

**CALIFORNIA COASTAL COMMISSION**

455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400



**F13c**

**CD-0005-20 (Bureau of Land Management)**

**December 11, 2020**

**CORRESPONDENCE**



# County of Santa Cruz

## BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069  
(831) 454-2200 • FAX: (831) 454-3262 TDD/TTY - Call 711

**JOHN LEOPOLD**  
FIRST DISTRICT

**ZACH FRIEND**  
SECOND DISTRICT

**RYAN COONERTY**  
THIRD DISTRICT

**GREG CAPUT**  
FOURTH DISTRICT

**BRUCE MCPHERSON**  
FIFTH DISTRICT

December 5, 2020

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

Dear Coastal Commission Members:

The purpose of this letter is to urge you to include two additional provisions in the recommended Condition to the resolution conditionally concurring with the consistency determination for CD-0005-20:

1. As part of the Phase 2 activities, BLM will mitigate off-site traffic impacts; and
2. Implementation of the hunting program would start after the Phase 2 consistency determination.

I am the Santa Cruz County Supervisor whose district includes the Cotoni-Coast Dairies National Monument (C-CD). The County has been designated a Cooperating Agency by the Bureau of Land Management (BLM) for the Monument's Resource Management Plan (RMP) process and my office has consulted with BLM staff throughout the preparation of the Plan.

While I supported the federal proclamation designating the C-CD and have urged the preparation of a management plan to allow public access to the Monument, I have also had serious concerns regarding the RMP due to the potential adverse impacts on residents in the area as well as County infrastructure and resources. I also have concerns regarding the potential impacts of the RMP on precious coastal resources which, as you know, are high priorities under the Coastal Act and the County's Local Coastal Program (LCP).

### OFF-SITE IMPACTS

The RMP projects that the C-CD will receive 250,000 visitors a year. Most of them will undoubtedly come by car. While the RMP includes parking areas for visitors, at times these will be overwhelmed and overflow parking will be along Cement Plant Road, a narrow road in poor condition with inadequate shoulders. This overflow parking will not only result in an increased danger of accidents but will also make it very difficult for

Page 2

RE: RMP Consistency Determination

December 5, 2020

emergency vehicles to access the Monument. An additional off-site impact of the RMP will be an increased demand for Sheriff services in the area. The County and BLM have a mutual aid agreement, but it includes no funding mechanism in spite of the likelihood that the significant number of visitors will impact law enforcement needs in the area.

The RMP, while it recognizes that there will be off-site impacts, makes no provisions for assisting the County in mitigating them. Given the extreme pressure the County's financial resources are under, I urge the Commission to recognize the BLM's responsibility for these off-site impacts as part of the Phase 2 consistency determination.

### **HUNTING IMPACTS**

While I agree that the proposed hunting program will provide additional public access to the C-CD, it is proposed for the most environmentally sensitive area. The RMP recognizes that additional data is needed to fully understand the vegetation and wildlife on the property and how best to protect and enhance the special status species. Even a limited hunting program is likely to bring invasive species into the "protected" areas and to cause damage to sensitive species due to a lack of knowledge regarding their habitats. The RMP policies include collecting additional environmental data as part of the Phase I implementation. Postponing implementation of the hunting program until Phase 2 of the RMP is approved will ensure the protection and enhancement of coastal resources.

### **CONCLUSION AND RECOMMENDATION**

Based on these concerns rooted in the County's LCP, I urge you to add the following sentence at the end of the Phased Review Condition on page 6 of the staff report: "In particular, the Phase 2 implementation shall include BLM participation in the mitigation of off-site impacts occurring as a result of Phase 1 and anticipated in Phase 2, and consideration of the proposed hunting program, which shall be postponed until more complete data is collected on the potential impacts of the program on coastal resources."

Thank you for your consideration.

Sincerely,



RYAN COONERTY, Supervisor  
Third District

Page 3  
RE: RMP Consistency Determination  
December 5, 2020

RC: ccs

cc: California Coastal Commission, Central Coast District

To: Members of the California Coastal Commission,

I am writing to voice my concerns regarding the proposed development by the BLM of the Cotoni Coast Dairies Property on the North Coast of Santa Cruz County.

As you are aware, the BLM is in the active process of opening the property to the public within the next year and the meeting on December 11th is one of the last meetings in which public input will be heard.

I have lived on the edge of the property since 1978. I am a single woman who has struggled to raise my children here and now let my grandchildren share the beauty and peace of this area. I am writing to say that it seems as if the federal and state government (represented by you in this case) has turned blind eyes and deaf ears to the concerns of the residents of the North Santa Cruz County coast... This meeting will decide what the BLM will be allowed to do and they will then push through their alarming and destructive agenda to destroy and threaten the peace of residents of the North Coast.

1. The proposed parking areas will irrevocably change our lives, they will it pollute the area and encourage transients to move right in. There will be no proper enforcement of those who park, picnic, live there, abuse the surrounding property.
2. The proposed hunting area is directly below my home and the homes of many here on the upper edge of Bonny Deon and directly above the residents of Davenport. When asked at a recent meeting as to how close a hunter is legally allowed to be near a dwelling/structure, the answer was 150 yards... this is TOTALLY UNACCEPTABLE IN EVERY WAY... the Coast Dairies property is, as you know, a huge wilderness... these hunters will be targeting not only deer but coyotes, mountain lions, bob cats, foxes, rabbits, badgers, etc... one hunter defending his position actually wrote that he should have what he wants because he asked for it and deserves it.... it is obvious that the hunters and mountain bikers are the loudest and most demanding proponents of public access to this property but... residents of the area should have the biggest say... it will affect our lives daily...
3. It was mentioned that 'no motorized vehicles' would be allowed but, the meeting ended with it being affirmed that e-bikes have been declared 'non-motorized' and will be allowed on the trails... this is ludicrous...
4. There is not any plan for enforcement of the 'rules'... there is no way for the BLM to know who goes into the wilderness and when they come out.... there is no enforcement of littering, pollution, vandalism, people and animals going off trail... dogs are proposed to be allowed 'on leash' there is no way to enforce that... there is supposedly a proposal to say 'no camping' or 'camping by permit' but no enforcement of anyone going up into the property and virtually living there...
5. In the initial meetings, BLM agreed that overnight camping and fires were not to be allowed, that has changed and the threat of wildfire in my back yard terrifies me... even without a campfire, who will enforce a smoker throwing down a hot butt or match??? again, it is ludicrous...
6. The estimated 250,000 visitors to the monument annually might make some politicians feel successful as it looks good on paper but... why do you and the BLM listen to those who demand extreme privileges such as hunting, para-sailing/hang gliding, handicap view access, e-bikes, camping, etc. and ignore the concerns of those of us whose lives will be irrevocably changed and safety threatened by this endeavor?

I am aligned with Friends of the North Coast, Bonny Doon Rural Association and Davenport North Coast Association. The letters that have been sent by each of those organizations are also my opinion. I am writing personally to voice my own opinion in tandem with the legal advice and research done by the above organizations.

I am very upset and discouraged, have been losing sleep over this and feel that I may need to give up my home of 42 years if my life is threatened in this way by fire, guns, trespassers, trash, transients, pollution, etc... there must be a better way.... A member of the San Vicente Redwoods/Sempervirens Fund stood up at a local meeting to disagree with many of the proposals by the BLM, her concerns were the same as those that I have stated above... their organization who have built some trails on the adjoining property to Cotoni Coast Dairies and would not consider porta-potties, hunting, motorized vehicles, overnight camping, etc.

This cannot be as proposed... it must be reined in... Please, thoroughly review each personal letter and proposal from all individuals, residents of the North Coast and said organizations. I will not be able to attend your zoom meeting on Friday, December 11th, 2020 due to my work schedule so am sending this to you to represent myself.

Respectfully,  
Catherine Bayer  
4727 Bonny Doon Rd  
Santa Cruz, CA 95060  
[bayercathy@hotmail.com](mailto:bayercathy@hotmail.com)  
831-429-0180

December 4, 2020

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

**Re: Recommendations for Additional Conditions for Concurrence for the Cotoni-Coast Dairies Amendment to the California Coastal National Monument Resource Management Plan**

Dear Commissioners:

During your consistency review of the Bureau of Land Management's (BLM) Proposed Resource Management Plan Amendment (RMPA) for the Cotoni-Coast Dairies (C-CD) unit of the California Coastal National Monument, Sempervirens Fund requests consideration of three additional conditions that expand on the recommendation of Coastal Commission staff for "conditional concurrence".

Cotoni-Coast Dairies is an extraordinary landscape that hosts a wealth of ecological, cultural and historic resources combined with opportunities for superlative recreation experiences. With this RMPA, BLM is trying to balance many competing – and at times conflicting – demands across a relatively small amount of acres. Like the Commission, Sempervirens Fund is eager for the RMPA to be finalized so BLM can move forward with long-delayed plans to open C-CD to the public. For a conservation unit this sensitive and this special, however, it is essential that they get it right. This is especially critical in this landscape, where public recreation has not previously existed, but may quickly become quite substantial. Furthermore, a significant portion of C-CD (and vast portions of the surrounding conservation lands) was burned in the recent CZU Lightning Complex Fires and post-fire conditions remain uncertain. For both reasons, C-CD and its associated species are facing a lot of change all at once and caution is warranted.

Sempervirens Fund recommends the following three conditions be added to the Commission's concurrence to more carefully, and gradually, introduce recreation into this landscape. In addition, each of these conditions would help mitigate some anticipated, and unwanted, spillover effects onto our adjacent 8,500 acre conservation property – the San Vicente Redwoods.

**Archery hunting on C-CD be limited to no more than 5 weekends a year OR archery hunting be postponed until Phase 2 of the RMPA.**

The RMPA allows archery hunting across nearly 40% of C-CD in one of the two core wildlife conservation areas. Although BLM's plan for C-CD gives examples of how hunting *might* be limited, the examples are speculative, and provide no sidebars or limitations on this recreational use. If a significant number of hunters are allowed in the core wildlife area and/or if hunting occurs with great frequency, then very little of C-CD will remain a functional safe-haven where wildlife and other species are free from human disturbance. We are also skeptical that hunters can be kept from trespassing onto our San Vicente Redwoods property and so we seek to limit the frequency and amount of this use. The RMPA expresses an expectation that hunting would be limited and would not exceed five weekends a year. This limitation should be made explicit in the RMPA.

**E-bikes be limited to front-country trails off the proposed parking lots near Highway 1 OR e-bike use be postponed until Phase 2 of the RMPA.**

The RMPA allows e-bikes on all trails where mountain bikes are allowed. The RMPA should take a more nuanced and cautious approach to the use of e-bikes. They are a relatively new technology and land managers are still learning how visitors use them to recreate. E-bikes are expected to bring more visitors, more quickly, to the farthest reaches of the monument. E-bikes may also encourage more off-trail travel and lead to user-created routes across this sensitive landscape. This could be particularly harmful to C-CD's rare plant species, as well as the California red-legged frog. This may also lead to significant damage of, and disturbance to, the monument's important archeological and cultural features.

If e-bikes are allowed, usage should initially be in very limited areas until it can be demonstrated that visitation is not disturbing sensitive species and that BLM has the necessary enforcement capacity to ensure visitors remain on designated trails. Sempervirens Fund is particularly concerned about the use of e-bikes on the Molino Bank Loop, which will inevitably result in the unauthorized entry of e-bike users onto San Vicente Redwoods trails, where e-bikes are prohibited.

**Warrenella-Top Parking Lot be removed from the RMPA.**

The RMPA allows BLM to build a sizeable parking lot (with space for 49 cars and 2 RVs) on a coastal terrace in an interior portion of C-CD. The Warrenella-Top parking lot and facilities will bring large numbers of people deep into the heart of the monument. The parking lot will be located along the boundary of one of the core wildlife habitat areas. Notably, this is the same core wildlife habitat area that will be entirely open to hunting. The presence of people, their pets and their vehicles will cause disturbances that extend well into the core wildlife habitat area. This parking lot creates unacceptable pressure on the landscape and should be removed from the RMPA.

As with the hunting use, Sempervirens Fund is also concerned that the Warrenella Road-Top parking lot will create public safety issues and result in trespass on San Vicente Redwoods.



Warrenella Road itself presents safety hazards because of its treacherous conditions and its regular use by large agricultural and timber operation vehicles. It is also unclear how hikers would be prevented from leaving this parking lot and heading up Warrenella Road into parts of San Vicente Redwoods that are off-limits to the public because of some extreme safety hazards.

**Recommended RMPA Improvements to Ensure Concurrence with the Coastal Act**

The RMPA requires some minor modifications to ensure that it phases in recreation carefully and neither jeopardizes vulnerable species, nor leads to outcomes that are harmful to adjacent landowners. The RMPA wisely takes a phased approach to some aspects of its recreation program, including its trail-building. If hunting and e-bikes are to be allowed, then it should be done with a similarly cautious approach that sets some initial limits and phases in additional use only if it can be shown to be feasible and sustainable. Instead of immediately allowing unlimited amounts of hunting to occur across nearly 40% of the landscape, the RMPA should start with specific limits on hunting starting in Phase 1. Similarly, e-bikes should not immediately be allowed unlimited usage of all mountain bike trails. Both uses could be expanded, if appropriate, in Phase 2 if BLM finds that the landscape and its species can sustain expanded use. While the Upper Warrenella-Top parking lot is not proposed to be built until Phase 2, this feature is so harmful to C-CD's resources that it should be removed from the RMPA.

Thank you for your consideration of our concerns.

Sincerely,



Sara Barth  
Executive Director  
Sempervirens Fund  
419 South San Antonio Road, Suite 211  
Los Altos, CA 94022  
[sbarth@sempervirens.org](mailto:sbarth@sempervirens.org)  
(650) 949-1453 ext. 201

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

December 4, 2020

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

Re: **Proposed Conditional Concurrence for BLM RMPA for Cotoni-Coast Dairies**

Dear Commissioners:

The 11/25/2020 Staff Report addressing the Federal Consistency Determination for the Resource Management Plan Amendment for Cotoni-Coast Dairies recommends that the Coastal Commission **conditionally concur**, *“provided the project is modified in accordance with the recommended condition.”* Davenport North Coast Association (“DNCA”), Friends of the North Coast (“FONC”), and Rural Bonny Doon Association (“RBDA”) (and collectively “Commenting Parties”) submit the following response. The Commenting Parties also request that the Coastal Commission concur with our access alternatives in order to expedite proceeding with access after possible reconsideration by the incoming federal Administration of certain aspects of BLM’s 9/25/2020 Preferred Alternative.<sup>1</sup>

This response makes a concerted effort to bridge the gap between Commenting Parties and BLM by presenting some concurrence conditions in our view not fully consistent with the Coastal Act, but which we could live with if hunting and Warrenella Road Top are eliminated and our Yellow Bank and Mocettini Barn alternatives replace Marina Ranch and Warrenella Gate accesses.

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<sup>1</sup> This could occur because the Proposed RMPA/EA and FONSI were approved by a California State Director whose appointment may be invalid due being made by “Acting” BLM Director William Pendley in light of the Judgment in *Bullock v. U.S. Bureau of Land Management, et al.*, Case No. 4:20-cv-00062-BMM ruling that Mr. Pendley was without authority to take any actions in the capacity of Acting BLM Director since his appointment on July 29, 2019. FONC’s attorney has notified BLM of his opinion that that Mr. Pendley’s lack of authority extends to any action to appoint a BLM State Director, including the appointment of Karen Mouritsen as California State Director on October 9, 2019.

It also appears pertinent that C-CD became part of a National Monument under the Obama Administration but the RMPA was prepared under the Trump Administration and will be implemented under the Administration of Obama’s former Vice-President Biden. This is especially pertinent since the Press Releases for both the 2/14/2020 Draft and the 9/25/2020 Proposed RMPA expressly state that efforts in the RMPA were made to “advance[] the [Trump] Administration’s goals identified in ...Secretarial Order 3347, “Conservation Stewardship and Outdoor Recreation,” an innocuously titled Order primarily designed to promote recreational hunting, which is contradictory to the Proclamation.

California Coastal Commission  
 Proposed Conditional CCMP Concurrence for BLM's RMPA for Cotoni-Coast Dairies  
 December 4, 2020  
 Page 2 of 14

### EXECUTIVE SUMMARY

The Commenting Parties believe that their 11/9/2020 Letter re BLM RMPA Inconsistencies with the Coastal Act establishes a strong basis for a determination of non-concurrence or objection by the Coastal Commission. However, because the Coastal Staff has recommended an approach using a Conditional Concurrence instead, the Commenting Parties have endeavored to utilize that approach in making their requests.<sup>2</sup> Please revise the recommended Condition quoted below with redlined language added by the Commenting Parties and the additional modifications of the Proposed RMPA below that.

#### **Condition:**

**1. Phased Review.** BLM will submit a separate consistency determination to the Commission for Phase 2 activities associated with implementation of the C-CD Plan, including an analysis of consistency with Coastal Act Chapter 3 policies. Phase 2 activities include development and implementation of the Phase 2 Parking Area: Upper Warrenella parking area, and the three Phase 2 trails: Agua Puerca Loops, Warrenella Loops, and Cotoni Trail Extension. This Phase 2 consistency determination will include a detailed analysis of BLM's Phase 1 management effectiveness as to Phase 1 and of any feasible, potentially less environmentally damaging alternatives. A consistency determination finding concurrence for Phase 2 is dependent on Commission determination that there has been effective management by BLM under Phase 1 related to consistency with Coastal Act Chapter 3 policies. In addition, BLM will continue to coordinate with the Executive Director regarding the other management and monitoring plans described in its RMP, including coordination regarding whether supplemental negative or consistency determinations are warranted for the following: terrestrial and aquatic vegetation management plans, fish and wildlife habitat protection or restoration plans, transportation and travel management plans, livestock grazing plans, plans for protection of cultural and archaeological resources, and (after public notice and emailing to all submitters of comment letters to BLM and opportunity for a public hearing before the Coastal Commission) plans for imposition of day-use or parking fees.

**2. Modification of the Proposed RMPA.** The Proposed RMPA will first be modified by BLM in the following specific ways:

- a. **Southgate Alternatives.** In order to expedite proceeding with access after possible access reconsideration by the incoming federal Administration, include in Phase 1 an access and parking lot alternative similar to the one submitted by FONC generally adjacent to Highway 1 and in the vicinity of the Yellow Bank Trailhead shown on Appendix A Figure 5D; and prior to implementation of Phase

<sup>2</sup> In doing so they do not waive any of the points or objections made in their previous communications with either the BLM or the Coastal Commission.

California Coastal Commission  
 Proposed Conditional CCMP Concurrence for BLM's RMPA for Cotoni-Coast Dairies  
 December 4, 2020  
 Page 3 of 14

- 1 the Executive Director shall coordinate with BLM and other interested stakeholders to determine whether the Marina Ranch Gate alternative or the Yellow Bank Trailhead alternative best qualifies as consistent with the CCMP, including presentation of a supplemental consistency determination to the Commission if the Executive Director and the BLM cannot agree.
- b. **Northgate Alternatives.** In order to expedite proceeding with access after possible access reconsideration by the incoming federal Administration, include in Phase 1 an access and parking lot alternative similar to the one submitted by DNCA in the vicinity of the Mocettini Barn; and prior to implementation of Phase 1 the Executive Director shall coordinate with BLM and other interested stakeholders to determine whether the Warrenella Gate alternative or the Mocettini Barn alternative (or some combination thereof) best qualifies as consistent with the CCMP, including presentation of a supplemental consistency determination to the Commission if the Executive Director and the BLM cannot agree.
- c. **Modify archery hunting** to (in order of our preference- **CHOOSE ONE**):
- i. delete it from the Proposed RMPA as prohibited by the Proclamation;
  - ii. place it in Phase 2 and require a separate consistency determination for it by the Commission; or
  - iii. if allowed in Phase 1, expressly provide that it may only be conducted in RMZ 2 through a permitted special hunt program managed in partnership with the California Department of Fish and Wildlife and limited to five 2-day weekend daytime-only hunts with 2-4 hunters per weekend, with the following additional limitations:
    - (1) hunting only non-native species (pig and turkey);
    - (2) Mule deer may not be included in any hunt; and
    - (3) no firemaking, no dogs, and compliance with Fish and Game Code §3004 so as to avoid hunting within 150 yards of inhabited homes and associated outbuildings.
- d. **Toilets and Trash.** Modify the Proposed RMPA to require per 100 estimated daily visitors (1) adequate standards for number of toilet facilities and frequency of servicing and supplying; and (2) adequate number of closed container garbage receptacles and frequency of trash collection.
- e. **E-bikes. CHOOSE ONE:**
- i. Place allowance of E-bikes in Phase 2 and require a separate consistency determination for it by the Commission.
  - ii. If e-bikes are allowed in Phase 1:
    - (1) exclude from Molino Trail Loop because of its connection to San Vicente Redwoods.
    - (2) usage to be in very limited areas until BLM demonstrates that E-bikes remain on-trail and avoid disturbance of sensitive species/habitats.



California Coastal Commission  
 Proposed Conditional CCMP Concurrence for BLM's RMPA for Cotoni-Coast Dairies  
 December 4, 2020  
 Page 4 of 14

### ANALYSIS

**The Staff Report's Condition to Concurrence should have a couple of clarifications as shown in our redline.**

Include the requirement that implementation of Phase 2 is dependent on effective management under Phase 1. This is repeatedly stated elsewhere in the Staff Report (see pp 18, 22). Also please specify that such effective management must be "related to consistency with Coastal Act Chapter 3 policies."<sup>3</sup> Our redline above does this. This appears consistent with the intent of the Staff Report.

**An alternative is needed to both the Marina Ranch Gate and the Warrenella Road Gate Parking Lot and Facilities.**<sup>4</sup> In addition to the required Coastal Act compliance, on pages 14-15 the Staff Report discusses CDP 3-11-035, which authorized the land division for the C-CD property, and explains that the Commission imposed deed restrictions and other conditions on all the lands that were the subject of that CDP. The Staff Report correctly confirms that "BLM acquired the property with these restrictions and continues to be required to abide by them." On page 15 the Staff Report indents and quotes an express finding of the Commission which adopted CDP 3-11-035, a portion of which reads:

*Appropriate access to the property should be provided, and recreational facilities should be designed and sited to ensure protection of the natural, cultural and social resource values.*

Neither the Coastal Act nor this requirement has been complied with at either the Marina Ranch Gate or the Warrenella Road Gate access and parking lot compounds.

The Commenting Parties support alternatives for access and parking lots at both the Southgate (where BLM shows its Yellow Bank Trailhead) and the Northgate (in the vicinity of the Mocettini Barn with the parking lot *not* visible from Highway in contrast to BLM's proposal). BLM's response in the Staff Report at p.20 is to try to dismiss these alternatives as essentially too little too late:

"Upon releasing our Proposed RMPA, the same groups are now proposing two new access points (cheese [Mocettini] barn and another site above Yellowbank). Both options are not feasible or would not provide adequate parking without significant impacts to sensitive resources."

<sup>3</sup> This should include wildlife habitat and corridors as well as determinations regarding the effectiveness of protecting and restoring both state and federally listed threatened and endangered species.

<sup>4</sup> For the same reasons set forth in this discussion, the Warrenella Road Top Parking Lot should be eliminated.

California Coastal Commission  
 Proposed Conditional CCMP Concurrence for BLM's RMPA for Cotoni-Coast Dairies  
 December 4, 2020  
 Page 5 of 14

However, this BLM statement erroneously attempts to claim that the Mocettini Barn and the Yellow Bank alternatives are "new" and first submitted to BLM after the 9/25/2020 Proposed RMPA. *That flat out wrong.* The Mocettini Barn alternative was discussed in detail with BLM in very early June (about 114 days before the Proposed RMPA was released) and the Yellow Bank alternative was provided to BLM in extensive detail 53 days before the 9/25/2020 Proposed RMPA and the general concept was included in FONC's Preferred Alternative attached to its April 1, 2020 Comment Letter 177 days prior to the release of the Proposed RMPA.

Nor does simply saying an alternative is not feasible make it not feasible. Each of these sites will provide adequate parking and could easily be expanded if more is needed. And to say they will result in significant impacts to sensitive resources without identifying those resources and explaining why they would necessarily be significantly impacted is unfair to the obvious effort put into these alternatives by individuals with credentials in architecture, ecology, and land use law, as well people with decades of on the ground knowledge of the area.

First this response will discuss why BLM's sites are not consistent with the Coastal Act and do not comply with CDP 3-11-035. Then the superiority of our alternatives will be addressed, primarily by reference to Commenting Parties letter in the Correspondence Packet.

**Marina Ranch Gate.** It is indisputable that the Marina Ranch Gate Parking Lot and Picnic Shelters/Restrooms *have not been "sited to ensure protection of the natural resource values" of C-CD* as required by CDP 3-11-035. Nor does it comply with the Coastal Act. On October 22, 2020, Chris Wilmers PhD, leader of the Puma Project and a wildlife ecology expert on mountain lions and other wildlife in this region including on C-CD sent an email to the Coastal Commission (Corresp. Pkt. 76). In that email 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 lion 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."*<sup>5</sup> (Emphasis added.)

Given that *BLM has "the burden of establishing compliance" with the California Coast Act*, development like the Marina Ranch Gate Parking Lot, Picnic Shelters, and Double-Fenced Access Road inside habitat areas *cannot establish compliance*<sup>6</sup> because *BLM has not produced*

<sup>5</sup> Dr. Jacob Pollock's Expert Report (Exhibit A to the FONC 4/1/2020 Comment Letter) 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.*

<sup>6</sup>The Marina Ranch Gate Site is also noncompliant because its location is adjacent to or within the Mapped Critical Fire Hazard Area (Corresp. Pkt. 59) and hence *is inconsistent with County LCP* which

California Coastal Commission  
 Proposed Conditional CCMP Concurrence for BLM's RMPA for Cotoni-Coast Dairies  
 December 4, 2020  
 Page 6 of 14

*evidence that those uses are dependent on the resources to be protected and that those uses do not significantly disrupt habitat values.*<sup>7</sup>

**Warrenella Ranch Gate.** DNCA's proposed Northgate access to Cotoni-Coast Dairies near the Mocettini Barn instead of BLM's location at the Warrenella Ranch Gate addresses several issues as can be seen at Corresp. Pkt. 40-48. Please take this write up and visual explanation into consideration as a solution that solves a number of concerns related to visitors' overall experience of the Monument.

Exhibit 9 shows BLM's Warrenella Road Gate parking compound location *on a rise that will be highly visible from Highway 1. Hence, BLM's proposed site for the Northgate access is likewise indisputably noncompliant with Coastal Act §30251, as well as CDP 3-11-035.*

As depicted in the current RMPA/EA significant alterations to the existing landform would be necessary to achieve the necessary parking capacity and there is no opportunity for future expansion. In the visual resource mapping provided in the RMPA/EA the Warrenella Road Gate site area is whited out so that none of BLM's Visual Resource Management requirements would apply to the site.

Commenting Parties strongly believe relocating the Warrenella Road Gate parking site to the Mocettini Barn location and rejecting the Warrenella Road Top parking site would provide a superior experience for visitors to the National Monument, while also meeting the needs of the people who live on the coast between Santa Cruz and the county border, an area that is already under-resourced in terms of visitor-serving infrastructure. This will have the added benefit of assisting BLM's long-term management and stewardship of this property by reducing future conflicts between visitors and residents.

**The Alternatives.** BLM dismisses these alternatives in cursory fashion in language below:

**Southgate at Yellow Bank** BLM argues that

- "The new Yellowbank Site is proposed for a small hillside that is highly visible from Highway One and could not be feasibly developed without significant regrading and alterations to the drainage of the site."

This is belied by the marked-up Google Earth aerial attached as Exhibit 11 to this response, as well as page 47 of the Corresp. Pkt. Indeed, it is clear that additional BLM land to the south of the proposed parking lot on p.47 is available if more parking is needed. FONC has calculated

*"Discourage[s] location of public facilities and critical utilities in Critical Fire Hazard Areas.* The Site also despoils what BLM acknowledges are the key scenic features of Cotoni-Coast Dairies. See Exh. 16 attached and Corresp. Pkt. 52-60.

<sup>7</sup> Warrenella Road Top Parking Compound is even more inconsistent with the Coastal Act due to disruption of wildlife habitat and being within the Mapped Critical Fire Hazard Area. It should be eliminated from consideration at this juncture.



California Coastal Commission  
 Proposed Conditional CCMP Concurrence for BLM's RMPA for Cotoni-Coast Dairies  
 December 4, 2020  
 Page 7 of 14

the dimensions of the expanded area shown on Exhibit 11 attached, run the results by an architect, and can report as follows. As can be seen from BLM's Map labeled "YELLOW BANK CREEK GATE CONCEPT 7" (Exhibit 10 attached) the actual boundary of BLM land adjoining TPL's agricultural land extends over a portion of the agricultural field (which is being abandoned for farming by the current leaseholder). Thus, the area available for a parking lot (including BLM land inland of the agricultural field) is 1.69 acres per Google Earth. For comparison, BLM's inland parking lot at Marina Ranch Gate is about 1.6 acres (its fenced area is 1.82 acres). The parking area at Yellow Bank shown on FONC's Exhibit 11 measures 136' x 310' perpendicular to Highway 1; the portion inland of the agricultural field is 114' x 276'. The architect we ran this by briefly indicated:

"The first rectangle is 136' x 310' so it equals 42,160 sf. The 136' width is ideal for a parking lot with a center aisle and 90 degree spaces on either side. In this configuration you could get up to 42 cars parked in that rectangle. That is plenty of space for cars, horse trailers and a turnaround for vehicles (with trailers) at the easterly end. The other smaller rectangle could be reserved for restroom, picnic tables, trailhead interpretation, etc.

Given the amount of space in each area there would be space to provide screening and a parking area that is discontinuous and not too overbearing in the landscape."

The site is not that "highly visible" from Highway 1. It is not visible coming from the north. Coming from the south, when you are about 750 – 1000 feet away from the Yellow Bank parking proposed by FONC it will disappear as Highway 1 descends into the cut down into Yellow Bank canyon. Additionally the Yellow Bank parking will be significantly less visible than the existing parking at Panther Beach shown below and in Exhibit 12 (or its redeveloped Rail-Trail parking version).



Clustering access in this area (where in addition a pedestrian/bicycle bridge is proposed over Highway 1) would be preferable to the despoliation which will be caused by the Marina Ranch Gate parking compound and double-fenced access road to the second terrace. This would ruin what the Coastal Commission Staff described in their Comment Letter to BLM as "one of the primary benefits of public access trails at Cotoni-Coast Dairies ... the dramatic ocean views that the trails would provide for the public. .... and Coastal Act Section 30251's



California Coastal Commission  
Proposed Conditional CCMP Concurrence for BLM's RMPA for Cotoni-Coast Dairies  
December 4, 2020  
Page 8 of 14

intent to *maximize ocean and coastal view opportunities.*" The RMPA itself acknowledges that "[t]he broad view of the Pacific Ocean and *sweeping marine terraces are the key scenic features of C-CD.*" RMPA/EA p.37. (Emphasis added.)

A more thorough comparison of the advantages of the Yellow Bank Canyon Top access and parking to the Marina Ranch Gate inter-terrace double-fenced access road and parking compound is set forth at Corresp. Pkt. 31-33. Please read it.

