



141 MONTE VISTA AVENUE, WATSONVILLE, CA 95076  
P: (831) 724-1356 F: (831) 724-5821  
sccfb@sbcglobal.net  
www.sccfb.com

March 23, 2020

Ben Blom, Field Manager  
Erik Zaborsky, Assistant Field Manager  
BLM Central Coast Field Office  
Attn: Cotoni-Coast Dairies RMPA/EA  
940 2nd Ave., Marina, CA 93933-6009

**Re: Cotoni-Coast Dairies Combined Draft Resource Management Plan Amendment  
and Environmental Assessment**

Dear Messrs. Blom and Zaborsky,

I am writing on behalf of the Santa Cruz County Farm Bureau as its President for the past 1.5 years and Board member for approximately six years. I base the following on the considerable knowledge and experience I have acquired regarding agricultural operations over that period of time. My purpose is to briefly address the potential impacts on agricultural operations which may be significantly affected by the activities and uses proposed in the Combined Draft RMPA and EA mentioned above, particularly in light of assurances previously given to the agricultural community. Thank you for your consideration of these comments.

The geographic area in which the RMPA would be implemented includes immediately adjoining and nearby productive farmlands and farmworker housing. Many of the row crop lands are covered by agricultural conservation easements. Some are organic, such as Rancho Las Palmas and Swanton Berry Farm. Some of these lands (including the two aforementioned organic operations) were part of the original acquisition of ownership of Coast Dairies and Land Corporation by the Trust for Public Land (TPL) for the purpose of transfer to BLM. BLM was unwilling to accept transfer of lands containing agricultural operations or farmworker housing and hence those lands were carved out of TPL's transfer to BLM and remain owned by TPL and leased for agricultural operations and farmworker housing.

Furthermore, there are a number of grazing lease operations involving cattle on BLM's Monument portion of Cotoni-Coast Dairies. Some, if not all, of these predated the acquisition by BLM of its now Monument lands at Cotoni-Coast Dairies.

The EA fails to identify and evaluate the impacts of the Alternatives on the productive farmlands and farmworker housing. It also fails to adequately address impacts of the Alternatives on grazing. This occurred despite the fact that Exhibit I to the 2012 Coastal Development Permit 3-11-035 states in pertinent part as follows:

**Coast Dairies & Land Co. Deed Restrictions and Reservations as approved by the  
US Bureau of Land Management and the Department of Justice**

THE SUBJECT PROPERTY IS CONVEYED SUBJECT TO THE FOLLOWING COVENANTS:

(a) , The Subject Property shall be used and managed for open space and public recreation in a manner **consistent with the protection and preservation of** natural habitats, *adjacent sustainable agricultural uses, and the rights and interests of the Subject Property's current lessees and or their successors in interest.*

Exhibit I to 2012 CDP. This language is based on the “Stipulations” for the ownership and management of the Coast Dairies Property included in the 1998 purchase by TPL of Coast Dairies & Land Co. which then owned the Coast Dairies Property. These Stipulations in the original acquisition by Assignment of Stock Options contained exceptions (Attachment 1) requiring (in pertinent part) that the Coast Dairies Property will be “preserved and used in perpetuity:

- (a) As open space, including, but not limited to the uses set forth herein below;
- (b) **The land currently in agricultural row crop production will be managed in such a way that continued agricultural use is feasible to the maximum extent possible,** unless and until it is determined that conversion to other uses to enhance the Property's natural resource and biodiversity values would be desirable, feasible and beneficial; .... [and]
- (e) Opportunities for public access for recreation and enjoyment will be maximized **to the extent consistent with protection and preservation of** the natural resources, **agricultural uses and the rights and interest of the Property's current lessees or their successors in interest.**

Stipulations. BLM was a party to an executed MOU regarding the Coast Dairies Property which incorporated a “**Vision Statement for Coast Dairies Property**” which included “management of the property designed to **conserve and enhance its** biological, open space and *agricultural values*, restore wetland, riparian, native grassland, forested, and other sensitive habitats, and provide compatible recreation.”

Section 1.2.2 of the EA comes close to acknowledging BLM’s obligations under the above-quoted language (and does acknowledge that grazing is one of the purposes for which the Uplands Parcels shall be managed):

Prior to the transfer of Coast Dairies to the BLM, the BLM agreed that the property would be managed for open space and public recreation in a manner **consistent with the protection and preservation of** natural resources, restoration of endangered species and their associated natural habitats, **adjacent sustainable agricultural uses**, and valid existing rights codified in the following “Upland Parcels Deed Restrictions”

- (a) .... The Upland Deed Restricted Parcels shall be protected, used, and managed only for open space, grazing, and public recreational access uses and development in a manner consistent with the protection and preservation of coastal resources .... Grazing activities shall be sited, designed, maintained, managed, and operated so as to be coordinated with, and so as to not significantly adversely affect, open space and public recreational access uses and development on the Upland Deed Restricted Parcels.

