

CALIFORNIA COASTAL COMMISSION

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CD 0006-20 (National Park Service)

December 18, 2021

CORRESPONDENCE

(received as of December 18, 2021)

PART 2

PAGES 156 - 433

From: Laura Cunningham <lcunningham@westernwatersheds.org>

Sent: Wednesday, December 9, 2020 8:03 PM

To: Simon, Larry@Coastal <Larry.Simon@coastal.ca.gov>; Coastal Point Reyes Management Plan <PointReyesManagementPlan@coastal.ca.gov>

Cc: Weber, John@Coastal <john.weber@coastal.ca.gov>; Carey_feierabend@nps.gov <Carey_feierabend@nps.gov>; Ryan_olah@few.gov <Ryan_olah@few.gov>

Subject: Comment on the Coastal Consistency Determination reviewed by the California Coastal Commission for the Proposed Point Reyes National Seashore General Management Plan Amendment CD-0006-20

Please accept these comments by Western Watersheds Project and other groups and individuals who have spent time in Point Reyes National Seashore and Golden Gate National Recreation Area observing impacts of cattle grazing to coastal resources and public access.

Superintendent Feirabend, please add this comment to the administrative record for the General Plan amendment/Environmental Impact Statement review process public comments.

Thank you.

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December 9, 2020

RE: Coastal Consistency Determination by the California Coastal Commission for the Proposed Point Reyes National Seashore General Management Plan Amendment CD-0006-20

Dear Mr. Simon,

In accordance with the Coastal Zone Management Act of 1972 and its implementing regulations 15 CFR 930, the National Park Service (NPS) submitted a Coastal Consistency Determination for the Point Reyes National Seashore and North District Golden Gate National Recreation Area General Management Plan Amendment and Environmental Impact Statement (GMPA/EIS). Western Watersheds Project and the Center for Biological Diversity (Center) have evaluated the Consistency Determination and found it inconsistent with the California Coastal Act of 1976 as amended.

This is an urgent matter, as a special hearing will be held by the California Coastal Commission (Commission) exclusively for this Consistency Determination CD-0006-20 on Thursday January 14, 2021.

The Coastal Commission has two choices: it can concur with the park service's submitted Consistency Determination or it can object to it based on its inconsistency, "to the maximum extent practicable," with the California Coastal Act. Having participated extensively in the National Park Service GMPA/EIS process, gathered evidence extensively in the field in the Seashore and adjacent recreation area, and reviewed the Consistency Determination with a close eye, we strongly recommend the Commission object and find the document inconsistent with the laws that protect our coast.

We understand that the Point Reyes National Seashore lands and one-quarter-mile strip of tidal lands are not directly within the state coastal zone because of federal ownership, but cattle ranching activities are having a large and long-lasting indirect impact on coastal zone areas as described below. While these areas are outside the coastal zone, many of the actions proposed under the NPS Preferred Alternative to expand commercial agriculture would affect uses and resources that are part of the state's coastal zone.

Western Watersheds Project is a nonprofit organization with a mission to protect and restore western watersheds and wildlife through education, public policy initiatives, and legal advocacy. The following comments are being submitted on behalf of our members and supporters who closely track livestock grazing issues on public lands and who care about the conservation of those lands for watersheds health and wildlife habitat, and many of whom visit Point Reyes National Seashore regularly.

The Center is a nonprofit conservation organization with more than 1.7 million members and supporters, dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has expertise on protection of endangered species, cattle ranching impacts on the environment, management of federal public lands, and implementation of federal environmental protection laws. The Center has been working to protect native wildlife and other environmental resources of the Bay Area for more than two decades.

The many undersigned local groups and individuals have observed huge impacts from cattle grazing to Point Reyes National Seashore and request that the Commission carefully examine the evidence to these public lands and waters.

The National Park Service Plan is Inconsistent with the Provisions of the California Coastal Act. The federal consistency determination analyzes consistency between policy sections of the California Coastal Act (Division 20, California Public Resources Code) and the actions that would be authorized under the park service's Preferred Alternative of the GMPA/EIS.

The points of inconsistency follow:

1. **Dairies and beef operations are not economically viable.** NPS claims certain policies under the California Coastal Act are NOT applicable to their proposal (NPS Coastal Consistency Determination 2020 at 24): **Article 5–Land Resources Section 30241.5 - Agricultural land; determination of viability of uses; economic**

feasibility evaluation. Specifically, this entails submittal of an economic feasibility evaluation by the local government—here the National Park Service as landowner and manager, if the local agricultural uses are not viable. This includes an analysis of gross revenue of agricultural products, and operational expenses for the past five years. Not only is there a “milk glut” in Marin County and the US in general,¹²³⁴⁵ causing the price of dairy products to often fall short of profitability, but the very agricultural diversification program preferred in the GMPA/EIS is a prop that allows non-viable livestock operations currently in Point Reyes National Seashore to diversify into chickens, sheep, goats, AirBnB’s, row crops, “ranch tours”, and more, that are a misguided taxpayer subsidy to a few ranch operators on public land in order to boost their meager revenues. Therefore, we strongly disagree that NPS does not need to provide the Commission with an economic analysis. The Preferred Alternative is an admitted economic boost and a giveaway to the faltering local livestock economy along the coast. Dairies and beef operations are not economically viable. Taxpayers should not have to subsidize private commercial livestock operations on this rare coastal public land.

