

**Rural Bonny Doon Association**  
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**Regarding the Cotoni-Coast Dairies Draft Resource Management Plan Amendment  
and Environmental Assessment**

Dear Mr. Blom,

Following are the comments of the Rural Bonny Doon Association Executive Board regarding the Bureau of Land Management's Draft Resource Management Plan Amendment and Environmental Assessment for the Cotoni-Coast Dairies portion of the California Coastal National Monument.

We have been, and continue to be, very concerned about issues raised by planned public access to Cotoni-Coast Dairies Monument. The alternatives in the Environmental Assessment could significantly degrade the ecology, habitat, cultural and archeological resources, and historic vistas within the Monument.

We would like to remind BLM that *recreational access is subordinate to BLM's primary duty to protect the objects identified in the Presidential Proclamation establishing the Monument* and including it in the National Conservation Lands System, and that the deed restrictions accepted by BLM when taking title to the property continue to apply.

The Proclamation identifies a number of objects that require protection within the Monument: the habitats and the numerous species that depend on them, and the first nation (Ohlone) cultural values present throughout the Monument. *The only recreational objectives cited are to have visitors experience the Monument's coast redwoods and enjoy a greater opportunity for birdwatching.* Your Environmental Assessment correctly indicates that "The central purpose [of the Proclamation] is...protection of the natural, cultural, and biological resources that the C-CD lands represent."

BLM is bound by the Federal Land Management Policy Act and must manage the Monument such that any uses are forbidden that do not promote conservation, protection and restoration of the ecosystems, plants and wildlife, subdued recreation, and cultural values. In addition, in adherence to the language of the Proclamation, the U.S. Interior Secretary is legally obligated to ensure that Cotoni-Coast Dairies is managed in conformity with the values and objectives of the National Landscape Conservation System, of which it is a component. *Uses that conflict with those values and objectives are prohibited, and any uses that may be allowed must comply with the paramount objective of protection.* Management of Cotoni-Coast Dairies also must legally conform with the requirements of the Omnibus Public Lands Act of 2009, including a ban on mining of any form, a restriction on uses that negatively impact conservation, protection and enhancement of a property's resources, and restriction of off-road vehicles.

To further clarify the manner in which BLM is legally obliged to manage these lands, a number of policy standards and Secretarial Orders have been issued that reinforce the primacy of the objectives of conservation, protection and restoration.

We have been informed that the local organization Friends of the North Coast, whose goals and values we share, has submitted (or is about to submit) to you a review of the Environmental

Assessment. That review contains a number of comments by highly-qualified experts in various fields relevant to management of Cotoni-Coast Dairies in a manner consistent with the above-cited legal requirements. ***Those experts conclude that your Environmental Assessment is inadequate to the goal of informed decision-making and public participation, but rather gives only cloudy assurances that potential impacts will be addressed.*** Moreover, it falls well short of specifying the methods by which BLM will mitigate the impacts of up to 250,000 visitors, including motorized bicycles and hunters, on the sensitive flora, fauna, and ecosystems required to be protected by the Presidential Proclamation. All three alternatives identified in the Environmental Assessment are inconsistent with that Proclamation and also of the National Environmental Protection Act.

The professional comments submitted by the Friends of the North Coast experts ***make it clear that the uses proposed in the three alternatives presented by the Environmental Assessment may have a significant effect. Therefore, BLM must prepare an Environmental Impact Statement before proceeding with any of those alternatives, or whatever components BLM decides to include in its final decision.*** Friends of the North Coast has prepared a viable alternative that we believe would better ensure compliance with the Presidential Proclamation, and ***which must be analyzed as an alternative in an Environmental Impact Statement by BLM.***

We contend that the Environmental Assessment prepared by BLM violates the National Environmental Quality Act by failing to meet the Act's requirement that federal agencies "study, develop, and describe appropriate alternatives to recommended courses of action." A number of legal cases reinforce that requirement.

To get specific, the Environmental Assessment's three alternatives, A, B and C, all call for uses that disturb wildlife in thousands of acres of the Monument, and foresee extensive use of herbicides, including application by aerial spraying, as the primary mechanism for controlling invasive species. Alternatives B and C also propose uses that will profoundly affect the wildlife of the monument by enhancing deer, quail and turkey populations to promote hunting.

BLM also failed to analyze a "No Project" Alternative as required by the National Environmental Quality Act, which would leave the property as it is at present, the "status quo." That status quo would be changed by Alternative A by constructing 1.74 miles of new trails, one adjacent to Swanton Road at the Molino Creek crossing and the other adjacent to Bonny Doon Road at Liddell Creek, both potentially affecting critical coho habitat. Both trails would require construction of site and parking facilities. Alternative A would open these new trails and portions of the existing road system to day hikers and their dogs, neither of which are currently allowed. Therefore Alternative A is clearly not a "No Action" alternative, denying the public the ability to properly consider the true impacts of each affirmative BLM alternative.

Although legally BLM has some wiggle room in this regard, we contend that BLM is in violation of the National Environmental Quality Act by declining, as required by that law, to identify a Proposed Action in the Environmental Assessment, thereby preventing the public and concerned agencies from focusing on and comparing the alternatives and their relative merits and to evaluate the action's environmental impacts. Several of the proposed trailheads create potential dangerous traffic risks, none of which are studied in the Environmental Assessment. Nor are mitigations proposed, or resources identified to implement those mitigations.

