

## Point Reyes National Seashore

### PORE-INTERIM LEASE-2215a

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 Betty Nunes, Tim Nunes, Jacqueline Hemelt and William Nunes ("Lessee or Permittee"). These individuals have been approved by the National Park Service as Permittees to AGRI-8530-2600-1206.

This Interim Lease incorporates by reference and hereby extends the rents, terms, and conditions of the attached Lease/Permit(s) AGRI-8530-2600-1206. 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 for AGRI-8530-2600-1206:**

**Exhibit A** is revised by replacing it with the **Exhibit A** (dated October 11, 2022) attached to this Interim Lease and incorporated herein by reference.

#### **The cover sheet 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 115 acres of the historic A Ranch – Headlands Pasture (Tract 05-114) within Point Reyes National Seashore as shown on the attached Map (See Exhibit A attached to this Interim Lease and incorporated herein by reference)"*

*For the purpose(s) of seasonal grazing of pastured heifers for six months at 120 Animal Unit Months annually (equivalent to 20 AU or an average of 30 pastured jersey [small-breed] heifers at 0.6-0.8 AUE per pastured heifer, per month)..."*

#### **Article 3(b) is revised to clarify that implementation of Management Activities for ranch operations are included in Appendix F of the General Management Plan Amendment:**

*Permittee's authorized use of the Premises is subject to Permittee's implementation of Best Management Practices (BMP's) designed to preserve the integrity of park resources. Best Management Practices (i.e., Management Activities) for typical ranch operations are found in Appendix F of the General Management Plan Amendment, dated September 2020 (GMPA).*

#### **A new Article 3(g)(1) is added to the Permit:**

*Lessee is responsible for maintaining seasonal use of the premises by containing cattle along the boundary bordering Chimney Rock Road as identified in Exhibit B. NPS must*

*approve any proposed infrastructure needed to accomplish this seasonal use (e.g. temporary or permanent fencing) prior to implementation of grazing. Without this infrastructure in place, existing fencing will delimit the seasonal use boundary.*

**Article 3(h) is revised to reflect the Biological Opinions and reporting requirements 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 included as sections 3(h)(1) and 3(h)(2). These documents are available upon the Permittee's request.*

**A new Article 3(h)(1) is added to the Permit:**

*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. condition of all stock ponds on the Premises.*

**A new Article 3(h)(2) is added to the Permit:**

*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.*

**Article 12(a) is amended to include a requirement that Permittee 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 12(b) is revised to reflect current RWQCB requirements for this operation:**

*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 Lessor with copies of all compliance documents and reports that are required by or submitted to the RWQCB as required under this Order. These submissions or reports shall include, in part, copies of Permittee's annual certifications stating that the facility meets all conditions of the waiver and any reports of noncompliance that occur. Permittee shall notify Permitter of any meetings with the RWQCB that pertain to the Order.*

**Article 12(c) is amended as follows to clarify that BMPs are no 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 12(d) is added:**

*No land application of solid or liquid waste is authorized on the Premises.*

**Article 13(a) is revised to clarify that the amount of cattle on the Premises is included within the overall dairy animal authorization for the A Ranch Dairy operation:**

*The overall authorization for the A Ranch Dairy operation shall not exceed the annual average stocking rate of animals as authorized under Interim Lease 2215. Seasonal grazing of pastured heifers for six months at 120 Animal Unit Months annually is authorized on the Premises (i.e., the historic A Ranch Headlands) as part of the overall operation. Permittee shall provide monthly actual stocking information 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. Permittee will remove cattle from the Premises for the remainder of the year once the total AUM allocation is met.*

**Article 14 is amended to include a new Article 14(c) that aligns vegetation-related Management Activities with the mitigation measures adopted in the GMPA Record of Decision:**

**A new Article 14(c) is added to the permit:**

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

**Article 21(b) is revised to reflect the current payment cycle:**

*The annual rent under this Permit is payable in advance on a monthly basis. The NPS will aggregate payments for leases assigned to this operator and issue a single monthly bill based on 1/12 of the annual total rent.*

**Article 25(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 7, 2022

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

Date November 1, 2022

Signed document on file  
Betty Nunes  
“LESSEE or PERMITTEE”

Date November 1, 2022

Signed document on file  
Tim Nunes  
“LESSEE or PERMITTEE”

Date November 1, 2022

Signed document on file  
Jacqueline Hemelt  
“LESSEE or PERMITTEE”

Date November 1, 2022

Signed document on file  
William Nunes  
“LESSEE or PERMITTEE”