2. **The NPS Preferred Alternative of maintaining and diversifying commercial agriculture does not maximize public access to the coast.** **Article 2–Public Access, Section 30210 Access; recreational opportunities; posting.** *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people...* Maximum access for all the people is prevented by NPS maintaining barbed-wire fences, wooden fences and gates, and metal pipe fences to contain cattle, and drastically increasing fencing in its plan to divide ranches into Ranch Core, Pasture, and Range Subzones. NPS says in its Coastal Consistency Determination at 14: “The NPS assumes approximately 20% of the 340 miles of existing fencing would be replaced, 24 miles of fence would be installed for the Resource Protection subzone, and an additional 35 miles of new fence would be constructed to improve livestock management over the 20-year lease/permit term. The NPS anticipates up to 5 Fencing projects annually.” That is an increase in fencing from 340 miles currently to 399 under the NPS proposed plan. In addition, NPS proposes to increase ranch fencing to exclude native tule elk from cattle pastures. Most park visitors are not used to jumping over barbed-wire fences to get to the Pacific Ocean, or crawling through a barbed-wire fence and ripping clothing. This is not inclusive especially for underserved communities and urban populations seeking to explore and access nature and the Pacific Ocean in a National Park unit within the Bay Area. “Conspicuously posted” access is also under question, as park visitors have reported to us signs on some Point Reyes National Seashore cattle

¹ <https://thecounter.org/dairy-farms-decline-half-since-2003-usda/>

² <https://www.nytimes.com/2020/03/14/style/milk-dairy-marketing.html?referringSource=articleShare>

³ <https://legacy.northbaybusinessjournal.com/opinion/8666012-181/marin-sonoma-dairy-farming-organic-economics>

⁴ <https://www.marini.com/2018/08/09/marin-voice-market-forces-threaten-west-marins-dairy-farms/>

⁵ <https://www.dairyherd.com/article/go-dairy-loss-mitigation-mode-now>

operation leases that appear to claim “no trespassing” rights when none exist on these public lands, where NPS ranch-leases allow public access. Regardless of the physical obstacles of fences in the NPS plan, the signal of fences and signs sent to park visitors is that these are “off-limits” and seem to be “private commercial livestock operations” when they are in fact open public lands and should be much more accessible with posting to that effect. The better alternative would be to remove all the livestock fences and restore public access freely to all points of the coast in this unique national park unit—the only National Seashore on the Pacific Coast.



Kehoe Dairy, J Ranch cattle rangeland, old barbed-wire fence, with degraded pasture full of weeds—poison hemlock, wild mustard, bull thistle, dry European annual grasses. August 11, 2020. Photo: Jocelyn Knight.



Photo at the gate of Home Ranch, appearing to prevent public access, 2019. This is actually public land in a National Park unit and should encourage public access to the coast. Photo: Anonymous.



The gate of Home Ranch, appearing to prevent public access, 2019. The ranch-lease only prevents the public from entering the yard and house of the lessee. This cuts off coastal access. Photo: Anonymous.



Hay-feeding station along the L Ranch Road, March 2018. Pacific Ocean in the distance. This mud-filled and fenced cattle operation is not inviting for the public to enjoy coastal access. Point Reyes National Seashore. Photo: Laura Cunningham.



Photo of cattle fences along Sir Frances Drake Boulevard looking towards Drake's Estero, in Point Reyes National Seashore that restrict free public access to national park unit lands and estuaries. Photo: Laura Cunningham.



Uninviting park lands and barbed-wire fences, piles of manure, Confined Animal Feeding Operation with alfalfa hay, and dairy cattle herds blocking coastal access along L Ranch Road, Point Reyes National Seashore. August 2019. Photo: Laura Cunningham.



A large bull in F Ranch along Sir Francis Drake Boulevard in Point Reyes National Seashore discourages the average visitor from crossing the barbed-wire fence and hiking in the park lands here. Notice the free-roaming tule elk in the distance. March 2018. Photo: Laura Cunningham.



Drake's Beach free-roaming tule elk herd overlooking Drake's Bay. The NPS Preferred Alternative proposes to shoot such elk in order to reduce numbers on the cattle pastures. This would necessitate closing public coastal access roads and regions of the Seashore for the safety of park visitors during elk reduction operations. D Ranch. March 2018. Photo: Laura Cunningham.



Park visitors observing free-roaming elk of the Drakes Beach herd in Point Reyes National Seashore, within a ranch that is heavily grazed by cattle. Fences obstruct the natural setting. Photo: Anonymous.



Free-roaming tule elk jumping a cattle fence on Point Reyes National Seashore. Cattle fences present a hazard to native wildlife. August 2019. Photo: film still by Skyler Thomas, https://www.youtube.com/watch?v=VO_Mm55ydBY&feature=emb_logo.

3. **Recreation is hindered by livestock ranching operations.** *Article 3--Section 30221 Oceanfront land; protection for recreational use....* The NPS states that while there would be some restrictions within the ranch core area to protect property and infrastructure (bought by tax-payer money and now all owned by the public), the public would be allowed access on and through pasture and rangeland areas, so long as those actions do not affect the ability of the park rancher to operate as

permitted. Through these actions, the Preferred Alternative would maintain or expand coastal recreation opportunities within the planning area.

We disagree with this NPS premise, as all ranches are public property, purchased over the decades since the formation of the Seashore. NPS ranch-leases state that the public may access all ranchlands except yards and homes of ranchers. Otherwise these are public lands in a National Park unit. The NPD ranch diversification alternative does not expand coastal recreation opportunities, but restricts them to private for-profit “ranch stays,” for-profit AirBnB’s, selling of row crops, and even mobile slaughter-houses where meat can be sold to park visitors—a very unprecedented use of national park coastal lands. These types of private for-profit industries are outside of normal permitted park concessionaires, and represent a new and unprecedented form of park management favoring private commercial for-profit operations unrelated to public access or interpretation, that needs much better public review, comment and acceptance.

This alone should cause the Commissioners to question the NPS Consistency Determination as unacceptable to the public in how access is allowed in a popular and significant National Seashore on the Pacific Coast next to a major metropolitan area.



C Ranch in Point Reyes National Seashore with drought conditions, very dry rangeland, bare ground, and empty water tub. Livestock fences and infrastructure discourage coastal access and recreation to a large portion of the Point Reyes Peninsula. October 2020. Photo: Jocelyn Knight.

4. **The Marine Resources are being impaired by livestock operations. Article 4--**
Section 30230 Marine resources; Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Manure water pollution may be harming marine life in the Point Reyes National Seashore area, including elephant seals, sea lions, harbor seals, dolphins, porpoises, and whales. Snowy plover nesting beaches are at times still trampled by cattle.

The Point Reyes National Seashore raven population is being subsidized by abundant food resources available at ranches.

