

Friends of the North Coast
Davenport North Coast Association
Rural Bonny Doon Association

November 10, 2020

Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814

Scott Morgan, Chief Deputy Director
State Clearinghouse Director
Governor's Office of Planning and Research
Office of Governor Gavin Newsom
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Re: Comments for Consideration in Preparation of Governor's Consistency Review
Cotoni-Coast Dairies, a Portion of the California Coastal National Monument
Proposed Resource Management Plan Amendment

Dear Chief Deputy Director Morgan:

Davenport North Coast Association ("DNCA"), Friends of the North Coast ("FONC") and Rural Bonny Doon Association ("RBDA") (and collectively "Commenting Parties") hereby **join in our County Supervisor's November 5, 2020 Letter to Governor Newsom** enclosing his Protest of BLM's Proposed RMPA for Cotoni-Coast Dairies and ***urging the Governor not to find the RMPA consistent unless the revisions sought in his Protest letter are adopted.*** Supervisor Coonerty's formal Protest was based on the following RMPA provisions: (1) Hunting; and (2) Off-site Improvements.¹ We will address those provisions further in this Letter.

We Commenting Parties also submit this letter to request that the Governor notify BLM that he finds significant inconsistencies additional with state or local plans, policies or programs as to BLM's Proposed Resource Management Plan Amendment ("RMPA"), Environmental Assessment ("EA") and Finding of No Significant Impact ("FONSI") adopted by BLM California State Director Karen Mouritsen for the Cotoni-Coast Dairies unit ("Monument") of the California Coastal National Monument.

We have also noticed that Supervisor Coonerty's letter to Governor Newsom stated his understanding that the Governor will be making a decision in the near future under the Federal

¹ FONC has previously emailed you (1) Supervisor Coonerty's Letter to Governor Newsom and his Protest to BLM on November 6, 2020 @10:41 AM; and (2) Formal Protests to BLM from FONC (joined by RBDA), DNCA, and Sempervirens Fund, all on November 5, 2020 @ 9:08 AM.

Coastal Zone Management Act on the consistency of the RMPA with the California Coastal Act. Our understanding is that decision will be made by the California Coastal Commission but in case Governor Newsom will also be evaluating inconsistencies with the Coastal Act, which is a state law, we will be happy to forward our letter on inconsistencies of the Proposed RMPA with the Coastal Act, on request.

Chief Deputy Director Scott Morgan has informed us that:

He is coordinating putting together information for the Governor's Consistency Review and would like to hear the Commenting Parties thoughts on the resource management plan amendment.

"The consistency review is narrow to the "plan amendment" and "any inconsistencies with state or local plans, policies or programs."

EXECUTIVE SUMMARY OF KEY INCONSISTENCIES

1. Recreational archery hunting is inconsistent with State law and County ordinances prohibiting hunting on park land, particularly since the creating Presidential Proclamation for Cotoni-Coast Dairies requires it to be managed as a unit of the National Landscape Conservation System (meaning to conserve, protect, and restore natural resources as the prevailing activities), and especially where, as here, the recreational hunting is proposed to be allowed in RMZ2 which the RMPA has planned for management as a core habitat area for fish and wildlife. *See explanation beginning at Page 3 below.*
2. The Proposed RMPA is Inconsistent with County ordinances, particularly County Code §13.10.355(A)(2)(d), which requires a Project Proponent to make "[p]rovisions for adequate access and public services." BLM recognizes that it will have off-site impacts requiring public improvements, but as Supervisor Coonerty points out, the Proposed RMPA contains no commitments to assist in their implementation. *See explanation beginning at Page 6 below.*
3. Tools to help prevent future wildfires by revising Proposed RMPA provisions which are inconsistent with County regulations include elimination of Warrenella Road Top Parking Lot Compound and relocation of Marina Ranch Gate Parking Lot Compound to a superior alternative at Yellow Bank Canyon Top adjacent to Highway 1. These BLM proposals concentrate large compounds for parking (with picnic shelters and restrooms):
 - a. too far inland so as to be adjacent to wildfire fuels and inconsistent with County General Plan §6.5.8 (*see explanation beginning at Page 7 below*); and
 - b. too close to habitat for mountain lions and other wildlife so as to be inconsistent with County General Plan Objective 5.1 (Biological Diversity) due to human noise and fencing both sides of long roads, all causing greater fragmentation, disruption and loss of habitat(*See explanation beginning at Page 9 below*).

