

Point Reyes National Seashore

PORE-INTERIM LEASE-2217a

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-8530-2600-9008.

This Interim Lease incorporates by reference and hereby extends the rents, terms, and conditions of the attached Lease/Permit(s) AGRI-8530-2600-9008 except as amended, revised or otherwise modified below. It is noted that the cover of AGRI-8530-2600-9008 inadvertently transposed the 8530 to 8350. 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-8530-2600-9008

The cover sheet for Permit AGRI-8530-2600-9008 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 Tract 05-121, Pasture A on historic D Ranch within Point Reyes National Seashore (See Exhibit A, attached to this Interim Lease and incorporated herein by reference).

For the purpose of grazing an average of 55 pastured young heifers (equivalent to 36 AU at 0.6-0.8 AUE per pastured heifer) for 432 AUM per year...."

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.

A new **Exhibit B** (dated October 4, 2022) is added to AGRI-8530-2600-9008 and is attached to this Interim Lease and incorporated herein by reference.

Article 3(b) is revised as follows to clarify that BMPs are now referred to as Management Activities:

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 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 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) 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 12(d) is added to the Permit:

Land application of solid or liquid waste is limited to the areas identified in Exhibit B. 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 C Ranch Dairy operation:

The overall authorization for the C Ranch Dairy operation shall not exceed the 356 animals permitted in Interim Lease 2217. An average of 55 pastured young heifers (equivalent to 36 AU at 0.6-0.8 AUE per pastured heifer totaling 432 AUM) are authorized on the D Ranch Pasture A (i.e., the Premises of this Permit) as part of the overall operation. The maximum number of authorized animals on the Premises shall not exceed 114% of the authorized number (63 pastured young 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 rate on or before December with the remaining fifty percent payable on or before June 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 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”