Ravens are the largest threat to federally threatened coastal Western snowy plovers. This YouTube video by NPS and U.S. Fish and Wildlife Service says ravens are the largest threat to Western snowy plovers, as ravens kill chicks and raid nests of eggs, yet absolutely no mention is made of how cattle ranching is subsidizing the enormous raven population:

<https://youtu.be/hHfNw4kZaZg>

Hundreds of subsidized ravens can be seen hanging out at cattle water troughs, at Confined Animals Feeding Operations, open alfalfa hay feeding stations, barn areas, and scavenging animals killed during silage harvesting. The raven population would not be this high naturally. Cattle operations provide for a surplus of ravens, which predate snowy plovers.

A study by Roth et al. (1999)⁶ found that common ravens (*Corvus corax*) were concentrated at ranches at Point Reyes National Seashore and focused much of their foraging effort in those areas. The most prevalent habitats associated with raven foraging were grazed grass, dunes, and cattle feeding areas. The most prevalent food items identified were small animals, including birds, rodents, and reptiles; calf carcasses and afterbirth; and grain. Preliminary results suggested that a few ravens specialized on Common Murre (*Uria aalge*) colonies, while many individuals visited Snowy Plover (*Charadrius alexandrinus*) nesting areas.

A report by DiGaudio, Humple, and Gardali (2015) of Point Blue Conservation Science⁷ focused on the effect of silage field mowing on multiple bird species,

⁶ <https://www.egret.org/ecosystem-level-management-common-ravens-point-reyes-national-seashore>

⁷ https://www.nps.gov/pore/getinvolved/upload/planning_ranch_cmp_background_report_pointblue_impact_of_mowing_on_breeding_birds_150831.pdf

particularly species likely to nest in the fields. However, it also mentioned the large numbers of ravens seen in the area scavenging the aftermath of the silage.

These silage fields, which attract and feed the ravens, are located in close proximity to beaches with snowy plover nests, ironically the same locations the signs about protecting the plovers are placed. The two ranches associated with that area, Kehoe and McClure, have large numbers of ravens easily seen with the naked eye year round. The dominant species observed in the mowed silage was Common Raven, which does not breed in these fields (as it nests on cliffs, in trees, and on structures). On two occasions, flocks of about 35 individuals were observed foraging on the ground in a recently mowed field, apparently scavenging for food items that were likely made accessible by the mowing, including one observation of what appeared to be a dead pocket gopher (*Thomomys bottae*).

The report on the ravens as well as the Point Blue study both provided suggestions to altering ranching methods for the sake of assisting the declining bird populations and controlling the raven populations. To our knowledge these were not followed and ravens continue to be a problem. Ongoing observations of ranching subsidization of large raven populations were recorded by filmmaker Skyler Thomas.⁸



Ravens eating dead cow at H Ranch, Point Reyes National Seashore. Electric fencing further restricts public access to this National Park unit. Photo: Jim Coda.

⁸ <https://www.youtube.com/watch?v=MxohqA2aJqc&feature=youtu.be>



Ravens and Brewer's blackbirds feeding on grain in hay at a feeding area for dairy cows on Point Reyes National Seashore. Kehoe Dairy. August 2019. Photo: film still by Skyler Thomas, https://www.youtube.com/watch?v=VO_Mm55ydBY&feature=emb_logo.



Raven at CAFO with trucked-in alfalfa hay in a dairy at Point Reyes National Seashore, June, 2020. Photo: Jocelyn Knight.



Ravens feeding on insects, birds, and mammals disturbed or killed during silage harvesting for dairy cows on Point Reyes National Seashore. McClure Dairy. August 2019. Photo: film still by Skyler Thomas, https://www.youtube.com/watch?v=VO_Mm55ydBY&feature=emb_logo.



Ravens scavenging on disturbed or killed insects, birds, or other animals during silage harvesting for dairy cows on Point Reyes National Seashore. McClure Dairy. August 2019. Photo: film still by Skyler Thomas, https://www.youtube.com/watch?v=VO_Mm55ydBY&feature=emb_logo.



Blood on harvested silage from a killed animal. Point Reyes National Seashore. August 2019. Photo: film still by Skyler Thomas, https://www.youtube.com/watch?v=VO_Mm55ydBY&feature=emb_logo.



A coyote picks up some kind of animal killed as it was hiding in the silage, right after a pass by the harvester machine. The photographer thought it might have been a black-tailed deer fawn. Point Reyes National Seashore. August 2019. Photo: film still by Skyler Thomas, https://www.youtube.com/watch?v=VO_Mm55ydBY&feature=emb_logo.



Raven drinking at a cattle water facility consisting of a round trough in a truck tire, on a ranch rangeland, Point Reyes National Seashore, June, 2020. Photo: Jocelyn Knight.



Ravens gathering in weedy pastures with bull thistle and rangelands after liquefied manure was spread on the grass, Point Reyes National Seashore, June, 2020. Photo: Jocelyn Knight.

Herds of cattle continue to graze on beaches in the Drakes Estero area of Point Reyes National Seashore. Manure water pollution may be harming marine life in the Point Reyes National Seashore area, including elephant seals, sea lions, harbor seals, dolphins, porpoises, and whales.



Cow grazing along the beach at Drake's Estero at a park visitor parking lot, Point Reyes National Seashore, July, 2020. Photo: Jocelyn Knight.



Cow grazing along the beach at Drake's Estero, Point Reyes National Seashore, July, 2020. Photo: Jocelyn Knight.



Cow grazing along the beach at Drake's Estero, Point Reyes National Seashore, July, 2020. Photo: Jocelyn Knight.



Cow manure along the beach at Drake's Estero in the seawater and salt marsh of the Pacific Ocean, Point Reyes National Seashore, June 10, 2020. Photo: Jocelyn Knight.



Cow manure in 2019 at Drake's Estero next to Great White Shark essential aggregation site. Still shot from short film by Skyler Thomas, <https://www.youtube.com/watch?v=z9OEQOy3v0E&feature=youtu.be&t=1809>.



Cows on the beach
at Drake's Estero,
Point Reyes
National Seashore,
July, 2020. Photo:
Jocelyn Knight.



Cow trail in saltwater
marsh at Drake's
Estero, Point Reyes
National Seashore,
June 10, 2020. Photo:
Jocelyn Knight.



Cow manure along the beach at Drake's Estero in the seawater and salt marsh of the Pacific Ocean, Point Reyes National Seashore, June 10, 2020. Photo: Jocelyn Knight.