4. The Proposed RMPA Allowing Hunting on Certain Portions of Cotoni-Coast Dairies is Inconsistent with California Fish and Game Code §3004 due to Proximity of Inhabited Homes and Associated Outbuildings. *See explanation beginning at Page 13 below.*

ANALYSIS

The inconsistencies Commenting Parties have identified which we request the Governor to find and communicate to BLM are set forth below.

Recreational archery hunting is inconsistent with State law and County ordinances prohibiting hunting on park land, particularly since the creating Presidential Proclamation for Cotoni-Coast Dairies requires it to be managed as a unit of the National Landscape Conservation System (meaning to *conserve, protect, and restore natural resources as the prevailing activities*), and especially where, as here, the recreational hunting is proposed to be allowed in RMZ2 which the RMPA has planned for management as a core habitat area for fish and wildlife.

Supervisor Coonerty's Protest correctly states that "hunting is prohibited in state parks." Hunting is not allowed in *units of the State Parks System*.² Regulations of the California Department of Parks and Recreation at Title 14 California Code of Regulations §4305(a) provide:

Protection. *No person shall* molest, *hunt*, disturb, harm, feed, touch, tease, or spotlight any kind of animal or fish or so attempt.

Furthermore, hunting is also prohibited by County ordinances. Hunting is prohibited in all County Parks by County Code §10.04.070. Nor do the County General Plan or County Code expressly authorize hunting anywhere, and under the County Zoning Regulations, organized land uses (such as BLM's proposed hunting activity) are unlawful unless listed in a Zone as permitted or discretionary use, or qualifying as a legal nonconforming use. *See, e.g.*, County Code §13.10.275. *See also* County Code Section 13.10.220 quoted in pertinent part below:

A use approval ... may only authorize such development or use of the property as is allowed by the zone district or as otherwise provided in this chapter.

The County Code allows for "Organized Camps" but these are expressly defined to exclude "hunting camps. *See*, County Code §7.44.010.

Indeed, the Proposed RMPA acknowledges the inconsistency of allowing hunting on Cotoni-Coast Dairies when it states at Section 4.11.4 that *BLM would "establish the only public*

² Hunting can be permitted by the State Recreation Commission in a unit of the State Vehicular Recreation Area and Trail System. The terms "unit of the State Park System," and "unit of the State Vehicular Recreation Area and Trail System," are distinct from one another. 14 CCR 4300(a).

hunting opportunity in Santa Cruz county." This inconsistency in the form of inclusion of recreational archery hunting on as much as 2,568 acres of RMZ2 (about 40 percent of the Monument – Table 2.19-1) is even more critical given that:

- (1) the adjoining (and to be connected by trails) San Vicente Redwoods preserve prohibits hunting;
- (2) the Presidential Proclamation for Cotoni-Coast Dairies requires it to be managed as a unit of the National Landscape Conservation System (meaning **to conserve, protect, and restore natural and cultural resources as the prevailing activities**); and
- (3) the recreational hunting is being allowed in RMZ2 which the RMPA has planned for management as a core habitat area for fish and wildlife.

County Supervisor Ryan Coonerty stated in his formal Protest of BLM's Proposed RMPA that one ground of his Protest is BLM's "decision to permit hunting at all in this environmentally sensitive area." He states that the hunting provision "contradicts the objective of managing [RMZ2] as a core habitat area for fish and wildlife." Supervisor Coonerty went on to say that allowing off-trail hunters to travel throughout RMZ2's ESHA and potentially cross creeks and streams in an uncontrolled fashion is inconsistent with protection of naturally functioning riparian areas and aquatic systems and maintaining the natural quality and integrity of native vegetation. This led Supervisor Coonerty to conclude that "permitting even limited hunting in a highly sensitive environmental area is internally inconsistent with RMPA goals and policies, would be detrimental to the sensitive environmental resources in RMZ 2, and, in addition, would also violate California Coastal Act policies and the Santa Cruz County's Local Coastal Program policies for protecting coastal resources."