Furthermore, in response to BLM's claims about the Yellow Bank alternative requiring significant regrading and alterations to the drainage, it cannot possibly require more regrading than the 4.57 acres of grading specified for the Marina Ranch Gate alternative, nor more alterations to drainage that necessary to deal with the below ephemeral stream which runs down the beautiful draw where the Marina Ranch Gate Access Road and Roundabout will be constructed.



Please find FONC's Yellow Bank Canyon Top alternative consistent with the Coastal Act and *let it live to see another day by adopting Commenting Parties' proposed Condition for Concurrence.*

Northgate at Mocettini Barn. BLM argues that:

- "The cheese [Mocettini] barn site would impact a cultural site and could lead to impacts to ESHA (Agua Puerca Creek)."

This is belied in the Correspondence Package at pp.31 and 40-<sup>45</sup> the latter being DNCA's thorough analysis (including consultations with experts as appropriate) establishing to the

California Coastal Commission  
 Proposed Conditional CCMP Concurrence for BLM's RMPA for Cotoni-Coast Dairies  
 December 4, 2020  
 Page 9 of 14

contrary that the cheese [Mocettini] barn site would enable the cultural site to be better featured and its cultural values interpreted. Impacts to ESHA could be avoided while BLM's Warrenella Gate alternative will be more harmful to ESHA due to the presence of coastal prairie habitat as verified by Dr. Grey Hayes. Furthermore, as explained above, the impacts of the parking lot and associated facilities on coastal visual resources at the Mocettini Barn site are significantly less (and critically cannot be seen from Highway 1) than the site proposed by BLM.

DNCA believes strongly in the following principles:

- There should be a single Northgate trailhead location at the Mocettini Barn site;
- Location of Northgate trailhead should provide ready access to Cotoni-Coast Dairies, promote public safety, and minimize conflict with North Coast communities, particularly Molino Creek and Davenport New Town;
- Northgate trailhead should provide public access to local loop trails, as well a future connection to San Vicente Redwoods trails, as well future visitor-serving facilities at the redeveloped Cement Plant site as proposed in the County's Santa Cruz Coastal Reuse Plan for the Davenport Cement Plant (2/19);
- The trailhead should be visibly unobtrusive from public roadways and from the Monument itself, while also providing safe access to the trailheads and rich opportunities for interpretation of the natural and cultural history of the North Coast;

As the access at the Mocettini Barn site is only 200' north of the Warrenella Road Gate site location, it offers all the same attributes identified in the RMPA/EA, while also resolving the concerns of the North Coast community. The fact that this site is already heavily altered by over a century of ranching activity makes it an ideal location for all the necessary access facilities for the Northgate trailhead. Because of the historic nature of the barn, the ongoing ranch activity, the riparian habitat of Agua Puerca Creek, and views of the hills of the Monument, this site offers a rich palate of interpretation opportunities. It would also have a safe and dedicated access from Highway 1 using an existing intersection via the north end of Cement Plant Road to the Monument without impacting traffic safety in New Town. (DNCA's September protest letter to BLM outlines several simple off-site improvements that would enhance access to the Monument)

Please find DNCA's Mocettini Barn alternative consistent with the Coastal Act and *let it live to see another day by adopting Commenting Parties' proposed Condition for Concurrence.*

**Archery hunting is inconsistent with the Coastal Act and prohibited by the Presidential Proclamation**

The hunting issue is one of the most obvious examples of why Coastal Act inconsistencies should be the subject of specific objections by the Commission and the new federal Administration given a chance to weigh in. The 2/14/2020 Press Release of the Draft RMPA proudly states that it advances the [Trump] Administration's goals identified in ... Secretarial Order 3347, "Conservation Stewardship and Outdoor Recreation." This innocuous sounding Secretarial Order issued March 2, 2017 by President Trump's initial Secretary of the Interior Ryan Zinke is largely focused on strongly promoting recreational hunting by

California Coastal Commission  
 Proposed Conditional CCMP Concurrence for BLM's RMPA for Cotoni-Coast Dairies  
 December 4, 2020  
 Page 10 of 14

"facilitat[ing] the expansion and enhancement of hunting opportunities and management of game species and their habitat." By the Commission identifying its inconsistency with the Coastal Act for this particular site, as described starting at Corresp. Pkt. 16, the new federal Administration will be given another basis for reevaluating this improperly authorized promotion of archery hunting. As the Staff Report notes, County Supervisor Coonerty wrote to the Governor<sup>89</sup> that he opposes hunting for this site. The Staff Report fails to note that Supervisor Coonerty concluded:

*"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."*

Supervisor Coonerty sought a finding of inconsistency with the Coastal Act, as do Sempervirens and the Commenting Parties.

Supervisor Coonerty accurately states that recreational hunting is internally inconsistent with the RMPA, as well as violating the Coastal Act. Presidential Proclamation 9563 expressly states that: its purpose is "protecting those objects [identified in the Proclamation]" and that those objects "shall be part of the monument." "The Secretary of the Interior shall manage the area ... to protect the objects identified above."

*"The Cotoni-Coast Dairies unit of the monument shall become available for public access upon completion of a management plan by the BLM, consistent with the care and management of the objects identified above....."*

This Proclamation language is repeated in the Introduction to the RMPA at page 1. In furtherance of the protection of the objects of the Monument, both the Proclamation and the RMPA prohibit uses which will result in "... injury, destruction ...of any feature of this monument (AU-LAR-6). However, the RMPA then goes on to create an "exception" for "collection of game species consistent with the State of California recreational hunting regulations." There are no exceptions in the Proclamation where, instead, warning is given not to injure or destroy any feature of the monument. The exception shoe-horned in to carry out Secretary Zinke's order promoting hunting for recreation is completely inconsistent with the purpose of protecting the objects of the monument. Indeed, where hunting is mentioned in the Proclamation it is to recognize hunting by mountain lions, another object of the monument whose energy needs to be conserved to capture their natural prey without having to compete with humans for it.

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<sup>89</sup> He forwarded that letter along with his formal Protest of the Proposed RMPA to the Coastal Commission and relevant staff.

California Coastal Commission

Proposed Conditional CCMP Concurrence for BLM's RMPA for Cotoni-Coast Dairies

December 4, 2020

Page 11 of 14

Archery hunting for recreation violates the Coastal Act because the RMPA establishes the area where hunting is proposed "as a core habitat area for fish and wildlife." Additionally it unquestionably qualifies as ESHA under the Coastal Act definition. As to ESHA, Coastal Act sections 30107.5 and 30240(a) together "*limit development inside habitat areas to uses that are dependent on the resources to be protected and that do not significantly disrupt habitat values*" Hunting will significantly degrade habitat of sensitive species, including mountain lions, mule deer, badgers, and other wildlife.

**Archery hunting for recreational purposes should at most be the subject of a separate Phase 2 Coastal Commission Consistency Determination** because BLM has informed the public that "health and safety concerns make it undesirable to have public recreation" in the bulk of the area where it is proposed for the first 8 to 12 years by the below statement in RMPA Section 3.13 under "Forecast."

"For the next 8-12 years, remediation efforts will be occurring within the central portion of C-CD. Remediation boundaries are approximately Bonny Doon Road to the Southeast and Warrenella Road to the northwest. This reduces the suitability of RMZ2 for trail development as *health and safety concerns make it undesirable to have public recreation within this central portion during remediation activities.*"

The RMPA describes archery hunting as recreation. This alternative is set forth in Condition 2.c.ii above,

**If the Commission still concurs with the provision of the RMPA allowing it based on it being "[v]ery limited" (Stf. Rpt., p11), an express "not to exceed" five weekend hunts of non-native species only provision (as set forth in our Condition 2.c.iii above) is needed.**

Although the Staff Report assumed that archery hunting will be "very limited," the RMPA gives an example of the kind of recreational hunting that will be allowed but does not enforceably limit the hunting to the extent given in the example or something similar. Indeed *AU-REC-14 leaves any limits open ended* in the complete discretion of the CDFW Special Hunt Program:

"Through their special hunt program, CDFW would establish specific days, species and number of permits issued."

Nothing prevents CDFW from granting permits allowing hunters to camp overnight for their 2-day hunts, build campfires or do other forms of fire-making, or bring their hunting dogs off-trail and/or off-leash. Commenting Parties have drafted language to assure that any archery hunting for recreation would indeed be "very limited" (though still in our view inconsistent with the Coastal Act).



California Coastal Commission  
 Proposed Conditional CCMP Concurrence for BLM's RMPA for Cotoni-Coast Dairies  
 December 4, 2020  
 Page 12 of 14

**Also, 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.**

RMPA Section 4.11.2 states that ... “[o]ptions for allowable uses were considered by eliminating uses that were already prohibited under ... California State regulations for hunting...” However, this cannot be true since the RMPA allows archery hunting for recreation within 150 yards of an occupied dwelling or outbuilding used in connection with an occupied dwelling without the express permission of the property owner or person in possession of the premises. California State regulations prohibit that. See Exhibit 13 attached.

**Commenting Parties have long been concerned about health and safety issues which are already occurring on the North Coast as a result of heavy visitorship; these have been short-handed as the 4Ts: Toilets, Trash, Traffic, and Trauma (requiring Emergency Services) and have not been adequately addressed so as to be consistent with Coastal Act Section 30210 which requires the substantial new access the RMPA proposes to be provided consistent with public safety needs.**

In his March 16, 2020 Comment Letter, our very experienced and knowledgeable County Supervisor Ryan Coonerty weighed in very strongly on the 4Ts. Please see Corresp. Pkt. 8-10, a worthy read laying out most of his points. BLM's response in its Preferred Alternative released 9/25/2020 is adequate as explained at Corresp. Pkt. 10-13, also worth the read. Suffice it to say, the “Phased Approach” does not meet BLM's burden to establish compliance with its duty under the Coastal Act to assure that the access to Cotoni-Coast Dairies will be provided consistent with public safety needs.

We will address one other concern under this heading, inspired by the Staff Report. The larger context is that Commenting Parties raised funds and obtained a prompt Peer Review of BLM's tardy Traffic Study by an experienced and well respected Traffic Engineer. Neither the Peer Review nor the issues/disputes identified in it appear to have been given any consideration by BLM or made available to the public. Among the issues identified is that imposition of day use or parking fees has been demonstrated to result in hazardous parking off-site (including along both sides of Highway 1) and hazardous pedestrian crossing of Highway 1. See photo at Exhibit 14 attached.

The Staff Report compounds this problem when it cites to the following BLM statement regarding parking along Highway 1:

“Concerning issues surrounding parking on Highway 1, BLM notes that currently, natural or physical barriers prevent people accessing the C-CD property from informal parking areas (e.g. pull-outs) along CA Highway 1. BLM also notes that the Santa Cruz Regional Transportation Commission is pursuing development of formal parking areas along CA Hwy 1 associated with the North Coast Rail Trail to address public safety concerns. The

California Coastal Commission  
Proposed Conditional CCMP Concurrence for BLM's RMPA for Cotoni-Coast Dairies  
December 4, 2020  
Page 13 of 14

BLM is a partner in this regional effort to ensure safe parking and regional trail connectivity through the Federal Land Access Program.”

To the contrary, as can be seen in the Google Earth street-side view at Exhibit 15, many, many vehicles could pull off along the long stretch between Laguna Road to Yellow Bank/Panther Beach and park and access the whole area where the trails north and south of Yellow Bank Creek are going to be located. Furthermore, the recent EA for the Rail-Trail from Wilder Ranch to Panther Beach Parking addresses the possible overflow of parking by saying people can just park along Highway 1.

Hence, the Proposed RMPA needs to be modified to contain a provision requiring public notice and an opportunity for the public to obtain a public hearing on whether the Commission will concur or not as to BLM imposing day use or parking fees. Language has been included in our redline to the Staff's proposed concurrence condition above.

**As to E-bikes, the Staff Report fails to note that neighboring San Vicente Redwoods prohibits e-bikes and Sempervirens opposes E-bikes on Cotoni-Coast Dairies.**

RMPA Section 4.11.2 also states that ... [o]ptions for allowable uses were considered by eliminating uses that were already prohibited under the C-CD deed restrictions .... This cannot be true because deed restrictions (as well as the Presidential Proclamation) prohibit motorized off-road vehicles. Furthermore e-bikes allow travel deeper into wildlife habitat and bring risk of off-trail use. Adjoining San Vicente Redwoods prohibits them.

The Staff Report contends that the Deed Restriction at issue is solely the one imposed by the Coastal Commission in CDP 3-11-035 and ultimately devolves to a statement that:

Standard Condition 3 of CDP No. 3-11-035 also states that “[a]ny questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.”

However, since it is a prohibition contained in the Presidential Proclamation and a Deed Restriction its interpretation is a matter of law because public rights have been established which must be protected under Coastal Act §30210. This, too, is a matter involving a Secretarial Order issued by Ryan Zinke under the Trump Administration which may be reconsidered under the Biden Administration. The most elegant solution would be to put E-bikes off to Phase 2. At minimum, as Sempervirens suggests in a fallback position, E-bikes should be excluded from Molino Trail Loop because of its connection to San Vicente Redwoods and usage allowed in very limited areas until BLM can demonstrate that E-bike visitation is not disturbing sensitive species or habitats and that BLM has the necessary enforcement capacity to ensure visitors remain on designated trails.

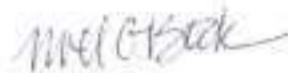
California Coastal Commission  
Proposed Conditional CCMP Concurrence for BLM's RMPA for Cotoni-Coast Dairies  
December 4, 2020  
Page 14 of 14

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

\_\_\_\_\_  
Signed on next page  
By: Kendra Turk-Kubo

Cc: Ben Blom, BLM Field Manager - Marina  
The Honorable Anna Eshoo, U.S. House of Representatives  
The Honorable Mark Stone, California Assemblymember  
The Honorable John Laird, California State Senator-Elect  
The Honorable Ryan Coonerty, Santa Cruz County Board of Supervisors  
Chris Spohrer, State Parks District Director  
John Olejnik, Senior Transportation Planner, Caltrans  
Grace Blakeslee, Senior Planner, SCCRTC  
Mountain Bikers of Santa Cruz County

California Coastal Commission  
Proposed Conditional CCMP Concurrence for BLM's RMPA for Cotoni-Coast Dairies  
December 4, 2020  
Page 14 of 14

Thank you for your consideration of our comments

Respectfully yours,  
Friends of the North Coast

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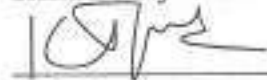
By: Jonathan Wittwer, President

Sincerely,

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Noel Bock  
and the Board of the Davenport North Coast Association

Respectfully yours,  
Rural Bonny Doon Association



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By: Kendra Turk-Kubo

Cc: Ben Blom, BLM Field Manager - Marina  
The Honorable Anna Eshoo, U.S. House of Representatives  
The Honorable Mark Stone, California Assemblymember  
The Honorable John Laird, California State Senator-Elect  
The Honorable Ryan Coonerty, Santa Cruz County Board of Supervisors  
Chris Spohrer, State Parks District Director  
John Olejnik, Senior Transportation Planner, Caltrans  
Grace Blakeslee, Senior Planner, SCCRTC  
Mountain Bikers of Santa Cruz County





*Exhibit 9B*

# COTONI-COAST DAIRIES DRAFT CONCEPTS



## DRAFT CONCEPT: WARRENELLA ROAD GATE

Cofert-Coast Dairies Trailhead Feasibility Refinements

NOVEMBER 2019

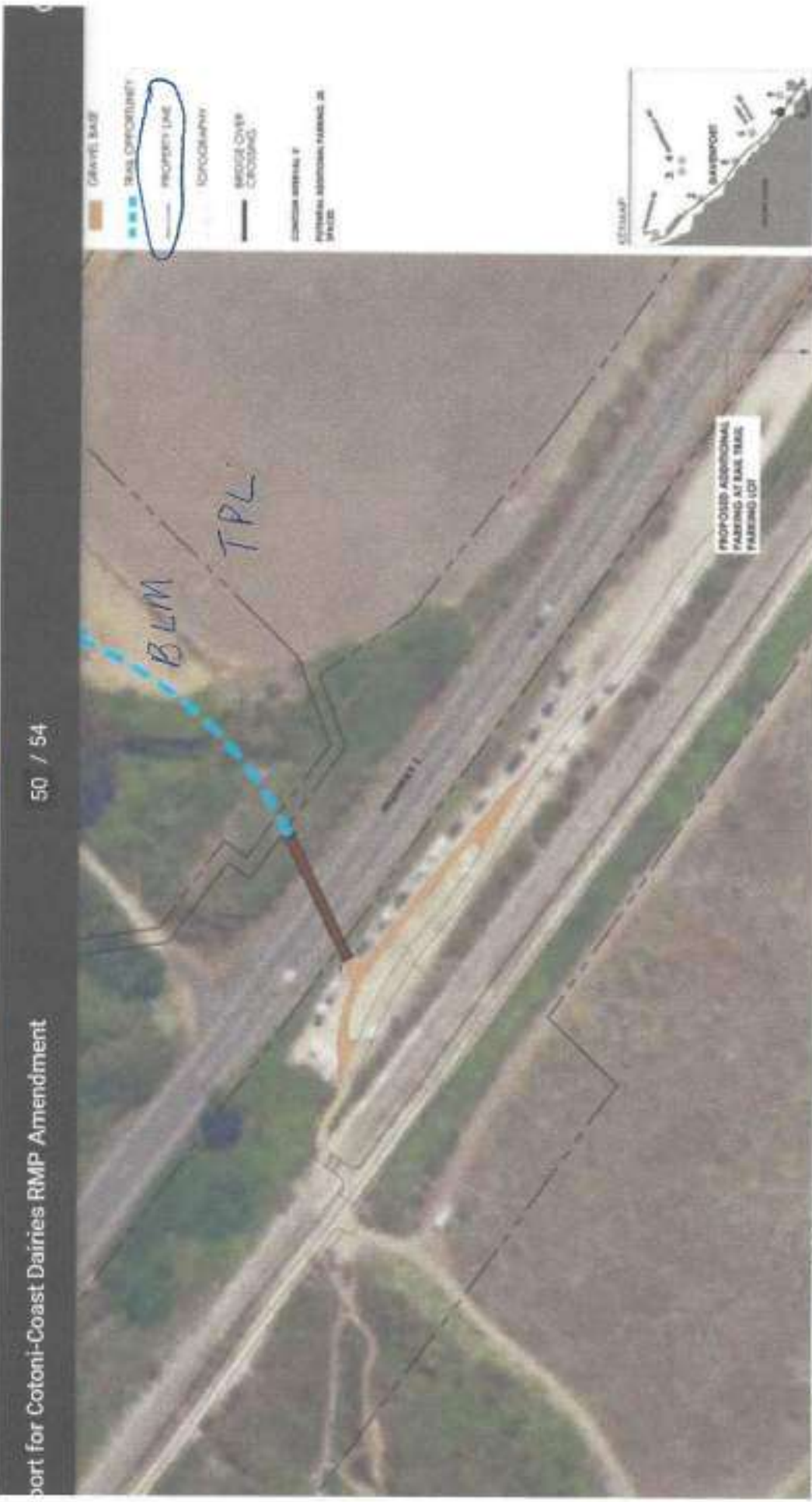


# A.2



Exhibit 10 - BLM Property Line

Cotoni-Coast Dairies | Photo | EplanningUI | EplanningUI | Appendices to Scoping Report | x  
 www.blm.gov/public\_projects/lup/120855/20005571/250006479/APPENDICES\_Cotoni-Coast\_Dairies\_2019\_Scoping\_Report\_FINAL.pdf | x  
 afeway - Browse P... | Gayle's Bakery & R... | Temporary Driver Li... | Meeting Registratio... | Fire Damage Restor... | New Tab | California



7  
 arch | Microsoft Edge | File Explorer | Office | Firefox | Chrome | OneDrive | fhp





Exhibit 12 - Panther Beach Parking  
8/18/2020



Exhibit 13

California Fish and Game Code Section 3004

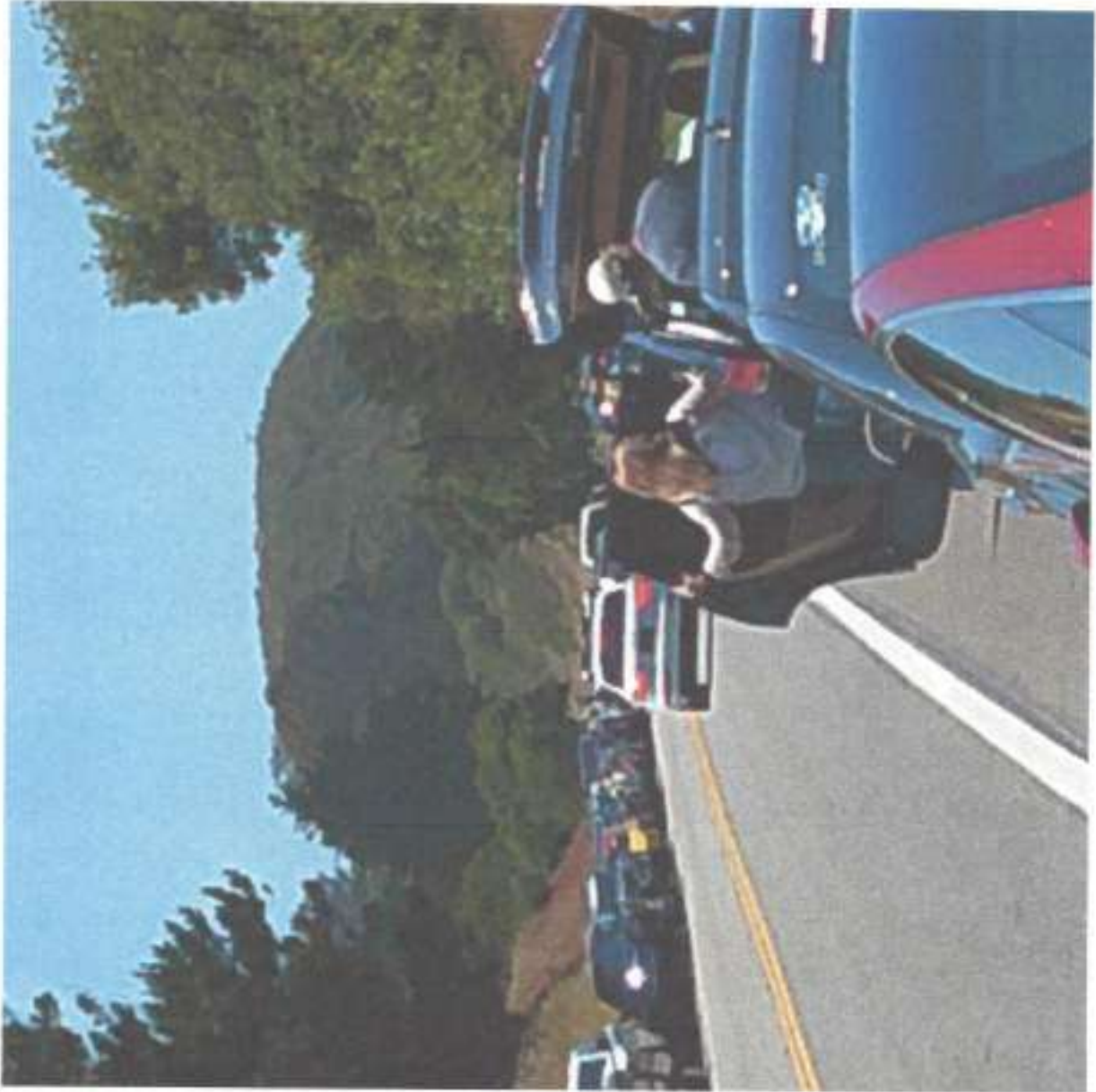
*(a) It is unlawful for a person, other than the owner, person in possession of the premises, or a person having the express permission of the owner or person in possession of the premises, while within 150 yards of an occupied dwelling house, residence, or other building, or within 150 yards of a barn 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 the majority of its homes/outbuildings are within 450 feet (with some less than 100 feet) from the boundary of RMZ2 where the Proposed RMPA allows archery hunting. See Assessor's Parcel Map, attached. The formal Protest filed by Redwood Meadows Ranch Homeowners Association 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.

Highway 1.jpg

Exhibit 14 Hazardous Parking along Highway 1 near Wilder Ranch

Edit & Create

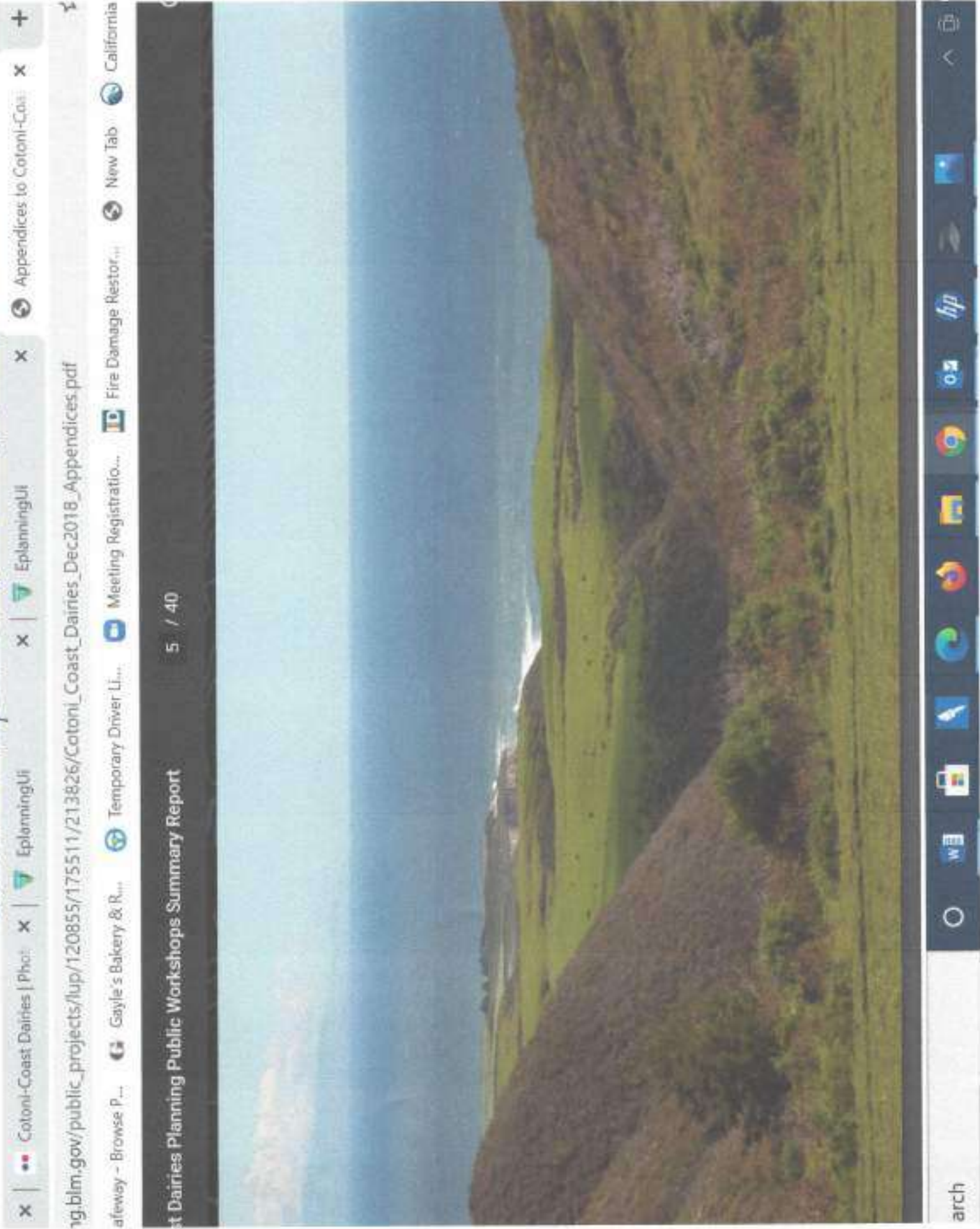


arch





*Exhibit 16A Key Scenic Features - From BLM Website*



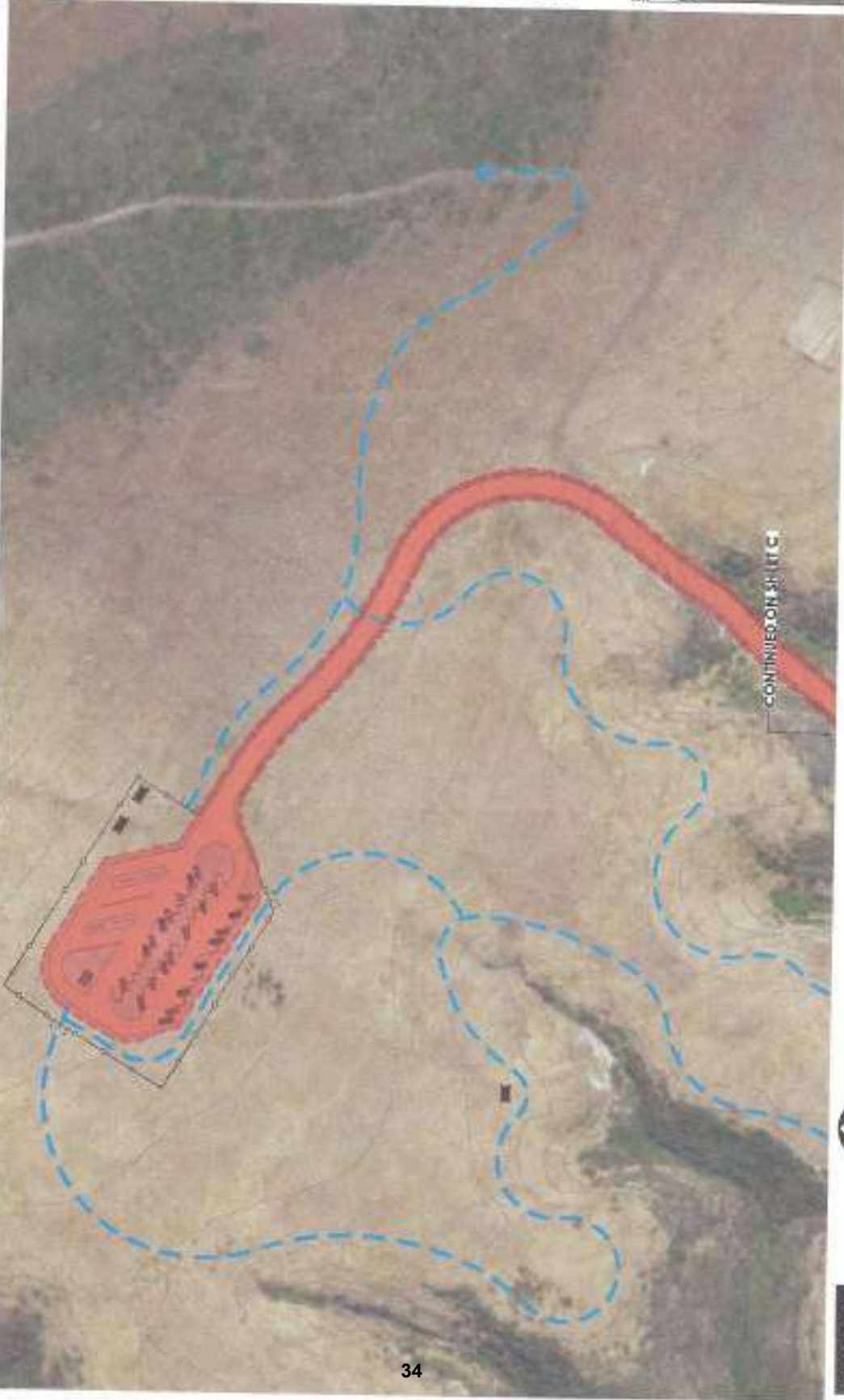


41\_6k.jpg      Exhibit, T16B Key Scenic Features - from BLM Website      Edit & Create



