be more effective in achieving environmental benefits and avoiding/mitigating adverse environmental consequences.

We conclude that the DEIS has not adequately considered the potential environmental benefits to be gained by incorporating this kind of flexibility into ranch zoning. The Final EIS must fully consider the adverse environmental consequences (such as increased wildfire hazard and greenhouse gas emissions) that can be minimized or avoided, as well as beneficial environmental effects (such as carbon sequestration) to be gained by working across subzone boundaries where feasible. If NPS does not feel such flexibility is warranted or appropriate, the Final EIS should clearly explain why not.

- **Agricultural Diversification:** The justification for diversification of ranching activities appears only once in the DEIS under the description of Alternative A (Page 20): "Diversification of ranching activities allows ranchers to react to poor forage production years and fluctuations in the economic market (e.g., the price of cattle, grain, hay)." To enable the economic resilience implied in this justification, MCL supports the inclusion of proposed agricultural diversification activities as described under Alternative B, including limited row-crop production, pasture poultry raising, alternative grazing livestock species, and farm tours and stays, among others, as conditioned by the subzoning framework (Resource Protection, Range, Pasture, and Ranch Core).

The descriptions of potential diversification activities, however, raise questions that must be addressed in the Final GMPA and EIS as follows:

1. *Is the option for 2.5 acres of unirrigated agriculture both viable and advisable as an agricultural enterprise? This approach implies dryland farming – i.e., relying upon winter rains to produce crops such as certain cereals or potatoes by tilling and seeding in the fall and harvesting in the spring. As an alternative, irrigation would afford the opportunity to produce crops that are planted in the spring and harvested through the summer and fall, thereby increasing the options and the economic viability of row crop farming. The Final EIS should consider this option, including mitigation measures for any potential impacts.*
2. *Could grazing by alternative species in the range zone achieve natural resource objectives like fire fuel reduction and prevention of vegetation type conversion, as well as protection of sensitive resources? Could the use of multiple species in a prescribed and rotational manner provide a diversity of options and opportunities in achieving preservation strategies outlined in the DEIS?*
3. *For dairy operations currently without silage production, could this important forage source be added within the pasture zone, with specific mitigation measures to reduce unacceptable impacts?*
4. *Finally, how might NPS staff, working with management and mitigation measures presented in Appendices D, K, and L, obtain technical advisory input to improve the economic viability of these proposed diversification activities, to fulfill the integrated objectives of ranch sustainability and natural resource stewardship?*
5. *The Final EIS should address the possible relationship between types of diversification and proliferation of pest species; the allowable techniques that ranchers might use to control*

such pests, including Integrated Pest Management for pest like gophers; and the potential impacts of pest species on sensitive resources in the park.

- **Planning and stewardship of agricultural lands in the planning area.** The NPS preferred alternative (Alternative B) identifies future authorized activities within the planning area. These activities include modest agricultural diversification in the Ranch Core and Pasture planning subzones. The DEIS requires mitigation measures to be incorporated into individual Ranch Operating Agreements (ROAs) for each ranch activity. Further, many mitigation measures require consultation with NPS staff before activities can occur. Specific activities for each lease will be authorized in the respective ROA. There seems to be no comprehensive planning effort that will be completed on a ranch scale, however.

As an example, carbon farming is a collection of standard practices designed to maximize the land's ability to sequester carbon and reduce new greenhouse gas emissions while making farmland more resilient to a changing climate. As outlined in a Carbon Farm Plan some of these practices are big long-term goals, while others address near-term priorities. A Carbon Farm Plan serves as a guide to realize the potential climate benefits on the land, enable many other benefits these practices can have on ranch productivity and the environment, and identify potential funding partners to help implement these practices.

Carbon farming practices bring many co-benefits beyond sequestering carbon and reducing greenhouse gas emissions. Practices are designed to benefit the natural environment and the agricultural operation. Some examples include:

- Increasing carbon in the soil reduces soil erosion, promotes plant growth, and helps the soil hold on to more water. That means plants can grow longer into the dry summers, produce more forage for livestock and sequester even more carbon.
- Restoring creek vegetation increases wildlife habitat, stabilizes creek banks, improves water quality and reconnects flood plains.
- Rotational grazing promotes vigorous grasslands with deep roots, encourages native grassland species, and improves productivity.
- Planting diverse windbreaks and hedgerows provides shelter to livestock and reduces the drying effects of wind, allowing pastures to stay green longer into the summer. They also increase wildlife habitat and provide species for native pollinators.
- Using a methane digester for manure generates gas that can be burned for electricity and results in a more stable waste stream for applying back to the land.

The GMPA and Final EIS should make it clear that lessees in the planning area are allowed to work with qualified resource professionals, the Marin Resource Conservation District, the Marin Carbon Project and USDA Natural Resource Conservation Service to complete ranch-scale conservation plans or Carbon Farm Plans in the planning area. These plans will help NPS staff and the lessees write appropriate ROAs to incorporate best practices into their planning.

