

Chapter 5: Consultation and Coordination

This chapter includes a summary of efforts to involve agencies and the public in this planning process, beginning with public scoping in 2002. It also includes a response to all “substantive” public comments made on the draft EIS. The draft EIS was available for public review from February 4, 2005 through April 19, 2005.

Public Scoping

On April 10, 2002, a Notice of Scoping was published in the *Federal Register* (Volume 67, No. 69). It announced the initiation of public scoping for the environmental impact analysis process for preparation of a non-native deer management plan.

Public comments were heard at a public information meeting at the Point Reyes Dance Palace on May 4, 2002. The public meeting featured a short presentation by the Seashore wildlife biologist on the environmental planning process, background on non-native deer, and issues of importance to park management. Background informational handouts were provided. Members of the Citizen’s Advisory Committee for Point Reyes National Seashore and Golden Gate National Recreation Area were given the opportunity to ask questions of park staff. Five individuals spoke at the public meeting. A sign-up sheet at the public meeting provided an opportunity for members of the public to be included on a mailing list for upcoming information on the management plan in development. Two of the speakers at the meeting asked that the EIS examine impacts to vegetation, soils and water. Two other speakers asked that the park not consider lethal removal of deer. A representative of several animal’s rights organizations requested that the Seashore investigate the impact of livestock on natural ecosystems and asked that non-lethal control methods be fully investigated.

Public comments were accepted in letter or email form from May 4, 2002 until July 5, 2002. All those who sent written comments during the scoping period and included a return mailing address were also put on the mailing list. The following matrix summarizes the issues raised and alternatives suggested in letters and emails sent to the Seashore during the public scoping period. The issues raised are those that the public wished to see considered in the Environmental Consequences portion of this document (Chapter 4). The alternatives are management actions recommended to address one or more issues of concern.

Issues Raised

Topic

Soil impacts

Water quality impacts

Impacts of non-native deer on native deer

Success, impacts and costs of the previous NPS non-native deer control program

Impacts of cattle ranching

Public attitudes towards non-native deer

Options for carcass management

Economic impacts of deer to local community

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Importance of native versus non-native species in the National Park Service

Recreational value of non-native deer

Humane treatment of deer

Vegetation impacts, including wildflowers and private gardens

Impacts of No Action alternative

Alternatives Recommended

Public hunting of non-native deer

Contraception of non-native deer

Sterilization of non-native deer

Lethal removal of non-native deer

Donation of non-native deer meat to charities

Rancher shooting of non-native deer

Trapping, shipping and slaughter of non-native deer

Herd reduction, not eradication, of non-native deer

Eradication, not herd reduction, of non-native deer

Adoption or relocation of non-native deer

Fencing to control movement of non-native deer

From February to July 2002, park staff gave presentations to local and state public groups on the Seashore's planning process and provided background information on non-native deer. Audiences ranged from local homeowners' and ranchers' associations to local branches of national environmental and animal rights groups. The following groups were addressed:

- Animal Protection Institute
- Environmental Action Committee of West Marin
- Inverness Association
- Marin Audubon
- Marin Conservation League
- Marin Humane Society
- Point Reyes Seashore Ranchers' Association
- Point Reyes Station Village Association
- Sierra Club, Marin Chapter

In addition, the following groups were contacted and given the opportunity to attend an informational presentation but were either unavailable or felt they were sufficiently informed on the topic:

- Defenders of Wildlife
- Federated Indians of Graton Rancheria
- In Defense of Animals

- Inverness Ridge Association
- Marin Agricultural Land Trust
- National Parks and Conservation Association
- Natural Resource Defense Council
- Wilderness Society

Agency Scoping

On December 5, 2001, representatives of public agencies were invited to attend an informational meeting at the Seashore, with the objective of updating those agencies on the development of a non-native deer management plan. Attending the meeting, in addition to NPS staff, were representatives from:

Marin County Parks and Open Space

Marin Municipal Water District

U.S. Geological Survey- Biological Resources Division

California Department of Fish and Game

California State Parks

U.S. Department of Agriculture (Animal Plant Health Inspection Service)

Also invited but not attending was the U.S. Fish and Wildlife Service. NPS biologists informed attendees of the schedule for development of a management plan and EIS, and gave an update on known numbers and range of non-native deer within and outside of the Seashore.