*Exhibit 16c - Parking Compound/Access Road Proposed on Key Scenic Features*

# COTONI-COAST DAIRIES DRAFT CONCEPTS



## DRAFT CONCEPT: MARINA RANCH GATE

Colonial-Coast Dairies Trailhead Feasibility Refinements

NOVEMBER 2019

**D**





x Google Earth  
 x + Exhibit 15B - Parking available along Highway 1 and Prontage  
 track (maybe Old Coast Road)  
 oogle.com/web/search/Yellow+Bank+Creek,+California,+USA/@36.99035636,-122.16257574,35.17296219a,0d,60y,303.90030353h,94.501296...  
 afeway - Browse P... Gayle's Bakery & R... Temporary Driver Li... Meeting Registratio... Fire Damage Restor... New Tab California

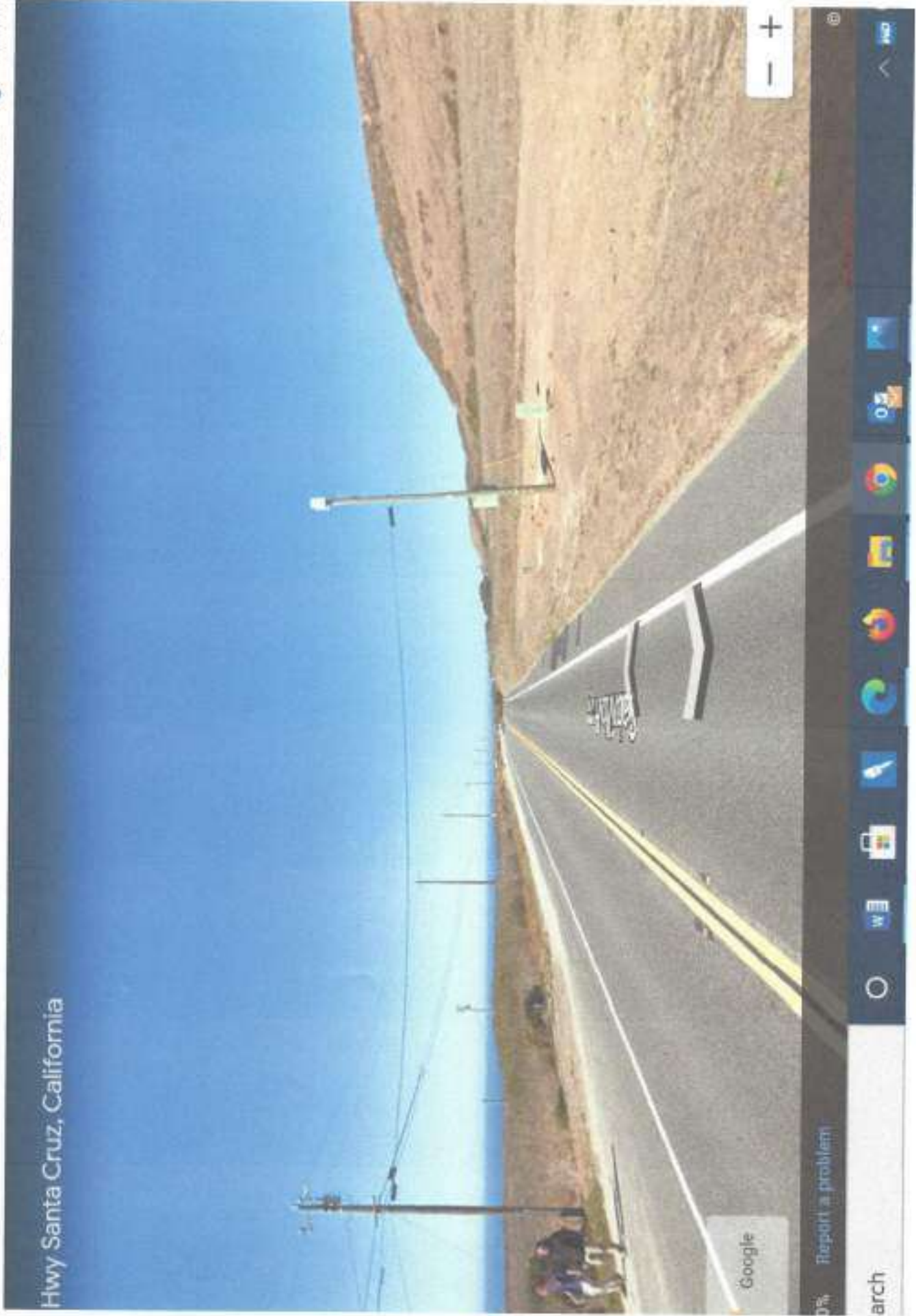
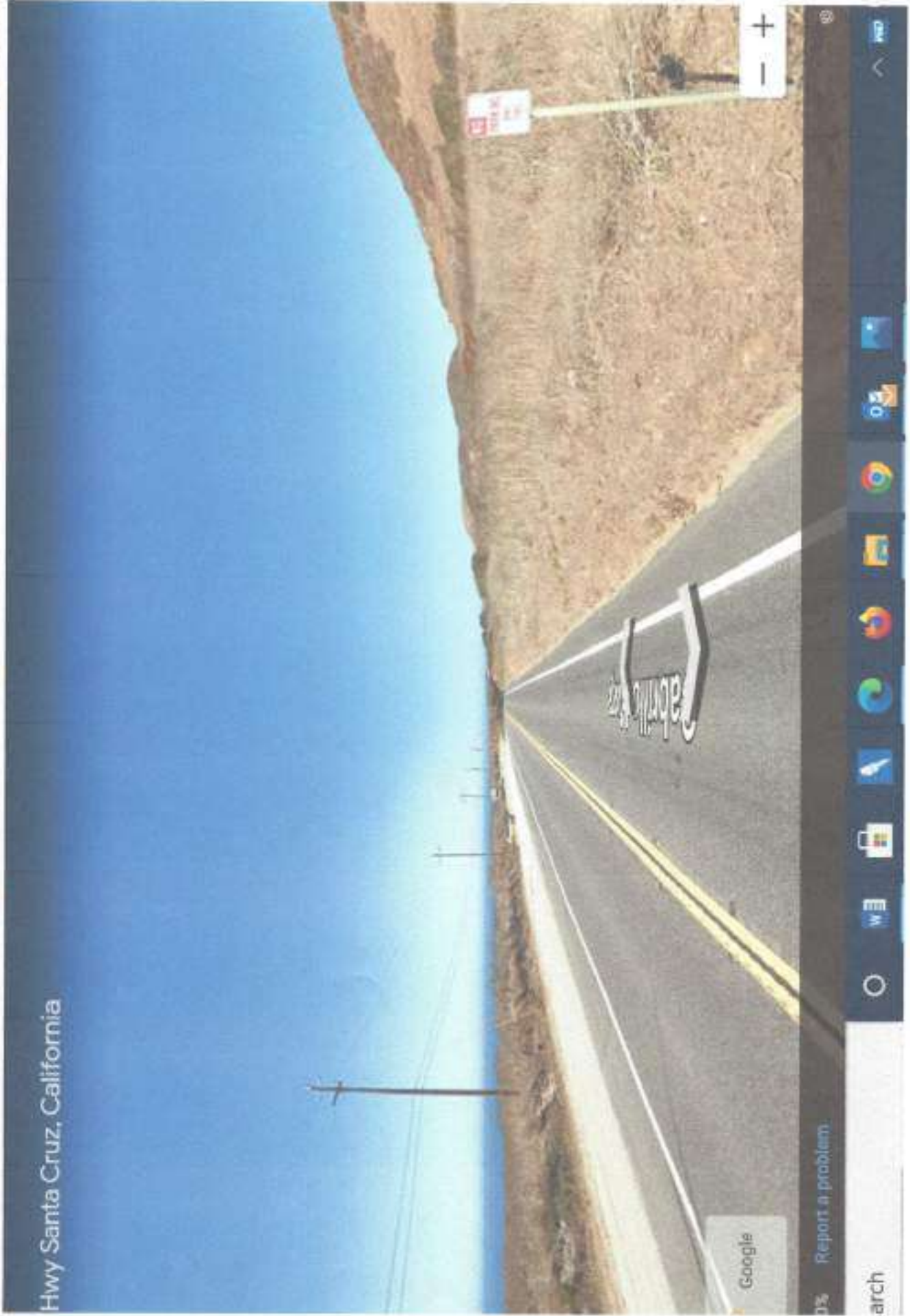




Exhibit 15C - The lone "no parking" sign, but parking available on opposite side. yellow bank parking would be of base of trees in the distance. - not very visible

Google Earth  
x  
oogle.com/web/search/Yellow+Bank+Creek,+California,+USA/@36.99080993,-122.16355437,34.605518348,0d,60y,303.900303533h,94.501296...  
afeway - Browse P... Gayle's Bakery & R... Temporary Driver Li... Meeting Registratio... Fire Damage Restor... New Tab California





*Congress of the United States  
House of Representatives  
Washington, D.C. 20515*

*Anna G. Eshoo  
Eighteenth District  
California*

December 4, 2020

The Honorable Steve Padilla, Chairman  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, California 94105

Dear Chairman Padilla and Members of the Coastal Commission,

As you review the Bureau of Land Management's (BLM) management plan for the Cotoni-Coast Dairies unit of the California Coastal National Monument, I encourage the California Coastal Commission to determine that the plan is consistent with the California Coastal Act.

As a long-time supporter of protecting the Cotoni-Coast Dairies property, I led the effort in Congress to designate the land as a National Monument. I first walked the Cotoni-Coast Dairies land in 1992, and while the property has been protected from commercial development since it was donated to BLM in 2014, it was clear that National Monument status would provide additional funding and promote public access. In 2015, I introduced legislation to designate the property a National Monument and subsequently asked my colleagues to join me in a statewide effort to expand the California Coastal National Monument to include several new parcels along the Coast. In response to our efforts, President Obama issued a proclamation adding Cotoni-Coast Dairies and the other areas to the Monument on January 12, 2017.

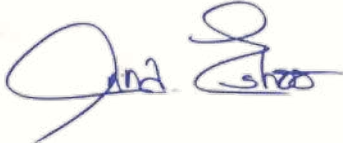
In the more than three years since President's Obama's designation of the Cotoni-Coast Dairies as a national monument, BLM has worked closely with local stakeholders to prepare a management plan to open the land to the public, while addressing the concerns of nearby residents. The draft management plan released on September 25<sup>th</sup> balances many of these competing concerns, and while I understand that questions remain about public access, hunting, motorized vehicles, and pesticide use, I have full confidence that BLM will continue to collaborate with adjacent communities to limit disruptions as the plan is implemented.

As you know so well, the California Coastal Act requires that public lands on the coast maximize public access while also protecting coastal resources including

habitats, cultural resources, and water quality. I'm confident that the management plan will ensure both the preservation of this special land while allowing the public to appreciate its beauty, and I urge you to approve the plan.

Thank you in advance for your highest consideration of my request and for your work to protect California's coast, one of the greatest natural treasures of our state and our nation.

Most gratefully,



Anna G. Eshoo  
Member of Congress

cc: Members, California Coastal Commission  
Mr. John Ainsworth, Executive Director, California Coastal Commission

December 4, 2020  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA

Brian McElroy  
13 First Ave.  
Davenport, Ca  
95017

Re: Proposed Conditional Concurrence for BLM RMPA for Cotoni-Coast

Dear Commissioners,

I ask that the Commissioners find that the BLM proposal is not concurrent with the Coastal Act. The BLM RMPA does not provide adequate specificity of the proposed project actions nor does it provide adequate and specific mitigation measures to offset the actions. The proposed BLM plan will degrade coastal views and contribute significant congestion to coastal access without adequate mitigation. My primary concerns are as follows:

- The North parking area at Warranella Gate will be visible from Highway One and highly visible from view points within the Monument as well as from residents to the South. There is a reasonable alternative that will reduce visual impacts that the BLM has refused to consider, that is to locate the lot off of the high point, and adjacent to the cattle enclosures. This area is not a wetlands as claimed by BLM and would actually support community interest in conserving the cheese barn.
- The Parking area at Warranella Top will encourage visitors to access closed areas such as the quarry. This parking lot will look directly down on the Warranella Gate lot that will spoil the view. The Warranell Top lot is not integrated into the trail system and seems an afterthought. The Top lot also shows RV parking spots which indicates that RV's would be encouraged to travel up a road that is poorly maintained, steeper than normal public roadways and has tighter turns than most public roads on such steep grades.
- The recreation foot print is large with a large number of extensive trails. This will draw a large number of visitors which have not been adequately accounted for nor has the traffic study provided for any mitigation to Cement Plant Road, or Highway One. The traffic study is inadequate as evidenced by the traffic study submitted by Friends of the North Coast (FONC).
- The lack of an adequate traffic study means that no traffic or parking mitigation has been defined to manage traffic from this project. Significant increased traffic will occur to the Highway One intersection with Davenport Landing and Cement Plant Road. Without improvements at this site coastal access will become more congested and more dangerous. Coastal access traffic has increase significantly in the last few years and the BLM traffic study does not take that traffic into account. On the weekend of November 28 and 29 there were two accidents at this intersection. Bringing more traffic to this area without road improvements is foolish.



- No mitigation measures are defined to manage illegal parking on Cement Plant Road that will occur due to this project. Recreational parking along Cement Plant road will add blight to the coastal view and create safety issues.

As a private citizen this process has been difficult to track and even harder to have constructive input. I am not just opposing this project because I am a neighbor and don't want it in my backyard. I am concerned for the public that will travel from near and far to visit this site. I am concerned for their safety and wellbeing. The project was never defined until the final proposal. The lack of specificity of this project and the complete lack of defined mitigation measures has left the public frustrated and exhausted. Please take action to hold the BLM accountable to better define the project and to clearly define mitigation measures that will be taken to reduce project impacts and protect our coastal resources.

Thank you.

**From:** Colin Hannon <[colinhannon@cruzio.com](mailto:colinhannon@cruzio.com)>

**Sent:** Friday, December 4, 2020 7:14 AM

**To:** Energy@Coastal <[FORFC@coastal.ca.gov](mailto:FORFC@coastal.ca.gov)>

**Subject:** Public Comment on December 2020 Agenda Item Friday 13c - CD-0005-20 (Bureau of Land Management, Santa Cruz Co.)

12/3/20

To the Coastal Commission,

I am writing to comment on the federal consistency of the BLM plans for the Coast Dairies National Monument (Item 13c, Friday, December 11th, 2020).

I am a homeowner in Davenport, CA where I live with my wife and our two children who attend the Pacific Elementary School. We are very concerned about the BLM plans to create a 69 space parking area for public access to the Coast Dairies Monument at the base of Warrenella road at Cement Plant Road. As currently planned, this lot would be visible from our living room as well as from Hwy 1 and from huge swaths of the monument itself above. The planned access itself will also have a significant impact on the traffic, trauma, and trash problems already being experienced by residents of the North Coast and this also needs to be addressed in the BLM plans.

Standing on the first marine terrace above the proposed lower Warrenella parking area, one currently sees an incredible, unparalleled, and basically undeveloped view of the coast and the Pacific Ocean. The planned site of the parking lot would create an unacceptable and unnecessary eyesore that would be seen from too many places on the coast including Hwy 1 and from the monument itself.

This site would also unnecessarily impact the New Town neighborhood where we live by bringing huge volumes of traffic onto Cement Plant road which is substandard. BLM has said verbally that they will work with the county to mitigate this in some way, but there are no assurances or written plans. We are worried that it will make it impossible for our children to continue walking and biking to school and to the beach as there are no sidewalks and the road is only one lane in places. The traffic would also affect Hwy 1 and beach access in general on the North Coast, which has already seen a two to three fold increase in traffic since the pandemic began with its accompanying disastrous environmental and traffic safety consequences for our coast and community.

Our local and state organizations were already failing to manage the traffic, trauma, and trash, and illegal activity that degrade our community and our coast before the pandemic began. Now the situation is out of hand and BLM is planning to drastically increase visitorship with no adequate remediation included in the plan, not enough staff to manage the property, and inadequate study to ensure acceptable results. BLM has often said they will work with other organizations to manage traffic, trauma, and trash, but these other organizations including the State, the County and the Sheriff, are already failing to manage the situation as it is. Although Hwy 1 and the Caltrans owned parking areas are not managed by the BLM, the traffic from this proposed monument access will affect all of these areas and exacerbate already dire problems. This must be reckoned with. We have now seen the future of tourism on the North Coast without planning and it is to be avoided.

I believe the BLM's plan is incomplete and flawed because it has not been adequately studied or modified in the planning process to ensure basic safety of residents of the local community and to mitigate potential effects of traffic, trauma, trash, and construction of access points on the community (no EIR or adequate traffic studies and no traffic/ trauma/ trash mitigation measures ensured).

After personally submitting comments to the BLM throughout their planning process and supporting the Davenport North Coast Association's comments submitted to BLM, I am shocked that more deference and attention have not been paid to the comments and concerns of the North Coast community and the DNCA in the BLM's planning, and that our requests for further study and more thoughtful design to manage traffic, trauma, and trash and the huge effects that all of these plans will have on our community have gone unanswered. It feels like we are being ignored.

BLM has moved too quickly in its planning and has not responded to the concerns and requests made by the DNCA and local community to mitigate traffic, trauma, and trash and to do a full EIR and accurate traffic studies. Please don't allow this project to go forward without conditions that ensure that these concerns are fully addressed.

I would request that all measures be taken to minimize the impact of the Warrenella lower parking area on the Davenport community and that the Coastal Commission require that the parking lot site is moved to the DNCA's requested location below at the Mocettini barn site (or to another site altogether), where it would be less intrusive to the community and where traffic impacts could be minimized by closing or limiting traffic on Cement Plant road South of Warrenella.

Thank you for your consideration and for the work that you do for our coastline.

Sincerely,  
Colin Hannon  
20 3rd Ave,  
Davenport, CA  
95017

[www.morcambt.org](http://www.morcambt.org)

December 3, 2020

transmitted via e-mail to [Larry.Simon@coastal.ca.gov](mailto:Larry.Simon@coastal.ca.gov)

California Coastal Commission  
c/o Central Coast District  
725 Front Street #300  
Santa Cruz, CA 95060

**Subject: Support for BLM Resource Management Plan Amendment for Cotoni-Coast Dairies**

Dear Commissioners:

MORCA (Monterey Off-Road Cycling Association), a 501-c-3 non-profit organization, is the voice of responsible mountain biking in Monterey County, and a chapter of IMBA (International Mountain Bicycling Association). We advocate for trail access and give back to the community through extensive volunteerism, primarily at the Fort Ord National Monument. MORCA works closely in partnership with the Bureau of Land Management (BLM) by performing monthly trail work at Fort Ord, including sustainable design, construction and maintenance. For more information on MORCA, visit our website at: <http://www.morcambt.org>.

MORCA urges you to support the BLM Resource Management Plan Amendment plan for the Cotoni-Coast Dairies National Monument as it reflects the needs of many user groups and residents. Based on our experience in Monterey, a well-managed multi-user trail system is essential for community health as more people seek exercise and solace on public lands. Partnership with a non-profit entity such as the Mountain Bikers of Santa Cruz (MBOSC) enables access to an organization with professional trails management staff and scores of enthusiastic volunteers to help maintain and steward the trail system for the benefit of all.

Thank you for your consideration of these comments.

Sincerely,

(original signed by)

Michael McGirr  
President

**From:** <mark.davidson.sc@everyactioncustom.com> on behalf of Mark Davidson  
<mark.davidson.sc@everyactioncustom.com>  
**Reply-To:** <mark.davidson.sc@gmail.com>  
**Date:** Thursday, December 3, 2020 at 8:13 PM  
**To:** <Larry.Simon@coastal.ca.gov>  
**Subject:** Please approve the Resource Management Plan Amendment for Cotoni-Coast Dairies

Dear Larry Simon,

I am writing today in support of the Bureau of Land Management's Resource Management Plan Amendment for Cotoni-Coast Dairies.

I personally have been following the development of the CCD since it was held by TPL and have visited the property many times with BLM staff and it represents an incredible recreational, educational and economic resource for the central coast.

I have been following the public planning process and I believe that the BLM has managed the process with professionalism and building consensus with the local community of stakeholders. I believe that the final plan represents a great reflection of the needs of the community and is inclusive of many user groups.

I recognize there will be a small but active minority of residents around the property who will try to derail the process with concerns about traffic, trash and trauma. The CCD conveyance and planning process has been underway for about 23 years so there should be no surprise that new open space will be open to the public.

Since the beginning of the pandemic, a lot of folks have been getting into the open space and enjoying the trails. It's my hope that many of these folks will continue to enjoy the open space and will develop a sense of stewardship. I believe that providing more opportunities for outdoor recreation will create more land stewards and conservationists. This would be a great outcome to build support for the mitigation of climate change - which is humanity's greatest challenge.

Please approve this plan.

Thank you for your consideration,

Sincerely,  
Mark Davidson  
115 Baja Sol Dr Scotts Valley, CA 95066-4439  
[mark.davidson.sc@gmail.com](mailto:mark.davidson.sc@gmail.com)



**From:** <sean@everyactioncustom.com> on behalf of Sean McKenna  
<sean@everyactioncustom.com>  
**Reply-To:** <sean@mckennas.com>  
**Date:** Thursday, December 3, 2020 at 3:25 PM  
**To:** <Larry.Simon@coastal.ca.gov>  
**Subject:** Resource Management Plan Amendment for Cotoni-Coast Dairies

Dear Larry Simon,

I am the president of Silicon Valley Mountain Bikers a local 501(c)(3) non-profit organization. I'm writing today in support of the Bureau of Land Management's Resource Management Plan Amendment for Cotoni-Coast Dairies. This plan is the culmination of decades of work to preserve this amazing natural resource which was once threatened by residential development. The BLM, in partnership with the public, has created a plan that provides meaningful public access for a diversity of users, protects and enhances both natural and cultural resources, and seeks to minimize impacts on local residents. This was no easy feat given the complexity of the constraints on the property.

The public access outlined in the plan will enrich the lives of both local residents and visitors alike. The trail network will provide inclusive and meaningful access for all users, including hikers, runners, equestrians, mountain bikers and those with disabilities. Trails will provide an opportunity for exercise and a natural immersive experience and will be the means by which users can learn about the natural and cultural history of this amazing property. While the BLM has developed a plan that will provide world-class public access, they have also succeeded in placing a premium on conservation of natural and cultural resources. Large areas of the property will have limited public access to protect sensitive flora and fauna, and the sacred cultural sites of local indigenous peoples. Trails and other infrastructure will avoid riparian areas to prevent sedimentation of sensitive streams.

The balance of all of these factors in the plan speaks to the holistic approach taken in planning and the incorporation of feedback from a broad public constituency. This culture of collaboration and partnership will continue to serve the BLM well as they move from planning, to implementation, to management and maintenance. Numerous local stewardship organizations have already been engaged as stakeholders and prospective partners in the ongoing operation of the property. This is what responsible public land management looks like.

Please approve this plan.

Thank you for your consideration,

Sincerely,  
Sean McKenna  
1255 Sandalwood Ln Los Altos, CA 94024-6739  
[sean@mckennas.com](mailto:sean@mckennas.com)

**From:** Marcia Lipsenthal <[mlips@cruzio.com](mailto:mlips@cruzio.com)>

**Sent:** Wednesday, December 2, 2020 11:26 PM

**To:** Energy@Coastal <[FORFC@coastal.ca.gov](mailto:FORFC@coastal.ca.gov)>

**Subject:** Public Comment on December 2020 Agenda Item Friday 13c - CD-0005-20 (Bureau of Land Management, Santa Cruz Co.)

To the Coastal Commission:

I have followed the purchase of Cotoni-Coast Dairies by the Trust for Public Land, its subsequent donation to the BLM, and 4 years ago, its designation as a National Monument. I follow it as a close neighbor to the property who lives on the edge of Laguna Canyon, and as an avid hiker who has explored the property for many years with the permission of the Coast Dairies and Land Corp.

The plan for the new National Monument is predominantly to increase recreational opportunities. I applaud that purpose, but first, due diligence must be done to protect the sensitive habitats of plants and animals that abound on the property. Areas have been mentioned, but none set aside, none studied carefully to address the impact of potentially hundreds of thousands of visits annually. It's one thing to say that we will be stewards of the land, and quite something else to act with information and knowledge of this beautiful place and do it effectively. And though I want to see Cotoni-Coast Dairies open to the public, I believe that conservation MUST come before recreation.

From what I have seen of the proposals for trails and parking lots, I'm not at all certain that the designers have either conservation or aesthetics in mind. For example, the Marina Gate parking lot, planned for 49 cars on acres of rare coastal prairie, would not only desecrate that rare swath of coastal land, but also be visible from the C-CD trails that are designed to offer users breath-taking ocean views; the views will become hills, parking lot, ocean. The parking lot won't be visible from Hwy 1 and the Coast, but totally visible to anyone enjoying the trails of C-CD. Really, is it more important to protect people speeding by on Hwy1 from blighting their vision with cars than it is to protect visitors to the National Monument? I understand that this may be the most expedient place to put a large parking lot; easy is not always best. An alternative to this lot has been proposed and dismissed; I believe it would be a much better choice, even if it would involve a little more earth-moving.

I have in the past commented on the BLM's plans with these same concerns, and they have never been adequately addressed. Perhaps you will take them into consideration before issuing final approval; aesthetics and conservation are at least as important as access and recreation.

Thank you for listening.

P.S. Hunting? Really? Who and when proposed that for C-CD? And how is that at all consistent with the values and desires of the people of Santa Cruz who created the deed restrictions before turning the property over to the BLM? And electric bikes? What's next, electric safari buggies giving people tours of mountain lion habitat?

Marcia Lipsenthal  
2850 Smith Grade  
Santa Cruz, CA 95060  
[mlips@cruzio.com](mailto:mlips@cruzio.com)

**From:** <jamie@everyactioncustom.com> on behalf of Jamie Morgan  
<jamie@everyactioncustom.com>  
**Reply-To:** <jamie@morgans.ca>  
**Date:** Wednesday, December 2, 2020 at 7:26 AM  
**To:** <Larry.Simon@coastal.ca.gov>  
**Subject:** Resource Management Plan Amendment for Cotoni-Coast Dairies

Dear Larry Simon,

I am writing today in support of the Bureau of Land Management's Resource Management Plan Amendment for Cotoni-Coast Dairies. The public access outlined in the plan will enrich the lives of both local residents and visitors alike.

The balance of all of these factors in the plan speaks to the holistic approach taken in planning and the incorporation of feedback from a broad public constituency. This culture of collaboration and partnership will continue to serve the BLM well as they move from planning, to implementation, to management and maintenance. Numerous local stewardship organizations have already been engaged as stakeholders and prospective partners in the ongoing operation of the property. This is what responsible public land management looks like.

Please approve this plan.

Thank you for your consideration,

Sincerely,  
Jamie Morgan  
203 Chester St Menlo Park, CA 94025-2519  
[jamie@morgans.ca](mailto:jamie@morgans.ca)

**From:** <dman904@everyactioncustom.com> on behalf of Dimitry Struve  
<dman904@everyactioncustom.com>

**Reply-To:** <dman904@gmail.com>

**Date:** Monday, November 30, 2020 at 2:44 PM

**To:** <Larry.Simon@coastal.ca.gov>

**Subject:** Resource Management Plan Amendment for Cotoni-Coast Dairies

Dear Larry Simon,

This letter is to request approval of the BLM's Resource Management Plan for Cotoni-Coast Dairies National Monument. No plan is perfect, but in my first exposure to a Federal agency's planning for open space in the Santa Cruz area, I have been very impressed with the BLM's engagement with the public during the planning process, and incorporating our inputs. CCD is a wonderful addition to our local open space, and I believe the BLM's plan will effectively manage the balance of cultural, environmental, resource and recreation goals for visitors and locals alike.

I know that some neighbors are concerned about heavy visitation and impact to the Davenport/Swanton community, but I believe the BLM plan takes this seriously. In addition, my frequent visits to Ft Ord National Monument have shown me that the BLM can do a good job in addressing parking, litter, restrooms etc. One has only to come to Ft Ord on a weekend or holiday to see how popular it is with a diverse group of visitors: multi-generational families, hikers, bird-watchers, runners, mountain bikers. Yet, the extensive trail network lets you get away from crowds within minutes of leaving a trailhead, and reduces the impact on the once heavily used (by the Army) terrain). Especially in this time of COVID, outdoor recreation is a safe and important contribution to public health and well-being, and CCD will be a wonderful addition to our accessible coastal open spaces. Please approve the BLM plan so they can move forward and make CCD open for responsible public access.

Thank you for your consideration.

Dimitry Struve - Santa Cruz

Sincerely,  
Dimitry Struve  
302 Otis St Santa Cruz, CA 95060-3554  
[dman904@gmail.com](mailto:dman904@gmail.com)

From: Mike Vandeman <[mjvande@pacbell.net](mailto:mjvande@pacbell.net)>  
Sent: Sunday, November 29, 2020 4:36 PM  
To: EnvironmentalJustice@Coastal <[EnvironmentalJustice@coastal.ca.gov](mailto:EnvironmentalJustice@coastal.ca.gov)>  
Subject: Mountain Biking in Our Parks

Re:  
<https://www.santacruzsentinel.com/2020/11/29/national-agency-proposes-new-uses-of-santa-cruz-county-national-monument/>

What were you thinking??? Mountain biking and trail-building destroy wildlife habitat! Mountain biking is environmentally, socially, and medically destructive! There is no good reason to allow bicycles on any unpaved trail!

Bicycles should not be allowed in any natural area. They are inanimate objects and have no rights. There is also no right to mountain bike. That was settled in federal court in 1996: <https://mjvande.info/mtb10.htm> . It's dishonest of mountain bikers to say that they don't have access to trails closed to bikes. They have EXACTLY the same access as everyone else -- ON FOOT! Why isn't that good enough for mountain bikers? They are all capable of walking....

A favorite myth of mountain bikers is that mountain biking is no more harmful to wildlife, people, and the environment than hiking, and that science supports that view. Of course, it's not true. To settle the matter once and for all, I read all of the research they cited, and wrote a review of the research on mountain biking impacts (see <https://mjvande.info/scb7.htm> ). I found that of the seven studies they cited, (1) all were written by mountain bikers, and (2) in every case, the authors misinterpreted their own data, in order to come to the conclusion that they favored. They also studiously avoided mentioning another scientific study (Wisdom et al) which did not favor mountain biking, and came to the opposite conclusions.

Mountain bikers also love to build new trails - legally or illegally.