Sempervirens' formal Protest, after noting that its adjacent San Vicente Redwoods immediately adjacent to RMZ2 prohibits hunting, identifies as a Requested Remedy:

"To ensure public safety, to allow RMZ2 to function as a core wildlife zone, and to keep hunters off San Vicente Redwoods, Sempervirens strongly recommends BLM eliminate archery hunting at C-CD."

Sempervirens also points out that hunting cannot be accomplished safely on a property that is both so small and surrounded by neighbors, public roads, agricultural lands, and associated farmworkers, and other recreational users. Trails proposed by BLM for RMZ1 and RMZ3 are planned to follow directly along the boundaries of two sides of this hunting zone. A third side of the hunting zone runs along Sempervirens' San Vicente Redwoods property, where hunting is prohibited. Sempervirens rightly concludes that it is implausible that hunters in RMZ2 will be kept separate from other recreational users on BLM's trails or prevented from crossing (even inadvertently) onto San Vicente Redwoods.

FONC's formal Protest stated that the deer hunt allowed by the Proposed RMPA violates the Proclamation because it will promote killing of Objects of the Monument rather than protecting them.

“Black-tailed mule deer are identified as a protected Object by Proclamation 9563. Proclamation, p. 4. As Dr. Pollock points out [in his Expert Report, Exhibit A to FONC Comment Letter], [h]unting in the management area will directly and significantly, negatively impact (via death) the objects of the hunt, which are also protected objects of the monument and protected by the Grant deed.” Pollock Comments, p. 6. Dr. Pollock also cites various studies which, in his expert opinion, indicate that the proposed hunting would have “potential significant negative impacts at the population level from the loss of individuals, including density dependence and allee effects (Hoffman et al 2010, Mooring et al, 2004).” *Id.* And because hunting includes off-trail movement within RMZ 2, such off-trail use “can be much more detrimental to wildlife than on-trail use (Mallord et al. 2006; Miller et al. 2001; Taylor and Knight 2003; Soulard 2017).” *Id.* The proposed hunting area would adversely affect a significant portion of the Monument’s acreage not already being disturbed by the proposed trails. *Id.* Significant habitat disruption from hunting would occur throughout the hunting area.

Hunting simply cannot be reconciled with protection of the Objects of the Monument or management of RMZ2 as a core habitat area for fish and wildlife.”

This inconsistency with National Landscape Conservation System can be clearly seen from its legal framework as described by FONC’s attorney in FONC’s formal Protest.

The Proclamation states that “[t]he Secretary of the Interior shall manage the area being added to the monument through the BLM *as a unit of the National Landscape Conservation System* [NLCS], pursuant to the applicable authorities, to protect the objects identified above.” The 2009 Omnibus Bill (Omnibus) established the National Conservation Lands as a permanent system of protected lands, “...to conserve, protect and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.” Secretarial Order No. 3308 governs “Management of the National Landscape Conservation System.” Section 4. Policy, subsection a., states that “[t]he BLM *shall ensure* that the components [Cotoni-Coast Dairies is a “component”] of the NLCS *are managed to protect the values for which they were designated, including, where appropriate, prohibiting uses that are in conflict with those values. If consistent with such protection, appropriate multiple uses may be allowed*, consistent with the applicable law and the relevant designations under which the components were established. Likewise, the National Landscape Conservation System 15-Year Strategy (2010-2025) states that: “All NLCS units are designated in keeping with an *overarching and explicit commitment: to conserve, protect, and restore natural and cultural resources as the prevailing activities* within those areas, *shaping all other aspects of management.*” NLCS Strategy, p. 8 (emphasis added).

Even the Proposed RMPA states that “[t]he central purpose [of the Proclamation] is clearly stated as protection of the natural, cultural, and biological resource that the C-CD lands represent.” RMPA, § 2.2.2, p. 3. Pursuant to the Federal Land Management Policy Act (“FLPMA”), BLM must manage the Monument in accordance with these identified purposes of the Monument. FLPMA elevates the uses and objects identified in the Proclamation over the

multiple use goals generally applicable to BLM lands: "where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law." 43 U.S.C. § 1732(a).

Any scope or type of use that does not "conserve, protect and restore" the ecosystem ... and wildlife" such as recreational archery hunting *desecrates*, rather than conserves and protects, these values.

