

April 3, 2020

Ben Blom, Field Manager  
Bureau of Land Management  
Central Coast Field Office  
940 2nd Avenue  
Marina, CA 93933

RE: Cotoni-Coast Dairies National Monument RMP Amendment and Associated EA

Dear Mr. Blom:

Sempervirens Fund submits the following comments in response to the Cotoni-Coast Dairies (CCD) California Coastal National Monument Draft Resource Management Plan Amendment (RMPA) and Environmental Assessment (EA). Sempervirens Fund helped lead the campaign to bring monument status to Cotoni-Coast Dairies, with generous support and the active involvement of our board, donors, foundation funders, and key partners. As supporters of this successful campaign, as well as co-owners of the adjacent 8,532-acre San Vicente Redwoods property, we care deeply about the outcome of the Cotoni-Coast Dairies RMPA and EA.

Sempervirens Fund, a non-profit land trust operating in coastal California's Santa Cruz Mountains, has been working for 120 years to ensure the permanent protection of redwoods and other natural and scenic resources in Santa Cruz, San Mateo, and Santa Clara Counties. To date, Sempervirens Fund has protected over 35,000 acres, most of which is now part of Big Basin Redwoods, Henry Cowell Redwoods, Portola Redwoods, Butano and Castle Rock State Parks. We also own over 11,000 acres of redwood forests and other natural lands in this region that we manage for the preservation of their conservation values.

Our evaluation of the RMPA is based on a recognition that Cotoni-Coast Dairies is not only an important piece of the multi-unit California Coastal National Monument and the overall National Conservation Lands system, but it is also a critical component of a local network of protected lands. For these reasons, the management decisions that the Bureau of Land Management (BLM) makes for CCD will have broad ripple effects that extend far beyond the boundaries of this unit.

Sempervirens Fund appreciates the opportunity to provide this input to the BLM. We are grateful for the partnership and collaboration that the local BLM staff have historically provided to us in addressing issues across our shared property boundaries.

**I. Overarching Considerations for the Cotoni-Coast Dairies Unit of the California Coastal National Monument**

The Cotoni-Coast Dairies is comprised of 5,843 acres of public land managed by the BLM as part of the California Coastal National Monument (CCNM) in Santa Cruz County. It is distinct from many units of the National Conservation Lands system because of its very small size and the land tenure of the properties abutting it. The boundaries of CCD surround the town of Davenport and are adjacent to the rural community of Bonny Doon. This BLM unit is also located within 10 miles of the City of Santa Cruz, along a highway corridor that has growing levels of visitors who are in search of outdoor recreation opportunities. All these factors mean that management of this unit needs to recognize the overwhelming presence of people – as visitors and as neighbors – and work to accommodate them in ways that stay true to the mandate to preserve the unit's ecological, archaeological and cultural values.

Cotoni-Coast Dairies is also contiguous with other protected lands, including: Wilder Ranch State Park; Swanton Pacific Ranch (owned by California Polytechnic State University and used for research and education); and the privately-held San Vicente Redwoods (owned by Sempervirens Fund and Peninsula Open Space Trust, and part of a four-way conservation effort that also includes Save the Redwoods League and the Land Trust of Santa Cruz County). Because it is at the center of this network of protected lands, CCD serves as an essential link, both for wildlife and for recreation users, to other portions of the larger landscape. As such, the BLM's management decisions will determine whether this unit supports, or harms, the conservation and sustainable recreation opportunities that are occurring (or being planned) across these other properties.

Finally, it is hard to overstate the great significance that this unit holds for present-day Native Americans, having been occupied by their ancestors for thousands of years. The connection between the Ohlone people, their descendants, and this place is so important that it is reflected in the name that President Obama gave this unit. It is imperative that the unit be managed in ways that ensure that these Native American resources are honored and preserved.

## **II. Prioritizing the Preservation of Cotoni-Coast Dairies Ecological, Archeological and Cultural Values**

Numerous statutes, policies and legal requirements dictate how this unit is supposed to be managed. They consistently provide clarity that the ecological, archeological and cultural values are paramount and must be preserved.