Dairy cattle grazing on coastal bluff on the Pacific Ocean above elephant seal beaches, Point Reyes National Seashore. Photo: Skyler Thomas, see also short film at <https://www.youtube.com/watch?v=z9OEQOy3v0E&feature=youtu.be&t=146.1>



Dairy cattle grazing on coastal bluff on the Pacific Ocean above elephant seal beaches, Point Reyes National Seashore. Note the old broken fence along the cliff edge seems to not be restricting cattle use of the very edge of the coastal bluff. Photo: Skyler Thomas.



Photo of the sign at Drake's Estero, Point Reyes National Seashore, July, 2020. Visitor interpretive facility, with sign warning park visitors that the beach is closed in June to protect sensitive harbor seal beaches where pups are born. But beef cattle continue to graze here. Photo: Jocelyn Knight.

Besides harbor seal (*Phoca vitulina*) and Northern elephant seal (*Mirounga angustirostris*) beaches that might be impaired by cattle herds and nonpoint source water pollution, the Point Reyes National Seashore area harbors an extremely high diversity of listed species, more than most public lands in California for such a small local geographic area. These marine and coastal Federally Threatened and Endangered species, and state listed species, may also be impacted by coastal livestock operations in Point Reyes National Seashore:

- Black abalone (*Haliotes cracherodii*) – federal candidate species for listing under the Endangered Species Act.
- Tidewater goby (*Eucyclogobius newberryi*) – Federally Endangered.
- Chinook salmon (*Oncorhynchus tshawytscha*) – Federally Threatened.
- Central Coast population of Coho salmon (*O. kisutch*) – Federally Endangered.

- Steelhead trout (*O. mykiss*) – Federally Threatened.
- Green sturgeon (*Acipenser medirostris*) – Federally Threatened.
- Leatherback sea turtle (*Dermochelys coriacea*) – Federally Endangered.
- Green sea turtle (*Chelonia mydas*) – Federally Threatened.
- Loggerhead sea turtle (*Caretta caretta*) – Federally Threatened.
- Marbled murrelet (*Brachyramphus marmoratus*) – Federally Threatened.
- Western snowy plover (*Charadrius alexandrinus nivosus*) – Federally Threatened.
- Short-tailed albatross (*Diomedea albatrus*) – Federally Endangered.
- Brown pelican (*Pelecanus occidentalis*) – Federally Endangered, California state Endangered.
- Least tern (*Sterna antillarum*) - Federally Endangered, California state Endangered.
- Ashy storm-petrel (*Oceanodroma homochroa*) – Species of Concern.
- California Ridgway's (clapper) rail (*Rallus obsoletus obsoletus*) – Federally Endangered, California state Endangered.
- Saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*) – Species of Concern.
- Southern sea otter (*Enhydra lutris nereis*) – Federally Threatened.
- Salt marsh harvest mouse (*Reithrodontomys raviventris*) - Federally Endangered, California state Endangered.
- Guadalupe fur seal (*Arctocephalus townsendi*) – Federally Threatened.
- Northern fur seal (*Callorhinus ursinus*) – Species of Concern.
- Steller sea lion (*Eumetopias jubatus*) – Federally Threatened.
- Sei whale (*Balaenoptera borealis*) – Federally Endangered.
- Blue whale (*B. musculus*) - Federally Endangered.
- Finback whale (*B. physalus*) - Federally Endangered.
- Gray whale (*Eschrichtius robustus*) – Delisted, but still at risk.
- Humpback whale (*Megaptera novaeangliae*) - Federally Endangered.
- Sperm whale (*Physeter catodon*) - Federally Endangered.

Subzoning ranchlands will not decrease livestock water pollution runoff into streams and the ocean when the same beef and dairy activities will be ongoing with very similar numbers of livestock, and year-long grazing without rest. Management Activities and mitigation measures have been mere band-aids on chronic problems of erosion and manure runoff.

Critical Habitat streams for federally endangered Central Coast coho salmon and threatened steelhead populations within the Seashore and Golden Gate National Recreation Area continue to be overloaded with sediments, stream bank destabilization with ineffective mitigation measures, and poor water quality for these rare anadromous fish.

The Biological Assessment, National Marine Fisheries Service (General management Plan Amendment Final Environmental Impact Statement [FEIS] Appendix O at 48) admits that grazing impacts water quality:

Beef and dairy ranching in the action area could contribute nutrients, sediment, bacterial contaminants, and other pollutants into surface waters. Livestock wastes, if not contained, could contribute nutrients that stimulate algal and aquatic plant growth that, if excessive, could lead to die offs of aquatic organisms from a loss of DO as the algae decomposes. Tomales Bay and major Tomales Bay tributaries, including Lagunitas Creek and Olema Creek, are listed as impaired under section 303(d) of the Clean Water Act due to pathogens and sedimentation/siltation. In addition to other factors, agricultural activities and manure from livestock operations in the action area contribute nutrients and other pollutants into waters used by coho salmon (Ghodrati and Tuden 2005; San Francisco Bay RWQCB 2016). In the Tomales Bay watershed, runoff during storm events is an important factor that affects pollutant loading and water quality on the Clean Water Act 303(d)-listed Tomales Bay and its tributaries, including Lagunitas and Olema Creeks (SWRCB 2013).

NPS attempts to argue that Tomales Bay has improved in water quality, but most ranches and dairies drain the Pacific Ocean, where water quality data is almost wholly lacking except for a few samples for Drake's Estero and Home Ranch Creek. Because the California State Water Quality Control Board issues waivers⁹ for nonpoint discharge water pollution to the dairies, water quality sampling is not required. Mountains of manure continue to discharge into the Pacific Ocean, and ranch water quality mitigation measures are not publically available.

Critical habitat is present in the ranching areas for federally endangered Central California Coast coho salmon (*Oncorhynchus kisutch*) and federally threatened

⁹ https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/agriculture/CAF.html

Central California Coast steelhead trout (*Oncorhynchus mykiss*).