The Proposed RMPA is Inconsistent with County ordinances, particularly County Code §13.10.355(A)(2)(d) which requires a Project Proponent to make "[p]rovisions for adequate access and public services." BLM recognizes that it will have off-site impacts requiring public improvements, but the Proposed RMPA contains no commitments to assist in their implementation.

Commenting Parties join in Supervisor Coonerty's formal Protest which states that the RMPA identifies two off-site improvements that will be needed as a result of the Plan and he protests BLM's vague allusions to working with County Public Works and Caltrans, respectively, as opposed to the required commitments to make the improvements.

1. Cement Plant Road near Davenport:

Page 2-32 — Section 2.15.2 Management Actions under Transportation — MA-TTM-4 states: "Work with Santa Cruz County (Public Works) to make improvements necessary to meet public safety standards and support increased vehicle traffic [and parking] on Cement Plant Rd."

Supervisor Coonerty points out that the RMPA language to "work with" the County is too vague. The RMPA should include a commitment to "assist" the County in making these improvements.

2. Highway 1 Overpass:

Supervisor Coonerty notes that the RMPA proposes a Highway 1 overpass to connect the proposed North Coast Rail Trail to the public access ... into RMZ 3 but, again, does not contain a commitment to assist in providing this overpass. To be specific:

Page 2-27 — Section 2.14.2 Management Actions for Recreation Resources — AUC-REC-13 states: "Work with CalTrans and relevant other partners to establish connectivity to the North Coast Rail Trail using a pedestrian/bicycle overpass over State Highway One."

By analogy, the County Zone District which allows a Park (State, local, or private) is the Parks and Recreation District. See County Code §13.10.352(B). For a Park with recreational support facilities, on site/off-site parking, picnic shelters, and restrooms equivalent to Cotoni-Coast Dairies a Use Approval and a Master Site Plan are required to be submitted by the Project Proponent. Master Site Plans for public agency facilities shall be subject to approval by the

Planning Commission. County Code §13.10.355(A)(1). That decision is appealable to the County Board of Supervisors. Improvements related to access and services are required to be provided by the Project Proponent and included in the Master Site Plan. County Code §13.10.355(A)(2)(d) requires "Provisions for adequate access and public services." The adequacy is determined by the County Planning Commission.

Hence, the Proposed RMPA's lack of provision for the needed public improvements it identifies would be inconsistent County ordinance.

Tools to help prevent future wildfires by revising Proposed RMPA provisions which are inconsistent with County regulations include elimination of Warrenella Road Top Parking Lot Compound and relocation of Marina Ranch Gate Parking Lot Compound to a superior alternative at Yellow Bank Canyon Top adjacent to Highway 1. These BLM proposals concentrate large compounds for parking (with picnic shelters and restrooms) too far inland (adjacent to wildfire fuels), too close to habitat for mountain lions and other wildlife (human noise and fencing both sides of long roads, all causing greater fragmentation, disruption and loss of habitat).

One of the categories of the RMPA identified by Chief Deputy Scott Morgan in an email to us was "Tools to help address the impacts of recent wildfires and to help prevent future ones." This section of our Comment Letter will start with revisions needed to the RMPA to help prevent future wildfires and be in better position to fight them. This discussion relates to the language in the Proposed RMPA *and is in no way intended to undermine the enormous gratitude of North Coast residents for BLM's contribution of a fire crew to fight the fire and likely saved Davenport and prevented further harm in the Bonny Doon area.*

Inconsistency with County General Plan § 6.5.8 by location in Critical Fire Hazard Area.

Warrenella Road Top Compound and Marina Ranch Gate Compound are inconsistent with County General Plan §6.5.8 governing Public Facilities within Critical Fire Hazard Areas, as follows:

Discourage location of public facilities and critical utilities in Critical Fire Hazard Areas. When unavoidable, special precautions shall be taken to ensure the safety and uninterrupted operation of these facilities.

County Zoning Regulations at Section 13.10.352(B) and 13.10.362(B) include parking areas for both on and off-site park and recreational uses, as well as parks, recreational support facilities, picnic shelters, and restrooms as public facilities. The Parking Lot Compounds (40+ parking spaces each, Covered Picnic Shelters, and Restroom Building) at both Warrenella Road Top and Marina Ranch Gate are located in the County's officially adopted Critical Fire Hazard Areas. See Critical Fire Hazard Map attached as Exhibit 1. As public facilities those locations are discouraged. Alternatives exist and have been proposed by the Commenting Parties. Their inclusion in BLM's RMPA is inconsistent with the County General Plan.