Public Review of the Draft EIS

The DEIS was made available for public review and comment for 63 days, from February 4, 2005 through April 8, 2005. Comments received through April 19, 2005 were considered and responses to the comments prepared. Midway through the public comment period, on March 3, 2005, an informational workshop was held in the Red Barn Classroom at Seashore Headquarters. Approximately 60 people attended the 3-hour meeting and posed questions to a panel of scientists and staff or expressed preference for project alternatives. Audience members were informed of a number of ways of submitting comments on the plan either that night at the meeting, or by mail/email before April 8, 2005. A summary of the meeting is attached (Appendix G).

During the comment period, the NPS received a total of 1,980 pieces of correspondence (including letters, emails, facsimiles, and hand-delivered comment forms), containing 4450 individual comments. Form letters constituted 57% of the emails comment letters received. Ninety-four percent of the comments were sent in by individual members of the public. Seventy-four percent of all correspondence originated from the U.S. with 35% of this originating in California.

All comments were reviewed and considered. Where warranted, the draft plan was revised to reflect edits recommended by commenters or to clarify text questioned by commenters. Responses were prepared for all substantive comments submitted by the public and agencies and are included at the end of this chapter. A Record of Decision will be published no sooner than 30 days following publication by the EPA of the notice of the availability of the Final Environmental Impact Statement in the Federal Register. The Record of Decision is signed by the NPS Regional Director and, once published, signals that the plan may begin implementation.

Compliance Status

Documentation of NPS compliance with federal and state laws and regulations is incorporated into the text of the EIS. Compliance with relevant federal environmental and cultural resource protection laws, regulations and executive orders, is summarized here.

National Environmental Policy Act (NEPA) of 1970. PL 91-190, 83 Stat. 852, 42 U.S.C. §4341 et seq. The EIS provides disclosure of the planning and potential environmental consequences of the Preferred Alternative and alternatives, as required by NEPA. The EIS process for this planning effort has been conducted in accordance with the guidance provided in NPS Director’s Order 12 and its accompanying handbook.

Endangered Species Act of 1973, as amended, PL 93-205, 87 Stat. 884, 16 U.S.C. §1531 et seq. The Endangered Species Act protects threatened and endangered species, as listed by the USFWS, from unauthorized take, and directs federal agencies to ensure that their actions do not jeopardize the continued existence of such species. Section 7 of the act defines federal agency responsibilities for consultation with the USFWS and NMFS (for fish and marine mammals) and requires concurrence from these two agencies with any NPS determination that intended management actions would not adversely affect listed species. The National Park Service initiated the consultation process with USFWS and NMFS on March 26, 2003. Concurrence from both USFWS and NMFS that the plan would not adversely affect listed species was requested in letters sent to both agencies.

On March 10, 2005, in a letter to the USFWS, the NPS requested concurrence with its finding that the proposed plan would not be likely to adversely affect the proposed critical habitat for the California red-legged frog or adversely affect nine plant and animal species found in the planning area. In a memo dated April 7, 2005, the USFWS explained that their assessment of potential effect was based on the project constraints described in the consultation letter including: (1) no actions would take place in creeks, waterways or riparian areas, (2) culling would be conducted by specifically trained staff, (3) carcasses would be removed when possible, and where not possible, left to decay naturally, and (4) that if project work descriptions or time frames change from those provided in the consultation letter, those changes would be submitted to the USFWS for review. In the April 7, 2005 memo, the USFWS concurred with the NPS findings that measures in the proposed plan are sufficient to reduce any direct, indirect and cumulative effects to the nine listed species and proposed critical habitat to an insignificant or discountable level. With the issuance of the memo, the USFWS concluded its consultation process for the Non-native Deer Management Plan EIS.