Of course, trail-building destroys wildlife habitat - not just in the trail bed, but in a wide swath to both sides of the trail! E.g.

grizzlies can hear a human from one mile away, and smell us from 5 miles away. Thus, a 10-mile trail represents 100 square miles of destroyed or degraded habitat, that animals are inhibited from using.

Mountain biking, trail building, and trail maintenance all increase the number of people in the park, thereby preventing the animals'

full use of their habitat. See <https://mjvande.info/scb9.htm> for details.

Mountain biking accelerates erosion, creates V-shaped ruts, kills small animals and plants on and next to the trail, drives wildlife and other trail users out of the area, and, worst of all, teaches kids that the rough treatment of nature is okay (it's NOT!). What's good about THAT?



To see exactly what harm mountain biking does to the land, watch this 5-minute video: <http://vimeo.com/48784297>.

In addition to all of this, it is extremely dangerous:  
[https://mjvande.info/mtb\\_dangerous.htm](https://mjvande.info/mtb_dangerous.htm) .

For more information: <https://mjvande.info/mtbfaq.htm> .

The common thread among those who want more recreation in our parks is total ignorance about and disinterest in the wildlife whose homes these parks are. Yes, if humans are the only beings that matter, it is simply a conflict among humans (but even then, allowing bikes on trails harms the MAJORITY of park users -- hikers and equestrians -- who can no longer safely and peacefully enjoy their parks).

The parks aren't gymnasiums or racetracks or even human playgrounds. They are WILDLIFE HABITAT, which is precisely why they are attractive to humans. Activities such as mountain biking, that destroy habitat, violate the charter of the parks.

Even kayaking and rafting, which give humans access to the entirety of a water body, prevent the wildlife that live there from making full use of their habitat, and should not be allowed. Of course those who think that only humans matter won't understand what I am talking about -- an indication of the sad state of our culture and educational system.

--

I am working on creating wildlife habitat that is off-limits to humans ("pure habitat"). Want to help?  
(I spent the previous 8 years fighting auto dependence and road construction.)

Wildlife must be given top priority, because they can't protect themselves from us.

Please don't put a cell phone next to any part of your body that you are fond of!

<https://mjvande.info>

**From:** <debbieboscoe@everyactioncustom.com> on behalf of Debbie Boscoe  
<debbieboscoe@everyactioncustom.com>

**Reply-To:** <debbieboscoe@gmail.com>

**Date:** Sunday, November 29, 2020 at 10:19 AM

**To:** <Larry.Simon@coastal.ca.gov>

**Subject:** Resource Management Plan Amendment for Cotoni-Coast Dairies

Dear Larry Simon,

I am writing to support the plan for Cotoni Coast Dairies, even while recognizing some of its flaws. I do not like the hunting and I am anxious that there be a budget for maintenance and enforcement. At the same time I think the plan is a good one and we can work on the issues that need work as we go along.

There has been a lot of input from various user groups and I do feel like voices were heard. There is seldom a "perfect" outcome for community based ideas, but having this wonderful resource for the community is more important than achieving perfection before we even begin. I trust that we can make reasonable adjustments as they are needed along the way, given how much good will and intelligent voices are working on behalf of the plan.

I am the Trail Advocate for Santa Cruz County Horseman's Association and am speaking on behalf of those equestrians. Please approve this plan.

Thank you for your consideration,

Sincerely,

Debbie Boscoe

775 Sunlit Ln Santa Cruz, CA 95060-9464

[debbieboscoe@gmail.com](mailto:debbieboscoe@gmail.com)

**From:** <melissa.s.cline@everyactioncustom.com> on behalf of Melissa Cline  
<melissa.s.cline@everyactioncustom.com>  
**Reply-To:** <melissa.s.cline@gmail.com>  
**Date:** Sunday, November 29, 2020 at 9:45 AM  
**To:** <Larry.Simon@coastal.ca.gov>  
**Subject:** Resource Management Plan Amendment for Cotoni-Coast Dairies

Dear Larry Simon,

I am writing to urge support of the BML's Resource Management Plan Amendment for Cotoni-Coast Dairies!

The public access outlined in the plan includes 25+ miles of new trails for hikers, runners, equestrians, mountain bikers and those with disabilities. This will provide locals and visitors alike access to this amazing property, while safeguarding sensitive flora and fauna and riparian areas. I thank the BLM and the numerous local stewardship organizations that have invested so much work in this project!

As we have seen in these recent months of COVID restrictions, people need outdoor space more than ever! Public lands have been crowded on weekends. This proposed Resource Management Plan Amendment will open up access to more public lands, at a time when access is sorely needed due to the fire closures in Big Basin and other key parks. This property seems like a gem, and I look forward to visiting it myself!

Please approve this plan.

Thank you for your consideration,

Sincerely,  
Melissa Cline  
160 Belmont St Santa Cruz, CA 95060-2256  
[melissa.s.cline@gmail.com](mailto:melissa.s.cline@gmail.com)

**From:** <motocatfish@everyactioncustom.com> on behalf of Mike Chaplin  
<motocatfish@everyactioncustom.com>

**Reply-To:** <motocatfish@gmail.com>

**Date:** Thursday, November 26, 2020 at 7:45 AM

**To:** <Larry.Simon@coastal.ca.gov>

**Subject:** Resource Management Plan Amendment for Cotoni-Coast Dairies

Dear Larry Simon,

I am writing today in support of the BLM's Resource Management Plan Amendment for Cotoni-Coast Dairies.

The public access outlined in the plan will enrich the lives of both local residents and visitors alike. The trail network will provide inclusive and meaningful access for all users, including hikers, runners, equestrians, mountain bikers and those with disabilities. Trails will provide an opportunity for exercise and a natural immersive experience and will be the means by which users can learn about the natural and cultural history of this amazing property.

Please approve this plan. I look forward to the completion of these new trails!

Thank you for your consideration,

Sincerely,

Mike Chaplin

3235 San Gabriel Dr Concord, CA 94518-2806

[motocatfish@gmail.com](mailto:motocatfish@gmail.com)



**From:** <cre8ivichiban@everyactioncustom.com> on behalf of William Smith  
<cre8ivichiban@everyactioncustom.com>

**Reply-To:** <cre8ivichiban@gmail.com>

**Date:** Wednesday, November 25, 2020 at 12:01 AM

**To:** <Larry.Simon@coastal.ca.gov>

**Subject:** Resource Management Plan Amendment for Cotoni-Coast Dairies

Dear Larry Simon,

I am writing today to support meaningful public access for a diversity of users, and balance that with both natural and cultural resources while being respectful of any impact on local residents.

The sacred cultural sites of local indigenous people should be respected and not have access.

There is a need to keep a balance in the plan to allow recreation of hikers, mountain bikes, and equestrians with respect to the land preservation within the guidelines to allow all people and activities to this public land that belongs to the PEOPLE and not to the Coastal Commission. Please take all input from all individuals and communities into consideration and not the self-interests of yourself.

Sincerely,  
William Smith  
Santa Cruz, CA 95060  
[cre8ivichiban@gmail.com](mailto:cre8ivichiban@gmail.com)

**From:** <mike@everyactioncustom.com> on behalf of Mike Splain  
<mike@everyactioncustom.com>

**Reply-To:** <mike@ventanawild.org>

**Date:** Tuesday, November 24, 2020 at 4:36 PM

**To:** <Larry.Simon@coastal.ca.gov>

**Subject:** Resource Management Plan Amendment for Cotoni-Coast Dairies

Dear Larry Simon,

I am writing to encourage the development of a Resource Management Plan for Cotoni-Coast Dairies National Monument that minimizes high-impact recreation and prioritizes the conservation of wildlife habitat. Trails and other infrastructure should be constructed only when it's possible to entirely avoid riparian areas, critical habitat, and fragile native vegetation. Eradication of invasive species and the removal of unnecessary roads and trails should be a high priority. The Santa Cruz Mountains already has plenty of mountain biking opportunities, so there is honestly no reason to allow much in the way of bicycle access to this monument, and public use of e-bikes (and other motor vehicles) should be completely prohibited within its boundaries. It's high time that Santa Cruz County got its share of truly public lands, let's take care of this place, let nature restore itself here, and keep it wild.

Sincerely,

Mike Splain

PO Box 66882 Scotts Valley, CA 95067-6882

[mike@ventanawild.org](mailto:mike@ventanawild.org)

**From:** [Nitroxbaby@everyactioncustom.com](mailto:Nitroxbaby@everyactioncustom.com) <[Nitroxbaby@everyactioncustom.com](mailto:Nitroxbaby@everyactioncustom.com)> on behalf of Colleen Young <[Nitroxbaby@everyactioncustom.com](mailto:Nitroxbaby@everyactioncustom.com)>  
**Sent:** Tuesday, November 24, 2020 12:09 PM  
**To:** Simon, Larry@Coastal <[Larry.Simon@coastal.ca.gov](mailto:Larry.Simon@coastal.ca.gov)>  
**Subject:** Resource Management Plan Amendment for Cotoni-Coast Dairies

Dear Larry Simon,

I am writing today in support of the Bureau of Land Management's Resource Management Plan Amendment for Cotoni-Coast Dairies. This plan is the culmination of decades of work to preserve this amazing natural resource which was once threatened by residential development. The BLM, in partnership with the public, has created a plan that provides meaningful public access for a diversity of users, protects and enhances both natural and cultural resources, and seeks to minimize impacts on local residents. This was no easy feat given the complexity of the constraints on the property.

The public access outlined in the plan will enrich the lives of both local residents and visitors alike. The trail network will provide inclusive and meaningful access for all users, including hikers, runners, equestrians, mountain bikers and those with disabilities. Trails will provide an opportunity for exercise and a natural immersive experience and will be the means by which users can learn about the natural and cultural history of this amazing property. While the BLM has developed a plan that will provide world-class public access, they have also succeeded in placing a premium on conservation of natural and cultural resources. Large areas of the property will have limited public access to protect sensitive flora and fauna, and the sacred cultural sites of local indigenous peoples. Trails and other infrastructure will avoid riparian areas to prevent sedimentation of sensitive streams.

The balance of all of these factors in the plan speaks to the holistic approach taken in planning and the incorporation of feedback from a broad public constituency. This culture of collaboration and partnership will continue to serve the BLM well as they move from planning, to implementation, to management and maintenance. Numerous local stewardship organizations have already been engaged as stakeholders and prospective partners in the ongoing operation of the property. This is what responsible public land management looks like.

Please approve this plan.

Thank you for your consideration,

Sincerely,  
Colleen Young  
883 35th Ave Santa Cruz, CA 95062-4318  
[Nitroxbaby@gmail.com](mailto:Nitroxbaby@gmail.com)

**From:** <darike01@everyactioncustom.com> on behalf of Darius Rike  
<darike01@everyactioncustom.com>  
**Reply-To:** <darike01@gmail.com>  
**Date:** Tuesday, November 24, 2020 at 8:46 AM  
**To:** <Larry.Simon@coastal.ca.gov>  
**Subject:** Resource Management Plan Amendment for Cotoni-Coast Dairies

Dear Larry Simon,

I live on the California Central Coast near Monterey and have been volunteering to perform and lead trail maintenance at the Fort Ord National Monument managed by the Bureau of Land Management for over ten years. I have seen, especially over the last year, what a valuable resource to the local community a multi use trail system that also respects conservation can be.

I am writing today in support of the Bureau of Land Management's Resource Management Plan Amendment for Cotoni-Coast Dairies. This plan is the culmination of decades of work to preserve this amazing natural resource which was once threatened by residential development. The BLM, in partnership with the public, has created a plan that provides meaningful public access for a diversity of users, protects and enhances both natural and cultural resources, and seeks to minimize impacts on local residents. This was no easy feat given the complexity of the constraints on the property.

The public access outlined in the plan will enrich the lives of both local residents and visitors alike. The trail network will provide inclusive and meaningful access for all users, including hikers, runners, equestrians, mountain bikers and those with disabilities. Trails will provide an opportunity for exercise and a natural immersive experience and will be the means by which users can learn about the natural and cultural history of this amazing property. While the BLM has developed a plan that will provide world-class public access, they have also succeeded in placing a premium on conservation of natural and cultural resources. Large areas of the property will have limited public access to protect sensitive flora and fauna, and the sacred cultural sites of local indigenous peoples. Trails and other infrastructure will avoid riparian areas to prevent sedimentation of sensitive streams.

The balance of all of these factors in the plan speaks to the holistic approach taken in planning and the incorporation of feedback from a broad public constituency. This culture of collaboration and partnership will continue to serve the BLM well as they move from planning, to implementation, to management and maintenance. Numerous local stewardship organizations have already been engaged as stakeholders and prospective partners in the ongoing operation of the property. This is what responsible public land management looks like.

Please approve this plan.

Thank you for your consideration,

Sincerely,  
Darius Rike  
3020 Eddy St Marina, CA 93933-4005  
[darike01@gmail.com](mailto:darike01@gmail.com)



November 11, 2020

Larry Simon, Manager, Energy, Ocean Resources and Federal Consistency  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA 94105

**Re: Consistency Review for Cotoni-Coast Dairies Amendment to the California Coastal National Monument Resource Management Plan and Final Environmental Assessment**

Dear Mr. Simon:

As you review the Bureau of Land Management's (BLM) Proposed Resource Management Plan Amendment (RMPA) for the Cotoni-Coast Dairies (C-CD) unit of the California Coastal National Monument, Sempervirens Fund draws your attention to the following issues of concern:

- 1) archery hunting on approximately 40% of C-CD with few limitations;
- 2) construction of the Warrenella Road-Top parking lot and facilities; and,
- 3) allowance of e-bikes on all trails designated for mountain bike use.

These three issues, separately and collectively, pose unnecessary threats to the imperiled species that inhabit this relatively small, but ecologically rich landscape. The RMPA should be modified, in targeted ways, to ensure it is consistent with the various requirements of the Coastal Act, including:

- Section 30210 – which requires that recreational access be provided “consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resources from overuse”; and,
- Section 30214 (a) – which requires that public access policies be implemented in a manner that considers “the capacity of the site to sustain use and at what level of intensity” and “the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses”.

For at least a decade, C-CD has largely been closed to visitors. The absence of people has allowed the property to function as a de-facto coastal preserve for numerous imperiled species, including California red-legged

frogs, mountain lions, federally threatened steelhead and Coho salmon, and a wide variety of rare plant species. That will change dramatically with the expansion of public access and the accompanying 250,000 visitors annually that the RMPA anticipates. Given the monument's proximity to Santa Cruz and Silicon Valley, as well as the rapid growth in tourism to this portion of the California Coast, it is conceivable that visitation levels will far exceed this.

The recent CZU Lightning Complex fires, which burned roughly 20% of the monument and a significant portion of the surrounding landscape, are an additional complicating factor. While it is too soon to know exactly what short-term, or lasting, effects these epic fires have had on key species and their habitat at C-CD and the nearby environs, it is certain to be substantial. Additional impacts from subsequent landslides and post-fire erosion are also likely. Thus, BLM will be implementing this RMPA at a time when this sensitive landscape faces an unusual amount of change and uncertainty. For these reasons, the RMPA should err on the side of species protection as it strives to also promote recreational access. There are many ways in which the RMPA strikes an effective balance between recreation and preservation. In the case of the three issues of concern, however, the RMPA misses the mark and fails to provide adequate protection to species. In addition, these issues present concerns to adjacent landowners, including Sempervirens Fund (which co-owns with Peninsula Open Space Trust the adjacent 8,500-acre San Vicente Redwoods conservation property).

1) Archery hunting on nearly 40% of C-CD with few limitations

The RMPA allows archery hunting across roughly 2,000 of C-CD's 5,800 acres. While BLM's plan for C-CD gives examples of how hunting *might* be limited, the examples are speculative, and provide no sidebars or limitations on this recreational use. More specifically, the RMPA fails to include limitations on the number of days hunters might be present, the number of hunters that might be allowed, or the types of wildlife that would be hunted. It is unclear whether hunters would be granted exemptions to camp overnight, build campfires or other forms of fire-making, or bring their hunting dogs off-trail. The absence of any limitations on hunting at C-CD is problematic because the hunting is allowed across the entirety of one of the monument's two core wildlife habitat areas. If a significant number of hunters are allowed in the core wildlife area and/or if hunting occurs with great frequency, then very little of C-CD will remain a functional safe-haven where wildlife and other species are free from human disturbance.

The presence of hunters is particularly concerning given the mountain lion population that occupies this landscape. Mountain lions in this region have been determined to be at risk – even before the CZU Lightning Complex fires burned through a huge portion of their habitat. The California Fish and Game Commission voted unanimously to recommend the Central Coast population of mountain lions as candidates for protection under California's Endangered Species Act. It is well-documented that human presence, even just human voices, can disturb and deter mountain lions. Sempervirens Fund has ample evidence that numerous mountain lions use San Vicente Redwoods for denning and other purposes. This hunting program, and the accompanying presence of humans, creates pressure on these lions at a time when the species

is already vulnerable.

Like many of the neighboring landowners, Sempervirens Fund has doubts about whether any hunting can occur safely on such a small property amidst so many other recreational uses. C-CD is surrounded by neighboring homes, agricultural lands, and nearby public and private roads. We are concerned about the safety of our staff and other visitors to our property. We are also skeptical that hunters can be kept from trespassing onto San Vicente Redwoods, where hunting is prohibited. If hunting is allowed on C-CD, explicit limits should be built into the RMPA to ensure the number of hunters and the number of hunting days do not exceed set amounts.

## 2) Construction of the Warrenella Road-Top parking lot and facilities.

The RMPA allows BLM to build a sizeable parking lot (with space for 49 cars and 2 RVs) on a coastal terrace in an interior portion of C-CD. The parking lot and facilities will bring large numbers of people deep into the heart of the monument. The parking lot will be located along the boundary of one of the core wildlife habitat areas. Notably, this is the same core wildlife habitat area that will be entirely open to hunting. The presence of people, their pets and their vehicles will cause disturbances that extend well into the core wildlife habitat area. This parking lot creates unacceptable pressure on the landscape and should be removed from the RMPA.

As with the hunting use, Sempervirens Fund is also concerned that the Warrenella Road-Top parking lot will create public safety issues and result in trespass on San Vicente Redwoods. Warrenella Road itself presents safety hazards because of its treacherous conditions and its regular use by large agricultural and timber operation vehicles. It is also unclear how hikers would be prevented from leaving this parking lot and heading up Warrenella Road into parts of San Vicente Redwoods that are off-limits to the public because of some extreme safety hazards.

## 3) Allowance of e-bikes on all trails designated for mountain bike use

The RMPA permits e-bikes wherever mountain bikes are allowed on C-CD. The allowance of e-bikes is contrary to the letter and spirit of the deed restrictions and the Presidential Proclamation associated with C-CD. The deed restrictions that accompanied the property when it was conveyed to BLM in 2014 expressly prohibit motorized off-road vehicles:

*The use of motorized off-road vehicles shall not be permitted on the Subject Property outside of established or designated roadways, except to the extent necessary for management of the Subject Property, or to protect public health and safety, or in response to other emergency situation[s].*

Presidential Proclamation 9563, which added C-CD to the California Coastal Monument on January 12, 2017, also explicitly prohibits off-road motorized vehicles.

The BLM relies on Secretarial Order 3376, dated August 29, 2019, "Increasing Recreational

Opportunities through the use of Electric Bikes”, which directs BLM to:

*expressly exempt all e-bikes as defined in Sec. 4a from the definition of off-road vehicles or motorized vehicles.*

A secretarial order (that arbitrarily says bikes that are motorized and used off-trail should be considered neither) is insufficient to overturn or re-interpret the binding language of the deed restrictions and the Presidential Proclamation.

Even if there were no prohibitions on motorized off-road vehicles, the RMPA should take a more nuanced and cautious approach to the use of e-bikes. They are a relatively new technology and land managers are still learning how visitors use them to recreate. E-bikes are expected to bring more visitors, more quickly, to the farthest reaches of the monument. E-bikes may also encourage more off-trail travel and lead to user-created routes across this sensitive landscape. This could be particularly harmful to C-CD’s rare plant species, as well as the California red-legged frog. This may also lead to significant damage of, and disturbance to, the monument’s important archeological and cultural features.

If e-bikes are allowed, usage should initially be in very limited areas until it can be demonstrated that visitation is not disturbing sensitive species and that BLM has the necessary enforcement capacity to ensure visitors remain on designated trails. Sempervirens Fund is particularly concerned about the use of e-bikes on the Molino Bank Loop, which will inevitably result in the unauthorized entry of e-bike users onto San Vicente Redwoods trails, where e-bikes are prohibited.

### **Recommended RMPA Improvements to Ensure Concurrence with the Coastal Act**

President Barack Obama deemed this spectacular landscape worthy of national monument status precisely because it contains a wealth of irreplaceable natural, cultural and historic resources with outstanding opportunities for outdoor recreation. For too long, the public has been denied access to this remarkable place. Sempervirens Fund is eager for C-CD to be opened to the public, but it needs to be done carefully and incrementally to ensure the demand for recreation neither jeopardizes vulnerable species, nor leads to outcomes that are harmful to adjacent landowners. In a small, but very appealing landscape like C-CD, this is a tough balancing act.

The RMPA wisely takes a phased approach to some aspects of its recreation program. By building trails in two phases, for instance, the RMPA allows BLM time to more fully understand:

- how the landscape, and its species, are responding to the fires;
- how many people are visiting C-CD;
- whether BLM has the resources to effectively manage this visitation; and,
- what impact visitors are having on C-CD’s natural and cultural resources.



If hunting and e-bikes are to be allowed, then it should be done with a similarly cautious approach that sets some initial limits and phases in additional use only if it can be shown to be feasible and sustainable. Instead of immediately allowing unlimited amounts of hunting to occur across nearly 40% of the landscape, the RMPA should start with specific limits on hunting starting in Phase 1. Similarly, e-bikes should not immediately be allowed unlimited usage of all mountain bike trails. Both uses could be expanded, if appropriate, in Phase 2 if BLM finds that the landscape and its species can sustain expanded use. While the Upper Warrenella-Top parking lot is not proposed to be built until Phase 2, this feature is so harmful to C-CD's resources that it should be removed from the RMPA.

Thank you for your consideration of our concerns.

Sincerely,



Sara Barth  
Executive Director  
Sempervirens Fund  
419 South San Antonio Road, Suite 211  
Los Altos, CA 94022  
[sbarth@sempervirens.org](mailto:sbarth@sempervirens.org)  
(650) 949-1453 ext. 201

Friends of the North Coast Davenport North Coast Association Rural Bonny Doon Association  
November 9, 2020

Larry Simon, Manager, Energy, Ocean Resources, and  
Federal Consistency California Coastal Commission  
455 Market. Street, Suite 300 San Francisco, CA 94105  
Re: Federal Consistency Determination for Cotoni-  
Coast Dairies a Portion of the California Coastal  
National Monument  
Proposed Resource Management Plan Amendment, Environmental  
Assessment and Finding of No Significant Impact

Dear Manager Simon:

Davenport North Coast Association (“DNCA”), Friends of the North Coast (“FONC”), and Rural Bonny Doon Association (“RBDA”) (and collectively “Commenting Parties”) hereby submit this letter requesting that you recommend and the Coastal Commission determine non- concurrence as to consistency with the California Coastal Act 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.

### **EXECUTIVE SUMMARY OF KEY INCONSISTENCIES**

1. Warrenella Top and Marina Ranch Gate 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 (making noise and involving fencing both sides of long roads, all causing greater fragmentation, disruption and loss of habitat). *See explanation beginning at **Page 21** under Article 5 – LAND RESOURCES - ESHA below.*
2. Warrenella Gate parking compound visible from Highway 1 and DNCA’s carefully crafted superior Mocettini Barn alternative just a bit further north is not. *See explanation beginning at **Page 28** under Article 6 – DEVELOPMENT below.*
3. The inclusion of recreational archery hunting on over 2,000 acres of RMZ2 (about 35 percent of the Monument) is inconsistent with that RMZ2’s management as a core habitat area (ESHA) for fish and wildlife and will significantly degrade habitat of sensitive species, including mountain lions, mule deer, badgers, and other wildlife. *See explanation beginning at **Page 14** under Article 3 – RECREATION below.*
4. Failure to extend the existing ban on e-bikes in San Vicente Redwoods to Cotoni-Coast Dairies and instead expressly authorize use on trails within the Monument Mountain

Larry Simon, Coastal Commission Federal Consistency Manager  
 Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
 November 9, 2020  
 Page 2 of 32

Bikers of Santa Cruz County is contrary to public rights established by CDP 3-11-035 and the deed restrictions on the Monument property, as well as Presidential Proclamation No. 9563 establishing the Monument. See explanation beginning at **Page 13** under **Article 1 – PUBLIC ACCESS** below.

5. Management Action to withdraw water from streams within the monument for construction and dust abatement:
  - a. fails to protect streams, some of which are critical habitat for salmonids and all of which are critical habitat for red-legged frogs; and
  - b. violates the Grant Deed which reserves all of the water rights on the site to the Trust for Public Land. See explanation beginning at **Page 17** under **Article 4 – MARINE ENVIRONMENT** below.
6. The inclusion of broadcast spraying of pesticides may significantly degrade the environment by risks of toxicity to riparian and aquatic environments and adjacent organic farmlands by (1) violation of label-required buffer for dicamba; and (2) in general vague or inadequate buffer zone and timing mitigations regarding other pesticides being used. See explanation beginning at **Page 18** under **Article 4- MARINE ENVIRONMENT** and beginning at **Page 26** **Article 5 – LAND RESOURCES – Maximizing Agricultural Land in Production** below.
7. Failure to state precise, enforceable mitigation requirements or commitments that will be undertaken to avoid significant impacts *regarding the following* (See explanation beginning at **Page 4** under **Article 2 – PUBLIC ACCESS** below):
  - a. the failure to follow the lead of the San Vicente Preserve and provide specific standards for dealing with the 4Ts - trash, toilets, traffic, and trauma incidents. San Vicente Redwoods also provides consequences for failure to meet those standards.
    - i. Trash generated and not placed in trash containers harming
      - (a) scenic resources;
      - (b) wildlife habitat furthest inland if Warrenella Top and Marina Ranch Gate Parking Lot Compounds remain
      - (c) Murrelets in critical habitat in close proximity to the Monument resulting from increases in crows, jays, magpies and raven that will accompany the proposed increase in visitors and trash.
    - ii. Toilet problem resulting from deposit of human waste by individuals not using toilets, and at Southgate the concrete vault toilet will be up at the far side of the 2<sup>nd</sup> Terrace when it could be down near the termination of the Pedestrian/Bicycle Bridge over Highway 1 and close to the Trailhead at Yellow Bank under the FONC Preferred Alternative and Addendum. Nor, unlike San Vicente Redwoods, is there mention of dog waste courtesy stations (at trailheads for trails where dogs are allowed)

Larry Simon, Coastal Commission Federal Consistency Manager  
Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
November 9, 2020  
Page 3 of 32

- iii. Traffic and Trauma the failure to address the flaws in BLM's belated Traffic Study identified in the Peer Review thereof submitted by Traffic Engineer Keith Higgins including:
  - (a) understatement of visitorship will mean more traffic than anticipated and statistically more trauma requiring first responders;
  - (b) charging fees for parking resulting in hazardous parking off-site (including along both sides of Highway 1) means more traffic hazards and more trauma;
  - (c) hazardous pedestrian crossing of Highway 1 means more trauma; and
  - (d) access road for Marina Ranch Gate intersects Highway 1 70 feet south of Farm Complex intersection on the other side and other intersections with inadequate turn lanes resulting again in more traffic hazards and more trauma.
- b. the proposed trails and access areas which without enforceable commitments are inconsistent with California's Coastal Program's protection standards for the marine environment and environmentally sensitive habitat areas ("ESHAs"). See explanation beginning at **Page 19** under Article 4 – MARINE ENVIRONMENT below.

### **ANALYSIS**

Commenting Parties grounds for a determination of non-concurrence are set forth below. Our comments to the Coastal Commission on BLM's RMPA/EA/FONSI (collectively "RMPA documents") identify "spillover" effects with impacts outside the Cotoni-Coast Dairies property. The enforceable policies of the federally-certified California Coastal Management Program ("CCMP") include Chapter 3 of the California Coastal Act of 1976. As most relevant to the RMPA documents, Chapter 3 addresses in separate Articles (Art.2) Public Access, (Art.3) Recreation, (Art.4) Marine Environment, (Art.5) Land Resources (including environmentally sensitive habitat areas (ESHA) and productive agricultural land), and (Art.6) Development. BLM has submitted to the Coastal Commission its "COASTAL CONSISTENCY DETERMINATION" "that the Cotoni-Coast Dairies Resource Management Plan Amendment is consistent to the maximum extent practicable with the California Coastal Management Program (CCMP)."

The undersigned organizations respectfully disagree as explained below. It is important to consider the critical legal context and standards when evaluating whether the Coastal Commission should make its own concurrence determination as to consistency with the California Coastal Management Program. FONC's attorney Michael Lozeau previously advised BLM that:



Larry Simon, Coastal Commission Federal Consistency Manager  
 Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
 November 9, 2020  
 Page 4 of 32

***“[T]he burden of establishing compliance with a state program is on the federal agency proposing the contemplated action, and not on the state.”*** *Conservation Law Found. v. Watt*, 560 F. Supp. 561, 576 (D. Mass.), *aff'd sub nom. Com. of Mass. v. Watt*, 716 F.2d 946 (1st Cir. 1983). “The requirement of consistency with federally-approved state coastal zone management programs is not one to be dismissed lightly; ***full consistency is called for***, unless “compliance is prohibited based upon... statutory provision, legislative history, or other legal authority.” 15 C.F.R. § 930.32(a). *Id.*

BLM set forth its “COASTAL CONSISTENCY DETERMINATION” in the order of Articles 2-6 of Chapter 3 of the Coastal Act and the Commenting Parties will follow suit below. It is important to keep Article 1 of Chapter 3 in mind because it addresses ***potential conflicts*** between or among the policies of Chapter 3 and states that they ***are to “be resolved in a manner which on balance is the most protective of significant coastal resources.”*** Pub. Res. C. §30007.5.

Additional vital context to keep in mind is that the Presidential Proclamation giving Cotoni-Coast Dairies “monument” status 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.” Therefore, when the Coastal Commission determines whether the Proposed RMPA is consistent with the Coastal Act, including maximizing public access, it should do so ***in the context*** required by the Proclamation, the implementing federal law, Department of the Interior Secretarial Order 3308, and the National Landscape Conservation System 15-Year Strategy (2010-2025). All of this leads to the statement in the 15-Year Strategy which 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.

## Article 2 - PUBLIC ACCESS

### Proposed RMPA Access Overall Is Inconsistent with Public Safety.

BLM's “COASTAL CONSISTENCY DETERMINATION” states as follows:

“Under the proposed action, the BLM estimates up to 150,000 annual visitors during phase 1 and 250,000 annual visitors at full buildout. Based on information gathered from other comparable public lands in the region, the BLM assumes approximately 75% of these visitors are likely to be residents of Santa Cruz County, and they would be visiting C-CD in lieu of or in combination with another recreation destination on the North Coast. For example, the nearby destination of Wilder Ranch State Park estimates over 480,000 visitors annually. Implementation of trails and recreation facilities would proceed in a phased approach to ensure that the BLM has adequate funding and capacity to manage public access on the property, while protecting sensitive resources and limiting offsite impacts to neighboring residents.”