Fire Risks will be exacerbated by the Proposed RMPA and Appears Inconsistent with State Laws and Regulations Governing Adequate Wildfire Prevention Planning adopted pursuant to Public Resources Code Section 4290.

The BLM states in its nonbinding cover letter to the Proposed RMPA that it believes the management actions detailed in the Proposed RMPA will strengthen future wildland fire prevention. Yet no new fuel break creation is proposed. Instead, there is only a vague mention of a non-quantified expansion of the shaded fuel breaks along Warrenella Road and Bonny Doon Road. The issues raised below may be inconsistent with regulations adopted pursuant to California Public Resources Code Section 4290 and the University of California Cooperative Extension Website regarding Wildfire Preparation at <https://ucanr.edu/sites/fire/Prepare/Treatment/>.

The BLM also states in its nonbinding cover letter to the Proposed RMPA that it authorizes the BLM to use a wider range of tools to address the impacts of recent wildland fires and help prevent future ones on the Cotoni-Coast Dairies property. These tools include the use of prescribed controlled burns and mechanical treatments to reduce the available fuels that feed wildland fire, as well as treatment of emergent non-native plant infestations and long-term grazing that will prevent encroachment of woody vegetation into the wildland-urban interface. However, mere authorization of use of a wider range of tools is inadequate Wildfire Prevention Planning without identification of those tools and a commitment to use those tools pursuant to specific prevention plans.

At section 2.5.1 of the Proposed RMPA Goal #4 states: "Establish a fire management program that is *cost-efficient and commensurate* with threats to life, property, public safety, and resources." In that same section under Fire Management Objectives, the Proposed RMPA states: "*Limit the intensity of wildland fire suppression efforts to the most economical response consistent with the human and resource values that are at risk.*" This leaves too much discretion to BLM which has provided no evidence of an adequate budget for management of this property.

As to the shaded fuel break on Warrenella Road, the Proposed RMPA notes at section 3.2.2 that branches of Warrenella are maintained at varying levels that *may* be improved upon for access in the future but *no description of such improvements is given or committed to*. There is also a PG&E substation along Warrenella Road that is on private land surrounded by BLM-administered lands. This power substation is currently one of the most likely sources of fire starts (*i.e.* unintended ignitions). There is likewise *no commitment by BLM to work with PG&E to prioritize reduction of this risk*.

As to Bonny Doon Road serving unintentionally as a shaded fuel break, no commitment is made at section 3.2.2 for expansion or improvement of its fuel break capacity.

As to cut and pile (and burn) techniques for undesired brush and woody debris, BLM acknowledges at section 3.2.2 that cut and pile techniques have already been used successfully

on C-CD to promote meadow restoration and cultural site protection. *Yet BLM makes no mention of, or commitment to, utilizing cut and pile and burn techniques for fire prevention.*

Commenting Parties appreciate BLM's prohibition of public camping and campfires. San Vicente Redwoods Rules also preclude camping and campfires. The "No Public Camping" Rule should expressly preclude hunters participating in the typical "two-day hunt" from camping overnight or firemaking of any kind.

The Proposed RMPA does not preclude "firemaking," or "smoking." San Vicente Redwoods Public Access Plan precludes both. Section 3.2.2 of the Proposed RMPA states that "[t]he primary source for fire in the area has been human caused for as long as there is a written record." The high likelihood for cook stoves, barbeques, and similar picnic food heating devices to be used at Picnic Shelters or tailgating in Parking Lots warrants elimination of the Warrenella Top Parking Compound and the Marina Ranch Gate Parking Compound, since each brings human firemaking or smoking too close to wildfire fuels. On the BLM website, BLM states that:

As of September 8, 2020 Due to high fire danger, BLM California has increased fire restrictions on all BLM-managed public lands in the state prohibiting use of all open flames, including campfires, BBQ's and stoves.

Yet in its Proposed RMPA released 17 days later BLM did not include this prohibition.

