

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.¹

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.

¹ 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.

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.² 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

² 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.

- 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.

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."³ 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.⁴ 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."

³ 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.

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

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."***⁵ (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***⁶ because ***BLM has not produced***

⁵ 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.*

⁶The 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

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

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.

⁷ 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.

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

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-~~41~~⁴⁶, the latter being DNCA's thorough analysis (including consultations with experts as appropriate) establishing to the

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

“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 Governor⁸⁹ 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.

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

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).

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

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.

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

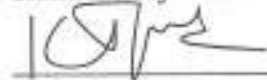
Respectfully yours,
Friends of the North Coast

By: Jonathan Wittwer, President

Sincerely,

Noel Bock
and the Board of the Davenport North Coast Association

Respectfully yours,
Rural Bonny Doon Association



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



LEGEND:

- GRAVE BASE
- TRAIL OPPORTUNITY
- RESTROOM
- HONIC SHELTER
- OVERLOOK
- CONTOUR LINES
- CREEK ALIGNMENT
- FENCING
5.00 ACRES (131,435 SQ)
- GRAZED AREA (PARKING)
1.47 ACRES (70,322 SQ)
- CONTOUR INTERVAL: 5'
- PARKING CAPACITY:
40 STANDARD SPACES
4 EQUESTRIAN SPACES

RETMAP:



DRAFT CONCEPT: WARRENELLA ROAD GATE

Cofer-Cost Dairies Trailhead Feasibility Refinements

NOVEMBER 2019

Exhibit 10 - BLM Property Line

Report for Cotoni-Coast Dairies RMP Amendment

50 / 54



0 50 100
 SCALE: 1" = 200'
 NORTH

DRAFT CONCEPT: YELLOW BANK CREEK GATE
 Cotoni-Coast Dairies Trailhead Feasibility

DECEMBER 2018



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.

