

# Environmental groups sue for allowing ranches at Point Reyes

**Samantha Kimmey, Point Reyes Light, 2-19-16**

Three environmental nonprofits are suing the National Park Service and Point Reyes National Seashore Superintendent Cicely Muldoon over the seashore's ranching management plan and the alleged absence of environmental review of ranch authorizations.

The suit sharply critiques dairy and beef ranches for their impacts to water quality and public access, and criticizes the park's management of tule elk. Though it does not call for an injunction to stop ranching immediately, it appears to lay out an argument for either curtailing or eliminating ranching from the park.

The groups—the Center for Biological Diversity, the Resource Renewal Institute and the Western Watershed Project—argue that the ranch planning process has unjustifiably taken precedence over an update to the 35-year-old General Management Plan.

Their complaint was filed last week in U.S. District Court in the Northern District of California by the San Francisco law firm Kecker & Van Nest LLP and the environmental law firm Advocates for the West. It asks a judge to halt the planning process until the park updates the general management plan and “fully analyze[s] the impacts of livestock ranching” in the seashore.

If a court accepts that request, the delay of the ranch plan would appear to mean that the issuance of 20-year leases, expanded opportunities for agricultural diversification and other initiatives under consideration would also be on hold. Most of roughly two-dozen ranches in the seashore do not have current leases but instead short-term “letters of authorization,” which the seashore has previously stated it has been issuing until the ranch plan is finished.

Congressman Jared Huffman, who has been involved in the ranch planning process and has been meeting with ranchers, called the suit “profoundly wrongheaded.” “This is not going to succeed,” he told the Light.

Rep. Huffman framed the move as “fringe action” that did not reflect the beliefs of most environmentalists or the community at large. “You can't overstate the extent to which this is out of touch with the environmental community and the broader community in West Marin,” he said.

Jeff Miller, a spokesman for the Center for Biological Diversity and a West Marin resident, contested that characterization. He said his group has 3,000 members in Marin. But he added that West Marin residents do not get a greater say in the management of the seashore than other Americans. “I'm sick of having the issue framed that way. This is a national park. Every single person gets to weigh in,” he said.

Mr. Miller said it would be premature to comment on whether ranching should be reduced or eliminated, stressing that the first step was the update of the general plan as a guidance for future management. He did, however, say there was “plenty of evidence” that ranches cause significant impacts on natural resources.

Yet Kevin Lunny, of G Ranch, said the intent was clear to him. “It seems obvious that they want to greatly reduce or remove ranching,” he told the Light. He said ranchers are “trying to figure out” all the potential implications of the suit and what, if any, actions they might take.

Phone calls to the president of the Point Reyes Seashore Ranchers Association this week were not returned.

The Environmental Action Committee of West Marin, which lobbied against the continuation of Drakes Bay Oyster Company, has supported the ranch planning process since its beginning. “Many local and national

environmental groups support the development of sustainable multi-generational ranching in the Point Reyes National Seashore,” the group stated this week. “The [ranch plan] seeks to provide a demonstration that sustainable ranching is compatible with the seashore’s values that we all care deeply about, including its pastoral and wild landscapes, wildlife, recreation, and public access.”

Seashore outreach coordinator Melanie Gunn said the agency cannot comment on ongoing litigation. But since the announcement of the ranch plan in late 2013, the seashore has repeatedly stated that it supports the continuation of ranching, which dates back to the mid-1800s.

One of the suit’s primary claims is that the park violated federal environmental law by failing to examine environmental impacts when renewing ranch leases, or issuing short-term allowances like letters of authorization, over the past six years. (The seashore has issued ranch leases and permits since at least the ‘90s, when reservations of use started to expire. But Ms. Muldoon, one of the defendants, has only been superintendent since 2010.)

“Frankly, there has never been an [environmental impact statement] that has looked at ranching in the park,” Mr. Miller said. He and his colleagues do not appear to look kindly on ranching in the park. Their suit, which describes the suitability of ranching in the seashore as “very much in doubt,” argues that National Park Service policies call for phasing out all commercial grazing, only allowing it in specific situations that do not cause “unacceptable impacts.”

“Cattle grazing is generally known to impair water quality, alter stream channels and hydrology, compact riparian soils, reduce riparian and upland vegetation and native biodiversity, and increase runoff, erosion, and sediment loads into water bodies,” the suit states. “Such impacts are detrimental to riparian areas, impair or eliminate important fish habitat components, and adversely effect salmonids and other fish species.”

The suit also states that the seashore’s founding legislation does not require ranching. Leases, Mr. Miller said, “are a privilege. They are not mandated or required.”

Laura Watt, an assistant professor of environmental studies and planning at Sonoma State University who is publishing a book about the history of Point Reyes National Seashore, said it is true that ranching is not mandated. But, she said, when the enabling legislation from 1962 was amended so that the federal government could purchase the ranch lands—for which the government paid around \$20 million—the intent was for the ranches to continue indefinitely.