The Evolutionarily Significant Unit of coho salmon almost went extinct in the 1990s, and because it is the southernmost population of coho salmon is most vulnerable to increasing droughts from climate change.¹⁰

Critical habitat was designated in 1999:

(a) *Central California Coast Coho Salmon (Oncorhynchus kisutch)*. Critical habitat is designated to include all river reaches accessible to listed coho salmon from Punta Gorda in northern California south to the San Lorenzo River in central California, including Arroyo Corte Madera Del Presidio and Corte Madera Creek, tributaries to San Francisco Bay. Critical habitat consists of the water, substrate, and adjacent riparian zone of estuarine and riverine reaches (including off-channel habitats) in hydrologic units and counties identified in Table 5 of this part. Accessible reaches are those within the historical range of the ESU that can still be occupied by any life stage of coho salmon. Inaccessible reaches are those above specific dams identified in Table 5 of this part or above longstanding, naturally impassable barriers (i.e., natural waterfalls in existence for at least several hundred years). (64 FR 24061, May 5, 1999, as amended at 69 FR 18803, Apr. 9, 2004, §226.210)¹¹

Critical habitat includes not only the water and streams, but also the substrate and adjacent riparian zones. NPS has not managed salmonid critical habitat for the health of substrates and riparian areas, as the photos below show. Spawning gravels are full of sediment from erosion due to chronic heavy cattle grazing, and vegetation has been grazed away on many collapsing streambanks.

The maps below show details of stream reaches that are critical habitat in Marin County, including Point Reyes National Seashore and the northern district of Golden Gate National Recreation Area.

¹⁰ <https://www.fisheries.noaa.gov/species/coho-salmon-protected#spotlight>

¹¹ https://www.ecfr.gov/cgi-bin/text-idx?SID=007dac2ab654ea15c887f51ce6bb2644&mc=true&node=se50.10.226_1210&rgn=div8



Steelhead Critical Habitat.¹²

¹² Map generated using GIS data from <https://www.fisheries.noaa.gov/resource/map/critical-habitat-salmon-and-steelhead-all-west-coast>



Coho salmon Critical Habitat.¹³

Livestock grazing has huge negative impacts to salmon, as admitted by the Biological Assessment, National Marine Fisheries Service (FEIS Appendix O at 47-48):

Grazing could affect coho salmon by increasing erosion into streams. Grazing reduces the amount of vegetation available to capture water and compacts soil, which reduces infiltration and available water capacity of rangeland soils. Soil compaction increases runoff, which carries topsoil and sediments into creeks and rivers during storm events. According to

¹³ Map generated using GIS data from <https://www.fisheries.noaa.gov/resource/map/critical-habitat-salmon-and-steelhead-all-west-coast>

NMFS (2004), “High concentrations of suspended sediment can affect coho salmon in several ways, including increased mortality, reduced feeding efficiency, and decreased food availability (Berg and Northcote 1985; McLeay et al. 2002; Newcombe 1994; Gregory and Northcote 1993; Velagic 1995; Waters 1995). Substantial sedimentation rates could bury benthic macroinvertebrates that serve as food for coho salmon (Ellis 1936, Cordone and Kelley 1961), degrade instream habitat conditions (Cordone and Kelley 1961; Bjornn et al. 1977; Eaglin and Hubert 1993), cause reductions in fish abundance (Alexander and Hansen 1986; Bjornn et al. 1977; Berkman and Rabeni 1987), and reduce growth in salmonids (Crouse et al. 1981). Waters with high turbidity are avoided by migrating salmonids, and high amounts of suspended sediment can delay migration to spawning grounds (Bjornn and Reiser 1991). Sedimentation of redds can kill both eggs and alevins (Bjornn and Reiser 1991).” While cattle are excluded from most riparian areas adjacent to streams used by coho salmon, (footnote: Livestock grazing is excluded from Lagunitas and Olema Creeks. In addition, cattle grazing is restricted from several tributaries that could support coho salmon.) livestock grazing in riparian areas of tributary streams could reduce vegetative cover, which would reduce hiding cover for coho salmon or elevate stream temperatures to unsuitable levels. Elevated water temperatures reduce the ability of the water to hold DO, of which an adequate level is necessary for each life stage of coho salmon (CDFW 2004). In addition to increased runoff and erosion from uplands in the watershed, livestock grazing in riparian areas could also increase water turbidity, which could lead to reduced habitat for coho salmon from sedimentation of streambeds (Belsky, Matzke, and Uselman 1999). Livestock with access to stream channels could also trample stream banks and contribute excess nutrients via manure and urine, which could affect coho salmon by increasing sedimentation and turbidity, increasing water temperatures, and reducing DO (Belsky, Matzke, and Uselman 1999).

But our photos reveal that Olema Creek critical habitat sections were not fenced off to cattle for many years, and experienced high levels of trampling, erosion, sedimentation, and streambank collapse. Only in more recent years were these stream reaches fenced off to cattle. But only with a buffer of 100 feet or so, which may not be adequate to stop chronic livestock grazing erosion impacts in the larger watersheds. Mitigation measures to try to repair the damage was not in our opinion mitigating the impairments.

The Biological Assessment claims that management of the park land leases has reduced adverse impacts of livestock grazing:

In spite of the above described potential adverse effects of livestock on coho salmon, the actual effects are likely far reduced from those noted for the following reasons: (1) livestock grazing is managed to avoid heavy grazing via monitoring that would ensure an average of 1,200 pounds per

acre of RDM in the fall in accordance with Bartolome et al. (2015); (2) livestock are prevented from accessing Olema Creek, Lagunitas Creek, and numerous tributaries; (3) many streams in the action area are steep wooded canyons that preclude access by livestock; and (4) most ranches along Lagunitas Creek, Olema Creek, and elsewhere in the park, have developed upland water sources for livestock, which can reduce livestock use of intermittent streams;. See table 7-1, in section 7.1, for further detail about the length of streams potentially supporting coho salmon, steelhead, and Chinook salmon in the action area. Because of the limited access of livestock to most streams in the action area, adverse effects of livestock grazing would be mostly avoided. Furthermore, increased stormwater runoff and sedimentation from cattle grazing of upland areas is unlikely to occur in amounts that would harm coho salmon. (FEIS Appendix O at 47-48)

The following photos show a portion of Olema Creek critical habitat for salmonids that was severely trampled and eroded by beef cattle in April 2019, and only after this date did the NPS finally fenced off the creek and attempted mitigation measures. Photos show extreme bank collapse, heavy turbidity and sedimentation of salmonid waters, and ongoing active erosion. These impacts are a major chronic impairment of salmonid spawning and rearing habitat.