Fireworks need to be expressly prohibited and this prohibition enforced. The North Coast has been notorious for fireworks being set off in large volume on the 4th of July. Recent County regulation and law enforcement efforts have substantially reduced this problem. If fireworks are not banned at Cotoni-Coast Dairies as federal land open to the public there is a significant potential for it to become a new fireworks mecca.

Inconsistency with County General Plan Objective 5.1 (Biological Diversity) by Failure to Protect Wildlife Corridors and Habitats resulting from Resource Incompatible Land Use in Sensitive Habitats.

The Proposed RMPA is inconsistent with adopted County of Santa Cruz General Plan Conservation and Open Space Element Objective 5.1 (Biological Diversity):

To maintain the biological diversity of the County through an integrated program of open space acquisition and protection, identification and protection of plant habitat and wildlife corridors and habitats, low-intensity and resource compatible land uses in sensitive habitats

The Parking Lot Compounds at Warrenella Top and Marina Ranch Gate do not "protect[] wildlife corridors and habitats," nor are they "resource compatible uses in sensitive habitats," for mountain lions, badgers, or other wildlife. Mountain lions are now a "candidate species" for listing under CESA. Badgers qualify as rare and a Species of Special Concern. See package of pages related to Objective 5.1 attached as Exhibit 2.

Appendix B to the County General Plan consists of lists of plants and animals (and their habitats) which are described in Section 5.1 of the General Plan and Local Coastal Program Land Use Plan. This appendix contains a series of lists which collectively address all the plant and animal species and their associated habitats which are to be protected in Santa Cruz County. It expressly provides that:

As state and federal lists change, this catalogue will be amended to reflect the most current information. Updates can be made without General Plan/LCP amendments or certification by the California Coastal Commission.

Sensitive Habitats are defined [by this 1994 Gen Plan provision] as follows:

5.1.2 Definition of Sensitive Habitat. An area is defined as a sensitive habitat if it meets one or more of the following criteria:

- (a) Areas of special biological significance as identified by the state Water Resources Control Board. Probably N/A
- (b) N/A
- (c) Areas adjacent to essential habitats of rare, endangered or threatened species as defined in (e) and (f) below. At Section 4.5 of the Proposed RMPA, BLM acknowledges that the badger qualifies as a "rare" species.
- (d) Areas which provide habitat for Species of Special Concern as listed by the California Department of Fish and Game in the Special Animals list, Natural Diversity Database. Badgers qualify. Mountain lions are legally classified as "specially protected species" and are now a candidate species for listing under CESA in an area which includes Cotoni-Coast Dairies according to the CDFW website.
- (e) Areas which provide habitat for rare or endangered species which meet the definition of Section 15380 of the California Environmental Quality Act guidelines. Cotoni-Coast Dairies area qualifies. As noted above, at Section 4.5 BLM acknowledges that the badger qualifies as a "rare" species.
- (f) Areas which provide habitat for rare, endangered or threatened species as designated by the State Fish and Game Commission, United States Fish and Wildlife Service or California Native Plant Society. Cotoni-Coast Dairies area qualifies.

Thus, the locations where Warrenella Road Top and Marina Ranch Gate are shown in the Proposed RMPA qualify as Sensitive Habitats under the County General Plan. Sections 5.1.6 and 5.1.7 provide specific protections which would preclude locating these Parking Lot Compounds at Warrenella Top or Marina Ranch Gate's 2nd Terrace:

5.1.6 Development Within Sensitive Habitats (LCP) Sensitive habitats shall be protected against any significant disruption of habitat values; and ***any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat.*** Reduce in scale, redesign, or, if no other alternative exists, deny any project which cannot sufficiently mitigate significant adverse impacts on sensitive habitats unless approval of a project is legally necessary to allow a reasonable use of the land.

Here Warrenella Road Top would properly be denied because it cannot sufficiently mitigate the significant adverse impacts described below and its approval is not legally necessary to allow a reasonable use of the land,

5.1.7 Site Design and Use Regulations (LCP) Protect sensitive habitats against any significant disruption or degradation of habitat values in accordance with the Sensitive Habitat Protection ordinance. Utilize the following site design and use regulations on parcels containing these resources, excluding existing agricultural operations: (a) ***Structures shall be placed as far from the habitat as feasible.***

Furthermore, even if not in a qualified sensitive habitat (which they are), the Parking Lot Compounds are inconsistent with County General Plan section 5.1.11 what provides as follows:

5.1.11 Wildlife Resources Beyond Sensitive Habitats. For areas which may not meet the definition of sensitive habitat contained in policy 5.1.2, yet contain valuable wildlife resources (such as migration corridors or exceptional species diversity), protect these wildlife habitat values and species using the techniques outlined in policies 5.1.5 and 5.1.7 and use other mitigation measures identified through the environmental review process.