Exhibit 14 Hazardous Parking along Highway 1 near Wilder Ranch



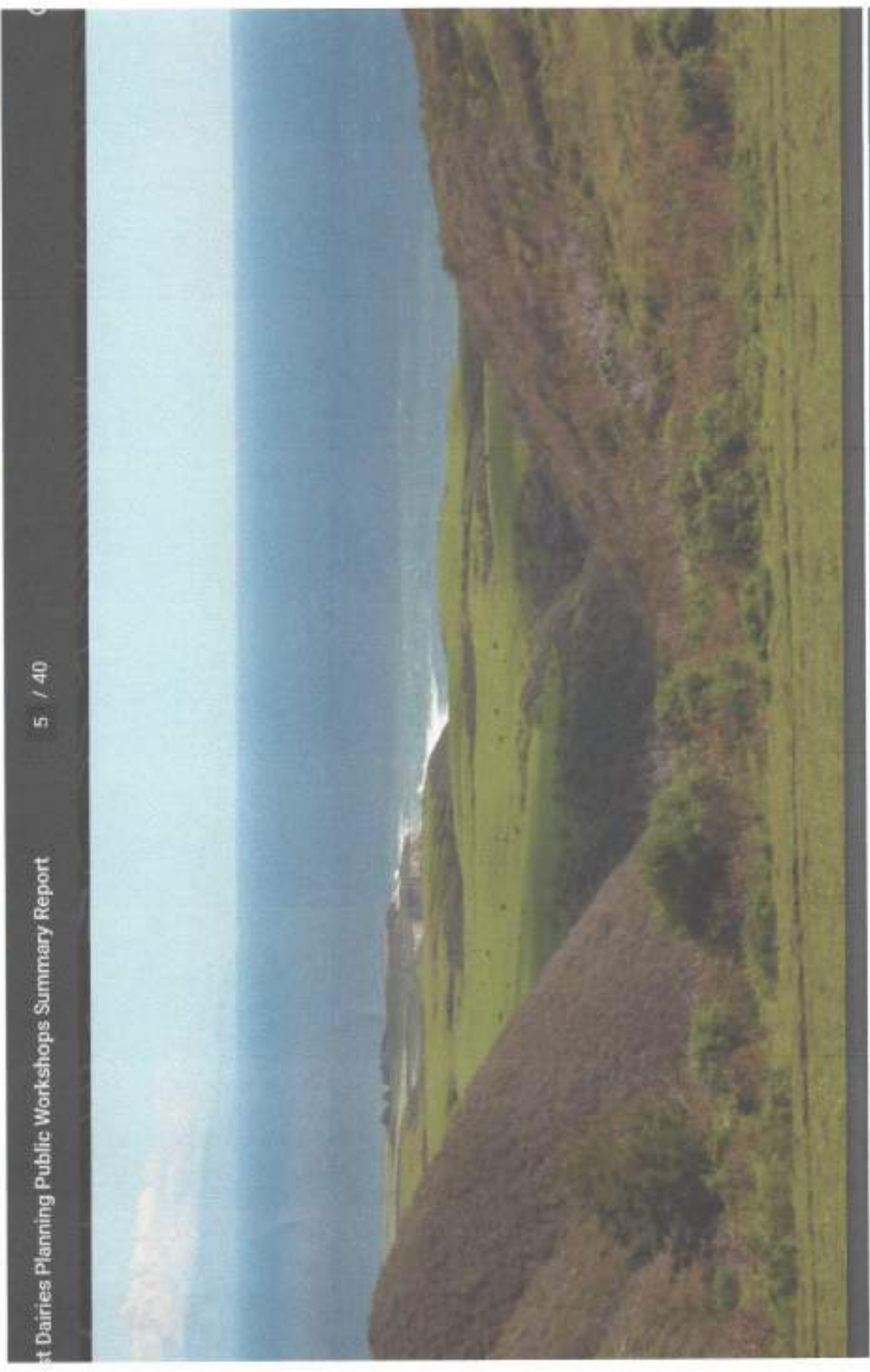
Edit & Create



Exhibit 16A Key Scenic Features - From BLM Website

Cotoni-Coast Dairies | Photo: EplanningUI | Appendices to Cotoni-Coast Dairies Dec 2018 Appendices.pdf

afeway - Browse P... Gayle's Bakery & R... Temporary Driver Li... Meeting Registratio... Fire Damage Restor... New Tab California



arch

Windows taskbar with icons for Edge, File Explorer, Mail, Photos, and other applications.

41_6k.jpg

Exhibit, 116B Key Scenic Features - from BLM Website

Edit & Create



arch



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

COTONI-COAST DAIRIES DRAFT CONCEPTS



- LEGEND:**
- GRAVEL BASE
 - TRAIL OPPORTUNITY
 - RESTROOM
 - PICNIC SHELTER
 - OVERLOOK
 - CONTOUR LINES
 - CREEK ALIGNMENT
 - FENCING
TOTAL: 435 ACRES (198,343 SF)
 - GRADED AREA
(PARKING & ENTRY DRIVE)
437 ACRES (199,284 SF)
- MEASUREMENTS:**
 APPROXIMATE TOTAL TRAIL: 28.4 AC
 APPROXIMATE TRAILHEAD: 0.71 AC
 APPROXIMATE TRAILHEAD: 0.71 AC
 APPROXIMATE TRAILHEAD: 0.71 AC
 APPROXIMATE TRAILHEAD: 0.71 AC
- CONTOUR INTERVAL: 5'**
PARKING CAPACITY:
 42 STANDARD SPACES
 4 EQUINE SPACES



DRAFT CONCEPT: MARINA RANCH GATE
 Cotoni-Coast Dairies Trailhead Feasibility Refinements

NOVEMBER 2019

D

Google Earth

x

+

Exhibit USA. Where Marina Ranch Gate would exist
parking area/road along Highway and 3rd stage track, not visible

ogle.com/web/search/Yellow+Bank+Creek,+California,+USA/@36.98955664,-122.16092439,36.90295561a,0d,32.96366868y,302.37246805h,...

afeway - Browse P...

Temporary Driver Li...

