



Preserving redwood forests
since 1900

Executive Director
Sara Barth

Chief Financial Officer
Patrick Gibbons

**Chief Marketing and
Communications Officer**
Matthew Shaffer

Chief Philanthropy Officer
Michael Kawalek, CFRE

Director of Land Conservation
Laura McLendon

Board of Directors

Pamela Koch, President
Evan Siegel, Vice President
Gage Dayton, Ph.D., Secretary
Channing Chen
Meagan Demitz
Kevin Flynn
William N. Harris
Hon. Fred Keeley
Kent Putnam
Stephen M. Reed
Diane Talbert
Vishy Venugopalan
Jacqueline B. Wender
Stephen N. Wyckoff, J.D.

Science Advisory Panel

Gage Dayton, Ph.D., Chair
Anthony R. Ambrose, Ph.D.
Nona Chiariello, Ph.D.
David Freyberg, Ph.D.
Alan Launer, Ph.D.
Virginia Matzek, Ph.D.
Lisa Micheli, Ph.D.
Wallace J. Nichols, Ph.D.
Scott Stephens, Ph.D.
Chris Wilmers, Ph.D.

The Redwood Circle

Phillippe Cohen, Ph.D.
Richard Conniff
Robert L. Katz
Elinor & Richard Mansfield
Dan Martin
Emily Thurber

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.

Sempervirens Fund Coastal Commission Consistency Review
Cotoni-Coast Dairies RMPA
November 11, 2020

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
(650) 949-1453 ext. 201



Preserving redwood forests
since 1900

Executive Director
Sara Barth

Chief Financial Officer
Patrick Gibbons

**Chief Marketing and
Communications Officer**
Matthew Shaffer

Chief Philanthropy Officer
Michael Kawalek, CFRE

Director of Land Conservation
Laura McLendon

Board of Directors

Pamela Koch, President
Evan Siegel, Vice President
Gage Dayton, Ph.D., Secretary
Channing Chen
Meagan Demitz
Kevin Flynn
William N. Harris
Hon. Fred Keeley
Kent Putnam
Stephen M. Reed
Diane Talbert
Vishy Venugopalan
Jacqueline B. Wender
Stephen N. Wyckoff, J.D.

Science Advisory Panel

Gage Dayton, Ph.D., Chair
Anthony R. Ambrose, Ph.D.
Nona Chiariello, Ph.D.
David Freyberg, Ph.D.
Alan Launer, Ph.D.
Virginia Matzek, Ph.D.
Lisa Micheli, Ph.D.
Wallace J. Nichols, Ph.D.
Scott Stephens, Ph.D.
Chris Wilmers, Ph.D.

The Redwood Circle

Phillippe Cohen, Ph.D.
Richard Conniff
Robert L. Katz
Elinor & Richard Mansfield
Dan Martin
Emily Thurber

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.

Sempervirens Fund Conditions for Concurrence
Cotoni-Coast Dairies RMPA
December 4, 2020

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
(650) 949-1453 ext. 201