The latter sentence above has somehow morphed what was originally a requirement that recreation be compatible with grazing leases into a requirement that grazing be coordinated with, and not significantly adversely affect, open space and public recreational access and development. This may be a matter for real property law analysis, but it seems unlikely that a Coastal Development Permit (which is the source of the above quoted language) can alter the terms under which the original owner Coast Dairies & Land Company sold and TPL purchased the Coast Dairies Property, which terms were clearly communicated to the agricultural community and for the public benefit. This issue has not been adequately addressed in the EA, nor has the Coastal Commission's conclusion that public recreation uses **cannot be at the expense of agriculture** been addressed.

Additional protection for agriculture can be found in the Coastal Act. The adopted 2012 Coastal Development Permit 3-11-035, which enabled the land division which allowed the transfer of what is now the Monument land to BLM, concludes that agriculture has priority over public recreation uses. On page 11 (last sentence preceding "Analysis" heading) the CDP states as follows: "[t]he Coastal Act also requires that public recreational uses take precedence over private residential and general industrial or commercial development, **but not at the expense of agriculture** or coastal-dependent industry (Section 30222)" (emphasis added). This issue has not been adequately addressed in the EA.

Furthermore, agriculture has environmental value recognized by NEPA, so a management plan or other project must identify and analyze whether the range of alternatives in the RMPA will significantly affect agricultural operations. There are a number of statements in the EA which claim that agriculture has historically adversely impacted natural resources and that going forward wetlands need to be protected from agriculture. (*See, e.g.*, Section 2.6.1, 3.5, 4.3.3, 4.4.2, and 4.15). However the benefits of agriculture to the area and the potential for the activities and uses described in the RMPA Alternatives to adversely affect agricultural operations are not adequately addressed.

Although Section 4.14.12 acknowledges that "individuals derive passive or nonuse benefits from the existence of ... extensive agricultural lands with little development and other amenities in many areas within the planning area," nowhere does the EA acknowledge that agricultural land provides connectivity and habitat for wildlife. Even more critically, nowhere does the EA acknowledge or attempt to identify, evaluate, and mitigate the adverse impact that the proposed alternatives will have on agriculture. Examples include the potential substantial adverse impact on organic agricultural operations of herbicide spraying by helicopter or even by other methods too close to these organic operations. Additionally, all agricultural operations, whether row crop (organic, non-organic) or grazing, experience trespass, fence cutting and other vandalism when near recreation uses. The proximity of the organic farms and the inclusion of aerial spraying of herbicides within the Monument raises substantial questions that herbicide spraying may degrade the adjacent organically farmed fields. The substantial number of visitors and access and trail locations proposed in the alternatives also raise a substantial question that the ongoing and protected row crop and ranching uses will be significantly degraded by

vandalism of fences and other important ranching features and disturbances and stress to grazing cattle. These issues need to be analyzed and discussed in the EA.

Grazing is acknowledged to have some environmental benefits, such as in Figure 3.2.1-2 a photo the caption of which states (in part): "Cattle grazing controls the extent of highly undesirable, non-native ruderal patches and maintains non-native grasslands." The EA states that the BLM will investigate the utilization of grazing for targeted vegetation management objectives, and work with operators to develop a program where controlled livestock grazing could be used to protect the grasslands and oak woodland habitat, increase habitat biodiversity, control exotic annuals and invasive weeds and protect wetland riparian values. Continued grazing would have long-term, major, beneficial effects on grasslands. The beneficial effects would include reducing the dominance of weedy/ruderal patches and preventing encroachment of coyote brush into grasslands. The EA should also identify and evaluate the benefits of grazing for fire safety and prevention.

Please do the investigation and analysis required to address these important impacts on agriculture taking into account the many benefits of agriculture and avoid prioritizing other activities and uses at the expense of agriculture.

Very truly yours,  
Santa Cruz County Farm Bureau

A handwritten signature in dark ink, appearing to read "B. Miele", is written over a horizontal line.

By: Brendan Miele, President

Cc: Jess Brown Executive Director

Attachment 1:

Except from Assignment of Stock Option, Escrow Account and Stock Option· Deposit'