On March 28, 2005, NPS transmitted a letter to NMFS regarding potential project effects on listed fish species and fish habitat during implementation of the plan. The NPS clarified that management actions would not take place in creeks, waterways, or riparian areas and therefore the proposed project is not likely to adversely effect Central California Coast Evolutionary Significant Unit coho salmon, Central California Coast Evolutionary Significant Unit steelhead, Central California Coast Evolutionary Significant Unit Chinook salmon, Designated Critical Habitat for Central California Coast Evolutionary Significant Unit coho salmon, and Essential Fish Habitat for coho salmon and Chinook salmon. NMFS concurred with NPS findings in a letter to the NPS on May 3, 2005, ending the informal consultation process.

Archeological Resources Protection Act of 1979, PL 96-95, 93 Stat. 712, 16 U.S.C. §470aa et seq. and 43 CFR 7, subparts A and B, 36 CFR. This act secures the protection of archeological resources on public or Indian lands and fosters increased cooperation and exchange of information between private, government, and the professional community in order to facilitate the enforcement and education of present and future generations. It regulates excavation and collection on public and Indian lands. It requires notification of

Indian tribes who may consider a site of religious or cultural importance prior to issuing a permit. The NPS would meet its obligations under this Act in all activities conducted in the Non-Native Deer Management Plan through the adoption of standard mitigation measures addressing standard procedures to follow in the event that cultural resources are unexpectedly encountered.

National Historic Preservation Act of 1966, as amended, PL 89-665, 80 Stat. 915, 16 U.S.C. §470 et seq. and 36 CFR 18, 60, 61, 63, 68, 79, 800. The National Historic Preservation Act requires agencies to take into account the effects of their actions on properties listed in or eligible for listing in the National Register of Historic Places. The Advisory Council on Historic Preservation has developed implementing regulations (36 CFR 800), which allow agencies to develop agreements for consideration of these historic properties. The NPS, in consultation with the Advisory Council, the California State Historic Preservation Officer, American Indian tribes and the public, has developed a Programmatic Agreement for operations and maintenance activities on historic structures. This Programmatic Agreement provides a process for compliance with National Historic Preservation Act, and includes stipulations for identification, evaluation, treatment, and mitigation of adverse effects for actions affecting historic properties. The NPS sent a scoping notice to the state historic preservation officer and the Advisory Council for Historic Preservation. The Draft EIS was sent to the state historic preservation officer (through the State Department of Parks and Recreation) and the State Native American Heritage Commission. These agencies did not submit comments on the management plan during the scoping or the public comment periods. The Chief of Cultural Resources of PRNS concluded that as non-native deer are not part of the traditions or history of the Native American people of the region or the local ranching culture and as implementation of the management plan would not affect historic structures or districts, no further compliance with Section 106 is warranted (Gordon White, 10/6/03).

American Indian Religious Freedom Act, PL 95-341, 92 Stat. 469, 42 U.S.C. §1996. This act declares policy to protect and preserve the inherent and constitutional right of the American Indian, Eskimo, Aleut, and Native Hawaiian people to believe, express, and exercise their traditional religions. It provides that religious concerns should be accommodated or addressed under NEPA or other appropriate statutes. The National Park Service, as a matter of policy, is as nonrestrictive in permitting Native American access to and use of identified traditional sacred resources for traditional ceremonies.

Executive Order 11988: Floodplain Management. This Executive Order requires federal agencies to avoid, to the extent possible, adverse impacts associated with the occupancy and modification of floodplains, and to avoid development in floodplains whenever there is a practical alternative. If a proposed action is found to be in the applicable regulatory floodplain, the agency shall prepare a floodplain assessment, known as a Statement of Findings. All of the actions proposed in the Non-Native Deer Management Plan are consistent with this executive order.

Executive Order 11990: Protection of Wetlands. This Executive Order established the protection of wetlands and riparian systems as the official policy of the federal government. It requires all federal agencies to consider wetland protection as an important part of their policies and take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands. All of the actions proposed in the Non-Native Deer Management Plan are consistent with this executive order.

Executive Order No. 13112: Invasive Species. This Executive Order prevents the introduction of invasive species and directs federal agencies to not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species. Actions proposed in the EIS include measures to prevent the introduction and spread of invasive species.