Larry Simon, Coastal Commission Federal Consistency Manager  
Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
November 9, 2020  
Page 5 of 32

Such COASTAL CONSISTENCY DETERMINATION further states that it:

“proposes to collect fees for use of parking facilities on the property to help pay for upkeep of these facilities under the preferred alternative.”<sup>1</sup>

BLM's decision to choose a Preferred Alternative which includes the maximum number of visitors considered by any of its previous alternatives (250,000) *raises the question as to whether this level of access can be provided “consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse”* as required by Coastal Act Section 30210. If BLM does not meet its burden of establishing full compliance with the requirement *then the Coastal Commission should NOT CONCUR that the RMPA is consistent with the Coastal Act.*

Section 30210 of Article 2 of the Coastal Act provides that:

maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

This raises the following fundamental issues related to the Proposed RMPA for Cotoni-Coast Dairies, many involving the public health and safety.

Will there be enough toilets/restrooms and will they be adequately serviced and supplied to protect public health and safety?

Will there be enough closed container garbage receptacles and will they be collected before they overflow?

Will there be traffic safety hazards created by public access for the number of visitors to C-CD and if so will there be enforcement against hazards which violate laws?

Will there be adequate emergency services for the increase in the various traumas past evidence demonstrates will result from the number of visitors to C-CD?

Will wildfire hazards increase if access sites are allowed as proposed so far inland as to be inside or adjacent to mapped Critical Fire Hazard Areas?

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<sup>1</sup> Charging a fee will reduce access to the Monument for the broadest range of potential visitors. Charging a fee will also incentivize visitors to park along Cement Plant Road at the Warrenella Road Gate location, or Highway One at the Marina Ranch Gate location. In each case these create public safety concerns, visual impacts to the coast, and increased litter that blows off-property in the substantial North Coast wind onto adjacent coastal roadways.

Larry Simon, Coastal Commission Federal Consistency Manager  
Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
November 9, 2020  
Page 6 of 32

Will the Public Right to "no motorized vehicles" (including no e-bikes) be protected as established by deed restrictions and CDP 3-11-035, with the added benefit of protecting natural resource areas from overuse?

In his March 16, 2020 Comment Letter, our very experienced and knowledgeable County Supervisor Ryan Coonerty<sup>2</sup> weighed in very strongly on most of these issues, as follows:

"Several general assumptions were made to facilitate the analysis of potential impacts." One of these assumptions is the following: "Funding and personnel would be sufficient to implement any alternative described." During these times of seriously constrained federal and local budgets<sup>3</sup>, I do not believe this is a realistic assumption to make. Besides, by using it to guide the analysis in the RMPA/EA, it seriously understates the Plan's potential impacts. As a minimum, the RMPA/EA needs to provide evidence that supports this assumption. Simply as a conclusory statement, it is not sufficiently justified for the RMPA, nor adequate for the EA. The section below provides an example of the inadequacy of this assumption.

### **Emergency Services**

Section 4.11.1 - Recreation — Emergency Services - On page 4-49 [now 4-58], the RMPA/EA makes assumptions regarding the level of staffing and availability of County emergency services. Based on my knowledge and experience as a County Supervisor, I know that they are not realistic.

Under "Assumptions", the RMPA/EA states, "Cooperative assistance agreements...and law enforcement would have major long-term beneficial impacts on recreation resources." Although not entirely clear, it seems as though this assumption refers to the cooperative agreements BLM has with local law enforcement, specifically the County Sheriff. The underlying assumption here seems to be that there is adequate local law enforcement to manage both C-CD on-property (if needed in cases of mutual aid) and off-property emergency services impacts from recreational users of the property. The [RMPA]/EA provides no evidence documenting BLM's own ability to adequately staff its property, and to enforce its rules and proposed regulations related to use of the property.

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<sup>2</sup> Supervisor Coonerty has served six years as Third District County Supervisor and is a two-time former Mayor of the City of Santa Cruz.

<sup>3</sup> Budgets are even more constrained now than when Supervisor Coonerty wrote his March 16, 2020 Comment Letter. Furthermore, if BLM respects Supervisor Coonerty's formal Protest, it should additionally budget to address that part of his Protest based on the following:

While the RMPA recognizes that it will have off-site impacts requiring public improvements, it contains no commitments to assist in their implementation. The Plan should clearly recognize BLM's obligation to financially assist in bringing about these improvements and I protest the lack of this commitment in the RMPA.

Larry Simon, Coastal Commission Federal Consistency Manager  
 Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
 November 9, 2020  
 Page 7 of 32

To my knowledge, BLM has only a few staff that cover hundreds of thousands of acres in California. Moreover, there is no evidence to support the assumption that the County will have adequate resources to deal with the anticipated use of C-CD.

In fact, the County Sheriff has only one full-time North Coast deputy who is responsible for all law enforcement in the unincorporated area from the San Mateo border to the Live Oak neighborhood south of the City of Santa Cruz. Alternatives B and C project annual visitors as 150,000 and 250,000 visitors respectively [and now Preferred Alternative D projects 150,000 in Phase 1 and 250,000 in Phase 2]. With this level of new visitors for the area, there will undoubtedly be an increase in calls for service which would be a major impact on the County Sheriffs Department and County Fire which serves the North Coast. It is important for BLM to understand and the RMPA/EA to recognize that our County Sheriff has still not reached full staffing levels from the pre- recession levels and there are no guarantees that staffing levels will grow to accommodate anticipated levels of visitors. Consequently, the assumption of availability of adequate law enforcement provides a false basis on which the entire management plan, but particularly the analysis in the Recreation section in Chapter 4, is based. Therefore the analysis is inadequate ....

Given that under alternatives B and C [and now BLM's Preferred Alternative D] 150,000 to 250,000 annual visitors are projected to use the facilities at C-CD and the EA recognizes that potential impacts on natural resources from these visitors could be significant, the EA must be revised to ***provide evidence that either the impacts will not be significant with existing personnel or that there will be mitigation measures to ensure that adequate personnel are provided.***

### **Traffic, Parking and Facilities**

Section 4.12 — Page 4-58 - Similar to emergency services, the success of the RMPA/EA analysis concerning traffic, parking and facilities impacts relies on an assumption of adequate BLM staffing. The plan assumes that there will be sufficient BLM staff to manage trash at parking areas, provide clean and fully supplied bathrooms, and deal with parking demand. However, given the current staffing levels at the BLM locally, it is unlikely that BLM will be able to adequately staff C-CD and the EA provides no evidence that the current situation will improve.

I have many years of experience listening to constituents and law enforcement, and in passing regulations to help deal with and mitigate the impacts of visitors on the North Coast. What I've learned is visitors generate trash, visitors park illegally, and visitors need fully supplied restrooms. For example, the County Public Works Department provides several trash containers along the North Coast that need to be served at least once per week and more often during the summer months. ***Restrooms also require regular, if not daily, servicing and supplying to protect the public's health.***



Larry Simon, Coastal Commission Federal Consistency Manager  
Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
November 9, 2020  
Page 8 of 32

Without adequate staffing, **the potential impacts of inadequate maintenance of restrooms and trash receptacles on public health could be significant.** A revised EA *needs to specifically identify the potential impacts and the staffing needed under each of the alternatives and to analyze the adequacy of the staff required to adequately mitigate these impacts.*

Parking on the North Coast also requires vigilance to prevent unauthorized and dangerous parking along the coast highway and county roads. Indeed, experience with Wilder Ranch State Park demonstrates that when visitor fees are introduced (as proposed in Alternatives B and C [and now Preferred Alternative D]), visitors often park on the highway or on County roads to avoid parking fees. The EA *needs to analyze the potential impact on public safety from the charging of parking fees* that would result in on-road parking at C-CD access points.

Traffic Impacts on Highway — The RMPA/EA includes projections of up to 250,000 annual visitors to C-CD. Many of these visitors will travel by automobile. State Highway 1 is the only road providing automobile access to C-CD. The RMPA/EA needs to include a quantitative analysis of both the direct and indirect traffic impacts of the project.”

(Emphasis added.)

Unfortunately, the Proposed RMPA continues to rely on these “Assumptions.” under Sections 4.1.4 and 4.11.1 as follows:

- Funding and personnel would be sufficient to implement any alternative described.
- The BLM would provide adequate visitor services and information
- Cooperative assistance agreements, resource protection measures including exclusionary fencing and barrier construction, interpretation and education, and law enforcement would have major long-term beneficial impacts on recreation resources.

As a result BLM has provided the following inadequate responses to the public health and safety issues implicated by Coastal Act section 30210. Each of these responses is an inadequate commitment to protect the public health and safety for 150,000 to 250,000 projected visitors (and more based on the Peer review of the BLM Traffic Study and experience at Wilder Ranch State Park).

There will be assurance of only one restroom (with an unspecified number of toilet facilities) at each of the two full-time parking areas<sup>4</sup> and no assurance of frequency of their being serviced and supplied to protect public health and safety other than a vague statement in the RMPA's Introduction that “BLM would conduct regular maintenance, patrols, and monitoring to help keep visitors and surrounding communities safe.”

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<sup>4</sup> There will also be one restroom at the seasonal weekend use parking area at Warrenella Road Top.

Larry Simon, Coastal Commission Federal Consistency Manager  
 Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
 November 9, 2020  
 Page 9 of 32

There will be assurance of at least one closed container garbage receptacle/trash collection at each of the two full-time parking areas<sup>5</sup> and they will be "removed daily" per the Project Design Features in Appendix D<sup>6</sup> or "trash collection *can* occur on a frequent basis" under MA-REC-15. There is no commitment to actually collect under MA-REC-15 or in any case to collect as a general rule before they overflow.<sup>7</sup>

As demonstrated by Supervisor Coonerty's personal knowledge<sup>8</sup> expressed above and the Higgins Peer Review of the tardily made and released BLM Final Traffic Study it is clear that there will be traffic safety hazards created by public access for the projected number of visitors to C-CD.<sup>9</sup> Indeed, the BLM "Final Traffic Study" does not even consider the effects of BLM's ultimately selected Preferred Alternative (D) and thus is patently inadequate. In any event, and there has been no improvement to the RMPA subsequent to Supervisor Coonerty's Comment Letter as to infrastructure, staffing or enforcement to reduce the traffic safety hazards.

At section 4.14.2 of the Proposed RMPA released 9/25/2020, BLM acknowledged for the first time that:

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<sup>5</sup> There will also be at least one "trash collection" at the seasonal weekend use parking area at Warrenella Road Top.

<sup>6</sup> This Appendix only "defines the **PDFs from which the BLM would select** when implementing projects within C-CD in order to best eliminate or minimize impacts." The wording falls short of an enforceable commitment.

<sup>7</sup> Controlling populations of corvids (including for example crows, jays, magpies and ravens) in the vicinity of marbled murrelet habitat is a key management measure necessary to the recovery of that species. Pollock Comments, Exhibit A to FONC Comment Letter p. 6. Critical murrelet habitat is located on properties adjacent to the Monument. Id. "Because of their long flight distance, the increased corvid activity from camping, picnicking and parking lots in the management area has potential to significantly and negatively impact any future marbled murrelet populations that are using or could use these old-growth redwoods as habitat." Id. This impact qualifies as an off-site spillover effect.

<sup>8</sup> In their respective Comment Letters and formal Protests DNCA and RBDA have also provided strong evidence of these traffic hazards (as well the horrendous impacts of inadequate toilet and trash infrastructure and service and supply thereof on the North Coast).

<sup>9</sup> Among the traffic hazards and issues identified by Traffic Engineer Higgins in his Peer Review are the following (references are to his Peer Review on file with Coastal Commission):

- a. Expert dispute re attendance (visitorship), trip generation, and distribution;
- b. Marina Ranch Gate Conflicts at B.6 and B.8;
- c. Expert dispute re whether left turn lanes required at Marina Ranch Gate, etc. – see B.9;
- d. Parking along Highway creating hazards not addressed – see photo attached as Ex. Q;
- e. Pedestrians crossing Highway 1 – C.1.b;

FONC (while heavily involving DNCA) obtained a Peer Review of BLM's "Final [and only] Traffic Study" dated 7/14/2020 and not released to the public until DNCA was able to obtain a copy on 8/4/2020. The Peer Review by Keith Higgins, Traffic Engineer was submitted to BLM on 8/17/2020 and BLM did not finalize and release its Proposed RMPA with its Preferred Alternative until 5½ weeks later. Yet none of the significant flaws or omissions identified by the Higgins Peer Review were addressed.

Larry Simon, Coastal Commission Federal Consistency Manager  
Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
November 9, 2020  
Page 10 of 32

“[i]ntroduction of public access and recreation at C-CD could have an adverse social impact on the community by *increasing public service calls related to search-and rescue, wildfire, and law enforcement*. However, these impacts are *anticipated to be minor due to the increased presence of BLM staff and partners* on the property. The BLM has, and continues to, partner with CalFire, Santa Cruz County and others *to address public safety concerns* related to C-CD”

It is possible that the foregoing was added to the Proposed RMPA in response to the March 16, 2020 Comment Letter of County Supervisor Coonerty; however, other than excluding a few trail segments under Alternative D that traversed steeper terrain where emergency services would be difficult to provide, there has been no improvement to the RMPA subsequent to Supervisor Coonerty's Comment Letter as to infrastructure, staffing or enforcement to reduce these emergency services demands resulting from the large number of projected number of visitors to C-CD.

Wildfire hazards will increase if access sites are allowed as proposed so far inland as to be inside or adjacent to mapped Critical Fire Hazard Areas. See below separate analysis and also the discussion under Article 5 – LAND RESOURCES for compelling reasons why these access sites should be eliminated or relocated due to severe harm to mountain lion and other wildlife habitat as explained in a 10/22/2020 email to the Coastal Commission by Chris Wilmers PhD, described by BLM in its Proposed RMPA (§3.4) as a wildlife ecology expert who leads the Puma Project (a well-known scientific research effort).

The Public Right to “no motorized vehicles” (including no e-bikes) will not be protected as established by deed restrictions and CDP 3-11-035, with the added benefit of protecting natural resource areas from overuse. See separate analysis below.

BLM attempts to avoid its obligation to provide public access which is “consistent with public safety needs” by claiming that a “phased-approach” will enable it to meet its burden of demonstrating to the Coastal Commission that that the high volume of public access it has chosen without concomitant analysis of the adequacy of the staff and infrastructure required to adequately mitigate the impacts is “fully consistent” with the Coastal Act. The RMPA states in the Introduction that:

“Under Alternative D, the BLM proposes to use a phased-approach (MA-REC-16) to implement the RMPA to ensure the Central Coast Field Office has the capacity and resources to sustain these amenities and services.”

MA-REC-16 does not address the public safety needs generated by high volume public access such as the 4Ts (Toilets, Trash collection, Traffic Hazards [such as illegal parking along busy, speeding Highway 1 and pedestrian crossings], Trauma creating emergency services demands, or wildfire risks of inland parking compounds. Instead, it addresses trails and unauthorized trails (with a nod to sufficiency of parking) by the following language:

Larry Simon, Coastal Commission Federal Consistency Manager  
Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
November 9, 2020  
Page 11 of 32

“Develop recreational trails in a ***phased approach***. Prior to beginning implementation of Phase 2 in RMZ 1 or 3, ensure the following (see Appendix C for adaptive management strategy): • Sufficient parking is provided for existing and projected use • Trails maintained in good or very good condition • Unauthorized social trails addressed in timely manner • Unauthorized visitation to sensitive habitat areas is infrequent.

In any event, the “phased-approach” method overlooks the fact that under Phase 1 150,000 visitors are projected which will create major public safety needs and no assurance they can or will be met.

Furthermore, other references to a phased-approach focus on the adequacy of infrastructure without addressing the adequacy of staffing or emergency services personnel.

The BLM proposes to use a two-phased approach to the implementation of public recreation facilities, with implementation of phase two dependent on effective recreation management under Phase 1. Emphasis will be placed on the ***adequacy of infrastructure to accommodate visitor use***.

There also is no assurance as to when, if ever, Phase 2 would occur so the evaluation of the effectiveness of recreation management under Phase 1 might not occur for a considerable time. FONC submits that in order to avoid such an open-ended approach, such evaluation should occur every three years after Phase 1 is open to the public, prior to implementation of Phase 2, whichever comes first. There should also be a transparent process for such evaluation with reasonable notice and opportunity for the public to participate.

BLM asserts that the problem is that it cannot quantify what the risks, visitorship or staffing needs will be. At Section 4.15 of the RMPA, BLM states:

In particular, the ***BLM was unable to quantify*** risks to transportation, emergency services, public health, or safety, from implementation of the range of alternatives because there is no reliable data on visitor use for C-CD due to the fact that the property has not been previously open to public use. Nonetheless, the BLM hired consultants from WTrans to provide forecasts of future traffic volumes using the anticipated growth rate to 2040 from the AMBAG RTDM. Refer to for the Final Traffic Study for the Cotoni-Coast Dairies Project (Appendix K). ***Therefore, BLM's evaluation of such impacts is based upon theoretical approaches or research methods*** discussed in Appendix G and Appendix K.

This “unable to quantify” claim is unsustainable in light of the reality present all up and down the public access and recreation areas of the North Coast as laid out so credibly by County Supervisor Coonerty. To simply charge ahead ***without a plan*** and see ***whether*** “Central Coast Field Office has the capacity and resources to sustain these amenities and services” cannot possibly meet BLM’s burden to demonstrate “full consistency” with the Coastal Act.

Larry Simon, Coastal Commission Federal Consistency Manager  
 Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
 November 9, 2020  
 Page 12 of 32

Proximity to Wildfire Fuels as to Warrenella Road Top and Marina Ranch Gate.

Under Section 30210 public access must be provided “consistent with public safety needs.” In its formal Protest, FONC pointed out that 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**. In its formal Protest, DNCA noted that the potential for igniting another wildfire will be increased by bringing the public deep into the Cotoni-Coast Dairies Unit. Picnic shelters outside of the fenced area on the edge of the forest that borders numerous residences on Bonny Doon Road pose a fire threat to those residents (referencing the Concepts D figure).

Additionally, the **locations of these Compounds is inconsistent with County LCP** and General Plan section 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 13.10.362(B) includes parking areas, for both on and off-site uses, as well as local public parks, 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, especially where, as here, alternatives exist and have been proposed by the Commenting Parties.

Furthermore, 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 “The primary source for fire in the area has been human caused for as long as there is a written record.” 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 it did not include this prohibition.

The hazards and risks related to bringing these Compounds too far inland and too close to wildfire fuels clearly have spillover effects in terms of fire risk off-site.



Larry Simon, Coastal Commission Federal Consistency Manager  
Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
November 9, 2020  
Page 13 of 32

Protection of Public Rights and Natural Resource Areas from Overuse as to BLM's Unlawful Authorization for Use of E-Bikes.

The Proposed RMPA's Preferred Alternative D allows e-bikes (Sections 2.14.2 and 4.11.6) wherever mountain bikes are allowed on C-CD. Sempervirens protested the use of e-bikes on C-CD. Sempervirens and FONC both pointed out in their formal Protests that e-bikes are prohibited on San Vicente Redwoods immediately adjoining Cotoni-Coast Dairies with connecting trails planned. Sempervirens stated that:

“As a practical matter, we are concerned that e-bike use on C-CD will encourage the illegal use of e-bikes on the adjacent San Vicente Redwood's trail network. We are particularly concerned that e-bike use on the Molino Bank Loop will inevitably result in the unauthorized entry of e-bike users on San Vicente trails. Signage alone will not be enough to stop this use, and we anticipate BLM will have insufficient enforcement capacity to stop the trespass.”

Sempervirens and FONC pointed out that Cotoni-Coast Dairies is subject to a set of deed restrictions that were put in place when it was conveyed to BLM by the Trust for Public Land in 2014. These deed restrictions were required by a Coastal Development Permit (CDP 3-11-035) which conditionally approved the land division enabling the transfer of Cotoni-Coast Dairies to BLM. ***This CDP created public rights and Section 30210 requires these public rights to be protected.*** BLM has previously acknowledged to the Coastal Commission that it acquired the property subject to CDP 3-11-035 and is bound by it. Among other things, the deed restrictions expressly prohibit motorized off-road vehicles:

“The use of motorized off-road vehicles shall not be permitted on the Subject Property outside of established or designated roadways, except to the extent necessary for management of the Subject Property, or to protect public health and safety, or in response to other emergency situation. Presidential Proclamation 9563, which added C-CD to the California Coastal Monument on January 12, 2017, also explicitly prohibits off-road motorized vehicles.”

FONC's attorney has pointed out that at the time BLM signed the Grant Deed and the President signed Proclamation No. 9563, federal law clearly identified low-speed electric bicycles as a vehicle with a motor. Section 2085 of Title 15 provides that:

For the purpose of this section, the term “low-speed electric bicycle” means a two- or three-wheeled ***vehicle*** with fully operable pedals and an electric ***motor*** of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when ***powered solely by such a motor*** while ridden by an operator who weighs 170 pounds, is less than 20 mph.

Larry Simon, Coastal Commission Federal Consistency Manager  
Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
November 9, 2020  
Page 14 of 32

15 U.S.C. § 2085 (emphasis added) (signed into law on December 4, 2002). Thus, electric bicycles are motorized vehicles that, if traveling on trails within the Monument, are off-road vehicles that are expressly prohibited by the Grant Deed and Proclamation No. 9563.

The RMPA cites Secretarial Order 3376, dated August 29, 2019, "Increasing Recreational Opportunities through the use of Electric Bikes," which provides management guidance to BLM to "expressly exempt all e-bikes as defined in Sec. 4a from the definition of off-road vehicles or motorized vehicles." Both FONC and Sempervirens explain in their formal Protests that this after-the-fact Secretarial guidance lacks the authority to overturn or re-interpret the legally binding language of either the deed restrictions or the Presidential Proclamation.

Additionally, FONC's formal Protest points out that allowing e-bike uses within the Monument will exacerbate the disruption of ESHA. Pollock Comments, p. 5 (FONC April 1, 2020 Comment, Exhibit A). "Because of the relative speeds of ... [e-]bikes and hikers, bikes can have up to 4 times the effect on wildlife and loss of wildlife habitat in the buffer areas." *Id.* "[F]or a 2-3 hour afternoon outing, a ... bike will impact about 25 miles of habitat where a hiker will impact about 6 miles of habitat." *Id.* Given the profound disturbance 8 to 10 hikers will have on the existing, almost entirely undisturbed wildlife in the Monument, ***the inclusion of motorized bikes implicates the requirement under Section 30210 for the protection of natural resource areas from overuse*** as well as significant disruption wildlife habitat and movement over extensive areas of the Monument.

### Article 3 - RECREATION

Recreational archery hunting is inconsistent with RMZ2's management as a core habitat area (ESHA) for fish and wildlife and will significantly degrade habitat of sensitive species, including mountain lions, mule deer, badgers, and other wildlife.

BLM's "COASTAL CONSISTENCY DETERMINATION" states as follows

"Limited archery hunting opportunities on the property would provide a unique recreational opportunity on the property, as the only public land hunting opportunity in Santa Cruz County."

The 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 inconsistent with BLM's stated intent for management of RMZ2 as a core habitat area for fish and wildlife (qualifying as ESHA under the Coastal Act – See Article 5 below).

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

Larry Simon, Coastal Commission Federal Consistency Manager  
 Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
 November 9, 2020  
 Page 15 of 32

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.**" The impacts on coastal resources such as habitat area for wildlife, endangered species such as red-legged frogs and salmonids, as well as streams, creeks, and riparian area, will have spillover effects outside of Cotoni-Coast Dairies since these habitats and waterways extend beyond its boundaries.

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 further notes that the RMPA includes no express limitations on the number of days hunters might be present, the number of hunters that might be allowed, or the types of wildlife that would be hunted. It is unclear whether hunters would be granted exemptions to camp overnight, build campfires or do other forms of fire-making, or bring their hunting dogs off-trail. Sempervirens further points out that trails proposed by BLM for RMZ1 and RMZ3 are planned to follow directly along the boundaries of two sides of this hunting zone. The Proposed RMPA Preferred Alternative D also lacks clarity on what sort of buffer zones are needed to ensure public safety or how those buffer zones would be meaningfully enforced.

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. This hazard clearly has a spillover effect. 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. This is another spillover effect.

FONC's formal Protest filed by its attorney Michael Lozeau (with which RBDA joined) concurred with the points made by County Supervisor Coonerty and Sempervirens. FONC further notes that since RMZ2 qualifies as ESHA, and Coastal Act sections 30107.5 and 30240(a) together "**limit development inside habitat areas to uses that are dependent on the resources to be protected and that do not significantly disrupt habitat values**" *McAllister v. California Coastal Com.* (2008) 169 Cal.App.4th 912, 929, (2008), *as modified* (Jan. 20, 2009). Archery hunting plainly is not dependent on these species and habitats. Hunting will

Larry Simon, Coastal Commission Federal Consistency Manager  
Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
November 9, 2020  
Page 16 of 32

significantly degrade habitat of sensitive species, including mountain lions, mule deer, badgers, and other wildlife.

FONC's formal Protest further 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.

Furthermore, the CDFW's compendium, submitted with FONC's Supplemental Comment Letter (and previously provided to Coastal Staff (including you) on 8/11/2020), demonstrates that recreational use and wildlife protection, are opposed to each other: more recreational use means less protection for wildlife. This is indisputably true in the case of hunters traipsing through wildlife habitat for the purpose of killing some of the wildlife. 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.”

FONC also submits that the foregoing will have spillover effects on wildlife habitat.

#### **Article 4 - MARINE ENVIRONMENT**

Section 30230 of the Coastal Act provides:

“Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. ....”

And Section 30231 adds:

Larry Simon, Coastal Commission Federal Consistency Manager  
Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
November 9, 2020  
Page 17 of 32

“The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained ....”

BLM's “COASTAL CONSISTENCY DETERMINATION” states as follows:

“Streams from the C-CD enter the Pacific Ocean from tunnels beneath the highway, representing an important hydrological connection with the marine environment for anadromous fisheries. However, there are no BLM-administered surface lands connected to the coastal cliffs and beaches to the West. Project design features and coordination with permitting agencies would ensure implementation of the Plan would not result in the discharge of wastewater, increase runoff, interfere with surface water flow, or deplete ground water resources. Therefore, the BLM does not anticipate adverse impacts on the marine environment.”

This statement fails to demonstrate that marine resources, including the “species of special biological significance” such as the endangered coho salmon and steelhead are being given special protection (or even maintained, enhanced or restored) by virtue of the Proposed RMPA. Indeed, FONC's Comment Letter to BLM and Expert Reports attached thereto<sup>10</sup> establish that sedimentation from the trails and bicycle use thereof (especially motorized e-bikes) are *not* subject to the kinds of precise, enforceable mitigation requirements or commitments necessary to avoid significant impacts to the species of special significance. Hence BLM has not met its burden of establishing compliance with the Coastal Act.

The same Comment Letters and Expert Reports likewise demonstrate a failure as to maintaining the biological productivity and the quality of coastal waters, streams, wetlands, and estuaries, appropriate to maintain optimum populations of marine organisms.

All of the foregoing have spillover effects.

#### Post-CZU Fire Damage and Warning of Debris Flows.

BLM's “COASTAL CONSISTENCY DETERMINATION” regarding the MARINE ENVIRONMENT does not demonstrate any effort whatsoever to prevent or mitigate the post-CZU Fire debris flows which are the subject of strong warnings by the County of Santa Cruz for Molino, Agua Puerca, San Vicente and Laguna Creek (see Exhibit 2 attached – Cal Fire Debris Flow Map and County Press Release). These will be devastating to the marine environment at Cotoni-Coast Dairies and will dramatically harm and reduce the habitat of the endangered salmonids. The Proposed RMPA should also establish additional “special protection” to recognize the reduced critical habitat for these species of special biological significance.

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<sup>10</sup> The Final Draft of the Comment Letter was sent to Coastal Staff (including you) on 3/23/2020 along with the Exhibits including those Expert Reports. FONC's Final Comment Letter, Preferred Alternative, and Exhibit L were sent to Coastal Staff (including you) on 4/8/2020.



Larry Simon, Coastal Commission Federal Consistency Manager  
Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
November 9, 2020  
Page 18 of 32

The Management Action to withdraw water from streams within the Monument for construction and dust abatement: (a) fails to protect streams, some of which are critical habitat for salmonids and all of which are critical habitat for red-legged frogs; and (b) violates the Grant Deed which reserves all of the water rights on the site to the Trust for Public Land.

The State Director's approval includes a presumption by BLM that the agency will withdraw water from streams. Although not mentioned in the main body of the RMPA/EA, Appendix D states as a Project Design Feature:

Water withdraw from streams (for use in construction and dust abatement, as necessary) will employ necessary screening and reduction of pumping rates to prevent entrainment of aquatic species. Access to streams for purposes of water withdraw will minimize disturbance to streambanks and riparian vegetation.

RMPA/EA, App. D, p. 4. There is no discussion of how much water might be needed for these purposes or what impacts those withdrawals might have on the Monument's aquatic Objects, including listed salmonids and red-legged frogs. But given the potential, BLM has not met its burden of establishing consistency with Coastal Act sections 30230 and 30231. Spillover effects are possible since these streams continue off-site all the way to the Pacific Ocean.

In addition, the provision for water withdrawals by BLM violates Grant Deed in which all water rights were reserved to TPL. Grant Deed, p. 2 ("RESERVING unto Grantor any and all water rights owned by Grantor, and the right to all proceeds from the sale of such rights"). This violation has spillover effects since the water is reserved for TPL's off-site agricultural land holdings.

The inclusion of broadcast spraying of pesticides may significantly degrade the environment by risks of toxicity to riparian and aquatic environments by generally vague or inadequate buffer zone and timing mitigations regarding dicamba and other pesticides being used.

Although the Preferred Alternative has eliminated the aerial broadcast spraying originally proposed by BLM, it still allows for broadcast spraying of pesticides from trucks and backpacks. The RMPA does not adequately address how the endangered red-legged frogs and salmonids will be protected by strict buffers. The RMPA does indicate that:

The use of appropriate herbicide formulations, establishing buffer zones from sensitive species and their habitats, and following herbicide label instructions and standard operating procedures during application will minimize any potential adverse impacts to non-target upland terrestrial vegetation.

*See, e.g.* RMPA § 4.2.6. Each of these measures is too vague or inadequate to remove substantial questions of adverse impacts of herbicides on the Monument's endangered species and their critical habitats.

Larry Simon, Coastal Commission Federal Consistency Manager  
 Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
 November 9, 2020  
 Page 19 of 32

Appendix F (Weed Management Plan) provides some additional detail on the proposed buffer zones for applying pesticides. The only mention of salmonids is to say "Care should be taken not to let spray enter critical habitat for salmonids as the effects on young of the year are unknown." There is no mention of red-legged frogs. Rodeo is described as having been shown to affect larval stages of frogs in general and to interfere with the protective microbial film on the skin of frogs creating the potential to expose frogs to many diseases including chytrid.