Therefore, effects of grazing are not “likely far reduced,” as the Biological Assessment, National Marine Fisheries Service (FEIS Appendix O at 48).

The Biological Assessment (FEIS Appendix O at 50) claims that impacts of grazing would be avoided or minimized by adhering to the Residual Dry Matter (RDM) standards of 1,200 pounds/acre at the end of the grazing season to protect soils from erosion and protect “rangeland plant community health.” Yet we see short-grazed annual grasslands and bare ground areas in the watersheds that contain critical habitat for salmonids, and current RDM measures are not made available for these areas. Only by resting pastures from grazing and allowing these soils to heal, or removing livestock altogether, would impairment cease. The Biological Assessment failed to analyze removal of livestock.

But it concludes that ranch diversification, if approved, would continue to impair salmonids: “Therefore, the proposed action *“may affect, is likely to adversely affect”* the CCC coho salmon ESU.” (FEIS Appendix O at 51)



Severe trampling by beef cattle crossing Olema Creek near Five Brooks, in a Golden Gate National Recreation Area ranch, causing erosion and sedimentation of waters in areas in or adjacent to steelhead salmon critical habitat and Central California Coast coho salmon critical habitat (see FEIS Appendix A-47). April 15, 2019. Photo: Laura Cunningham.



Severe trampling by beef cattle crossing Olema Creek near Five Brooks, in a Golden Gate National Recreation Area ranch, causing extreme erosion and streambank collapse in areas in or adjacent to steelhead salmon critical habitat and Central California Coast coho salmon critical habitat (see FEIS Appendix A-47). April 15, 2019. Photo: Laura Cunningham.



Olema Creek critical habitat for salmonids in very poor condition from chronic cattle grazing in the watershed. Streambank collapse causes sedimentation of salmon spawning gravels and poor water quality. Mitigation baffles are also collapsing into the eroding and unstable streambank and are ineffective. Golden Gate National Recreation Area. April 15, 2019. Photo: Laura Cunningham.



The mitigation wattles are collapsing into the continuously eroding stream as banks collapse further. Mitigation measures to halt impairment by cattle grazing are not working here. Note the cloudy, murky color of the stream, indicating suspended sediment loads from erosional activities—salmon need crystal clear waters to thrive and reproduce in, with high oxygen content and low sediment loads. April 15, 2019. Photo: Laura Cunningham.



Chronic and ongoing stream bank collapse on Olema Creek near Five Brooks, Golden gate National Recreation Area. Turbidity and sedimentation significantly impair critical habitat for coho salmon and steelhead trout. January 26, 2020. Photo: Laura Cunningham.



Weak mitigation measure with straw-burlap wattles above the collapsing bank of Olema Creek, and seeded non-native grains. January 26, 2020. Photo: Laura Cunningham.



Mitigation measure of planting cereal grains, apparently annual wheat (an introduced non-native plant) in an attempt to stabilize eroding ground from cattle trampling and grazing next to Olema Creek. January 26, 2020. Photo: Laura Cunningham.



Weak mitigation measure of aging burlap placed across highly-eroded and trampled cattle path that formerly crossed Olema Creek. January 26, 2020. Photo: Laura Cunningham.



Weak mitigation measure of aging fiber netting placed across highly-eroded and trampled cattle path that formerly crossed Olema Creek. January 26, 2020. Photo: Laura Cunningham.



Mitigation measures of planting cereal grains, apparently annual wheat, burlap, and wattles in an attempt to stabilize eroding ground from cattle trampling and grazing next to Olema Creek on a slope. The creek has been newly fenced off to cows around 2018-2019 in a narrow buffer of a few hundred meters. Golden Gate National Recreation Area. January 26, 2020. Photo: Laura Cunningham.



Mitigation measures of a new fence and barbed wire gate that can be opened, to exclude cows from Olema Creek to help restore the extreme erosion and streambank collapse due to cattle trampling and overgrazing. Bare ground is visible both inside and outside this gate. January 26, 2020. Photo: Laura Cunningham.



Grazed hillslopes in the watershed of Olema Creek, just outside the fenced buffer. Beef cattle on short-grazed European annual grassland with Residual Dry Matter measures in question. Golden Gate National Recreation Area. January 26, 2020. Photo: Laura Cunningham.

5. **Water quality is impaired and water pollution rampant. Article 4--Section 30231 Biological productivity; water quality;** *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Water quality on the Seashore's springs, creeks, streams, wetlands, bays, estuaries, and the ocean are often heavily impaired by nonpoint pollution resulting from excessive manure production on the dairies, and by erosion of dairy and beef ranch grazing lands. Winter storms cause manure to wash into streams and reach beaches and the ocean, at times spiking fecal coliform levels to unhealthy levels. Agriculture is acknowledged as a potential pollutant to coastal waters by state agencies.¹⁴

The dairies at Point Reyes National Seashore produce an excess of manure. The huge number of calories that lactating cows need in order to produce industrial quantities of milk for the market require trucking in alfalfa hay from the Central

¹⁴ https://www.coastal.ca.gov/nps/Web/cca_pdf/sfbaypdf/CCA26PtReyesHeadlands.pdf

valley, growing silage crops for feed, and even supplemental grain, to enhance the meager annual grassland pastures.

To deal with the mountains of manure the ranches regularly dump dry or liquified cow manure over many acres of pasture or former grassland in the hope that this manure will somehow absorb into the ground and increase carbon sequestration.

What is actually observed to happen is that tons of excess manure dumped on top of grassy pastures, smothering plants and any remnant of biological soil crusts, and during winter rain storms much of it runs off into nearby streams, and into the Pacific Ocean. This causes huge spikes in fecal coliform bacteria from the manure, and at times the National Park Service has had to close beaches due to human health hazards.