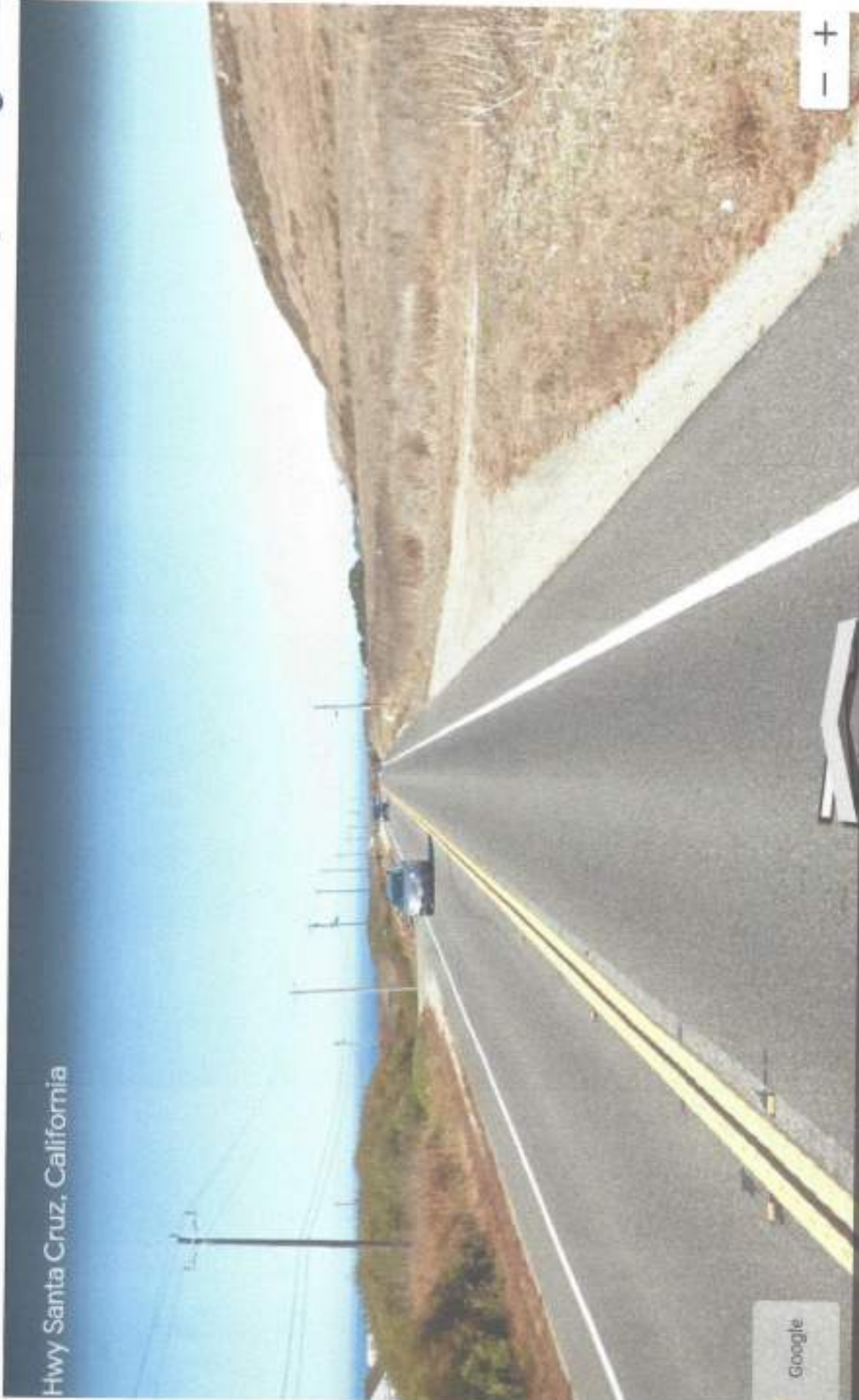
Meeting Registratio...

Fire Damage Restor...