- **Succession:** Separate from the DEIS, NPS has provided a draft "Succession Policy for Ranch Operations within the Ranchland Zone for Point Reyes National Seashore and the North District of Golden Gate National Recreation Area" that would be used in the event "that named Lessees: (i) do not wish to enter into a lease/permit; (ii) cannot agree upon an arrangement among named lessees for continued operations under a new lease/permit, (iii) have not consistently met performance standards for the agricultural operation and other named Lessees are not willing to take on responsibility for improved operations..."

MCL supports this draft succession plan because it would help to ensure the succession from current to future agriculturalists in the planning area and also ensure that practices that are currently maintaining the cultural landscape and heritage would continue into the future.

The GMPA and Final EIS should clearly describe this succession plan and incorporate it into the GMPA so the public is fully aware of the terms and conditions of lease succession.

- **Establishment and renewal of 20-year leases.** Preferred Alternative B contemplates the establishment of 20-year leases for the existing agricultural operations within the planning area. MCL agrees with the establishment of 20-year leases because they will give the operators the certainty of tenure necessary to invest in the long-term success of their operations, including necessary ranch infrastructure improvements, improvement and diversification of agricultural operations, and improvements to natural resource values. However, the DEIS does not adequately address what happens to the leases established by the GMPA after the conclusion of the proposed initial 20-year lease period.

The DEIS dismissed analysis of rolling leases because they have “no fixed termination date,” are “... not consistent with ranching in a setting as complex as the planning area...,” and “...the 2013 Secretarial delegation of authority to NPS and Congressional guidance directed NPS to consider issuing leases with 20-year terms.”

MCL’s scoping letter (November 28, 2018) stated that “while the proposed 20-year leases are a good first step. . . , longer leases would contribute greater confidence and stability.” We suggested that “the EIS should also describe methods for how the proposed 20-year leases could serve a longer time period (e.g., perhaps through 5-year incremental extensions).”

NPS has provided a copy of the Draft Agricultural Lease/Special Use Permit (draft lease) in response to prior public comments. The draft lease, on page 9, Section 5.3 contemplates an extension of the lease:

“Six months prior to the Expiration Date of the lease, NPS may offer this lease, or a similar lease, to Lessee. If Lessee fails to execute a subsequent lease prior to the Expiration Date, the Provisions of this Lease regarding Lessee’s obligations to surrender and vacate the Premise shall apply. Lessor has no obligation to offer a subsequent lease to Lessee.”

The DEIS does not address the conditions necessary for NPS to “offer this lease or a similar lease, to Lessee.” This creates uncertainty for the future of ranching operations in the planning area after the 20-year leases reach their term and could potentially lead to unnecessary future litigation. The public should understand the conditions and terms of “this or similar lease” that may be offered to the lessee as well as the conditions that would lead NPS to not offer such a lease to the operator(s).

MCL believes that the topic of renewal and succession should be documented and understood as part of the GMPA and addressed in the Final EIS, in that both socioeconomic consequences (e.g., the cultural continuity of agriculture on the Seashore) and environmental consequences (e.g., the ability of ranchers to continue funding environmental improvements) could be either positive or negative depending on the manner in which renewal or succession is managed on the expiration of the initial 20-year term.

Therefore, GMPA and Final EIS should consider the environmental and cultural consequences of various options that may occur when 20-year leases are nearing expiration. The GMPA and Final EIS should make the procedure for lease renewal clear including a significantly longer time frame than 6 months prior to expiration to renew or issue new leases, and that includes the conditions and terms of the same or similar new lease and the conditions for not offering such a lease. Providing for renewal only 6 months prior to expiration is inconsistent with and may frustrate the purpose of an initial 20-year lease and is inherently inconsistent with Secretarial and Congressional guidance concerning the 20-year leases. The Final EIS should address and resolve this issue

because not providing the analysis and approach for this impending decision at this time defers a lengthy debate and planning process to 20 years from now. It also places the cultural resource of active agricultural operations and continued funding support for environmental mitigations in a state of uncertainty and at risk in the future.

- **Lease Appraisal Process.** Under its preferred alternative (Alternative B), NPS proposes to implement a “master appraisal process managed by the US Department of Interior (DOI) to determine the FMV for park ranch operations.” MCL could not find guidelines for such a “master appraisal process” on DOI’s website or in the Uniform Standards of Professional Appraisal Practice (USPAP). Without a clear guide for the appraisal process, the referenced “master appraisal process” could lead to lease values that are fair for some leases but may not be economically viable for others. This could effectively price operators out of their leases.

The Final EIS should clearly explain the appraisal process for the proposed 20-year leases and explain what will be done to ensure that it is fair and equitable to all lessees given the significant mitigation measures that would be applied to all ranching activities allowed under the preferred alternative. The costs of implementing these measures should be considered for each lease when DOI appraises the value of the potential leases.