The National Park Service website for Point Reyes National Seashore warns of public health hazards at times, and to avoid swimming in beaches during certain periods:

Contaminated Water

Lagoons, such as those found at Abbotts Lagoon, Kehoe Beach, and occasionally at Drakes Beach, and similar bodies of water can be hazardous areas for swimming whether they are in parklands or other urban or rural areas. Rainfall runoff and stream flow from surrounding agricultural areas flows into the lagoons potentially carrying harmful bacteria with it.¹⁵

Point Reyes beaches have ranked among the poorest in water quality in the nation,¹⁶¹⁷ and we do not see the NPS Plan mitigating the continued problem of excessive cattle waste and manure disposal. So-called “carbon farming” asks us to believe that dumping truckloads of cow manure onto pastures and former native grasslands will lead to carbon sequestration, when what is actually happening is manure not absorbing into the ground but running off with heavy winter rains into adjacent creeks, and into the ocean.

¹⁵ https://www.nps.gov/pore/planyourvisit/safety_beaches.htm

¹⁶ <https://therevelator.org/wasted-water-crappiest-places/>

¹⁷ https://www.biologicaldiversity.org/news/press_releases/2017/point-reyes-11-21-2017.php



Ungrazed, healthy coastal prairie outside of the ranches, in Point Reyes National Seashore. Native deep-rooted bunchgrasses Idaho fescue (*Festuca idahoensis*) and California oatgrass (*Danthonia californica*) absorb rainwater and allow for high groundwater tables that produce clear springs and creeks. Soil is stabilized and erosion minimal. This is a rare, sensitive habitat on the California coast. April 2019. Photo: Laura Cunningham.

A screenshot of the Marin Carbon Project website. The header features the title 'MARIN CARBON PROJECT' in a serif font, with a search bar to the right. Below the header is a navigation menu with links: ABOUT, CARBON FARMING, SCIENCE, POLICY, NEWS & EVENTS, CONTACT US, and a 'KEEP IN TOUCH' button. The main content area is titled 'Home' and 'CARBON FARMING'. Under 'CARBON FARMING', there are links for 'What is Carbon Farming?', 'Carbon Farm Plans', 'Carbon Farmer Profiles', 'Compost', and 'FAQ'. To the right of the text is a photograph of a blue dump truck unloading dark material (likely compost or manure) into a large pile in a field. Below the photo is the heading 'WHAT IS CARBON FARMING?'.

Carbon farming initiatives attempt to deal with excess cattle manure.
<https://www.marincarbonproject.org/what-is-carbon-farming>



After a winter rain, such as in this photo I took January 26, 2020, at a Point Reyes National Seashore confined animal feeding operation (CAFO) along the L Ranch Road, the cattle-grazed pastures can get soaked and trampled by cow hooves. But since the biological soil crusts and deep-rooted perennial bunchgrasses have been grazed and trampled out, the rainwater is not absorbed into spongy ground, but rather accumulates on the muddy ground surface and runs off into adjacent streams and into the Pacific Ocean, along with high fecal coliform loads due to the manure. Photo: Laura Cunningham.



Dairy cows, January 26, 2020 along L Ranch Road, Point Reyes National Seashore with mud and short-grazed European annual grassland. Photo: Laura Cunningham.



Dairy with mud, erosion, and nonpoint source water pollution above Drake's Bay. Photo: Skyler Thomas.



Kehoe Dairy, J Ranch
metal junk on dairy cattle
rangeland, with degraded
pasture full of weeds--
poison hemlock. August
11, 2020. Photo: Jocelyn
Knight.



Kehoe Dairy, J Ranch
metal junk on dairy cattle
rangeland, with degraded
pasture full of weeds—
poison hemlock and
thistle. August 11, 2020.
Photo: Jocelyn Knight.



Kehoe Dairy, J Ranch
bare dirt paddocks.
August 11, 2020. Photo:
Jocelyn Knight.



Dairy cattle manure pile on L Ranch. March 2018. Photo: Laura Cunningham.



Excess dairy cattle manure being loaded onto a spreader truck, Point Reyes National Seashore. Photo stillshot from a film by Skyler Thomas.



Solid manure dumped by truck onto cattle pastures in Point Reyes National Seashore. Stillshot from short film by Skyler Thomas, <https://www.youtube.com/watch?v=z9OEQOy3v0E&feature=youtu.be&t=146.1>.



Solid manure dumped onto what appears to be a harvested silage field, Point Reyes National Seashore. Photo: Anonymous.



Kehoe Dairy, J Ranch manure truck carrying liquefied manure from liquefied manure holding pond. August 11, 2020. Photo: Jocelyn Knight.



Liquefied manure storage pond right next to Kehoe Creek, from dairy waste hosed out of dairy barns. Spreader trucks parked next to the manure pond. Point Reyes National Seashore. March 2018. Photo: Laura Cunningham.



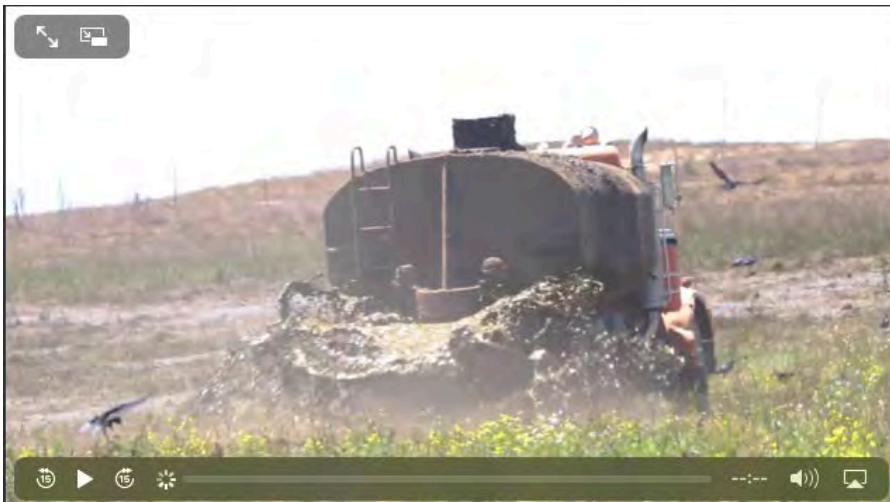
Liquified cow manure from Kehoe Creek storage pond pumped into a spreader truck. Photo: Anonymous.