### **a) Cotoni-Coast Dairies National Monument Designation Proclamation**

Despite its small size, CCD includes a broad array of habitats – including rare marine terraces, as well as riparian areas, wetlands, grasslands, oak woodlands, scrublands, and coast redwoods zones. These habitats support a rich diversity of native plants and animals, including Coho salmon; steelhead trout; California red-legged frogs; mule deer; and mountain lions. In the presidential proclamation that added Cotoni-Coast Dairies to the California Coastal National Monument, President Obama recognized CCD's unique ecological, archeological and cultural resources.<sup>1</sup> The proclamation carefully highlights specific species found among CCD's diverse habitats, including numerous native plants, avian species, mammalian species, and anadromous and freshwater fish. The management plan should give particular care to the protection and restoration of the species that are identified. The proclamation also provides extensive commentary on the unit's wealth of prehistoric and historic cultural treasures. Most importantly, the proclamation directs that the unit be managed in a way that will protect the "objects" that it has identified.

One reason Sempervirens Fund supported the addition of Cotoni-Coast Dairies to the California Coastal National Monument was because we wanted to see the unit opened to the public for responsible and sustainable forms of outdoor recreation. The proclamation strikes a careful balance by directing that the CCD unit, "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" (meaning those objects listed in the proclamation). President Obama's proclamation language is consistent with language in the deed restriction that accompanied the property when it was transferred to the BLM by its prior owner, the Trust for Public Land. Specifically, the deed restriction stipulates that the property "shall be used and 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

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<sup>1</sup> Presidential Proclamation 9563, Boundary Enlargement of the California Coastal National Monument. <https://www.govinfo.gov/content/pkg/DCPD-201700013/pdf/DCPD-201700013.pdf>

habitats and adjacent agricultural uses...". When the Trust for Public Land acquired the property in 1998, the Coastal Commission required a similar stipulation that dictated that "opportunities for public access for recreation and enjoyment will be maximized to the extent possible consistent with the protection and preservation of the natural resources..."

Sempervirens Fund remains excited to see the monument opened to visitors, but recreational use must be implemented in a cautious, considered way that ensures the preservation of the other resources. We are concerned, however, that some of the management alternatives described in the RMPA would promote recreation in a manner, and scope, that is inconsistent with the directives found in the deed restriction and presidential proclamation.

#### **b) The Omnibus Public Lands Act**

The 2009 Omnibus Bill (Omnibus) established the National Conservation Lands as a permanent system of protected lands, "...to conserve, protect and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations."<sup>2</sup> The National Conservation Lands include all National Monuments managed by the BLM. To ensure that the permanently protected National Conservation Lands are managed to "conserve, protect and restore nationally significant landscapes," all units within the system have several basic conservation standards, including:

- 1) prescriptive language that requires the area to be managed for the conservation, protection and enhancement of natural and cultural resources over other uses;
- 2) a prohibition on discretionary uses that are inconsistent with conservation and protection of these natural and cultural resources;
- 3) a mineral withdrawal; and
- 4) restrictions on off-road vehicles and a travel management plan with restrictions necessary to protect the area.

These standards ensure that lands within the system are managed consistently for conservation and safeguarded for future generations. This statute makes clear that units of the system must be managed to a higher conservation standard than other lands managed by the BLM and further supports the argument that recreational activities can occur on national monument lands only when there is adequate protection for the ecological, archeological and cultural values.

#### **c) Policies of the Department of the Interior and Bureau of Land Management**

Conservation primacy and standards for the system have also been outlined in guidance prepared by the Department of the Interior and the BLM's own policies. In 2010, Secretarial Order 3308 established a unified conservation vision for managing the National Conservation Lands as required by the Omnibus Act of 2009 to "conserve, protect, and restore nationally significant landscapes." Further stating that, "the BLM shall ensure that the components of the [system] are managed to protect the values for which they were designated, including, where appropriate, prohibiting uses that are in conflict with those values."<sup>3</sup>

In 2011, BLM released the 15-Year Strategic Plan, setting specific goals for how to manage the National Conservation Lands focused on conservation, protection and restoration. The Strategic Plan further expanded that "there is an overarching and explicit commitment to conservation and resource protection as the primary objective" and that the BLM shall "not authorize discretionary uses that

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<sup>2</sup> Public Law 111-11.