Earlier this year, the U.S. Court of Appeals for the Ninth Circuit banned Bayer and BASF's versions of dicamba because of their propensity to move off of where it is applied and harm crops and natural areas. *Nat'l Family Farm Coalition, et al. v. U.S. Env'tl Protection Agency*, Case No. 19-70115 (slip op. June 3, 2020). In the ruling, the three-judge panel found that the EPA failed to consider harms to farmers and the environment. About 10 days ago the U.S. Environmental Protection Agency renewed its approval for dicamba herbicides for use over-the-top of genetically modified cotton and soybean crops for five years. Hence Dicamba may not even be available for BLM's purposes.

The decision will allow the continued use of the controversial herbicide, which has been blamed for millions of acres of crop damage in recent years. The EPA approved three products: Bayer's XtendiMax with VaporGrip Technology; BASF's Engenia; and Syngenta's Tavium Plus VaporGrip Technology. EPA Administrator Wheeler said that new restrictions on when the herbicide can be sprayed will solve the issues brought up by the Ninth Circuit, including:

- Requiring dicamba to be mixed with a volatility-reducing chemical in an applicator tank. The most common way that dicamba moves off target is through volatilization, when it turns from a liquid into a gas in the hours or days after it is sprayed.
- Extending a downwind buffer to 240 feet and 310 feet where Endangered Species are located;
- Implementing a nation-wide cut-off date after which dicamba cannot be sprayed. That date will be June 30 for soybeans and July 30 for cotton.

The newest Dicamba label provides as follows as to Endangered Species:

**PROTECTING ENDANGERED SPECIES / PESTICIDE USE LIMITATION AREAS.**

The use of any pesticide in a manner that may kill or otherwise harm an endangered species or adversely modify their habitat is a violation of federal law. Use of this product in a manner inconsistent with its labeling may pose a hazard to endangered or threatened species. When using this product, you must follow the measures contained in the Endangered Species Protection Bulletin for the area in which you are applying the product.

The RMPA's proposed trails and access areas are without enforceable mitigation requirements or commitments that will be undertaken to avoid significant impacts as required by 40 C.F.R. § 1501.6(c) and hence preclude BLM from meeting its burden to demonstrate full consistency with

Larry Simon, Coastal Commission Federal Consistency Manager  
Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
November 9, 2020  
Page 20 of 32

California's Coastal Program's protection standards for the marine environment and environmentally sensitive habitat areas ("ESHAs").

BLM has a duty to provide a reasonably complete discussion of possible mitigation measures as an important ingredient of an EIS, and its omission therefrom would undermine NEPA's "action-forcing" function of discussing mitigations. *Robertson v. Methow Valley Citizens Council* (1989) 490 U.S. 332. The need for such a discussion where, as here, no EIS is prepared is even more critical when, as here, the "protective [mitigation] measures and project design features (Appendix D)" are being relied upon to reduce admittedly adverse effects to be less than significant. ***"If the agency finds no significant impacts based on mitigation, the mitigated finding of no significant impact shall state any enforceable mitigation requirements or commitments that will be undertaken to avoid significant impacts."*** 40 C.F.R. § 1501.6(c). Hence, the discussion needs to explain which measures and features are being applied to each adverse effect, how it reduces that adverse effect to being less than significant, and whether a measure or feature creates any adverse effect itself. That has not occurred here. Instead Appendix D is basically a cafeteria-style menu "from which the BLM would select when implementing projects within CCD in order to best eliminate or minimize impacts." (Appx. D ¶1). The selection of mitigations and/or features must occur prior to any Coastal Act Consistency concurrence and as part of a public process.

All six of the perennial streams in the Monument are designated as critical habitat for coho salmon. RMPA at section 3.5. Indeed, San Vicente Creek was the only creek in the entire Central Coast evolutionary significant unit ("ESU") where coho have occurred. *Id.* The EA notes that "San Vicente Creek is a relatively productive steelhead stream providing adequate spawning and rearing habitat for the species" and, relative to the other creeks in the Monument, "contains the highest steelhead density." RMPA at section 3.5. However, the EA also notes that "San Vicente Creek has generally high levels of sand and silt..." *Id.* "Generally high levels of sand and silt in [San Vicente] creek may create sub-optimal salmonid conditions, ..." *Id.* Steelhead also are present in Liddell Creek. The EA states that steelhead are limited by "sedimentation due to soil type and mining." "All three branches of Liddell Creek are exposed to severe sedimentation, which appears to be the primary limiting factor in this watershed..." *Id.* In Laguna Creek, "fine substrate materials increase" as you go upstream. *Id.*

No mention is made in the RMPA of what levels of sedimentation and turbidity must be avoided in order not to degrade steelhead and coho salmon and their habitat. No information attempting to quantify the existing conditions of the creeks is provided. No modeling was conducted to evaluate how much sediment the proposed trails, parking areas, hundreds of thousands of users on bike, horse, or walking would disturb and cause to erode into the creeks and how that might affect the existing but unidentified baseline conditions of the creeks. In short, beside the general assurance that BLM intends to do a good job, there is no baseline from which a reader or BLM could assess the significance of additional impacts from the three management alternatives.

Larry Simon, Coastal Commission Federal Consistency Manager  
Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
November 9, 2020  
Page 21 of 32

Review by two sedimentation and erosion experts confirms the absence of any meaningful baseline information that would allow them and others to evaluate and understand the potential impacts of the various alternatives on stream sedimentation. Dr. Rubin notes that “[t]he draft FONSI gives an inadequate, non-quantitative, treatment to the topics of erosion, sedimentation, and turbidity.” Rubin Comments, p. 1 (Exhibit C to FONC Comment Letter). In order to assess the proposals’ impacts on turbidity, sediment concentrations, sedimentation in gravel, and the resulting effects on salmonids all must start with “measurements of background concentration levels...” *Id.*, pp. 1-3; *id.*, p. 3 (the EA “provides no information regarding present grain sizes of sediment on the bed or predictions of how the actions might contribute additional fine sediment”). See also SWAPE Comments, Exhibit D to FONC Comment Letter.

The foregoing all have spillover effects since the streams continue off-site to the Pacific Ocean and the sedimentation affects salmonid populations.

## Article 5 - LAND RESOURCES

The two primary land resources at Cotoni-Coast Dairies identified in Article 5 are ESHA and prime agricultural land. BLM’s “COASTAL CONSISTENCY DETERMINATION” fails to address protection<sup>11</sup> of either from planned development, use, or activity under the RMPA. Section 30240(a) of the Coastal Act protects the land resource known as ESHA and provides:

“(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.”

Section 30241 protects the land resource “prime agricultural land” and provides:

“The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas’ agricultural economy ....”

The Proposed RMPA fails to protect prime agricultural land currently in organic agricultural production by adopting a Weed Abatement Plan (Appendix F) which would violate the buffer required by the label of the pesticide dicamba and in general fails to assure that pesticides used will not drift or otherwise harm the crops of immediately adjacent organic farming operations.

### ESHA (Environmentally Sensitive Habitat Areas)

FONC’s formal Protest filed by its attorney Michael Lozeau (with which RBDA joined) cites statutory and case law explaining the Coastal Act protections of ESHA as follows:

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<sup>11</sup> BLM does discuss restoration (but not protection) of certain coastal resources which would qualify as ESHA, but not by identifying these resources as ESHA.

Larry Simon, Coastal Commission Federal Consistency Manager  
Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
November 9, 2020  
Page 22 of 32

“‘Environmentally sensitive area’ means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.” Pub. Res. Code § 30107.5.

Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Pub. Res. Code § 30240(a).

Case law has established that “development in ESHA areas themselves is limited to uses dependent on those resources” (*See Sierra Club v. California Coastal Com.* (1993) 12 Cal.App.4th 602, 611) and “together, the two restrictions limit development inside habitat areas to uses that are dependent on the resources to be protected and that do not significantly disrupt habitat values” *McAllister v. California Coastal Com.* (2008) 169 Cal.App.4th 912, 929, (2008), *as modified* (Jan. 20, 2009).

BLM's “COASTAL CONSISTENCY DETERMINATION” states that in terms of Development it will:

Establish a second Day Use Site (parking) at Warrenella Road Top for seasonal weekend use. No overnight (sunset to sunrise) parking will be allowed. Provide for at least one public restroom and trash collection at this site. Refer to **Appendix B, Access Point Concept B**.

Establish a Day Use Site (parking) at Marina Ranch Road (*sic*), incorporating parking opportunities for equestrian use. Work with CalTrans and other relevant partners to ensure adequate ingress and egress to this site. No overnight (sunset to sunrise) parking will be allowed. Provide for at least one public restroom and trash collection at this site. Refer to **Appendix B, Access Point Concepts C and D**.

Warrenella Road Top and Marina Ranch Gate each concentrate large compounds for parking (with picnic shelters [5 and 3, respectively] and restrooms) too far inland (adjacent to wildfire fuels) and too close to habitat for mountain lions and other wildlife (making noise and involving fencing both sides of long roads, all causing greater fragmentation, disruption and loss of habitat). These compounds represent flawed Resource Management planning inconsistent with the Presidential Proclamation, Federal Coastal Zone Management Act of 1972 (“FCZMA”), and Coastal Act. Furthermore, superior proffered alternatives for each exist and both Warrenella Top and Marina Ranch Gate each have their individual additional adverse impacts as well. Indeed, County Supervisor Coonerty stated in his March 16, 2020 Comment Letter to BLM that “[u]nfortunately, there are significant disadvantages to each proposed access location.”

Proximity to Wildfire Fuels: This inconsistency is discussed under Article 2- PUBLIC ACCESS, which under Coastal Act Section 30210 must be “consistent with public safety needs.”



Larry Simon, Coastal Commission Federal Consistency Manager  
 Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
 November 9, 2020  
 Page 23 of 32

Significant Disruption of Habitat Values: Section 3.4 of the Proposed RMPA has since the "Draft" stage informed the public 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 ESHA 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 Warenela 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 lion<sup>12</sup> 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 (Exhibit A to the FONC 4/1/2020 Comment Letter) 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.*

<sup>12</sup> 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."

Larry Simon, Coastal Commission Federal Consistency Manager  
 Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
 November 9, 2020  
 Page 24 of 32

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

1. It must be noted, the National Landscape Conservation System whose 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.
2. 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

Larry Simon, Coastal Commission Federal Consistency Manager  
 Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
 November 9, 2020  
 Page 25 of 32

all wildlife since wildlife accessible fencing is not being required in the Proposed RMPA). *See*, road cross section on Concept Map C”].

Other Flaws for Warrenella Road Top:

*The safety issue* related to the extreme steepness of the grade of Warrenella Road and its non-compliance with established BLM road standards was not addressed in the Draft RMPA or the Proposed RMPA with BLM's Preferred Alternative finally chosen. Warrenella Road does not comply with the standards set for public access roads in BLM MS 9113. The Table on page 3-2 for a “mountainous area” with less than 100 average daily trips, the minimum two-lane width is 24 feet and the maximum grade is 15%. There are portions of Warrenella where the 24-foot width plus shoulders/drainage will be impactful to implement. Additionally, the grade above the first cattle guard is 19% with no easy remedy. There are two designated RV spaces indicated in Figure B. RVs would be particularly unsafe vehicles on this road. (See pages 2-3 of DNCA formal Protest and pages 19-20 of DNCA Comment Letter) 3. As discussed under Article 2 – PUBLIC ACCESS under Coastal Act Section 30210 must be “consistent with public safety needs.”

*The invitation to trespass on nearby private property.* There is a gate at the Warrenella Road Top parking lot area where Warrenella Road continues to Molino Creek and other properties. However, there is no way to keep the public from walking or biking up Warrenella Road from the parking area as there are two pedestrian gates from the lot. This issue is also relevant under Article 2 – PUBLIC ACCESS which under Coastal Act Section 30210 establishes a “need to protect ... rights of private property owners.”<sup>13</sup>

Other Flaws for Marina Ranch Gate Access:

*Traffic Safety Hazard* identified in Higgins Peer Review of Traffic Study resulting from conflicts and associated safety impacts of the Farm Complex access road on the Coastal side of Highway 1 approximately 70 feet north of the proposed Marina Ranch Gate access to Highway 1. Higgins' Peer Review of BLM's “Final Traffic Study” states: “This results in the potential for a northbound left turn encountering an opposing southbound left turn into the Marina Ranch Gate.” Higgins B.6.

*Loss of ESHA (wetlands and ephemeral riparian area) from development of Access Road.* There is scientific evidence of the presence of delineated wetlands and ephemeral riparian areas in the vicinity of the Marina Ranch Gate Access

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<sup>13</sup> Trespassing potential is an issue in general as to visitors finding their way from interior parking lots to adjacent private property.

Larry Simon, Coastal Commission Federal Consistency Manager  
 Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
 November 9, 2020  
 Page 26 of 32

Road and significant impacts that may result to these sensitive habitats from development of the access roadway.

*Inconsistency with Coastal Act intent to maximize scenic views from trails and preserve natural landforms.* The Marina Ranch Gate Compound and Access Road will despoil “[t]he broad view of the Pacific Ocean and *sweeping marine terraces* [which] *are the key scenic features* of C-CD” (RMPA/EA p.37) from a multitude of trails and locations. The construction of the Access Road will also alter natural land forms in the beautiful draw through which it runs. This issue is discussed under Article 6 – Development.

Alternative to Marina Ranch Gate Access: FONC has submitted to the Coastal Staff an Alternative to the Marina Ranch Gate Compound and Access Road in the form of clustered access and parking at the top of the canyon above Yellow Bank Creek (coordinated with existing RTC Rail-Trail Plans on the coast side of Highway 1 where the BLM-proposed overpass for pedestrians and bicycles crosses Highway 1. This issue is discussed under Article 6 – Development.

#### Maximizing Land in Agricultural Production

The Proposed RMPA fails to protect organic farms from harm caused by spraying dicamba and other pesticides with adequate buffers.

BLM’s “COASTAL CONSISTENCY DETERMINATION” states as follows:

MA-VEG-7 Use BLM approved pesticides to control invasive plant species (all areas of C-CD) and to reduce wildfire risk around infrastructure with use of small scale ground-based pesticide application methods - backpack sprayer (spot spraying); spray boom on motorized vehicle (UTV; Full-sized Vehicle [truck]; broadcast spraying).

Although the Preferred Alternative has now eliminated aerial broadcast spraying, it still allows for broadcast spraying of pesticides from trucks and backpacks. The EA does not adequately address how the use of herbicides will not adversely affect the nearby and adjacent organic farms. The RMPA does indicate that:

The use of appropriate herbicide formulations, establishing buffer zones from sensitive species and their habitats, and following herbicide label instructions and standard operating procedures during application will minimize any potential adverse impacts to non-target upland terrestrial vegetation.

*See, e.g. EA/RMPA § 4.2.6.* Each of these measures is too vague or inadequate to remove substantial questions of adverse impacts of herbicides on the monument’s adjacent organic farms. ***Furthermore the 50-foot buffer for Dicamba spraying adjacent to organic farms violates the Pesticide Label.***

Larry Simon, Coastal Commission Federal Consistency Manager  
Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
November 9, 2020  
Page 27 of 32

Appendix F (Weed Management Plan) provides some additional detail on the proposed buffer zones for applying pesticides. The plan states that it will:

“Establish a buffer between treatment areas and private, organic farms based on guidance, per 7 CFR 205.202, with a minimum buffer of 50 feet for broadcast treatment applications.” RMPA, App. F (WMP), p. 29.

Because a minimum of 50 feet is established, this measure does not eliminate risks to organic farms. The Dicamba Label requires at least a 240-foot buffer (if the current EPA approval even allows spraying for the purposes intended by BLM).

This past June, the U.S. Court of Appeals for the Ninth Circuit ordered that the registration of dicamba be vacated in large part due to the agency (as did BLM's Draft RMPA) downplaying its volatile nature and capacity to drift into sensitive areas. *Nat'l Family farm Coalition, et al. v. U.S. Env't'l Protection Agency*, Case No. 19-70115 (slip op. June 3, 2020). About 10 days ago, the U.S. Environmental Protection Agency renewed approval of Dicamba herbicides for use over-the-top of genetically modified cotton and soybean crops for five years. The decision will allow the continued use of the controversial herbicide, which has been blamed for millions of acres of crop damage in recent years. The EPA approved three products: Bayer's XtendiMax with VaporGrip Technology; BASF's Engenia; and Syngenta's Tavium Plus VaporGrip Technology. EPA Administrator Wheeler said that new restrictions on when the herbicide can be sprayed will solve the issues brought up by the Ninth Circuit. The new restrictions include:

- Requiring dicamba to be mixed with a volatility-reducing chemical in an applicator tank. The most common way that dicamba moves off target is through volatilization, when it turns from a liquid into a gas in the hours or days after it is sprayed.
- Implementing a nation-wide cut-off date after which dicamba cannot be sprayed. That date will be June 30 for soybeans and July 30 for cotton.

The new Label for Dicamba (applicable in only 34 states not including California - Exh 4 attached) requires well more than a 50 foot buffer:

Buffer Requirement: Downwind Requirements: ...

Sensitive crops and certain plants downwind: DO NOT apply if sensitive crops and/or certain plants, as defined below in this label, are planted on an adjacent downwind field or area. ...

Downwind buffer: After determining no adjacent sensitive crops and/or certain plants are downwind, maintain a 240-ft downwind buffer.

DO NOT SPRAY this product when wind is blowing toward adjacent sensitive crops and certain plants, as defined immediately below.

Larry Simon, Coastal Commission Federal Consistency Manager  
Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
November 9, 2020  
Page 28 of 32

Dicamba-sensitive crops and/or certain plants include, but are not limited to, non-dicamba-tolerant soybeans and cotton, tomatoes and other fruiting vegetables (EPA crop group 8), fruit trees, cucurbits (EPA crop group 9), grapes, beans, flowers, ornamentals, peas, potatoes, sunflower, tobacco, and other broadleaf plants, including if these plants are in a greenhouse. Severe injury or destruction could occur if any contact between this product and these plants occurs. Sensitive crop registries can provide additional information about sensitive crops and sensitive areas.

At minimum the BLM buffer of 50 feet rather than 240 feet is a serious error in the RMPA and demonstrates another reason why Coastal Act consistency has not been proven. *CCOF expressly recommended that BLM eliminate the use of Dicamba and 2,4 D pesticides.*

California Certified Organic Farmers (CCOF) has provided a letter which raised substantial questions regarding potentially significant affects to organic agriculture operations which the RMPA has still not adequately addressed. *See* FONC April 1, 2020 Comment Letter, Exhibit H. The CCOF letter confirmed that the Monument boundaries are adjacent to a number of certified organic farms for which herbicide drift can cause economic damages. The coastal environment in particular can result in volatilization and post-application drift of herbicides in foggy conditions. A certified organic producer in the area successfully sued a pesticide application company for \$1 million in damages due to herbicide drift in 2007. <https://caselaw.findlaw.com/ca-court-of-appeal/1549214.html>. The particular chemicals applied in that case were chlorpyrifos, diazinon, and dimethoate, among others.

These impacts are clearly spillover effects and further demonstration of why Coastal Act consistency cannot currently be proven given Coastal Act section 30241 requiring that there be maximization of land in agricultural production under

## **Article 6 - DEVELOPMENT**

Section 30251 of the Coastal act provides that:

“The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. ....”

Two “Development” issues are addressed here: (1) BLM’s proposed Warrenella Road Gate and DNCA’s superior Mocettini Barn Alternative; and (2) BLM’s despoiling the Monument’s “key scenic features” by its proposed Marina Ranch Gate Compound and Access Road and FONC’s superior alternative at the south canyon top above Yellow Bank Creek.

Warrenella Road Top and the Superior Mocettini Barn Alternative.



Larry Simon, Coastal Commission Federal Consistency Manager  
Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
November 9, 2020  
Page 29 of 32

BLM's "COASTAL CONSISTENCY DETERMINATION" states that in terms of Development it will:

Establish a Day Use Site (parking) at Warrenella Road Gate. No overnight (sunset to sunrise) parking will be allowed. Provide for at least one public restroom and trash collection at this site. Refer to **Appendix B, Access Point Concept A.2, Warrenella Road Gate.**

*BLM's proposed location for the Warrenella Road Gate access facilities will be visible from the north bound lane of state Highway 1, as well as from the County's Cement Plant Road. The treatment of this site as falling under the VRM III category is not sufficient. Changes to the visual landscape should be managed pursuant to VRM Class II. The trailhead facilities proposed by BLM at the Warrenella Road Gate location are visually intrusive. The lower Warrenella location is on a rise that will be highly visible from Highway 1. **The Mocettini Barn site proposed by DNCA is preferable as it eliminates visibility from Highway 1.** In fact, Figure 10 of the RMPA indicates that BLM's proposed location for the Warrenella Road Gate trailhead facilities has been completely whited out and therefore, in BLM's mind, does not have to comply with any of the management requirements of the VRI Class Codes. The Mocettini Barn site and its many additional superior features are explained in detail in Exhibit 5 attached.*

Marina Ranch Gate Compound and Access Road and the Superior Clustered Yellow Bank Canyon Top Alternative.

BLM's "COASTAL CONSISTENCY DETERMINATION" states that in terms of Development it will:

Establish a Day Use Site (parking) at Marina Ranch Road, incorporating parking opportunities for equestrian use. Work with CalTrans and other relevant partners to ensure adequate ingress and egress to this site. No overnight (sunset to sunrise) parking will be allowed. Provide for at least one public restroom and trash collection at this site. Refer to **Appendix B, Access Point Concepts C and D.**

BLM's proposed location for its Marina Ranch Gate Compound and Access Road has several serious flaws:

- (1) It concentrates a large compound for parking (with picnic shelters and restrooms) too far inland (adjacent to wildfire fuels), too close to habitat for mountain lions and other wildlife (making noise and involving fencing both sides of a long road, all causing greater fragmentation, disruption and loss of habitat).
- (2) It despoils the view from the trails planned at Cotoni-Coast Dairies overlooking this key sweeping marine terrace and the view off-site of the coastline, Monterey Bay, Monterey Peninsula, and the Pacific Ocean. The elevated Access Road, its tall fencing on both sides, and its round-a-bout just across the prime agricultural

Larry Simon, Coastal Commission Federal Consistency Manager  
 Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
 November 9, 2020  
 Page 30 of 32

land adjacent to Highway 1, combine to despoil the view from Highway 1 of a beautiful natural draw and alter its natural landforms, environmentally sensitive habitat area, and wetlands.

- (3) It intersects Highway 1 as an essentially new direct access contrary to the standard set forth in Caltrans' March 16, 2020 Comment Letter.
- (4) The Higgins Peer Review statement that:

“[t]he warrant for a left turn lane at the Marina Ranch Gate needs to consider potential conflicts and associated safety impacts of the Farm Complex access road on the Coastal side of Highway 1 approximately 70 feet north of the proposed Marina Ranch Gate. A second access road to the farm complex is provided about 250 feet north of the Marina Ranch Gate. ***This results in the potential for a northbound left turn encountering an opposing southbound left turn into the Marina Ranch Gate.***” Higgins B.6. See Exhibit 6 attached.

This and item 3 above and item 5 below were discussed by FONC in an hour-long Webex meeting with John Olejnik and Chris Bjornstad of Caltrans and the former indicated he would give BLM's Ben Blom a call to discuss same.

- (5) It fails to coordinate with the planned Rail-Trail Parking Lot at Panther Beach despite Caltrans October 28, 2020 Comment Letter to BLM stating “Caltrans looks forward to working with you on additional channelization opportunities at SR 1 and the Panther Beach parking lot improvements.”

On the other hand, the Clustered Yellow Bank Alternative has the following advantages:

- (1) The sole Southgate Trailhead is at this location for Alternative D on both Figure 5D and 6D.
- (2) It enables coordination with the pedestrian/bicycle overpass between Rail-Trail Parking Lot and Cotoni-Coast Dairies shown as terminating at this location.
- (3) It enables coordination with Rail Trail vehicular access channelization for a mutual intersection at the location for the left turn into the Rail-Trail Parking Lot as shown on the Rail-Trail's 70% Plans copied from the channelization at Bonny Doon Road/Bonny Doon Beach Parking Lot. See Exhibit 7 attached, denominated “Combined Panther Beach – Cotoni-Coast Dairies intersection with Highway 1,” which if zoomed in on shows clearly that combined left turn lane.
- (4) It provides an opportunity for electrical services as well as an existing or parallel City water line to be used for the public using both Cotoni-Coast Dairies and Panther Beach, including opportunity to avoid pit toilets.
- (5) It eliminates conflict of Marina Ranch Gate access with Farm Complex access approximately 70 feet to the north on Highway 1.

Larry Simon, Coastal Commission Federal Consistency Manager  
 Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
 November 9, 2020  
 Page 31 of 32

- (6) It has myriad opportunities for creative use by utilizing the already graded historic roadbed of Old Coast Road Old which descends from the termination location of the Pedestrian/Bicycle Bridge over Highway 1 into the base of the canyon, crosses Yellow Bank Creek, and ascends the north side of the canyon to another potential parking area (not visible from Highway 1) on its way to another potential exit/entrance at Fambrini Farm Stand.
- (7) Perhaps most compelling is that access and adequate parking can more quickly, efficiently, and legally be created and operational.

The FONC Clustered Access and Parking at Yellow Bank (an Addendum to FONC's Preferred Alternative) has previously been submitted to the Coastal Commission as an attachment to FONC's Supplemental Comment Letter provided to Coastal Staff on 8/4/2020 and is Exhibit 8 attached. That Exhibit contains a detailed explanation of the inconsistencies of Marina Ranch Gate with the Coastal Act and the advantages of FONC's Clustered Access and Parking at Yellow Bank. ***Exhibit 7 is a simplified version showing Phase 1 of the access and parking at Yellow Bank.***

## CONCLUSION

The Commenting Parties submit that BLM's Proposed RMPA does not meet the standards for the Coastal Commission to concur as to its claimed consistency with the CCMP. Commenting Parties understand that if Coastal Staff agrees that concurrence is not yet in order, it may meet with BLM for further discussions. Commenting Parties believe that further communications with BLM, Coastal Staff, and Caltrans could be fruitful and would be willing good faith participants. We would be open to Supervisor Coonerty facilitating this if he has time and inclination.

FONC also learned during its Webex Meeting with Caltrans' John Olejnik that a new Grant Process is going to start soon which would be an excellent vehicle for developing a Sustainable Traffic Demand Management Plan and Sustainable Tourism Plan like the two plans recently done for Big Sur. The Commenting Parties also believe that this should be pursued and request the Coastal Commission to encourage this to occur and participate if such a Grant can be obtained.


DNCA has noted that Cotoni-Coast Dairies National Monument and the State Park and County Beaches of the North Coast are incredible recreational resources all within an hour's drive of an ever-growing population almost as big as New York City. Understandably, over the past few years, and particularly this summer, local residents have seen an exponential growth in the number of visitors. One has only to look at "Swing Beach" to see how social media has directed and loaded visitors' choices of recreational attractions. The effects on public safety, traffic, trash, and human waste cannot be overstated. And this is before a National Monument is open to the public. The DNCA has been a consistent voice for inter-agency coordination and forward thinking planning so that whether you live here or come for a day, it is a positive experience. The RMPA/EA does not adequately analyze the cumulative effects, or address and

Larry Simon, Coastal Commission Federal Consistency Manager  
Friends of the North Coast Letter re BLM's RMPA for Cotoni-Coast Dairies  
November 9, 2020  
Page 32 of 32

commit to the important work of managing the aggregate impacts of federal, state and county public facilities along this stretch of the coast. Commenting Parties believe the Coastal Commission can play an active role through the consistency determination in directing all agencies involved to engage in an active and on-going process to redress this untenable situation.

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: Russell Kliegel

Cc: Ben Blom, BLM Field Manager - Marina  
The Honorable Anna Eshoo, U.S. House of Representatives  
The Honorable Mark Stone, California Assemblymember  
The Honorable John Laird, California State Senator-Elect  
The Honorable Ryan Coonerty, Santa Cruz County Board of Supervisors  
Chris Spohrer, State Parks District Director  
John Olejnik, Senior Transportation Planner, Caltrans  
Grace Blakeslee, Senior Planner, SCCRTC  
Mountain Bikers of Santa Cruz County

FIGURE 16. CRITICAL FIRE HAZARD AREAS WITHIN COUNTY OF SANTA CRUZ



**B. Extent: Magnitude or Severity**

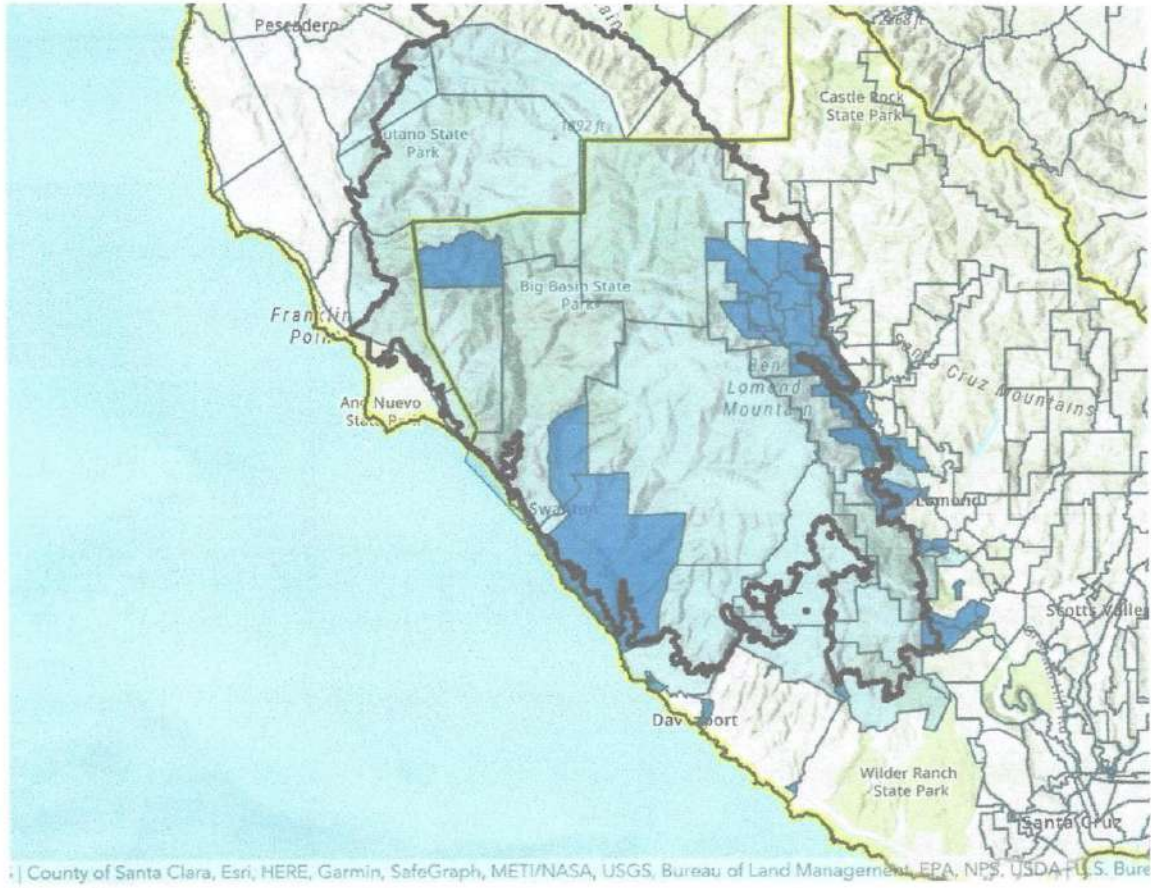
The potential magnitude or severity of future fires could be predicted from experience gained from the recent fires of 2008/2009. In those fires, spotting exceeding 1 mile, torching of conifers, flame lengths exceeding 100', area ignition and sheeting were all observed. In 2008, over 75 structures were destroyed on 3 fires alone. Similar fuels (Manzanita/Knobcone, Eucalyptus, chaparral, and mixed conifer forestland), topography and weather conditions are expected to be encountered in future fires creating a repeat of extreme fire behavior exhibited in recent large local fires.