Coastal Zone Management Act, 16 U.S.C. § 1451-1464. This act protects coastal environments. While this act transferred regulatory authority to the States and excluded federal installations from the definition of the “coastal zone,” it requires that federal actions be consistent with state coastal management plans. Activities taking place within the coastal zone under the definition established by the California Coastal Management Plan require a federal consistency determination. The NPS submitted a letter to the Coastal Commission requesting concurrence with the conclusion reached by the NPS that the proposed management plan would not adversely affect coastal resources. The Coastal Commission staff issued a letter in reply on August 5, 2005, concurring with the NPS conclusion that the project warranted a negative determination, i.e., a finding of no adverse effect. The Coastal Commission letter explained that although the management plan could result in short-term adverse effects such as increased intermittent noise from aircraft and firearms and temporary area closures where culling or contraception are being conducted, the long-term effects of the plan would result in enhancement of the visitor experience. This enhancement would result from the restoration of native habitats, increased opportunities for viewing native fauna and prevention of migration of non-native deer species into the adjacent coastal zone.

40 C.F.R. 1506 NPS must file the FEIS with EPA’s Office of Federal Activities. Each week, EPA publishes a notice in the *Federal Register* that lists the FEIS’s received during the preceding week. The 30-day time period for public review of a FEIS is measured from the date of publication in the *Federal Register*. The EPAP ensures that agencies, such as NPS, comply with several federal environmental laws such as the Clean Air Act, the Clean Water Act, and the Federal Insecticide, Fungicide and Rodenticide Act, among others.

Clean Air Act 16 U.S.C. § 1451-1464. This law prevents pollution of air, and in Section 309 authorizes the Environmental Protection Agency (EPA) to review certain proposed actions of other federal agencies in accordance with the National Environmental Policy Act (NEPA) and to make those reviews public. If the proposing agency (the "lead" agency) does not make sufficient revisions and the project remains environmentally unsatisfactory, EPA may refer the matter to the President's Council on Environmental Quality for mediation

List of Preparers

Between August 2001 and September 2003, an interdisciplinary team of Seashore biologists, administrators, and specialists met nine times and supervised the preparation of the DEIS. In addition, personnel from Golden Gate National Recreation Area and the NPS Pacific West Regional office were instrumental in providing guidance. Following the close of the public comment period on April 8, 2005, the interdisciplinary team met to consider the comments submitted by the public, organization and agencies and develop responses. Staff at the NPS Denver Service Center provided support to the team in collating comments into issue areas. NPS personnel who assisted in the preparation of the EIS documents for the management plan were:

Dawn Adams, Inventory and Monitoring Coordinator, PRNS; BS, General Biology, University of Illinois.

Sarah Allen, Ecologist, PRNS; PhD, University of California, Berkeley, MS, University of California, Berkeley; BS, Conservation of Natural Resources, University of California, Berkeley.

Ben Becker, Marine Ecologist, PRNS; PhD, University of California, Berkeley; MS, Yale University; BA, University of California, Los Angeles.

John Dell’Osso, Chief of Interpretation, PRNS; B.S. Environmental Planning and Management, University of California, Davis.

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Gary Fellers, PhD, Research Biologist, Western Ecological Research Center, US Geological Survey; PhD, University of Maryland; M.S, University of Maryland; BA, University of California, Berkeley.

Natalie Gates, Wildlife Biologist, PRNS; MS, Environmental Science and Policy, University of California; DVM, New York State College of Veterinary Medicine (Cornell); BA, Biology, Harvard University.

Daphne Hatch, Chief of Natural Resource Management and Science, GGNRA; M.S. Range Management and PhD Candidate Wildland Resource Science, University of California, Berkeley, CA.

Brannon Ketcham, Hydrologist, PRNS; MEM, Water Resources Management, Duke University; BA, Geology, Pomona College.

Bill Merkle, Wildlife Ecologist, GGNRA; PhD, Department of Environmental, Population, and Organismic Biology, University of Colorado, Boulder; BA, Stanford University.

Barbara Moritsch, Plant Ecologist, PRNS; MS, Environmental Science, Oregon State University; BS, Resource Planning and Interpretation, Humboldt State University.

Don Neubacher, Superintendent, PRNS; MS Resource Management, Humboldt State University; BS, Environmental Planning, University of California, Davis.