- **Elk Management:** The DEIS and appendices provide a thorough description of the affected environment with respect to the tule elk herds in the GMPA planning area.

MCL believes that NPS has done a credible analysis of the management alternatives potentially available to it for the elk herds at PRNS, and generally supports the proposed elk management program described in Alternative B, the preferred alternative. We conclude that the overall approach to managing elk for coexistence with the cattle and dairy ranches at PRNS is reasonable and based on sound science and judgment by qualified professionals. MCL does, however, have specific concerns and comments regarding the proposed management program for elk, including some that involve adequacy of the DEIS as follows:

- **Model to Predict Rangeland Residual Dry Matter (Appendix I):** The “Forage () R” model described in detail in Appendix I of the DEIS is a credible effort to provide an objective, scientific means to measure and manage for an acceptable level of competition for forage between elk and livestock on ranches impacted by elk. We understand that the model was developed for this GMPA and DEIS (i.e., it is not an established model that has undergone monitoring and refinement over a long period of time). As such, it can be regarded as “untested,” so there should be very clear procedures specified regarding how adjustments, exceptions, and professional judgment would be applied quickly in the event that any of the affected ranchers can demonstrate that it is not working as intended for their individual operations and, as a result, their operations are being adversely affected.

As stated in the DEIS on page 41, the intended objective for managing the Drakes Beach elk herd is to maintain the herd at a “population level compatible with authorized ranching operations.” However, there must be some recognition of, and method for dealing with, the variability among individual ranches in achieving this overall objective. The fact is, some ranches may not experience an acceptable level of compatibility/coexistence with elk as a result of applying this model while others will. This includes during extended periods of low rainfall and drought. There should be a clear procedure and criteria established to address a significant threat to the economic viability of any of the ranching operations. If any of the ranching operations prove to be in danger of failing as a result of not reaching an acceptable level of coexistence with elk, the stated objectives of the NPS for managing PRNS in the planning area cannot be fully achieved. Having a process defined that would do everything possible to prevent this would significantly help to avoid/mitigate potential adverse socioeconomic impacts to the region.

The GMPA should be revised to recognize and describe a procedure for addressing the potential seasonal and annual variability in the degree of success that may occur to individual ranching operations as a result of applying the model. The procedure should include a description of how the model will be applied, monitored, and adjusted to quickly respond to problems that may be identified at any of the affected ranches. The Final EIS should address the potential socioeconomic consequences should any of the ranching operations fail as a result of not doing so. We believe that the DEIS is presently inadequate without this analysis.

- Fencing. The DEIS describes how fencing would be used as a management tool for a variety of objectives with respect to elk. The discussions, however, focus on using fencing as a means to enclose elk in a defined area. We did not find any discussion of how and whether it would be feasible and beneficial to use fencing to exclude elk from certain areas to reduce competition for forage or otherwise reduce conflicts with livestock.

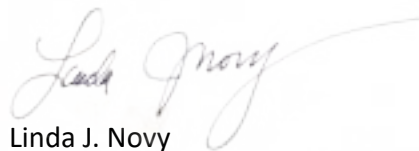
The Final EIS should address fencing to exclude elk from certain areas in order for the public to understand if this is feasible and how it could be employed.

- **Lethal vs. nonlethal population control.** MCL supports control of the Drakes Beach elk herd to maintain a maximum number of 120 animals as proposed in Alternative B. We encourage the use of nonlethal methods whenever feasible and understand this is not currently possible or practicable for reasons that are clearly explained in the DEIS. NPS has indicated that lethal methods will be employed as a “last resort” in the future to achieve the maximum herd size proposed. We support the use of lethal methods under those circumstances. We also concur that fertility control is not a practicable method of population control for the reasons explained in the DEIS. In evaluating population control options in the future, we encourage NPS to also consider humane treatment as an important criterion.

Conclusion

MCL, as an established local environmental organization in Marin with an 85-year history, has the institutional experience to know, but for the fact that Congress, local conservationists, and the agricultural farmers and ranchers cooperated to create the PRNS, we could be living in an alternative condition of housing and recreational development. Therefore, among other significant policy decisions and opportunities, MCL actively supported the formation of PRNS and GGNRA as fundamental to preserving the diverse and priceless natural resources and scenic landscape that is west Marin’s condition today, enjoyed by millions of visitors from around the world. Working ranches on PRNS and GGNRA have played a major role in maintaining a landscape that contributes to the economy and helps to protect natural ecosystems that are part of our national heritage. Because of these connections, ranching as an important element in the parks (PRNS/GGNRA) will continue to be important to MCL and to that end we offer these comments.

Respectfully,



Linda J. Novy
President

Attachments:

1. Marin Conservation League Agricultural Policy Statement dated October 14, 2015
2. Marin Conservation League Comment letter dated November 13, 2017
3. Marin Conservation League Comment letter dated November 28, 2018