While normal weather conditions in the Santa Cruz Mountains can be categorized as cold and damp with extensive marine influence (fog), several times each year conditions are created where fuel moisture levels have been measured below 5% with temperatures above 90°, and north winds greater than 45 mph.



<https://storymaps.arcgis.com/stories/b23963971dec41e3bcd3c98fa84111c5>

CZU Lightning Complex







# COUNTY OF SANTA CRUZ

701 OCEAN STREET, SANTA CRUZ, CA 95060-4073

(831) 454-2000 WWW.SANTACRUZCOUNTY.US

CARLOS J. PALACIOS, COUNTY ADMINISTRATIVE OFFICER

## PRESS RELEASE

Date: November 2, 2020

Contact: Jason Hoppin

Jason.Hoppin@santacruzcounty.us

### DEBRIS FLOW EVACUATION MAP RELEASED

Following the 2017 Thomas Fire in Santa Barbara County, debris flows – fast-moving, deadly masses of mud, rocks, boulders, entire trees – around the community of Montecito resulted in the deaths of 23 residents.

To minimize the risk of a similar scenario following the CZU Lightning Complex fires, the County of Santa Cruz, local partners including Cal Fire and local fire agencies, and officials from the California Office for Emergency Services have begun extensive planning to address the risk to residents from debris flows. With evacuations likely during the upcoming rainy season, residents are being urged to “Know Your Zone” by looking up their address on the Debris Flow Hazard Risk Map, available at <https://community.zonehaven.com>.

While the entire CZU Lightning Complex is an area considered to be at risk, county geologists have determined that thousands of residents face elevated debris flow risks and could face evacuations – potentially multiple evacuations – depending on weather conditions. Those areas are denoted on the Risk Evaluation Map by dark blue polygons. Assessments are based on geology, topography, burn severity and evidence of historic debris flows, among other factors.

Should evacuations be necessary, the County urges residents to take this risk seriously. All residents within evacuated areas should leave, regardless of the circumstances or location of their residence. Should a debris flow occur, access to impacted areas may be cut off, and rescues by public safety personnel may not be possible. County public safety and emergency management staff will make evacuation determinations with the safety of residents as the highest priority.

Debris flows can be triggered by short bursts of rain, and little can be done to mitigate the risk to communities in the immediate aftermath of a large fire. For more information

SERVING THE COMMUNITY – WORKING FOR THE FUTURE



# COUNTY OF SANTA CRUZ

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CARLOS J. PALACIOS, COUNTY ADMINISTRATIVE OFFICER

and an FAQ, visit the County's debris flow information page at <https://www.santacruzcounty.us/FireRecovery/DebrisFlowsMudflows.aspx>.

Residents are reminded that they should not be locating RVs, trailers, tents or other temporary habitation structures onto properties that have not been evaluated for geologic risk. Doing so places individuals and families at risk for debris flows and other geologic hazards.

Residents within the burn perimeter but outside dark blue polygons face lower risks from debris flows and are less likely to be evacuated.

Regardless of their risk level, all residents should sign up for emergency alerts. Visit <https://www.scr911.org/general/page/codered> or text "SCR911" to 99411 to sign up. Residents should also download the CodeRed app for their smartphones.

In advance of any rain events, residents are also advised to tune in to local news, utilize weather radios or follow County social media to stay up-to-date on the latest information.

SERVING THE COMMUNITY – WORKING FOR THE FUTURE

**From:** Chris Wilmers [mailto:cwilmers@gmail.com]  
**Sent:** Thursday, October 22, 2020 8:42 PM  
**To:** larry.simon@coastal.ca.gov; Rainey.Graeven@coastal.ca.gov  
**Subject:** Coast Dairies public access plan

Dear Coastal Commission,

I am writing out of concern for the two parking lots on the upper terraces up the Warenela road and above the Marina Ranch Gate in the proposed BLM access plan for Coast Dairies. Our research has shown that local carnivore species such as bobcats and the state threatened mountain lion are negatively impacted by human voices (Suraci et al 2019) such that the more humans in the surrounding forest there are, the more impacted these species will be. Our 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.

Sincerely,

Chris Wilmers

Professor of Wildlife Ecology

**Nickel, B. A., Suraci, J. P., Allen, M. L., & Wilmers, C. C. 2020. Human presence and human footprint have non-equivalent effects on t wildlife spatiotemporal habitat use. *Biological Conservation* 241, 1-11**

**Suraci, J.P., Clinchy, M., Zanette, L.Y. & Wilmers, C.C. 2019. Fear of humans as apex predators has landscape-scale impacts from mountain lions to mice. *Ecology Letters* 22 (10), 1578- 1586**

## Mocettini Barn Alternative

In its April 2020 Comment Letter, DNCA proposed a “Northgate” location for the northern public access to the Monument at Mile Marker 30.22. Over the summer, after conversations with its constituents, Cal Trans, and the County, DNCA decided to offer an alternative location near the Mocettini Barn on Cement Plant Road. This site was also proposed to BLM by DNCA board members during a “walkabout” with BLM on November 8, 2018 to look at all the potential trailhead sites before the Draft RMPA/EA was released. DNCA urged BLM to include it in their study and in the RMPA/EA. This suggestion was rejected by BLM staff and not included in the alternative analysis of the Draft RMPA/EA. Subsequent to release of the Draft RMPA/EA, DNCA board members had several discussions on June 3 and June 12, 2020 with Field Director Blom regarding the Mocettini Barn site that is about 100 feet north of BLM’s Warrenella Gate Road site. During these phone conversations, Field Director Blom raised several concerns. DNCA was in the process of responding to these concerns with a Supplemental Comment Letter when the CZU August Lightning Complex wildfires struck the area, forcing evacuations and completely re-focusing DNCA’s efforts on fire-related support, and recovery, which is still ongoing. The Director’s decision is deficient because BLM did not analyze the Mocettini Barn site and because the impacts of the Warrenella Road Gate site on New Town, the community, and coastal visual resources are greater than the site proposed by DNCA at the Mocettini Barn.

**Background Information** As the extraordinary increase in visitation to the North Coast during the Coronavirus pandemic has vividly demonstrated, unmanaged visitation to an area that has neither the facilities nor the resources to handle tourists results in unsafe traffic conditions, trash and human waste, environmental degradation, and a situation that is unappealing for visitors, uncontrollable for public safety officials, and unsustainable for local residents.

DNCA has, and will continue to, work consistently and constructively to support well-managed public access to C-CD, to protect the existing natural plant and wildlife species, to allow for the long term and sustainable coexistence of local residents surrounded by a National Monument, and to meet all the requirements of National Environmental Protection Act. DNCA strongly believes rejecting the Top Warrenella Road parking site and relocating the lower Warrenella parking site to the Mocettini Barn location meets the needs of the National Monument, while also meeting the needs of the communities on the North Coast. In so doing, DNCA is assisting BLM’s long-term management of this property by reducing future conflicts between visitors and residents.

DNCA believes strongly in the following principles:

- There should be a single Northgate trailhead location at the Mocettini Barn site;
- Location of Northgate trailhead should provide ready access to C-CD, promote public safety, and minimize conflict with North Coast communities, particularly Swanton, Molino Creek, and Davenport, including New Town and Davenport Landing;
- Northgate trailhead should provide public access to local loop trails, as well a future connection to San Vicente Redwoods trails and visitor-serving facilities at the redeveloped Cement Plant site as proposed in the County’s Santa Cruz Coastal Reuse Plan for the Davenport Cement Plant (2/19);
- The trailhead should be visibly unobtrusive from public roadways and from the Monument itself, while also providing good access and opportunities for interpretation of the natural and cultural history of the North Coast;



- C-CD Northgate and Southgate access planning should take place in the context of a North Coast, cross-agency coordinated plan. (see Big Sur Transportation Demand Management Plan as an example: <https://www.sustainablehighway1.com/>)

Due to its proximity to the Warrenella Road Gate site location, the access at the Mocettini Barn site offers all the same attributes identified in the RMPA/EA and would also resolve the concerns of the North Coast community. The fact that this site is already heavily altered by over a century of ranching activity makes it an ideal location for all the necessary access facilities for the Northgate trailhead. Because of the historic nature of the barn, the ongoing ranch activity, the riparian habitat of Agua Puerca Creek, and views of the hills of C-CD, this site offers a rich palate of interpretation opportunities. It would also have a safe and dedicated access from Highway One for the Monument at an already existing intersection via the north end of Cement Plant Road.



**Response to BLM Concerns** In DNCA's June 2020 conversations with Field Director Blom regarding consideration of this alternative site, he mentioned the following concerns that he believed would make locating trailhead facilities at this site problematic:

- Steelhead in Agua Puerca Creek
- Impacts to Cultural Resources
- Disturbance of the On-Going Grazing Operations
- Wetland Conditions

DNCA has researched these issues as they pertain to this location and we have found they either do not exist, or can be easily mitigated. Every access site on the North Coast will have environmental considerations that must be analyzed adequately and addressed. Our review indicates the concerns BLM staff raised can be addressed. Importantly, the Mocettini Barn site has already been heavily impacted by human activities and is therefore less pristine than any of the other sites identified in the RMPA/EA Alternatives. The following are DNCA's responses to BLM concerns:

**Steelhead in Agua Puerca** DNCA consulted with Jon Jankovitz, the former district biologist for California Department of Fish and Wildlife where he worked on a Coastal Monitoring Plan, a statewide assessment of streams that met anadromous salmonid characteristics. He said, "I never came across Agua Puerca as salmonid bearing. It is my understanding there are some passage and and severe habitat constraints to that small watershed. (i.e., the abalone farm). It likely supported steelhead in some regards historically, but steelhead are the cockroaches of the salmonid world. I certainly wouldn't focus any monitoring or management efforts on the watershed". Based on Mr. Jankovitz' statement, there is no salmonid population and virtually no opportunity for establishing a new population due to the lower watershed modifications at the abalone farm. Thus trailhead development 300 feet away should have no impact.

**Impacts to Cultural Resources** The Mocettini Barn is a resource that deserves to be restored and adaptively reused in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and BLM's Policy 8120 and 8110. While the barn is of an age and integrity that, for a different structure would allow it to qualify, it does not rise to a level of significance as defined in 36 CFR Section 60.4. Therefore, with appropriate setbacks, design, and use of appropriate materials DNCA's proposed location of parking and associated facilities would not adversely impact the Mocettini Barn. In fact, the location of the Northgate trailhead nearby would give life and purpose to whatever programmed adaptive reuse BLM deemed suitable. Otherwise, the Mocettini Barn becomes a derelict artifact and a public nuisance destined for untimely and unfortunate decay.

**Disturbance of the On-Going Grazing Operations** DNCA understands the grazing lease with the current rancher will expire at the end of 2020. This offers BLM and ideal opportunity to find a lessee who is familiar with grazing cattle on lands that are also used by people. 180 acres of another portion of the BLM property is grazed by a rancher who has had that experience for a number of years running a sustainable cattle operation on the UC Santa Cruz campus. DNCA is confident he would be amenable to having trailhead facilities adjacent to the corral

**Wetland Conditions** In response to concerns about the wetness of the flatlands that lies generally to the south of Agua Puerca Creek, DNCA met on site with Cal Poly Ecologist Dr. Grey Hayes who has extensive knowledge and professional experience with grasslands and wetland ecology on the North Coast. We also met on site with Dr. Bill Henry, Director of Groundswell Coastal Ecology. In each case they were supportive of locating trailhead facilities at the Barn site and did not find conditions that would approach the wetland designation that Field Director Blom mentioned.

According to Dr. Hayes, the California Coastal Commission considers three indicators of wetlands: vegetation, soil type, and hydrology. The Commission is clear that the presence of only one indicator would be necessary to delineate wetlands for the proposed project. Regarding vegetation, the Barn site



has been highly disturbed up to the present day with cattle grazing and potentially past grading and drainage manipulation. And so, the use of the vegetation as an indicator is not advised. Regarding soils, there are two difficulties: prior disturbance and a soil type that masks redoximorphic features. And so, as has been the case with other projects in our area, one must defer to hydrology to determine the extent of wetlands. This entails monitoring soil saturation throughout a 'normal' rainy season, and there are some areas that do, indeed, appear to have saturated soils. However, in Dr. Hayes' and Dr. Henry's opinions there are various ways to site and design a parking area and trailhead facilities so as not to interfere with existing drainage conditions. If the parking and trailhead facilities are located at the toe of the existing slope, that area is nearly a foot higher than the area within the fencing that is actively grazed. The use of permeable paving systems, such as True Grid, and proper runoff filtration systems, such as Contech, would also be easy mitigations to implement and have been used successfully in similar Coastal Zone conditions on the North Coast.

Coastal prairie habitat (another habitat of concern), will be impacted at virtually each of the potential public access sites. DNCA urges BLM to select the Barn site, which has already experienced the greatest amount of human intervention rather than placing the Warrenella Road Gate parking area on the less disturbed raised bluff exposed to viewshed issues (see below) and inclement weather (extreme Northwest winds prevail at the site February-September). The richness of the interpretive value and the opportunities for restoration of the riparian zone of Agua Puerca Creek would provide the public with a much fuller picture of the complexities of the landscape they are visiting.

**Visual Resources** This is a concern that Field Director Blom did not raise in relation to the Mocettini Barn site. However, DNCA raised this issue in its April 2, 2020 comment letter for the sites proposed in the draft Environmental Assessment. As we stated then, the DNCA does not support the VRM Class III assigned to the three Alternatives. Changes to the visual landscape should be managed pursuant to VRM Class II. The trailhead facilities proposed by BLM at the Warrenella Road Gate location are visually intrusive. The lower Warrenella location is on a rise that will be highly visible from Highway One, as well as for visitors returning from a hike with views of the ocean. As depicted in the current RMPA/EA significant alterations to the existing landform would be necessary to achieve the necessary parking capacity. Indeed, DNCA questions the consistency of the proposed lower Warrenella site with Section 30251 of the California Coastal Act.

The protection of visual resources from within the Monument will be significant particularly in terms of BLM's Coastal Act consistency determination with the California Coastal Commission. "development be sited and designed to protect public views to and along the ocean and scenic coastal areas." At the Mocettini Barn site, tucking the trailhead facilities against the hillside away from the barn and creek minimizes views of these facilities and, as the land is nearly flat, the alterations to the existing landforms would be minimal.

**Interpretive Value** One key element of the public's experience of the National Monument is the opportunity for interpretation of the land, its history, and its natural and cultural resources. It is important to imagine how a family, a group of mountain bikers, or an older couple of life-long birders experience their visit to the National Monument. DNCA believes the Mocettini Barn site provides the greatest set of explicit and implicit information and offers the richest way to encounter this place. It is

one of the only standing historical buildings within the C-CD unit. Because it is sheltered from the wind and already has been altered with ranch-related development, there is a sense of place and a sense of arrival for the visitor that does not exist with BLM's proposed site on a rise out in the meadow. Because the creek, the barn, the corrals, the meadow lands coexist in such close proximity there is a rich context for BLM to interpret for active hikers, older visitors, and school groups.

**Safe and Dedicated Access from Highway One** The Mocettini Barn location offers safe and dedicated vehicle access to the northern sector of C-CD National Monument using an existing intersection on Highway One, and would require minor improvements to county roads. Given a commitment by BLM to optimize the Monument's northern access for comprehensive corridor planning and integration with other proposed and ongoing North Coast public access public safety and visitor management issues, this access site has a number of positive advantages.

**Offsite Improvements** Nowhere in the RMPA/EA are the visitor/resident conflicts addressed satisfactorily. Nor is there any modification to Highway One proposed for the two Warrenella access points with a total parking capacity of 119 cars. The Marina Ranch Gate access includes acceleration and de-acceleration lanes on Highway One for a parking area with a proposed capacity of 46 vehicles, or 38% of the traffic generated by the two Warrenella Road sites. This makes no sense and is an example of the deficiency of the RMPA/EA.

The following is a description of off-BLM-property improvements that need to accompany the Mocettini Barn trailhead that greatly reduce impacts to New Town residents, and others:

1. Vehicular access to the Northgate trailhead at the Barn would be via a dedicated entrance at the north end of Cement Plant Road exclusively, which would be clearly identified on Highway One, in both directions, and with generous advance distance.
2. As with other possible northern entrances, Caltrans may require BLM to make improvements. Of the northern access locations, the Highway 1/Cement Plant Road/Davenport Landing road intersection would require the least modification. Of greatest concern is the left-turn from southbound Highway 1 traffic and exiting from Cement Plant Road.
3. Trailhead facilities should be sited as far south as possible against the toe of the slope and away from the Barn to minimize impacts to corral activities and riparian habitat, and to maintain the integrity of the Barn and associated landscape.
4. Due to topography of the surrounding landscape, eliminating public access to Warrenella Road (a long stated goal of BLM staff) would be much easier to control than it would be with the Warrenella site identified in BLM's RMPA/EA. (no public access on Warrenella Road is discussed in DNCA's April 2, 2020 comment letter)
5. Access from this trailhead would be limited to loop trails, with the possible exceptions of future connections to a San Vicente Redwoods trail and the redeveloped CEMEX site.
6. DNCA urges BLM to negotiate a grazing lease with a lessee who can maintain the on-going use of the existing corrals, in the presence of adjacent trailhead facilities. (If the presence of visitors is problematic during specific activities, the Northgate trailhead could be temporarily closed for those time periods. A nearby example can be found at the grazing meadow located within the complexity of the UC Santa Cruz campus).

7. For the Barn location to work, the County and BLM would need to coordinate on the following improvements to County roads.

- Close Cement Plant Road to non-resident vehicular traffic just north of the CEMEX gate with “residents only/no through traffic” signage and other design features to discourage public vehicles on that portion of Cement Plant Road;
- Safely accommodate significant bicycle and pedestrian traffic between the Monument North Entrance and Davenport bluffs/Rail Trail terminus;
- Prohibit parking all along Cement Plant Road (except between Highway One and proposed trailhead);
- Improve parking/access management at Davenport Landing Beach due to increased visitors attracted to the Davenport Landing/Cement Plant Road/Highway One intersection, including safe pedestrian and bicycle transit across Highway One between Davenport Landing Beach and the Monument entrance.

Design elements of modifying Cement Plant Road for the Mocettini Barn site depend on the status of the rail crossing north of New Town, for which there are two possible scenarios:

Rail crossing remains open

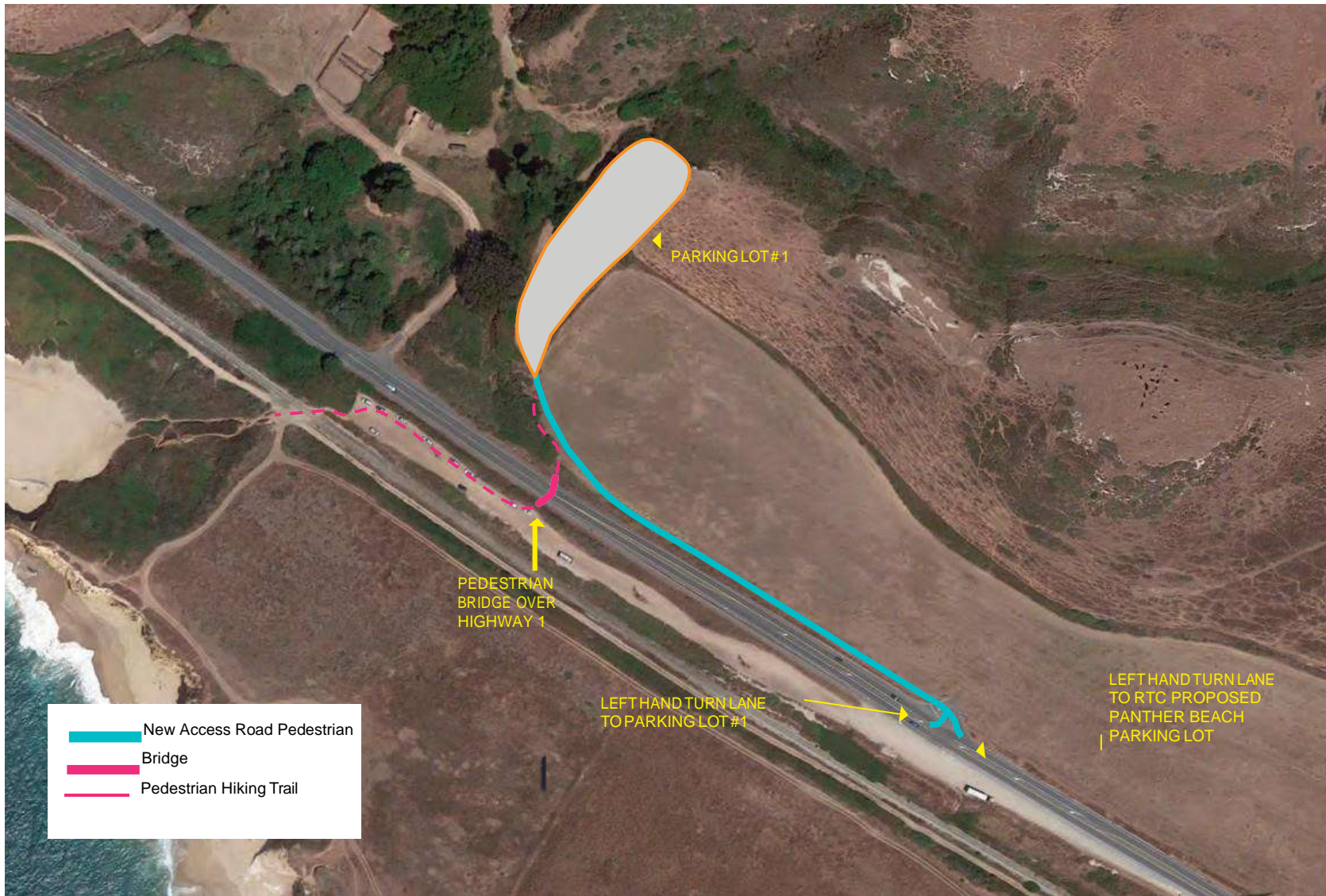
- Close Cement Plant Road between Warrenella and Northgate trailhead at the Barn to all vehicular traffic (if necessary, emergency access possible), except for hikers and bikers, which allows bikers and hikers access from the Rail Trail terminus in Davenport to the Northgate trailhead with reduced time on Highway One;
- Close Cement Plant Road to non-resident vehicular traffic just south of rail crossing with “residents only/no through traffic” signage and other design elements to discourage public vehicles on that portion of Cement Plant Road and through New Town.

Rail crossing is closed

- Convert Cement Plant Road between Warrenella and the Barn trailhead to one lane for vehicular traffic and one lane dedicated to hikers and bikers. The single vehicular lane would have “residents only” signage at the trailhead end and traffic signals at both ends that would be activated by a waiting vehicle. This provides Warrenella and New Town residents with necessary passage over the north end of Cement Plant Road and access to Highway One.







Addendum to FONC Preferred Alternative

**CLUSTERED ACCESS AND PARKING AT YELLOW BANK**

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July 31, 2020



## Addendum to FONC Preferred Alternative

### Overview

The purpose of this Addendum is expand on the below quoted statements contained in FONC's Preferred Alternative which was Attachment 1 to FONC's Comment Letter submitted to BLM on April 1, 2020. **This Addendum will also demonstrate that the Access Site at Yellow Bank Creek, as proposed by FONC, can more quickly, efficiently, and legally be created and operational, including with the possibility of potable water and electrical service.**

"Phase 1: RMZ 3 - Create Parking and Access at Yellow Bank Creek in accordance with the following plan and photos in the following "Yellow Bank Alternative Access" Package.

Work with CalTrans and relevant other partners to establish:

- deceleration lane and left turn lane to access Yellow Bank Creek Parking Lot and Trailhead either at existing roadway to Yellow Bank Creek corral area or at Fambrini Farm Stand and then along Old Highway One to same corral area ...

\*\*

NO CONSTRUCTION AT OR ACCESS TO MARINA RANCH GATE BY ANY METHOD .....The Marina Ranch Gate Access Road, Parking Lot and Picnic Area ... will result in 'objects' of the Monument such as.... scenic resources..... being subjected to excessive risk of harm.

\*\*

This image [of the incomparable sweeping marine coastal terraces] was taken off the BLM's Cotoni-Coast Dairies website. It shows the second marine terrace as seen from the third terrace. Ironically, it is a photo of the location of the "Marina Ranch Gate" parking lot as proposed in the BLM's Alternative C.

Here's the proposed parking lot with entrance road. The image came from the BLM's website. Because of the cattle, the road requires a fence around it at all points. There is also fence proposed around a picnic area (with benches and tables) and toilets. The bottom part of the road passes through a beautiful draw that is quite wet in the winter. This part of the road would require a lot of bulldozing to make it work.,

As will be discussed below, **clustered access and parking at the Yellow Bank canyon area complies with the Coastal Act, while the Marina Ranch Gate Parking Lot, Picnic Shelters, Restroom Building (collectively "Compound"), and long, inter-terrace Access Road do not.**

As will be further discussed, the Yellow Bank canyon -area is already identified by BLM as a featured Access Site.<sup>1</sup> As can be seen from the Cover to this Addendum, there are a variety of methods to create access and parking for a Southgate in or adjacent to Yellow Bank canyon by use of a restored Old Coast Road. The quickest and least expensive initial method would be for a driver (whether travelling north or south) to head inland from current Highway 1 at the location of the existing informal entrance to the *ad hoc* Panther Beach Parking Lot and within about 50 feet be on the no-longer-used Old Coast Road. There is ample room here for a left turn lane and acceleration and deceleration lanes. Once on Old Coast Road a driver would travel north roughly parallel to current Highway 1 to a newly-constructed Parking Lot on BLM land on the south side of Yellow Bank canyon. From that 1<sup>st</sup> Terrace Parking Lot there is already access for pedestrians, bicyclists and equestrians (and apparently some vehicles):

south to the Cotoni Trail and the Yellow Bank South Loop; and

north down into the floor of Yellow Bank Creek canyon just inland of the corral area (from whence BLM's restored wetland ponds along Yellow Bank Creek can be visited) and back up to the 1st Terrace with its Yellow Bank North Loops and Bonny Doon Loops .

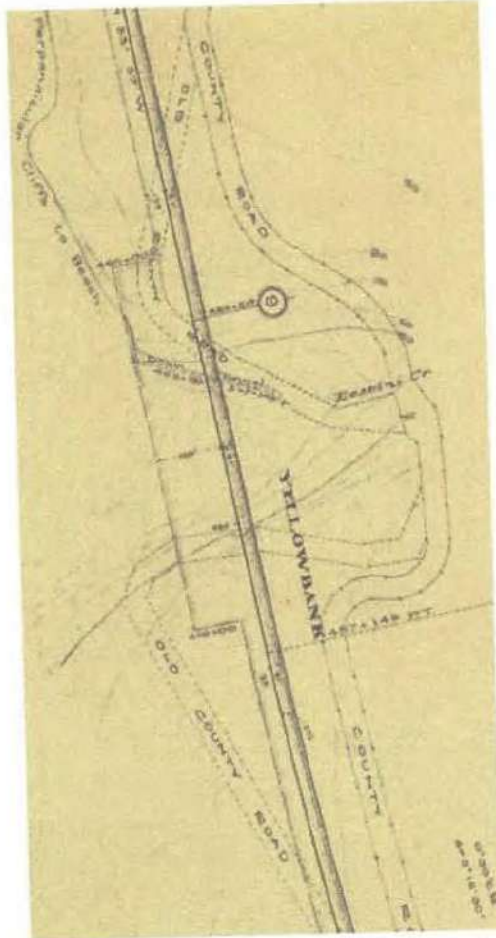
From the newly-constructed Parking Lot on the south side of Yellow Bank canyon Old Coast Road itself follows a cut across the south slope of the canyon-side down across Yellow Bank Creek and back up another cut across the north slope of the canyon-side to the 1<sup>st</sup> Terrace and then travels on north to where drivers can enter or exit Highway 1 at the Fambrini Farm Stand.

There are a myriad of possibilities at Yellow Bank. Notably, another newly-constructed Parking Lot could also be created on the north side of Yellow Bank canyon accessed at the Fambrini Farm Stand. And in light of the already existing graded roadway cuts, Old Coast Road could be restored to connect both sides of Yellow Bank canyon where additional Parking could be created or where exit from the canyon to Highway 1 could occur via the road currently used by the Grazing Operator. Additionally BLM has proposed a Bridge for pedestrians and bicyclists over Highway 1 from the area of the FONC-suggested south-side Parking Lot to the Rail-Trail's proposed redeveloped Panther Beach Parking Lot where BLM envisions shared parking could occur. There is also a tunnel under Highway 1 to Panther Beach which apparently the Coastal Commission would like to see explored. Another big advantage of the Yellow Bank location is proximity to City potable water and to electrical power. Opportunities abound.

As can be seen from the 1912 map on the next page a (then) new county road (Old Coast Road) had been created to replace, in part, an older one. With one relatively minor exception, the bed of Old Coast Road is still intact, although largely overgrown. See photos on the next page.

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<sup>1</sup> BLM's Figure SB identifies the Yellow Bank Creek canyon area as the sole "TH" ("Yellow Bank Trailhead") in Alternative 8. Figure SC identifies the Yellow Bank Creek canyon area as the sole "P" (Parking and Day Use Area) inland of Highway 1 south of Davenport.



Yellowbank Station according to an Ocean Shore Railroad survey map from 1912. (UC Santa Cruz)



The Marina Ranch Gate Access Site is Inconsistent with the Coastal Act and Despoils the Key Scenic Feature of Cotoni-Coast Dairies.

A. **The RMPA/EA Vastly Understates the Adverse Impacts to Scenic Quality if the Marina Ranch Gate Parking Lot Compound and Access Road are Included.**

BLM states that "[t]he broad view of the Pacific Ocean and *sweeping marine terraces are the key scenic features* of C-CD." RMPA/EA p.37. Indeed these "marine coastal terraces overlooking the Pacific Ocean" are expressly mentioned in the Proclamation adding Cotoni-Coast Dairies to the California Coastal National Monument. FONC's Vision Statement previously submitted to BLM includes the following:

"The undisturbed vista extending across Monterey Bay, to the Santa Lucia Mountains and the Ventana Wilderness, includes in its foreground a "snapshot in time," a view astonishingly largely unchanged over the past 250 years... , a viewshed to remain permanently sacrosanct from any future development impact.,,

BLM's proposed Marina Ranch Gate Parking Lot Compound and Access Road are located in an area that BLM itself features photographically on its website. **See next 3 pages for the photos and location from which they were taken.** Yet **BLM's expressly stated objective is to reduce the level of protection of the scenic view** of the sweeping marine terrace and the Pacific Ocean from Class II to Class III.<sup>2</sup> At Section 10.4.4 of the RMPNBA, BLM itself takes the position that the Marina Ranch Gate area currently rates as a VRJ Class II rating, meaning:

"Retain the character of the landscape: The level of change to the characteristic landscape should be **low**. Management activities should be seen but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape."

