

Point Reyes National Seashore

PORE-INTERIM LEASE-2208a

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 Tim Kehoe, Tom Kehoe, Mike Kehoe, Emily Jean Kehoe, Janelle Kehoe, Justin Kehoe, Anne Kehoe, and Timothy J. Kehoe Jr. ("Lessee or Permittee"). These individuals have been approved by the National Park Service as Permittees to AGRI-8530-2600-9004.

This Interim Lease incorporates by reference and hereby extends the rents, terms, and conditions of the attached Lease/Permit(s) AGRI-8530-2600-9004. 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-8530-2600-9004:

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 132 acres on the Historic K Ranch pasture and 245 acres of J Ranch (Toma/es Bay pasture) within Point Reyes National Seashore (See Exhibit A, Range Map).

For the purpose(s) of: An average of 46 pastured heifers (equivalent to 37 AU at 0.8 AUE per pastured heifer) (444 AUM's) per year ... "

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

A new **Exhibit C** (dated October 11, 2022) is added to AGRI-8530-2600-9004 and is attached to this Interim Lease and incorporated herein by reference.

Article 3(a) is removed. All Forage Production (silage) areas are incorporated into Interim Lease 2208.

Article 3(g) 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(e)(1) and 3(e)(2). These documents are available upon the Permittee's request.

A new Article 3(g)(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(g)(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.*

A new Article 3(k) is added to the Permit:

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).

Article 12(a) is revised 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 Regional Water Board 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 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 12(c) The last sentence of this section regarding the Tomales Bay TMDL is replaced 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 the TMDL Implementation Plan in consultation with NPS. 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 to the Permit:

Land application of solid or liquid waste on the J Ranch Tomales Bay pasture and K Ranch pasture is limited to the areas identified in Exhibit C. Permittee shall consult with NPS prior to conducting land application 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 J Ranch Dairy operation:

The overall authorization for the J Ranch Dairy operation shall not exceed the 606 animals as permitted in Interim Lease 2208. An average of 46 pastured heifers (equivalent to 37 AU at 0.8 AUE per pastured heifer) are authorized on the Premises of this permit (i.e., the historic K Ranch pasture and the J Ranch Tomales Bay pasture) as part of the overall J Ranch Dairy operation. The maximum number of authorized animals on these pastures shall not exceed 114% of the authorized number (52 pastured heifers). Spot counts to determine the actual number of animals being grazed may be conducted periodically by the NPS. 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.

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:

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 20(b) is revised to reflect the current payment cycle:

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 rental rate in October of each year during the Term and to pay the remaining fifty percent on or before April of each year during the Term.

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 <u>October 28, 2022</u>	By <u>Signed document on file</u> Anne Altman, Acting Superintendent "LESSOR"
Date <u>October 27, 2022</u>	By <u>Signed document on file</u> Tim Kehoe, "LESSEE"
Date <u>October 27, 2022</u>	By <u>Signed document on file</u> Tom Kehoe, "LESSEE"
Date <u>October 28, 2022</u>	By <u>Signed document on file</u> Mike Kehoe, "LESSEE"
Date <u>October 28, 2022</u>	By <u>Signed document on file</u> Emily Jean Kehoe, "LESSEE"
Date <u>October 27, 2022</u>	By <u>Signed document on file</u> Janelle Kehoe, "LESSEE"
Date <u>October 28, 2022</u>	By <u>Signed document on file</u> Justin Kehoe, "LESSEE"
Date <u>October 27, 2022</u>	By <u>Signed document on file</u> Anne Kehoe, "LESSEE"
Date <u>October 27, 2022</u>	By <u>Signed document on file</u> Timothy J. Kehoe, Jr., "LESSEE"