<sup>3</sup> Secretarial Order 3308, Management of the National Landscape Conservation System, Nov 15, 2010, Sec. 4.

cannot be managed in a manner compatible with the designation proclamation or legislation.”<sup>4</sup>

In 2012, BLM released two relevant Policy Manuals: 6100-National Landscape Conservation System Management; and 6220-National Monuments, Conservation Areas, and Similar Designations. In accordance with the policy outlined in the Omnibus statute and Secretarial Order 3308, these two manuals provide guidance to the BLM’s employees on the drafting of management plans and land use plan decisions as related to the National Conservation Lands.

The Secretarial Order, 15-Year Strategy and Policy Manuals make clear that agency policy prioritizes conservation over other uses, including recreation, within the National Conservation Lands.

National monuments are managed as part of the National Conservation Lands, and no longer managed under multiple-use standards as outlined in the Federal Land Policy Management Act. The BLM has repeatedly stated that units of the National Conservation Lands are an exception to FLPMA.

“The authors of FLPMA included an astute exception: Management activities must abide by [multiple-use] principles, except ‘...where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law.’ That means in some places, conservation may be elevated over development or production if a law identifies conservation as the primary use for which the land is designated.”<sup>5</sup>

No longer under the guise of the multiple-use mandate, these lands must be managed in order to “conserve, protect and restore nationally significant landscapes.”

### **III. Feedback on Specific Alternatives in the RMPA**

Sempervirens Fund appreciates the time, effort, and resources that the BLM has expended to gather public input during the scoping process and to draft the Resource Management Plan Amendment and Environmental Assessment. There are features of the RMPA that are very forward-looking and well-considered. There are, however, several proposed management actions that fail to meet the standards for resource protection outlined in the proclamation and the additional statutory and policy obligations that the BLM is required to fulfill. In addition, there are some proposed management actions for which there is insufficient analysis or discussion to determine whether the necessary conservation standards would be met.

#### **a) Recreational Hunting**

The BLM proposes hunting as a recreational use in Alternatives B and C in the draft RMPA. In Alternative B, the BLM proposes hunting as a recreational use in Resource Management Zone (RMZ) 2 – a 2,641-acre area. In Alternative C, the BLM proposes hunting as a recreational use in a smaller RMZ 2 – a 1,629-acre area. These proposals constitute a disproportionately large portion of the unit and would preclude other recreational uses in large parts of CCD. Sempervirens Fund recognizes that sportsmen have a legitimate place on public lands and have been tremendous conservation leaders in California and around the country. Nevertheless, recreational hunting on this unit is inappropriate because of the risk it presents to both the public and to wildlife. The property is simply too small with too many people living and working nearby in the communities of Davenport and Bonny Doon for hunting to be done

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<sup>4</sup> The National Landscape Conservation System, 15 Year Strategy, 2010.

<sup>5</sup> BLM’s 15-Year Strategy for the National Conservation Lands, citing FLPMA, as amended, Public Law No. 94-579, Title III, Sec. 302(a).

safely – especially if firearms are allowed. The proposal to give hunters a map<sup>6</sup> of the property and trust that they will stay in the right area ignores the reality of human error. Even if hunters remain within the designated area, the boundaries between the hunting zone and nearby homes, farms, trails (on CCD and on surrounding properties), and public roads are insufficient to protect human lives if a weapon is discharged in the wrong direction at the wrong time. Sempervirens Fund is concerned that visitors to our own property, San Vicente Redwoods, could be in jeopardy if hunting were allowed on CCD.

Beyond the risk to humans, recreational hunting has the potential to be very disruptive to specific wildlife species, like mountain lions, that are sensitive to noise and human presence. In that regard, recreational hunting is directly at odds with the proclamation's directive to protect CCD's wildlife.