Getting down to specifics, ***the Environmental Assessment failed to study and establish a proper baseline for the existing water quality degradation BLM acknowledges is presently adversely affecting steelhead and coho in the six creeks on the property that are designated critical coho salmon habitat.*** There is insufficient data to reasonably assess whether the

proposed trails, parking areas, visitor numbers and proposed uses, combined with existing sediment sources to the creeks, will significantly contribute to cumulative impacts to water quality and listed salmonids. Therefore, BLM is prioritizing recreational activities over the Monument's natural, cultural, and biological resources; is acting contrary to the Monument Proclamation; and shirking its duty to reasonably assess the actual baseline conditions in the area affected by a proposed action, which makes it impossible to evaluate the potential environmental impacts.

***The National Environmental Quality Act requires federal agencies “to determine the projected extent of the environmental harm to enumerated resources before a project is approved.”*** The Environmental Assessment doesn't claim any species or plant surveys have been conducted for the proposed trail and access routes outlined in the three Alternatives. It appears BLM plans to adopt a Resource Management Plan and later, at some unspecified date, will attempt to evaluate the impact of the trail routes and parking areas. This is a classic example of the old adage, “closing the barn door after the horse has escaped.” It violates both existing case law and common sense, and is exactly why ***BLM must prepare an Environmental Impact Study before opening Cotoni-Coast Dairies to recreation,*** not just give the public vague assurances that trail and trailhead construction will be done using design measures that minimize soil erosion and sedimentation of creeks and wetlands.

It is certain that opening up large portions of the Monument to hundreds of thousands of visitors, vehicle parking lots high in the Monument, motorized and mountain bikes speeding down trails, and hunters shooting rifles and walking off trail will have an impact on the Monument's wildlife. ***BLM is legally obligated to study, forecast and plan mitigation for these impacts before they occur and irrevocably cause harm.***

The Environmental Assessment should have included details of plant and animal surveys of the proposed trail routes, parking areas, and proposed vehicle routes; modeling of runoff, erosion and sediment releases from the proposed trails and estimated sediment inputs to the creeks; and ***studies to evaluate the noise levels of hunting and the dangers shooting presents to other park visitors and adjacent property owners;*** e-bike and mountain bike use of trails, and the potential effects on wildlife, other visitors and adjacent parks. It also lacks an assessment of the impacts on neighboring properties from visitors intent on theft and vandalism, or the potential from wildfires sparked by visitors use of smoking materials.

Furthermore, several of the proposed trails and uses are inconsistent with Secretarial Order 3308, dated Nov. 15, 2010, relating to “Management of the National Landscape Conservation System.” It requires management of the Monument “to be an integral part of the larger, surrounding landscape, in collaboration with the neighboring land owners and surrounding communities, to maintain biodiversity, and promote ecological connectivity and resilience in the face of climate change.” Some of the proposed uses included in the Resource Management Plan alternatives conflict sharply with those planned and authorized on the adjacent San Vicente Redwoods property, with which RMZ 1 and RMZ 2 share a boundary. Alternatives B and C would include the Molino Bank Loop Trail that would potentially link to that neighboring property's trail system. Electric bikes, off-leash dogs, camping and campfires, and hunting are prohibited on San Vicente Redwoods and likely would lead to improper uses there, causing the owners to employ additional enforcement resources.

In and of itself, ***allowing off-leash dogs presents a known hazard to Monument wildlife***, especially birds and small animals. Several studies have proven this. At the least, BLM should undertake a study of this before off-leash dogs are allowed anywhere in the Monument, propose steps to mitigate it, and demonstrate that you have sufficient resources to enforce those mitigations.

The proposed hunting included in Alternatives B and C also would be incompatible with the uses allowed in San Vicente Redwoods Park. San Vicente Redwoods borders the northern half of RMZ 2 where hunting is proposed in both Alternatives B and C. Although hunters would presumably not be crossing into San Vicente Redwoods and other adjacent properties, the noise from the discharge of hunting rifles would be readily audible to the Monument's neighbors. Stray bullets, which can travel for half a mile, could easily penetrate deeply onto neighboring properties and injure or kill residents. How will BLM mitigate that? It is not addressed in Environmental Assessment.

The Monument's Grant Deed Restrictions prohibits "motorized off-road vehicles", with some very limited exceptions: "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 situations." Despite the recent Secretarial Order 3376 requiring BLM to treat e-bikes the same as other bicycles, it is plain that an e-bike exactly fits the description "motorized off-road vehicle." Issuing a fiat that it is not doesn't change the reality. BLM (and the Interior Secretary) are plainly stepping into Alice-in-Wonderland territory here. Furthermore, at the time BLM signed the Grant Deed and the President signed Proclamation No. 9563, federal law clearly identified low-speed electric bicycles as a vehicle with a motor.

Regarding legally required consistency with the California Coastal Act, the potential botanical resource impacts appear to inconsistent with 30240: "(Environmentally sensitive habitat areas) (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas."

BLM is required by the law to establish that it is in compliance with the Coastal Act. That is not clear from the Environmental Assessment.

***In summation, there is ample evidence that BLM should identify a Preferred Alternative that complies with all applicable state and federal laws and policies, conduct a full Environmental Impact Study before proceeding with any public access, and clearly spell out the mitigations it intends (and has the resources) to implement to reduce all impacts.***

Respectfully yours,

The Executive Board of the Rural Bonny Doon Association

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