



WESTERN ORGANIC DAIRY PRODUCERS
ALLIANCE

WUD

WESTERNUNITEDDAIRIES

September 25th, 2023

Tomales Point Area Plan
c/o Superintendent
Point Reyes National Seashore
1 Bear Valley Road
Point Reyes Station, CA 94956

Sent via email to: <https://parkplanning.nps.gov/tpap>

Re: 42 U.S.C. 4321, The National Environmental Policy Act of 1969, as amended; and 43 CFR Part 46, Implementation of the National Environmental Policy Act of 1969

To Whom It May Concern:

The Western Organic Dairy Producer Alliance (WODPA) and Western United Dairies (WUD) provide the following comments regarding the U. S. National Park Service Consistency Determination for their General Management Plan for the Point Reyes National Seashore (PRNS).

WODPA strives to preserve, protect, and ensure the sustainability and integrity of organic dairy farming by representing organic dairy farm families in the 12 Western states. WODPA is committed to advocating for organic dairies, their livelihoods and issues impacting the sustainability of the organic dairy industry.

WUD is a statewide dairy farm trade association representing five dairies located within the National Seashore including many of the dairies located within the PRNS and GGNRA.

Our two organizations collectively represent the entirety of the organic dairy farming sector in the Western states.

The existing ranches and dairy farms occupy about 20% of the National seashore, which exists today in part because of the contribution of land by their parents and grandparents in 1965 to preserve the beautiful landscape and historic agriculture traditions of the region. These dairy farms are organic operations and operate under the USDA's National Organic Program (NOP) which sets the requirements for organic farming across the nation. Several key provisions within the NOP regulations are at risk of being violated if the NPS allows the removal of the elk fence—specifically in regard to pasture compliancy requirements. These provisions pertain to pasture management, access to pasture, feed, and grazing intake by ruminant livestock—and collectively, make up the entirety of the “Pasture Rule”.

The Pasture Rule also directs dairy farmers on how to implement the provisions of the rule. If a dairy farmer does not implement the rule correctly -for example, incorrectly calculating dry matter intake (DMI) and conducting poor grazing management, their organic status is in jeopardy with both USDA and their organic certifier. This, in turn, removes marketability of their milk by their milk processor and decreases their return on their product.

An article published by AMS entitled “Pasture for Organic Ruminant Livestock: Understanding and Implementing the National Organic Program (NOP) Pasture Rule” provides a complete description of the Pasture Rule requirements and can be found at [Pasture Rule \(usda.gov\)](https://www.usda.gov/pasture-rule). Put simply, organic ruminants (including organic dairy cows) must graze pasture during the grazing season for their geographic region for at least 120 days per year. During that grazing time, each animal must receive at least 30% of their dry matter intake by grazing. To do this, producers must manage their pasture as an organic crop to meet the feed requirements while protecting the soil and water quality. One of the primary ways producers can meet these requirements is through testing and recording the pasture quality and quantity they have on their property and using it to its fullest potential. The threat of fence removal on this land would be devastating to organic producers trying to meet the USDA requirements for pasture set forth by the NOP. The introduction of elk on these properties would minimize the ability for producers to implement a pasture management plan effectively and efficiently. One important note to add here is that to have a sustainable grazing system, producers must assess the pasture and allow for plant recovery time after grazing and adapt their grazing management practices depending on pasture recovery rates. Losing control over what animals are allowed to graze and when animals need to be removed from the pasture to provide much needed breaks for the organic pasture would be detrimental to the health of the animal, the soil, the water and the farm in general. We encourage you to research the Pasture Rule more intensely to understand how detrimental this is for an organic dairy farm.

We urge the National Park Service to adopt an alternative that includes an elk fence. If this is not the action adopted, the NPS will be adopting a plan that is inconsistent with regulations proffered by an existing Federal agency -USDA. Removal of the elk fence will place the NPS at a circular inconsistency violation for Federal standards. All Federal agencies have been directed to avoid duplicative regulation. But placing the dairies in violation of the Pasture Rule is not lawfully possible. Inconsistent regulations undermine agency and regulatory goals by injecting uncertainty, creating potentially conflicting regulatory regimes, and increasing transaction costs with no discernible benefit to the public.¹

Sincerely,



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¹ 85 FR 76003