Finally, the draft RMPA states that the proposed hunting area – RMZ 2 – is unsafe to other recreational uses due to ongoing remediation efforts in this zone.<sup>7</sup> No explanation is provided for why hunters would be safe in this remediation area while other recreational users would not.

#### **b) Wildlife “Enhancement”**

BLM proposes wildlife enhancement<sup>8</sup> as part of its hunting program in Alternatives B and C. Too little information is provided to know what the BLM intends vis a vis this wildlife enhancement. Our interpretation is that the BLM plans to artificially manipulate wildlife populations and/or wildlife habitat for the purposes of promoting game species to meet the demands of hunters. This has significant potential to impact and disrupt existing wildlife populations and vegetation communities and directly undermines the conservation priorities outlined in the monument proclamation. The RMPA draft explicitly recognizes the sensitive nature of existing wildlife populations in CCD, stating “absence of any of these expected species would indicate less-than-desired ecosystem function and biodiversity, but the absence of the remaining top predator (mountain lion) and the primary herbivore (black-tailed mule deer) would be expected to have major cascading effects on many other wildlife species and flora of CCNM.”<sup>9</sup> The BLM should not employ any type of wildlife or habitat enhancement, simply for the benefit of a limited type of recreational use, that disrupts the existing native plants and animals that occupy CCD.

#### **c) Dispersed Camping and Off-Trail Hiking**

The BLM proposes dispersed camping in Alternative B, and off-trail hiking and/or off-trail visitor use in Alternatives B and C. Dispersed camping is allowed on many BLM lands throughout the West, however, it is not appropriate for Cotoni-Coast Dairies. If camping is allowed, it should only be in specific, well-regulated campgrounds that are close to parking areas. Due to the extreme fire risk in this landscape and the proximity of homes and communities, campfires should be prohibited year-round and camping may need to be subject to seasonal limitations. Allowing camping in controlled areas helps visitors

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<sup>6</sup> “the BLM would publish maps that delineate areas in RMZ 2 that are closed to hunting near the community of Davenport, CA. These maps would be issued to licensed hunters that are permitted under the CDFW special hunt program to access C-CD.” Cotoni-Coast Dairies RMPA draft, Section 4.11.4 Impacts of Alternative B. p.53.

<sup>7</sup> “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.” CCD RMPA draft, Section 3.13 Recreation Resources, p.38.

<sup>8</sup> “Enhance populations of deer, quail, and turkey to promote hunting opportunities in Recreation Management Zone (RMZ) 2.” Cotoni-Coast Dairies RMPA draft, Section 2.7.2 Management Actions and Allowable Uses. MA-WLD-5. p.14.

<sup>9</sup> Cotoni-Coast Dairies RMPA draft, Section 3.4 Biological Resources – Fish and Wildlife. p.13.

experience the monument, while protecting natural and cultural resources, and maintaining consistency with nearby protected lands where camping is allowed. We strongly discourage BLM from allowing camping to be dispersed throughout CCD.

Hiking will be an important activity for visitors to enjoy and experience Cotoni-Coast Dairies. However, redundant and illegally created trails will increase under Alternatives B and C, which allow for dispersed camping, hunting, and other off-trail activities. The monument proclamation documents the many sensitive and imperiled plant, avian and wildlife species on the monument. BLM has acknowledged it has not completed an inventory of the unit's cultural resources,<sup>10</sup> but existing surveys have shown them to be significant. To mitigate the impact of visitors on these cultural resources and vulnerable species, recreation should only occur in concentrated and defined areas where the BLM has sufficient data to ensure that conflicts can be avoided. We recommend all recreation be limited to established trails and campgrounds.