New Tab

California

Hwy Santa Cruz, California



Google

0% Report a problem

arch

○

WE

📁

⚡

🌐

🔥

📁

🌈

0.5

🌙

🔍

🏠

📶

📶

- +

x Google Earth x + Exhibit 15B - Parking available along Highway 1 and Pronghorn
Track (may be Old Coast Road)

afeway - Browse P... Gayle's Bakery & R... Temporary Driver Li... Meeting Registratio... Fire Damage Restor... New Tab California

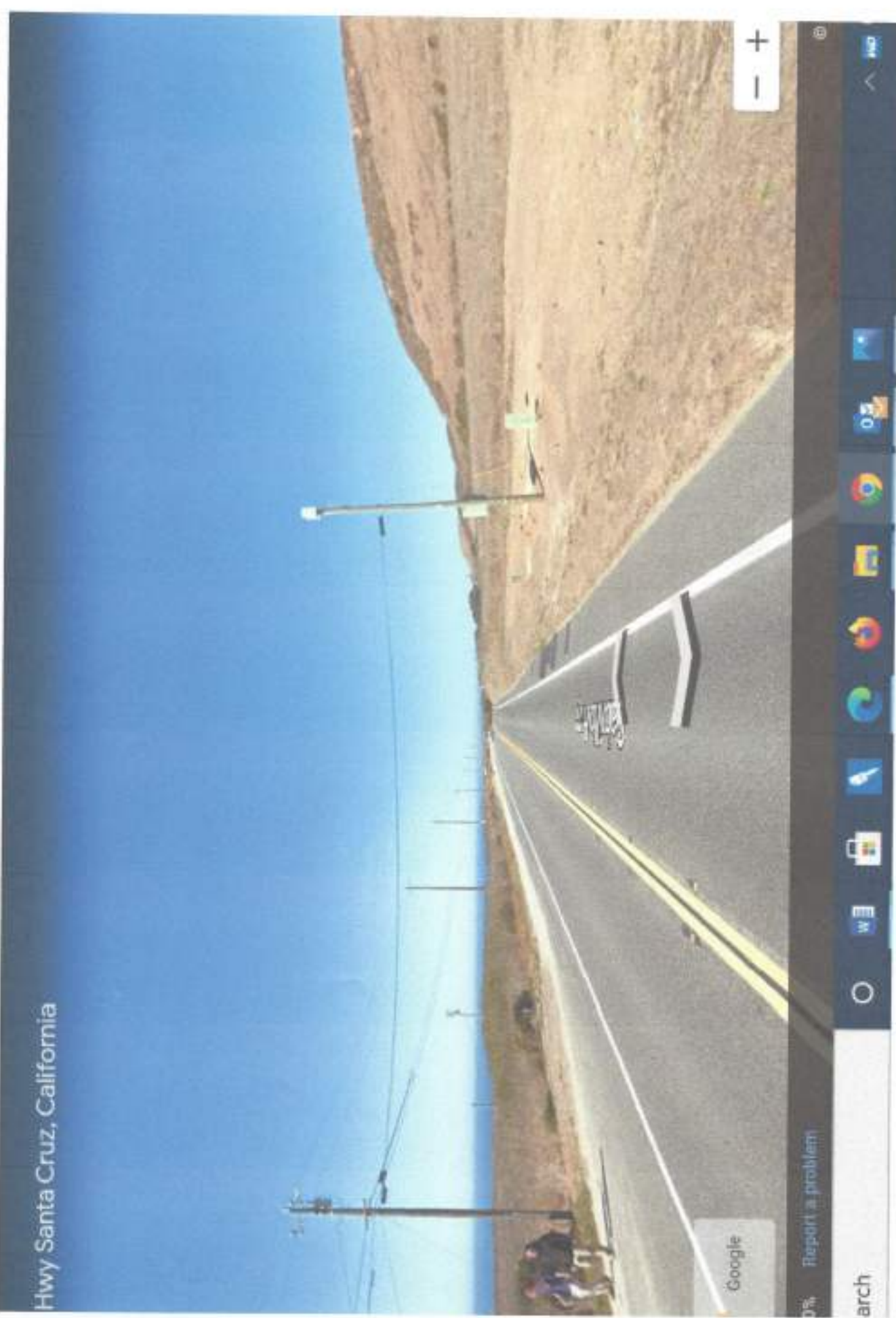


Exhibit 15C - The lone "no parking" sign, but parking available on opposite side. yellow bank parking would be base of trees in the distance. - not very visible

Google Earth

x

google.com/web/search/Yellow + Bank + Creek, + California, + USA @ 36.99080993, -122.16355437, 34.605518348, 0d, 60y, 303.90030353h, 94.501296...

afeway - Browse P... Gayle's Bakery & R...

