

Point Reyes National Seashore

PORE-INTERIM LEASE-2217

This Interim Lease is made and entered into by and between the United States Department of the Interior, National Park Service, Point Reyes National Seashore ("Lessor" or "Permitter") and Ernie Spaletta, Nichola Spaletta and Ernest Spaletta ("Lessee" or "Permittee"). These individuals have been approved by the National Park Service as Permittees to AGRI-8530-2600-6001.

This Interim Lease incorporates by reference and hereby extends the rents, terms, and conditions of the attached Lease/Permit(s) AGRI-8530-2600-6001 except as amended, revised or otherwise modified below. By executing this Interim Lease, Lessees expressly agree that they are bound by and will comply with the rents, terms and conditions of the attached Lease/Permit(s) as modified by this Interim Lease.

Modified Terms to AGRI-8530-2600-6001

The cover sheet for Permit AGRI-8530-2600-6001 is revised to read:

"is hereby authorized during the period from 12:00 a.m. on September 15, 2022 to 11:59 p.m. on September 14, 2024 to use the following lands or facilities in the above named area:

Approximately seven hundred and eighteen (703) acres of land and historic C Ranch within Point Reyes National Seashore. (See Exhibit A attached to this Interim Lease and incorporated herein by reference)."

Exhibit A is revised by replacing it with a new Exhibit A (dated June 13, 2022) attached to this Interim Lease and incorporated herein by reference.

Exhibit D of AGRI-8530-2600-6001 is removed from AGRI-8530-2600-6001.

A new Exhibit E (dated October 4, 2022) is added to AGRI-8530-2600-6001 and is attached to this Interim Lease and incorporated herein by reference.

Article 2(e) is revised to reflect the Biological Opinions that are now in effect:

Operations under this permit are subject to the conditions outlined in the U.S. Fish and Wildlife Service (USFWS) Biological Opinion for the General Management Plan Amendment, dated June 4, 2021, and the National Marine Fisheries Service Biological Opinion for the General Management Plan Amendment dated March 18, 2021 and to the related reporting requirements in section 4.8. All of these documents are available upon the Permittee's request.

Consistent with the revisions to Article 2(e), a new Article 2(f) is added to the Lease:

2(f)(1). For the US Fish and Wildlife Service Biological Opinion, Permittee shall report to NPS by November 1 of each year the following:

- A. individual Management Activity projects under GMPA Appendix F conducted over the past calendar year on the Premises;*
- B. pertinent information concerning the success of meeting Avoidance and Minimization Measures for Management Activities taken on the Premises*
- C. an explanation of failure to meet such measures, if any;*
- D. any incidental take of federally listed species under this Biological Opinion for that given year; and*
- E. the condition of all stock ponds on the Premises.*

2(f)(2) For the National Marine Fisheries Service Biological Opinion, Permittee shall report to NPS by November 1 of each year the following:

- A. for fencing: the dates of monitoring and extent of repairs conducted to maintain riparian fencing identified in Exhibit A; linear feet monitored; linear feet of any occurrences of breaching or disrepair; date(s) that breaching or disrepair was discovered; and specific dates actions were taken to repair riparian fencing;*
- B. a brief description of any ranch infrastructure activities (i.e., Management Activities from GMPA Appendix F) implemented on the Premises;*
- C. a summary of vegetation management, required NRCS Conservation Practice Standards, and mitigation measures that apply to any implemented Management Activities; and*
- D. identification of any roads that have signs of persistent erosion.*

The first and second sentences of Article 9(b) are revised to read:

Permittee's operation is enrolled under Tier 2 of Order No. R2-2016-0031, General Waste Discharge Requirements for Confined Animal Facilities within the San Francisco Bay Region (Order 2016-0031). Permittee shall provide the NPS with copies of all compliance documents and reports that are required by or submitted to the Regional Board as required under this order.

Article 9(c) is amended to include a requirement that Lessee provide NPS with copies of documents submitted to the Regional Water Quality Control Board (RWQCB):

Potential sources of nonpoint source pollution associated with this Permit include soil erosion and animal waste. The Permittee shall comply with all Applicable Laws regarding nonpoint source pollution (including the protection of beneficial uses of waters as designated by the State of California). Permittee shall conduct all water quality monitoring and reporting required by the RWQCB and shall submit copies of those reports to NPS within 10 days of their submittal to the RWQCB. Further, Permittee's use and occupancy of the Premises shall be designed to minimize, to the greatest extent feasible, non-point source pollution within National Park Service boundaries and on adjacent lands.

Article 9(d) is revised as follows to clarify that BMPs are now referred to as Management Activities:

Permittee shall be responsible for implementing water quality related Best Management Practices identified in consultation with NPS to preserve the integrity of park resources. Water quality Best Management Practices (i.e., Management Activities) for typical ranch operations are found in the GMPA Appendix F.

A new Article 9(e) is added:

Permittee shall conduct land application of solid and liquid waste consistent with Regional Water Quality Control Board requirements. Manure and Nutrient Management activities shall be implemented consistent with GMPA Appendix F. Authorized land application areas are identified in Exhibit E.

Article 10(a) is revised to read:

The average annual stocking rate for the dairy operation is 356 animals. This number includes a maximum of 250 milk/dry cows, an average of 100 pastured heifers and a maximum up to 6 bulls. Permittee shall provide monthly actual stocking information by pasture and class of animal (milk/dry, pastured heifer, bull, confined young stock) to NPS by the 15th of the following month. Permittee shall provide NPS with copies of Dry Matter Intake forms and other pasture utilization information submitted as part of the organic certification. The raising of other livestock is prohibited except for a limited number of livestock raised as an accessory use, which is defined as animals raised for personal, non-commercial, non-diversification uses. . Any livestock not authorized by NPS in writing as an accessory use must be removed from the Premises by December 31, 2022. Spot counts to determine the actual number of animals being grazed may be conducted periodically by permitter.

Article 11 is amended to include a new Article 11(c) that aligns vegetation-related Management Activities with the mitigation measures adopted in the GMPA Record of Decision:

Permittee shall conduct any vegetation Management Activities consistent with the mitigations listed in Appendix F of the GMPA and in consultation with the Park Range Manager.

Article 17(b) is revised to read:

The annual rent under this Permit is payable in advance on a semi-annual basis. Therefore, Permittee hereby agrees to pay fifty percent of the annual rate on or before December with the remaining fifty percent payable on or before June of each year during the Term.

Article 22(a) is revised to read:

Issuance of future leases will be in accordance with the GMPA Record of Decision, dated September 13, 2021.

IN WITNESS WHEREOF, the Superintendent, Point Reyes National Seashore, acting on behalf of the United States, in the exercise of the delegated authority from the Secretary, as Lessor, and Lessee have executed this Interim Lease by proper persons thereunto duly authorized.

THE UNITED STATES DEPARTMENT OF
THE INTERIOR, NATIONAL PARK SERVICE

Date November 1, 2022

Signed document on file
Anne Altman, Acting Superintendent
“LESSOR or PERMITTER”

Date November 1, 2022

Signed document on file
Ernie Spaletta
“LESSEE or PERMITTEE”

Date November 1, 2022

Signed document on file
Nichola Spaletta
“LESSEE or PERMITTEE”

Date November 1, 2022

Signed document on file
Ernest Spaletta
“LESSEE or PERMITTEE”