Here the locations of both Compounds are in an area of exceptional species diversity and migration corridors, as described below.

The Proposed RMPA acknowledges in the very first paragraph of Section 3.4 – Fish and Wildlife -- that:

“Natural fauna at the C-CD can ***include any and all elements of a fairly intact ecological interdependent model*** including: herbivores (black-tailed mule deer); top predators (mountain lion); mesopredators (bobcat, coyote, grey fox, raccoon, badger); small herbivorous mammals (brush rabbit, dusky-footed woodrat, California ground squirrel, deer mice); small carnivorous mammals including mustelids (longtailed weasel, striped skunk), moles and shrews, and bats.”

Each of these two interior upper-terrace Parking Lot Compounds are clearly Sensitive Habitats for wildlife. Furthermore, following the submittal of detailed Comment Letters and Expert Reports by wildlife experts, as of BLM's 9/25/2020 release of the Proposed RMPA, Section 3.4 was substantially supplemented to inform the public that ***“[m]ountain lions are expected in every habitat at C-CD*** and can be considered an “umbrella species” for the Property.”

Section 3.4 goes on to inform the public about “[t]he Puma Project, ”describing it as “a well-known scientific research effort led by wildlife ecology expert, Chris Wilmers PhD, and colleagues from UC Santa Cruz that have been studying mountain lions and other wildlife for the last 12 years in this region including on C-CD.” On October 22, 2020, Dr. Wilmers sent an email to the Coastal Commission (Exhibit 3 attached) in which he expresses his “concern for the two parking lots on the upper terraces up the Warrenella road and above the Marina Ranch Gate in the proposed BLM access plan for Coast Dairies.” He states that “[o]ur research has shown that local carnivore species such as bobcats and the state threatened mountain lion³ are negatively impacted by human voices.” He also states that “[o]ur research also shows that the placement of parking lots directly impacts the number of people present in the forest with human activity falling off the further you are from a parking lot (Nickel et al 2020). As such, *I would recommend that parking lots be placed adjacent to highway 1, so that natural areas in the core parts of mountain lion habitat are not impacted by an overabundance of people.*”

Dr. Jacob Pollock’s Expert Report states that “in addition to trails, *the proposed parking lots, picnic tables, ... will have the same buffer zone avoidance effects.* Comment Letter Ex. A Pollock Comments, p. 5. These features *adverse effects on habitat could be greater than the trail impacts. Id.*

Sempervirens formal Protest addresses Warrenella Road Top Compound and its “Requested Remedy” is that “Warrenella Road should be closed to public use, and Warrenella Road Top seasonal parking lot and facilities should be eliminated from BLM’s Final RMPA.” Sempervirens reasoning was as follows:

“Sempervirens Fund is also deeply concerned that this sizeable parking lot (it accommodates 49 cars and 2 RV spots) will bring large numbers of people *deep into the heart* of the monument and directly adjacent to the boundary with the core wildlife zone in RMZ2. If the Warrenella Road Top parking lot is constructed, very little of C-CD will remain a functional safe-haven for wildlife. It is well documented that human presence and even human voices can disturb and deter wildlife species. In this landscape, that is most problematic for mountain lions. To limit the negative impacts of human disturbance on mountain lions and other wildlife, we strongly oppose the construction of the Warrenella-Top parking lot.” (Emphasis added.)