#### **d) Extensive Trail Buildout, Regional Trail Connections, and Potential for Trespass**

The BLM proposes 19.51 miles of public trails in Alternative B and 28.6 miles of public trails in Alternative C. Sempervirens Fund strongly supports opening the monument to the public for recreational opportunities. However, this is a sensitive ecosystem. Many visitors are anticipated (the RMPA estimates between 100,000 – 250,000 visitors a year). The RMPA assumes that the BLM will have adequate staff and financial resources to manage a substantial influx of visitors. Currently, however, the agency is far short of the staffing that would be needed to manage this level of visitation. For that reason, Sempervirens Fund supports the BLM's proposal that public trails be constructed and opened in a phased approach so that the impacts can be carefully monitored, and adaptive management can be applied where needed. For this same reason, Sempervirens Fund is opposed to the more extensive trail buildout presented in Alternative C, unless or until, the BLM can demonstrate it has the capacity to manage a more extensive trail network. Finally, we urge the BLM to limit its trail footprint wherever possible to limit the negative impacts to wildlife.<sup>11</sup> Since negative impacts to wildlife are unavoidable wherever recreational uses are allowed,<sup>12</sup> we recommend that the BLM gather baseline data regarding wildlife, before building any trails.

Sempervirens Fund strongly supports the creation of a trail connection between CCD and San Vicente Redwoods (proposed in Alternative B and C) to facilitate the establishment of a regional trail network. Similarly, we appreciate the consideration the BLM has shown to other possible regional trail connections, including the Rail Trail proposed by the Santa Cruz County Regional Transportation Commission. Collectively, these trail networks could provide a transformative set of responsible recreation opportunities in this region.

Sempervirens Fund recommends against any trails near the boundary of San Vicente Redwoods where there is not a clearly planned trail connection out of concern that it would lead to illegal trespass. We strongly oppose the construction of most of the Agua Puerca Trail as proposed in Alternative C<sup>13</sup>, because it could result in BLM visitors trespassing onto closed areas of San Vicente Redwoods. These closed areas contain sensitive natural resources, as well as hazardous features (like the quarry) that present a significant public safety risk.

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<sup>10</sup> CCD draft RMPA. Section 1.3.2. Issues Considered but Not Further Analyzed. Resource Inventories. p.4.

<sup>11</sup> CCD draft RMPA. Section 4.4 Environmental Consequences. Biological Resources - Fish and Wildlife. pp.15-19.

<sup>12</sup> CCD draft RMPA. Section 4.4 Environmental Consequences. Biological Resources - Fish and Wildlife. pp.15-19.

<sup>13</sup> CCD draft RMPA. Appendix A. Figure 5C.

#### **e) Off-Leash Dogs**

We urge the BLM to prohibit dogs from being off-leash as proposed in Alternative C.<sup>14</sup> The decision to allow dogs off-leash has been proven to have a highly negative impact on wildlife<sup>15</sup>, higher potential to spread invasive species, and can create significant conflicts with other recreational users. If dogs are allowed on CCD, we urge the BLM to allow them only on-leash and only on designated trails.

#### **f) Broadcast Spraying of Pesticides and Herbicides**

Sempervirens Fund is very concerned about aerial herbicide and pesticide spraying, which the BLM proposes under the draft RMPA Alternative C<sup>16</sup>. The BLM should not utilize aerial spraying or other forms of broadcast distribution, due to the potential for negative impacts on adjacent communities, as well as on CCD's water quality, riparian habitats, and connecting marine habitats. Like many coastal areas, this landscape is often windy and foggy. Both conditions can facilitate the drift of these harmful synthetic chemicals. Most importantly, the streams in this landscape provide the drinking water for the town of Davenport and the City of Santa Cruz; aerial spraying has the potential to contaminate this important public resource. There are several organic farms near, or adjacent, to the monument for which pesticide or herbicide drift could be detrimental to the farmworkers, as well as their crops. As noted in the proclamation, some of the streams on the monument host highly endangered Coho salmon and steelhead trout. A buildup of synthetic chemicals in these streams – either from aerial application or through runoff from the soil – could set-back ongoing efforts to help recover these species.