Lorraine Parsons, Wetland Ecologist, PRNS, M.S. San Diego State University, BA University of Southern California, BS University of Southern California.

Suzanne Pettit, Exotic Deer Biotechnician, PRNS: BS, Biology, University of Michigan.

Wendy Poinot, Environmental Planner PRNS and GGNRA, BA, Park History, Colorado State University.

Jane Rodgers, Plant Ecologist, PRNS; BS, Forestry, University of California, Berkeley.

William Shook, PRNS; BS, Secondary Education, Pennsylvania State University.

Gordon White, Chief of Cultural Resources, PRNS; MA, Architecture, University of California, Berkeley; BA, Environmental Design, University of California, Berkeley.

List of Agencies and Organizations to Whom Notices of the Environmental Impact Statement are Being Sent

Federal Agencies

U. S. Army Corps of Engineers

U. S. Coast Guard

U. S. Department of Commerce National Oceanic and Atmospheric Administration

U.S. Environmental Protection Agency

U. S. Geological Service

U. S. Fish and Wildlife Service

U. S. Natural Resources Conservation Service

U. S. National Marine Fisheries

Federal Advisory Groups

Advisory Council for Historic Preservation

Elected Officials

California State Assemblyperson Joe Nation

California State Senator John Burton

Marin County Supervisor Steve Kinsey

U. S. Representative Lynn Woolsey

U. S. Senator Barbara Boxer

U. S. Senator Dianne Feinstein

State Agencies

Bodega Marine Lab

California Coastal Commission

State of California Department of Environmental Science

State of California Department of Fish and Game

State of California Department of Parks and Recreation

State of California Department of Transportation

State of California Office of Planning and Resources State Clearinghouse

State Historic Preservation Office

State Native American Heritage Commission

University of California, Berkeley

University of California Cooperative Extension

Wildlife Health Center, University of California, Davis, School of Veterinary Medicine

Regional, County, and Municipal Agencies

Bolinas Fire Department

Bolinas Community Public Utility District

Inverness Fire Department

Marin Humane Society

Marin County Fire Department

Marin County Open Space

Marin County Planning and Acquisition

Marin County Sheriff's Department

Marin County Resource Conservation District

Marin Municipal Water District

Nicasio Fire Department

San Francisco Regional Water Quality Control Board

Sonoma County Agriculture Preservation and Open Space District

Sonoma County Water Agency

Non-Governmental Organizations, Non-Profit Organizations, etc.

Animal Protection Institute

Audubon Canyon Ranch & Cypress Grove Preserve

Audubon Society, Marin Chapter

Bay Area Ridge Trail Council

Bay Institute

Bicycle Trails Council

Bolinas Community Parks Planning

California Native Plant Society

Coastwalk

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Committee for the Preservation of Tule Elk
Defenders of Wildlife
East Shore Planning Group
Environmental Action Committee of West Marin
Environmental Forum of Marin
Federated Indians of Graton Rancheria
Friends of the Estero
Gardener’s Guild
In Defense of Animals
Inverness Association
Inverness Ridge Association
Marin Agricultural Land Trust
Marin Audubon Society
Marin Conservation League
Marin County Farm Bureau
Marin Horse Council
National Parks and Conservation Association
North American Trail Ride Conference
Planning and Conservation League
Point Reyes Bird Observatory
Point Reyes Light
Point Reyes Seashore Rancher’s Association
Point Reyes Village Association
Preserve Historic Olema Valley
Sierra Club, Marin Group
Sonoma Horse Council
Sonoma County Farm Bureau
Sustainable Conservation
Tomales Bay Advisory Committee
Tomales Bay Watershed Council
Trout Unlimited
Trust for Public Lands
Vedanta Society
West Marin Chamber of Commerce
West Marin Community Radio
West Marin Paths
Wilderness Society

Libraries

Bolinas Library
Inverness Library
Marin County Library
Point Reyes Library
Stinson Beach Library
San Rafael Library

The plan will be placed on the Point Reyes National Seashore website at www.nps.gov/pore/planning. A notice will be mailed to all individuals that have indicated interest in PRNS planning and management activities.