However, BLM's **closed** objective for this site, with which it states the Marina Ranch Gate Parking Lot Compound and Access Road would be consistent, is VRI Class III, meaning:

"Partially retain the existing character of the landscape: The level of change to the characteristic landscape should be **moderate**. Management activities may attract attention

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<sup>2</sup> FONC contends that the sweeping marine terrace in question qualifies as VRI Class I, meaning:

"Any new site developments on BLM lands will be located and designed so that they do not detract from coastal vistas. New facilities will be constructed so that the level of change to the characteristic landscape is very low and does not attract attention."

Hence, the actual result is a reduction in protection from Class I to Class III. BLM has decided NOT to manage any portion of Coast Dairies as Class I. Management as Class III would require any new site development not to detract from Coastal Vistas.











but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape."

In its Visual Impacts Analysis BLM actually concludes that the Marina Ranch Gate Parking Lot Compound and Access Road *"would have a localized moderate to major adverse impact on scenic quality ... consistent with the VRM Class III objective."* See, *RMPAJEA* p.47. FONC submits that BLM's Alternative B Access Site Plan at Marina Ranch Gate will result in a major adverse impact on scenic quality and that it will be the opposite of "localized." What follows is an illustrated demonstration of how the Marina Ranch Gate Parking Lot Compound and Access Road cause such a major and widespread adverse impact on the scenic quality at C-CD.

BLM's design for its proposed construction of the Marina Ranch Gate Parking Lot Compound on the 2<sup>nd</sup> Terrace and an Access Road from Highway 1 to that Parking Lot can be found, in two parts, at the following web sites:

[https://eplanning.blm.gov/public\\_projects/lup/120855/20012873/250017666/RMPA Appendix B Marina Ranch Gate Parking Concept C.pdf](https://eplanning.blm.gov/public_projects/lup/120855/20012873/250017666/RMPA_Appendix_B_Marina_Ranch_Gate_Parking_Concept_C.pdf)

[https://epJanning.blm.gov/public\\_projects/lup/120855/20012874/250017667/RMPA Appendix B Marina Ranch Gate Parking Concept D.pdf](https://epJanning.blm.gov/public_projects/lup/120855/20012874/250017667/RMPA_Appendix_B_Marina_Ranch_Gate_Parking_Concept_D.pdf)

For ease of understanding, below is a significant portion of BLM's published plan.



The adverse impact on scenic quality to these sweeping marine terraces is compounded by the long, fenced, inter-terrace Access (Entry) Road through the beautiful draw (a potential wetland) and the 2<sup>nd</sup> Terrace meadow to the Parking Lot near the top of the 2<sup>nd</sup> Terrace, together with requiring alteration of natural land forms by grading a total of 4.57 acres. The Parking Lot for 42 vehicles and 4 equestrian trailers is 1.82 fenced acres and will include two of the three Picnic

Shelters (with benches and tables), as well as a Restroom Building. The third Picnic Shelter will also be visible on the 2<sup>nd</sup> Terrace.

The entire area shaded in light blue on the Topographic Map below will have a view of the Parking Lot Compound and/or the Access Road to it. Thus, the Marina Ranch Gate Compound and Access Road is located right in an area where it is visible from vast portions of the 2nd and 3rd Terraces.



Photos are included below from each of the numbered locations on this Topographic Map. The proposed Marina Gate Parking Lot Compound and its Access Road are indicated on the Topography Map above in purple.

What will make this Parking Lot Compound and Access Road particularly visible is its location. Being on the 2<sup>nd</sup> Terrace, it will be visible from the 3<sup>rd</sup> Terrace at its side facing the ocean, and from the entire 2<sup>nd</sup> Terrace, which is flat and visually unobstructed.



- 1) Points 1, 2, 3, and 4 are somewhat distant from the Parking Lot Compound, but nonetheless it would be in their view.



- 3)



4) The view from the 2nd Terrace about a half a mile further north. The detail enlarged is a corral that is currently next to the proposed Parking Lot Compound site.



5) The view from the 3<sup>rd</sup> Terrace directly inland from the propose-d Parking Lot Compound, with the approximate location of the Parking Lot Compound and Access Road.



6) The view from Highway 1 into the draw where the Access Road would be constructed.



**The RMPA/EA vastly understates the adverse impacts to scenic quality when it describes them as moderate and localized. Indeed, the Marina Ranch Gate Plan will despoil the "sweeping marine terraces" the "key scenic feature" of the Southgate area of Cotoni-Coast Dairies.**

**B. The Marina Ranch Gate Plan is Inconsistent with the California Coastal Act**

Under Public Resources Code Section 30116 the term "Sensitive coastal resource areas" warranting protection under the Coastal Act is defined as follows:

"those identifiable and geographically bounded land and water areas **within** the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

- (a) Special marine and land habitat areas, wetlands, ...
- (b) Areas possessing significant recreational value.
- (c) Highly scenic areas.

Thus, the Coastal Act protects the view from the trails planned at Cotoni-Coast Dairies overlooking this key sweeping marine terrace proposed to be despoiled by the Marina Ranch Gate fenced Parking Lot/Picnic Shelters/Restroom Building Compound. The Coastal Act also protects the natural landforms, environmentally sensitive habitat area, and wetlands in the beautiful draw that the fenced Access (Entry) Road would traverse.

Public Resources Code Section 30251 (a part of the Coastal Act) provides as follows:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. ***Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms,*** to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.....

Public Resources Code Section 30240(a) provides that environmentally sensitive habitat areas [ESHA] shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

Public Resources Code Section 20333 provides that (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:



\*\*

(3) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

\*\*

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource-dependent activities.

Under Coastal Commission policy, "incidental services" may include, under certain circumstances, road expansion: "When no other alternative exists, and when consistent with the other provisions of this section, limited expansion of roadbeds and bridges necessary to maintain existing traffic capacity may be permitted." *Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493, 515-16 83 Cal. Rptr. 2d 850, 863 (1999), disapproved of on other grounds QY *Dhillon v. John Muir Health*, 2 Cal.5th 1109, 394 P.3d 1048 (2017).

The Coastal Commission addressed some of the issues related to the Marina Ranch Gate Parking Lot Compound and Access Road in its April 3, 2020 Comment Letter to BLM regarding BLM's RMPA/EA, stating as follows.

The Coastal Act requires appropriate protections for coastal resources, a term that is understood broadly to apply to public recreational access, but also to ESHA, public views, agriculture, and virtually all of the other resources in play in the proposed RMPA.

\*\*

Similarly, in terms of other important coastal resource considerations for the RMPA, the Coastal Act also requires ... that development be sited and designed to protect public views to and along the ocean and scenic coastal areas (Section 30251). These Coastal Act requirements define what can and cannot be allowed under the RMPA for the Cotoni-Coast Dairies property, including as it applies to ... *its sweeping and incomparable vistas*. Emphasis added.

... [B]ecause Alternative A proposes minimal development, adverse impacts to visual resources have been correspondingly minimized. That being said, **one of the primary benefits of public access trails at Cotoni-Coast Dairies is the dramatic ocean views that the trails would provide for the public**. Alternative A's lack of trails means that this benefit would not be realized, and **Coastal Act Section 30251's intent to maximize ocean and coastal view opportunities** would not be fulfilled.

In terms of public views, both Alternatives B and C would appear to minimize impacts to visual resources, including via siting the parking lots out of the public viewshed to the extent feasible. These two alternatives also as described earlier, *open up a vast panorama of public views from the new trails* and associated facilities, which would significantly enhance public viewshed opportunities. *Any development (e.g., parking*

*lots*, visitor/informational center, kiosks, etc.) **would require careful siting** and design to both minimize the potential for adverse view impacts, and also to ensure that such facilities blend into the natural environment to the extent feasible (*e.g.*, through the use of natural materials, appropriate screening with native plants, low-key signage, etc.).

In support of its statement above that the RMPA/EA "would appear to minimize impacts to visual resources, including via siting the parking lots out of the public viewshed to the extent feasible" Footnote 12 in the Coastal Commission Comment Letter states in relevant part as follows: "12 For example, ... siting the Marina Ranch Gate parking area inland and uphill from Highway 1 in Alternatives B and C; ...." This seems to imply that only views from Highway 1 are protected. However, elsewhere in the Comment Letter the Coastal Commission staff make it clear that views from trails are also to be protected. As BLM has expressly stated, "[t]he broad view of the Pacific Ocean and **sweeping marine terraces are the key scenic features of C-CD.**" Emphasis added. *See also:*

- (1) May 3, 2004 Memo to Commissioners and Interested Persons from Peter Douglas Executive Director stating that: "[t]he Coastal Commission has implemented scenic resource protection policies primarily by focusing on land-based scenic views from public parks, trails, roads and vista points."
- (2) CDP Appeal Staff Report dated February 14, 2003 in A-2-MAR-02-024 (Hansen/Brubaker) recommending a Commission Finding of Substantial Issue regarding protection of visual resources (albeit under a County LCP rather than the Coastal Act itself- but the reasoning is analogous). At issue was development surrounding an approximately 4,600-square-foot central courtyard, effectively creating a nearly 10,000- square foot compound<sup>3</sup> in the landscape east of Tomales Bay which consists of relatively pristine open grassy hillsides with some forested drainage ravines. **The hillsides create a scenic panorama, which is visible from many public-viewing locations including State and National Parks** and State Highway 1. As proposed, the development would be located approximately two-thirds of a mile away from State Highway 1 on the upper portion of the property. An existing stand of California bay laurel trees downslope of the building site would serve as partial screening for the proposed development; however, portions of the residential development would still be visible from public locations such as Point Reyes National Seashore and the waters of Tomales Bay. **[In addition, the improvement of the historic farm road will make the road more visible.** Thus, the approved design of the project raises a substantial issue with respect to whether it has minimized visual impacts. Similarly, inasmuch as the project's visual impacts could be further minimized, it is not compatible with the natural environment of the Tomales Bay landscape. For example, the development could be sited at the lower portion of the property adjacent to Highway 1. **Clustering the development near the highway, would substantially reduce the length of the access road and would**

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<sup>3</sup> The Marina Ranch Gate Parking Lot alone is roughly 8 times this size.

*minimize the visual impacts of the development as viewed from Point Reyes and other public viewing areas.*

Thus it is clear that the Coastal Commission has a track record of evaluating the impacts on visual resources from public viewing areas other than scenic highways, including public parks, trails, and vista points. Furthermore, impacts from improvement of historic farm roads must be considered.

As in the Marin County (Tomales Bay) situation, clustering development near Highway 1 at Yellow Bank Creek would have less impact on the "key scenic features of Cotoni-Coast Dairies," specifically identified as the "broad view of the Pacific Ocean and sweeping marine terraces." This is particularly true given that the Coastal Commission Comment Letter appears open to exploring BLM's proposed Pedestrian/Bicycle Bridge at the Panther Beach Rail-Trail Parking Lot crossing Highway 1 adjacent to Yellow Bank canyon (and even a possible underpass given that a tunnel already exists under Highway 1 to Panther Beach from Yellow Bank Creek). As proposed by BLM, the Pedestrian/Bicycle Bridge terminates at one of FONC's proposed Parking Lots (on the 1<sup>st</sup> Terrace above Yellow Bank canyon on its south side. This Parking Lot would be largely (if not entirely) obscured from Highway 1 by existing vegetation and served by Old Coast Road parallel to current Highway 1.

The Santa Cruz County LCP is also relevant to any analysis of the visual impacts of development of an access site at Marina Ranch Gate. That is because (as previously explained to BLM) the Grant Deed from CDLC to BLM (attached) states on pages 1-2 that:

"THE SUBJECT PROPERTY IS CONVEYED SUBJECT TO THE FOLLOWING PROVISIONS:

The parties intend that the ultimate use of the subject property is set forth in more detail in, and guided by, that certain Management Plan titled 'Coast Dairies Long Term Resource Protection and Access Plan' dated February 2004, and as such plan may be modified or updated pursuant to the public planning process thereafter.'

The LTRP&A Plan then states at page 1-7 under "Agency Reviews and Approvals" that:

"Table I-1 identifies agency anticipated review and approvals required for full implementation of the Coast Dairies Plan. Additional detail is provided in Appendix A.

Table I-1 AGENCY REVIEW AND APPROVALS FOR THE COAST DAIRIES PLAN  
 Agency Required Approval

CoWity of Santa Cruz

Coastal development permits

Appendix A. at pages A-2 through A-4 makes it even more clear that including the Marina Ranch Gate Access Site and Parking Compound requires a Coastal Development Permit from the County of Santa Cruz, stating at page A-4 that:

"Coastal Development Penn.its. Developments within the Coastal Zone must obtain a coastal development permit in addition to any other approvals or pennits required. Implementation of the Coast Dairies Plan will not result in any actions that require a coastal development pennit. ***Future applicable implementation actions tiered from the Coast Dairies Plan will he required to obtain coastal development permits.***"

The Coast Dairies Plan does not include the proposed Marina Ranch Gate Parking Lot Compound and Access Road, hence it is a "future implementation action" and "required to obtain [a] coastal development permit."

Furthermore, in interpreting the Coastal Act where a LCP has been certified, the Coastal Commission gives consideration to the contents of that LCP. The County of Santa Cruz LCP contains the following provisions which support FONC's position that the Marina Ranch Gate Parking Lot Compound and Access Road is inconsistent with the intent of the Coastal Act as to protection of visual resources and prevent impacts from public vistas.

#### **5.10.2 Development Within Visual Resource Areas**

(LCP) Recognize that visual resources of Santa Cruz County possess diverse characteristics and that the resources worthy of protection may include, but are not limited to, ocean views, agricultural fields, wooded forests, open meadows, and mountain hillside views. Require projects to be evaluated against the context of their unique environment and regulate structure height, setbacks and design to protect these resources consistent with the objectives and policies of this section. Require discretionary review for all development within the visual resource area of Highway One, outside of the Urban/Rural boundary, as designated on the GP/LCP Visual Resources Map and apply the design criteria of Section 13.20.130 of the County's zoning ordinance to such development.

#### **5.10.3 Protection of Public Vistas-**

(LCP) ***Protect significant public vistas*** as described in policy 5.10.2/rom all publicly used roads and ***vista points*** by ***minimizil,g disruption of landform and aesthetic cl,aracter caused by grading operations***, timber harvests, utility wires and poles, signs inappropriate landscaping and structure design. Provide necessary landscaping to screen development which is unavoidably sited within these vistas. (See policy 5.10.11 .)

As demonstrated above, the Marina Ranch Gate Compound (including its Access Road) will utterly ruin what the Coastal Commission Comment Letter recognized as Cotoni-Coast Dairies "sweeping and incomparable vistas," "a vast panorama of public view from the new trails." This is inconsistent with the Coastal Act. It doesn't have to be that way. As explained below **there is a vastly superior alternative** by clustering parking and access at Yellow Bank Creek canyon by repurposing the currently unused Old Coast Road.

## II

### **Clustering Development Near Highway 1 at Yellow Bank Creek Would Have Negligible Impact on the "Key Scenic Features of Cotoni Coast Dairies," Specifically Identified as the "Broad View of the Pacific Ocean and Sweeping Marine Terraces."**

Clustering development near Highway 1 at and above Yellow Bank canyon is already part of BLM's RMPA; FONC simply proposes a more effective clustering which will more quickly and less expensively produce BOTH an initial access and parking area and the greatest long term opportunities. Already BLM's Figure 5B identifies the Yellow Bank Creek canyon area as the sole "TH" ("Yellow Bank Trailhead") in Alternative B. Figure 5C identifies the Yellow Bank Creek canyon area as the sole "P" (Parking and Day Use Area) inland of Highway 1 south of Davenport. Also at Yellow Bank BLM proposes shared use of the Rail-Trail's redeveloped Panther Beach Parking Lot and BLM's Pedestrian/Bicycle Bridge over current Highway 1 to a point where Old Coast Road reaches the southern side of Yellow Bank canyon<sup>4</sup>. Old Coast Road then descends into the base of the canyon, crosses Yellow Bank Creek, and ascends the north side of the canyon on its way to the Fambrini Farm Stand. Taking advantage of this existing overgrown historic roadbed, the grading for which has already occurred, is far less environmentally damaging, allows for clustering impacts on visual resources while offering myriad alternatives for access and location of parking. **Perhaps most compelling is that access and adequate parking can more quickly, efficiently, and legally be created and operational, including with the possibility of potable City water and electrical service.**

Taking the approach of providing initial parking near the south side (or both sides) of Yellow Bank canyon accessed<sup>5</sup> off Highway 1 from south or north via Old Coast Road opposite the entry to the Panther Beach Parking Lot would have less impact on the "key scenic features of Cotoni-Coast Dairies," specifically identified as the "broad view of the Pacific Ocean and sweeping marine terraces." Nor would this parking be nearly as visible (if at all) from current Highway 1

<sup>4</sup> The Coastal Commission Comment Letter states as follows:

In terms of a potential Highway 1 crossing, we believe that it is possible that a pedestrian bridge can be constructed in a way that is sensitive to public views, and we would support exploring a pedestrian bridge as well as under-highway crossings (e.g., similar to what exists at Wilder Ranch) to facilitate public recreational access connectivity to the rail trail and Panther Beach.

Indeed a tunnel already exists under Highway 1 to Panther Beach from Yellow Bank Creek. See last page.

<sup>5</sup> Access includes entry and exit. Furthermore, if the Old Coast Road roadbed already cut down to the Yellow Bank Corral were restored, additional parking is available there and an additional exit could be available via the existing road off Highway 1 down to the corral area.



as the existing or redeveloped Panther Beach Parking<sup>6</sup> because it would be largely (if not entirely) obscured from Highway I by existing vegetation and served by Old Coast Road parallel to current Highway I. There would ample opportunity for deceleration and acceleration lanes entering and exiting Old Coast Road. Furthermore, the entry/exit from current Highway 1 could be directly across from the entry/exit for the joint Rail-Trail/BLM Panther Beach Parking Lot on the coastal side of current Highway 1. There is adequate room for left turns from Janes similar to the design at Bonny Doon Road/Bonny Doon Beach Parking Lot. Adequate sight lines exist at this location. See Photos on following pages and Addendum Cover.

Another FONG-supported clustered Parking Lot not visible from current Highway 1 could be created at the same time or later near the north side of Yellow Bank canyon and accessed via Old Coast Road at Fambrini Farm Stand with adequate sight lines and ample opportunity for deceleration and acceleration lanes. See Addendum Cover.

As funds materialize in the future these two access and parking points could be connected by restoration of Old Coast Road for pedestrian, bicycle, equestrian, and even vehicular use. If desirable, parking is also available on the canyon floor at Yellow Bank now via the existing road off current Highway 1 or in the future off restored Old Coast Road. See Addendum Cover for a visual representation of this route and potential parking areas on the canyon floor.

This clustered access and parking at Yellow Bank would at minimum preserve the Class I or II Visual Resources represented by the sweeping marine coastal terraces shown on the BLM website (as well as following page 4) and identified by BLM as the key visual resources at Cotoni-Coast Dairies and would, most critically, enable compliance with the California Coastal Act. At the same time this approach would allow for the quickest, most efficient, most legally compliant, and least expensive access to Cotoni-Coast Dairies.

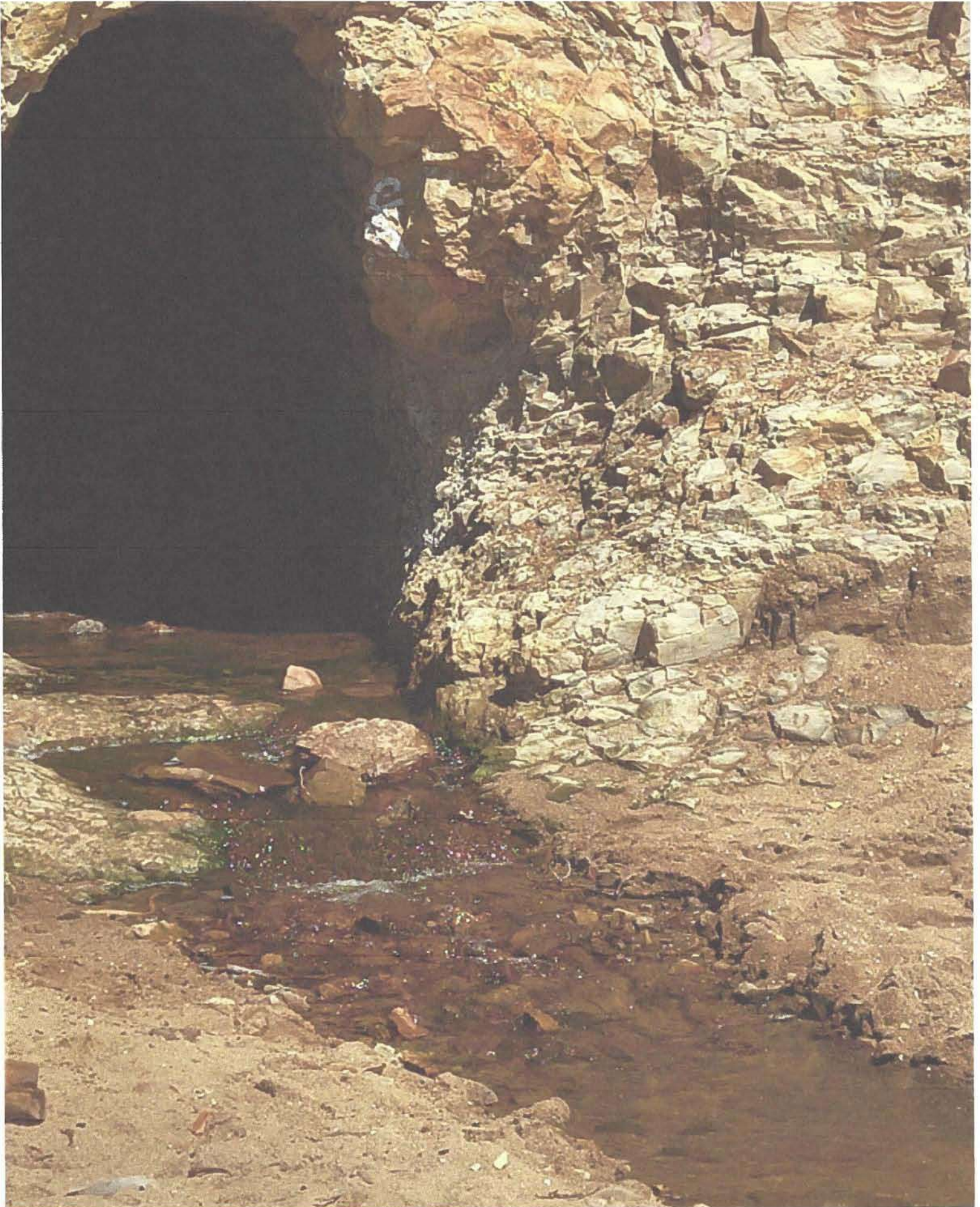
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<sup>6</sup>Not to mention, if approved by the Coastal Commission, the more dominating visual impact of a Pedestrian/Bicycle Bridge shown by BLM as terminating in the area where FONC's proposed initial Parking Lot is suggested on the 1st Terrace above Yellow Bank canyon on its south side.













# County of Santa Cruz

## BOARD OF SUPERVISORS

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FIFTH DISTRICT

November 5, 2020

Governor Gavin Newsom  
1303 10<sup>th</sup> Street, Suite 1173  
Sacramento, CA 95814

**RE: Cotoni-Coast Dairies California Coastal National Monument  
Proposed Resource Management Plan Amendment (RMPA) and  
Environmental Assessment (EA) Consistency Determination**

Dear Governor Newsom:

As the county supervisor serving most of the City of Santa Cruz and the North Coast area of the County where the Cotoni-Coast Dairies National Monument is located, I wanted to share information related to the proposed National Monument's Resource Management Plan Amendment (RMPA). I have been actively involved with the Cotoni-Coast Dairies National Monument since its inception and represent constituents most directly impacted by the RMPA.

I understand that you will be making a decision in the near future under the national Coastal Zone Management Act on the consistency of the RMPA with the California Coastal Act. While I am generally supportive of the RMPA, I have filed the attached formal protest regarding two components of the Plan -the provision that would allow hunting and the lack of commitment to mitigate its off-site impacts.

In my view, the proposed RMPA in these areas would not only cause harm to my constituents and the environment but is inconsistent with Coastal Act policies that protect coastal natural resources and, also, provide safe public access to the north coast of the county.

Based on these concerns, I urge you to not find the RMPA consistent with the Coastal Act unless the revisions contained in my protest letter are adopted.

Page2

RE: Catani-Coast Dairies RMPA

November 5, 2020

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Coonerty". The signature is stylized with a large "R" and "C".

RYAN COONERTY, Supervisor  
Third District

Attachment: RMPA Protest letter to BLM

Cc: California Coastal Commission  
Senator Kamala Harris  
Senator Dianne Feinstein  
Senator Bill Manning  
Congressman Jimmy Panetta  
Congresswoman Anna Eshoo  
Assemblymember Robert Rivas  
Assemblymember Mark Stone





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**BRUCE MCPHERSON**  
FIFTH DISTRICT

October 23, 2020

Bureau of Land Management Director (210)  
Attention: Protest Coordinator  
P.O. Box 261117  
Lakewood, CO 80226

**RE: Cotoni-Coast Dairies California Coastal National Monument  
Proposed Resource Management Plan Amendment (RMPA) and  
Environmental Assessment (EA) Protest**

Dear Protest Coordinator:

My name is Ryan Coonerty and I am the elected Santa Cruz County Supervisor serving the North Coast area where the Cotoni-Coast Dairies National Monument is located. I have been actively involved with the Cotoni-Coast Dairies National Monument since its inception. In fact, Santa Cruz County has an MOU with BLM designating it a Cooperative Agency in the RMPA process.

As an elected official, I have responsibilities not only for the well being of my constituents but for the natural environment as well. Unfortunately, there are provisions in the proposed RMPA which will adversely affect both constituents and the environmental resources in my district should they be approved. My hope is that you will agree that the RMPA should be revised to remove these provisions.

I am protesting the following RMPA provisions:

1. Hunting
2. Off-site Improvements

My specific concerns and recommendations are the following:

1. Hunting:

Page2

RE: Catani Coast Dairies RMPA Protest

October 23, 2020

As shown below, the RMPA allows hunting in RMZ 2. In *my* view, this provision contradicts other policies in the RMPA and is an inappropriate activity at the National Monument.

Chapter 2, page 27, Section 2.14.2 - Management Actions and Allowable IJses - AU-REC-14 under Alternative D (the Preferred Alternative) would "allow archery hunting on RMZ 2 (approximately 2000 acres) through a permitted special hunt program established by the California Department of Fish and Wildlife (CDFW) in coordination with the BLM and interested parties. Through their special hunt program, CDFW would establish specific days, species and number of permits issued."

The provision to allow hunting is also discussed in Chapter 3, Affected Environment on pages 40 and 41 and in Chapter 4, Environmental Consequences, on page 4-3.

While the RMPA indicates that the annual number of hunts and number of hunters will be limited, the management action includes no such limitation.

However, my protest is to the decision to permit any hunting at all in this environmentally sensitive area.

Chapter 2, page 7 - Section 2.4 - The RMPA stresses the importance of RMZ 2 as an environmental resource: "RMZs 2 and 4 would be managed as core habitat areas for fish and wildlife, with recreation access limited to guided tours and permitted access only." While hunting is proposed to be allowed in the area, this contradicts the objective of managing it as a core habitat area for fish and wildlife.

Chapter 2, page 8, Section 2.5.1 Goals and Objectives for Upland Terrestrial Vegetation - Objective a. states "Maintain the natural quality and integrity of native vegetation in the CCONM." Allowing hunters to travel uncontrolled in RMZ 2 is inconsistent with this RMPA objective.

Chapter 2, page 11, Section 2.6 Goals and Objectives for Riparian Areas and Wetlands - Goal 1. States "Protect or enhance naturally functioning riparian areas and aquatic systems." Allowing off trail hunters to potentially cross creeks and streams in an uncontrolled fashion in RMZ 2 is inconsistent with this RMPA goal.

In my view, then, 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.

Page 3

RE: Cotoni Coast Dairies RMPA Protest

October 23, 2020

Finally, it seems inappropriate for a federal agency to implement a recreational program with a state agency where that state prohibits such a program in its recreational facilities. Hunting is prohibited in California state parks.

## 2. Off-site Improvements

While the RMPA recognizes that it will have off-site impacts requiring public improvements, it contains no commitments to assist in their implementation. The Plan should clearly recognize BLM's obligation to financially assist in bringing about these improvements and I protest the lack of this commitment in the RMPA.

Specifically, the RMPA identifies two off-site improvements that will be needed as a result of the Plan.

### 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."

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:

The RMPA proposes a Highway 1 overpass to connect the proposed North Coast Rail Trail to the public access at Marina Ranch Road 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."

I protest the RMPA's lack of commitment to assist in providing the necessary off-site improvements to support the activities proposed in the Plan and urge that the RMPA be revised to add the words "and assist" to the proposed management actions.

Thank you for your consideration.

Page4

RE: Cotoni Coast Dairies RMPA Protest  
October 23, 2020

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Coonerty". The signature is stylized and written in a cursive-like font.

RYAN COONERTY, Supervisor  
Third District

CC: Davenport North Coast Association  
Rural Bonny Doon Association  
Congresswoman Anna Eshoo  
Assemblymember Mark Stone  
Governor Gavin Newsom  
California Department of Fish and Wildlife Director Charlton Bonham  
Dan Carl, California Coastal Commission, Santa Cruz Office  
Sara Barth, Executive Director Sempervirens Fund  
Ryan Moroney, District Supervisor ·  
Susan Craig, Central Coast District Manager

**From:** Chris Wilmers [mailto:cwilmers@gmail.com]  
**Sent:** Thursday, October 22, 2020 8:42 PM  
**To:** larry.simon@coastal.ca.gov; Rainey.Graeven@coastal.ca.gov  
**Subject:** Coast Dairies public access plan

Dear Coastal Commission,

I am writing out of concern for the two parking lots on the upper terraces up the W arenela road and above the Marina Ranch Gate in the proposed BLM access plan for Coast Dairies. Our research has shown that local carnivore species such as bobcats and the state threatened mountain lion are negatively impacted by human voices (Suraci et al 2019) such that the more humans in the surrounding forest there are, the more impacted these species will be. Our 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.

Sincerely,

Chris Wilmers

Professor of Wildlife Ecology

Nickel, B. A., Suraci, J. P., Allen, M. L., & Wilmers, C. C. 2020. Human presence and human footprint have non-equivalent effects on t wildlife spatiotemporal habitat use. *Biological Conservation* 241, 1-11

Suraci, J.P., Clinchy, M., Zanette, L.Y. & Wilmers, C.C. 2019. Fear of humans as apex predators has landscape-scale impacts from mountain lions to mice. *Ecology Letters* 22 (10), 1578- 1586