DNCA’s formal Protest also expressed concern that:

“the location of the Warrenella Road Top parking area, trail access, restrooms, picnic shelters, etc. raises issues that were identified in DNCA’s draft EA Comment Letter. Additional issues were only revealed with the selection of a new “Alternative D” for the

³ Section 3.4 of the Proposed RMPA has been supplemented to state that “On April 16, 2020, the California Fish and Game Commission (Commission) provided notice that the Central Coast an evolutionarily significant unit (ESU) of mountain lions (*Puma concolor*) is a candidate species under the California Endangered Species Act (CESA). The Commission determined that the amount of information contained in the petition would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur.”

first time in the September 25, 2020 document. (*Many of these comments apply equally to the Marina Gate location as well*)

It must be noted that the National Landscape Conservation System's mission is "to conserve, protect, and restore these nationally significant landscapes that are recognized for their outstanding cultural, ecological, and scientific values." Drawing vehicles deep into the Monument to the Warrenella Road Top location is clearly counter to the direction of the National Conservation Lands System.

The roughly 1.5 miles of fencing along Warrenella Road from Cement Plant Road to the proposed parking area will impede wildlife, particularly mountain lion, movement across watersheds. The noise and disturbance of cars and visitors deep inside the Monument will further impact sensitive wildlife. (*see, Concepts D figure*). [FONC's formal Protest joined in the concern about the fencing along both sides of long access roads, stating that "the required fencing along both sides of the long inter-terrace Access Road [approx. 0.5 mi.] up to and including to the Marina Ranch Gate Parking Compound and along Warrenella Road up to and including the Warrenella Top Compound is shown as approximately six feet high and would be a barrier to Mule Deer (Objects of the Monument) and some other wildlife (and maybe all wildlife since wildlife accessible fencing is not being required in the Proposed RMPA). *See, road cross section on Concept Map C*"].

The Proposed RMPA Allowing Hunting on Certain Portions of Cotoni-Coast Dairies is Inconsistent with California Fish and Game Code §3004 due to Proximity of Inhabited Homes and Associated Outbuildings.

California Fish and Game Code §3004 quoted below prohibits hunting within 150 yards of an occupied dwelling or outbuilding used in connection with an occupied dwelling (including archery hunting) without the express permission of the property owner or person in possession of the premises.

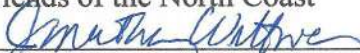
- (a) It is unlawful for a person, other than the owner, person in possession of the premises, or a person having the express permission of the owner or person in possession of the premises, while within 150 yards of an occupied dwelling house, residence, or other building, or within 150 yards of a barn or other outbuilding used in connection with an occupied dwelling house, residence, or other building, to either hunt or discharge a firearm or other deadly weapon while hunting. The 150-yard area is a "safety zone." (b) It is unlawful for a person to intentionally discharge a firearm or release an arrow or crossbow bolt over or across a public road or other established way open to the public in an unsafe and reckless manner."*


The Redwood Meadows Ranch development of 10 homes shares a significant boundary with Cotoni-Coast Dairies, and it appears that the majority of its homes/outbuildings are within 150 yards (with some less than 35 yards) from the boundary of RMZ2 where the Proposed RMPA

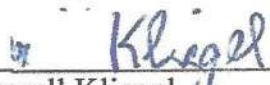
Scott Morgan, Chief Deputy Director
Governor's Office of Planning and Research
November 10, 2020
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allows archery hunting. See Assessor's Parcel Map, Exhibit 4 attached. The formal Protest filed by Redwood Meadows Ranch Homeowners Association (Exhibit 5 attached) protests Archery Hunting at Cotoni-Coast Dairies and no one has given BLM permission for hunting within 150 yards of their occupied dwelling or associated outbuildings. Hence, the Proposed RMPA is inconsistent with Fish and Game Code §3004.⁴

Thank you for your consideration of our comments

Respectfully yours,
Friends of the North Coast

By: Jonathan Wittwer, President

Sincerely,

Noel Bock and the Board of the Davenport North Coast Association

Respectfully yours,
Rural Bonny Doon Association

By: resell Kliegel
By: Russell Kliegel

Cc: Ben Blom, BLM Field Manager - Marina
The Honorable Mark Stone, California Assemblymember
The Honorable John Laird, California State Senator-Elect
The Honorable Ryan Coonerty, Santa Cruz County Board of Supervisors
Administrative Assistant: Denise Gutierrez: denise.gutierrez@opr.ca.gov

⁴Based on Fish and Game Code Section 3004, the City of San Jose City Council declined to adopt an ordinance to allow use of bow and arrow on wild pigs about two weeks ago. See Staff Report attached as Exhibit 4.