The chair of a Senate Interior committee at the time said that the amendment “shall in no way operate to impair the integrity of the dairy men who want to continue dairy farming.”

“There would not be a seashore if there were not collaboration between the government and ranchers and environmentalists,” Mr. Lunny said. “The creation of the park was based on a promise that ranching would remain.”

Today, those ranches and dairies want continue both a historical legacy of ranches, many of which are over a century old, and what they believe is their stewardship of the land.

In its scoping comments, the Point Reyes Seashore Ranchers Association wrote that its members “provide a number of important environmental, educational and economic benefits to the area. Ranchers have had most of the agricultural land within the seashore certified organic. Ranchers work closely with the Marin County Resource Conservation District and the Natural Resources Conservation Service to adopt new conservation practices and implement on the ground projects to protect and improve natural resources.”

The Center for Biological Diversity has been involved in grazing lawsuits before. Its website notes that “in 1999 and 2000 alone, we brought pressure and lawsuits resulting in cows and sheep being removed or restricted on more than 2.5 million acres,” which was habitat for three wildlife species. It adds, “Center legal action as compelled the Forest Service to do an environmental impact statement on the impacts of grazing on more than 13 endangered species.”

In the early 2000s, the center threatened a lawsuit against the seashore over grazing impacts. The suit did not go forward, but as a result the seashore prepared a biological assessment to analyze the impact of grazing on five endangered plants, one threatened plant, two threatened animals and the red-legged frog’s designated critical habitat.

The seashore’s assessment, from 2001, found that grazing would probably not adversely impact those species.

But the United States Fish and Wildlife Service did not agree when it came to seven of those species, including the snowy plover and Tidestrom’s lupine. The National Oceanic and Atmospheric Administration, which weighed in on the assessment in 2004, said that ranching would probably “result in a take of coho salmon.” The agency also concluded, however, that “the grazing lease program is not likely to jeopardize the continued existence” of coho salmon, Chinook salmon, or steelhead trout or “adversely modify” coho habitat.

The suit also cites a 2013 watershed analysis of the seashore and the Golden Gate National Recreation Area, published by National Park Service.

“The watershed assessment determined dairies are a high level stressor of the coastal resources of Drakes Bay, Limantour, Kehoe, and Abbots areas,” the suit said. (The assessment deemed dairies a high threat to Kehoe, Abbots Lagoon, Drakes Bay and Limantour waters and grazing a medium-level threat. Visitor use was labeled a medium threat to Kehoe and Abbots and a low-level threat to Drakes and Limantour.)

But Nancy Scolari—the executive director of the Marin Resource Conservation District, an agency that works with ranchers on natural resource issues—said that seashore staffers have done significant work to address water concerns.

“Over the years, they’ve done quite a bit to address water quality,” she said, adding that seashore staffers participate in monthly R.C.D. meetings, where attendees discuss natural resource projects on ranches around the county. “They come because they always have conservation projects going on,” she said.

The suit’s other major claim is that that the park has violated the federal Administrative Procedures Act by failing to update the general management plan before undertaking the ranch plan.

In 2012, when then-Secretary of the Interior Ken Salazar announced that the park would not issue a special use permit for Drakes Bay Oyster Company, he expressed clear support for the ranches and directed the seashore to start issuing 20-year leases to them.

That mandate, along with tule elk issues in the pastoral zone, led the seashore to undertake its ranch plan.

National Park Service policies say general plans should be updated every 10 to 15 years; the seashore’s general plan is 35 years old. The park began an update in the late ‘90s, soliciting public input during a scoping period and announcing at one point the development of five potential plan alternatives, but a draft plan was never released and the update never finished.

Yet the 1980 plan, the suit argues, is “badly outdated,” particularly given changes such as the onset of global warming, expired reservations of use and occupancy for ranches, endangered species listings and evolving visitor uses. By undertaking the ranch plan now, the suit says, the seashore is “unlawfully prioritizing ranching above other uses of the national seashore” since 20-year leases would “prevent the agency from considering numerous management options for the national seashore such as alternatives that focus on natural resources or visitor opportunities.”

Ms. Watt was skeptical of the legal claims about the general plan. It has been out of date for at least 20 years, she noted, during which time the seashore has undertaken other plans to manage nonnative deer, Drakes Bay Oyster Company, coastal dunes, the Giacomini Wetland restoration and other projects. “The seashore has technically been out of compliance since at least 1995 and made other plans since then. That that’s suddenly illegal seems like a reach to me,” she said.

Mr. Miller said that the other environmental analyses and plans in past years have not reached “the level of conflict that the ranching plan poses.”

Rep. Huffman, who formerly worked as an attorney for the Natural Resources Defense Council, also questioned the strength of the suit. “I don’t think that this is a particularly strong legal claim,” he said.