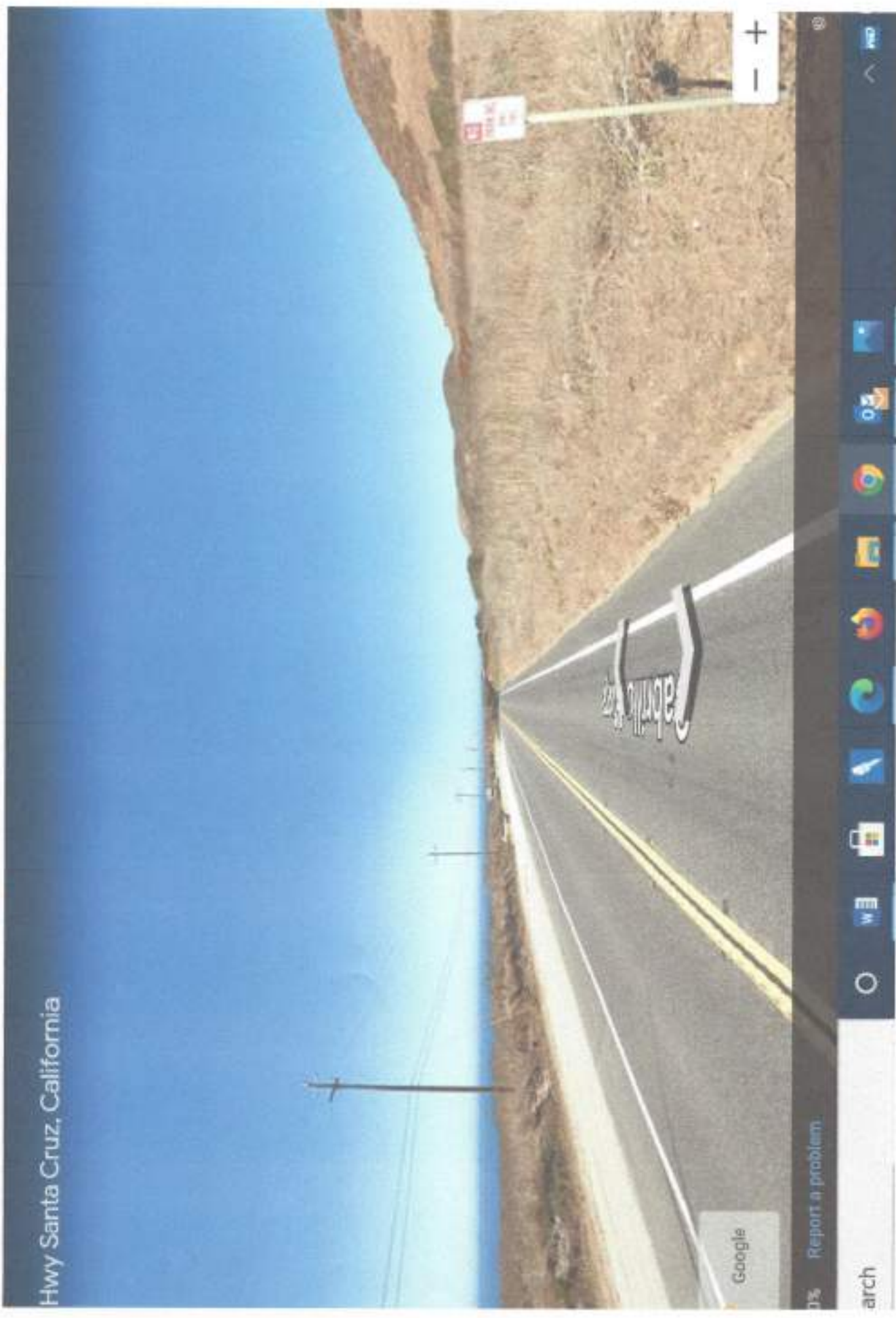
Temporary Driver Li...

Meeting Registratio...

Fire Damage Restor...

New Tab

California



Hwy Santa Cruz, California

Google

Report a problem

arch