Except for the proposed management use of aerial spraying, Sempervirens Fund supports the BLM's overall Weed Management Plan proposed in Alternatives B and C. We encourage the use of cattle, and other natural management methods, to reduce the prevalence of non-native vegetation. Sempervirens Fund encourages the BLM to work with us and our San Vicente Redwoods partners to jointly address the management and/or removal of invasive species that straddle our shared boundaries. We are particularly eager to have the BLM move quickly to eradicate *Clematis vitalba* on its portion of San Vicente Creek, where Sempervirens Fund and our partners have already spent considerable resources on upstream eradication efforts.

#### **g) Adaptive Management and Monitoring**

Sempervirens Fund urges the BLM to complete more thorough baseline inventories of natural and cultural resources prior to commencing any new recreational activity. Without an understanding of existing resources through further biological and archeological inventories, the BLM risks putting these resources in jeopardy. In developing the San Vicente Redwoods Public Access Plan, a process led by the Land Trust of Santa Cruz County, Sempervirens Fund and our partners spent considerable time and resources creating baseline inventories of wildlife and special status plants along the proposed trail corridors. This inventory data will inform future trail construction and adaptive management decisions, including the possibility of trail closures if evidence emerges that recreation is jeopardizing a species. We urge the BLM to spend more time and resources completing biological and cultural inventories of this unit, especially in areas of proposed recreational uses, to best ensure their protection over the long-

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<sup>14</sup> CCD draft RMPA. Section 2.14.2 Recreation Resources: Management Actions and Allowable Uses. p.23.

<sup>15</sup> CCD draft RMPA. Section 4.4.5 Environmental Consequences. Biological Resources - Fish and Wildlife. p.23.

<sup>16</sup> CCD draft RMPA. Section 2.5.2 Upland Terrestrial Vegetation, including Herbicide Use and Fire: Management Actions and Allowable Uses. p.10.

term. Furthermore, the BLM should develop adaptive management criteria that outline the circumstances under which recreation uses might be limited or modified if deleterious impacts are observed. Those adaptive management criteria, and plans, should be completed before new recreation is allowed.

**h) Use of Warrenella Road as a Public Trail**

Sempervirens Fund strongly recommends against any portion of Warrenella Road being used for anything other than the BLM's administrative needs and emergency services. Warrenella Road is the main (private) legal access road through Cotoni-Coast Dairies, San Vicente Redwoods, and Molino Creek Farm and, as such, is used by large agricultural and timber operation vehicles. The road, though much improved in recent years, is not suitable for public traffic. Opening this road to non-vehicular recreational access presents an extreme safety issue due to its narrow width, curves, and ongoing maintenance needs. Warrenella Road should be closed to all recreational uses and trails should be routed away from it. If recreational access is needed in this area, we encourage the creation of a separate trail for hikers, bikers, and/or equestrians.

**i) Fire Management Plan**

This landscape, like many parts of California, faces extreme fire risk that has been exacerbated by climate change and accompanying cycles of drought. As visitation to CCD increases, the risk of wildfire ignition will grow exponentially. It is essential that the BLM develop a comprehensive plan to prevent, mitigate, and respond to wildfire. The BLM should develop its wildfire prevention and response plan in close coordination with CalFire, the Bonny Doon Fire Safe Council, and with input from the surrounding communities. We are pleased that the BLM is proposing to continue, and expand, its shaded fuel break projects along Warrenella Road and Bonny Doon Road to mitigate the risks of wildfire and help keep surrounding communities safe. We also strongly support the proposed prescribed burning program on Cotoni-Coast Dairies presented in Alternatives B and C to promote ecological health and reduce the risk of catastrophic wildfire. While these are important first steps, much more will need to be done to protect CCD's neighbors and visitors, as well as its ecological, archaeological and cultural resources.

Sempervirens Fund thanks the BLM for the important work it is doing to prepare for a future in which Cotoni-Coast Dairies can be opened to responsible recreation and enjoyment by the public while safeguarding the incredible ecological, archeological and cultural treasures. We appreciate your consideration of our comments and look forward to continuing our strong relationship as partners and neighbors.

Sincerely,

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