Kehoe Dairy, J Ranch manure truck carrying liquefied manure. August 11, 2020. Photo: Jocelyn Knight.



Manure-spreading truck on a bare field in a ranch on Point Reyes National Seashore. Photo: Anonymous.



Still frame of a film taken in September 2020 by an anonymous photographer of liquefied cow manure being spread by truck on what appears to be a harvested silage field, in one of the dairy parcels at Point Reyes National Seashore.



Liquefied manure spread by truck, L Ranch, Point Reyes National Seashore. Photo: Anonymous.



Liquified manure spread on field, Point Reyes National Seashore. Photo: Anonymous.



Liquified cattle manure spread by truck on a range grazed by cattle. There is so much excess manure that these measures are sought to get rid of the excess waste. Yet the first winter rains will potentially wash much of this excess manure into nearby drainages, and into creeks that carry the water pollution into the Pacific Ocean. Photo: Anonymous.



Coyote inspecting spread manure on rangeland, L Ranch, Point Reyes National Seashore. Photo: Anonymous.



Kehoe Dairy, J Ranch liquefied manure spread on cattle rangeland by truck. August 11, 2020. Photo: Jocelyn Knight.



Kehoe Dairy, J Ranch liquefied manure spread on cattle rangeland by truck. Poison hemlock and mustard on the fenceline are invasive non-native weeds. August 11, 2020. Photo: Jocelyn Knight.



Liquified manure sprayed onto cattle pastures in Point Reyes National Seashore. Stillshot from short film by Skyler Thomas, <https://www.youtube.com/watch?v=z9OEQOy3v0E&feature=youtu.be&t=146.1>.



Liquified cow manure spread by sprinkler on a cow pasture in Point Reyes National Seashore. Photo: Anonymous.

The situation we largely see today is one of degraded grasslands where native deep-rooted perennial bunchgrasses have been replaced by shallow-rooted European annual grasses and weeds. The delicate biological soil crusts haven been eliminated--grazed, trampled, and smothered with piles of manure, and the soil is now dead. Carbon is no longer sequestered. Simply dumping truckloads of cattle manure on these already degraded landscapes will never equal the complex biotic interactions of healthy biocrusts and their symbiosis with native bunchgrasses, wildflowers, lightly grazed by tule elk.



Beef cattle in a pond in one of the ranches in Point Reyes National Seashore. The banks are heavily eroded, trails lead to the water, and evidence of green algal blooms cover part of the water surface from manure and urine input. Photo: still from a film by Tony Sehgal, September 2020.



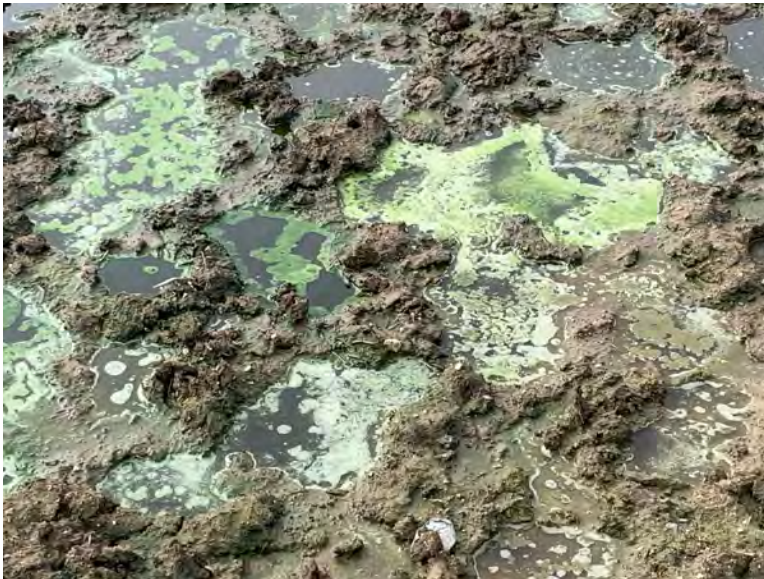
Dairy cattle in pond along L Ranch Road near the headwaters of Kehoe Creek, Point Reyes National Seashore. Photo: Jim Coda.



Dairy cattle in pond along L Ranch Road near the headwaters of Kehoe Creek, Point Reyes National Seashore. Photo: Jim Coda.



Pond downhill from the pond pictured above, Kehoe Creek, L Ranch, Point Reyes National Seashore.
Photo: Jim Coda.



L Ranch muck and mud at
a dairy cattle feedlot in
Point Reyes National
Seashore. January 26,
2020. Photo: Laura
Cunningham.

Many riparian habitats are still not fenced off from cattle grazing and entering the water.



Beef cows in Kehoe Creek eating sedges in the riparian zone. Photo: Jim Coda.

Natural streams such as Olema Creek have extreme bank destabilization due to cattle trampling, grazing, and erosion, and some recent fencing to attempt to buffer these streams will take decades of rest and active restoration to heal the grazing impacts.

6. **Environmentally sensitive habitats and land resources are impaired by livestock grazing.** **Article 5—Land Resources; Section 30240** *Environmentally sensitive habitat areas; adjacent developments (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

Coastal prairie, valley grassland, wetland, coastal scrub, and dune plant communities are being harmed and degraded by cattle grazing at Point Reyes National Seashore, and in many cases have been completely replaced by weedy invasive and degraded habitats with little resemblance to former native plant communities that were so common along California's coast. The loss of deep-rooted native coastal prairie perennial bunchgrasses and associated biological soil crusts, for example, have an effect on water quality and marine life in that topsoil loss and compaction from overgrazing by heavy livestock reduces rainwater infiltration, groundwater levels, and allows erosion and sedimentation to increase with trampled bare ground. The conversion of rich native plant communities along the coast can therefore negatively impact marine resources when these lands are turned into weedy annual grasslands with shallow-rooted Eurasian species better adapted to cattle grazing but with a poor ability to hold water and prevent erosion and runoff.

The former lush bunchgrass prairies along the Pacific coastal mountains in central California, once home to herds of tule elk, wide-roaming grizzlies, and salmon-filled streams, carefully managed for thousands of years by Miwok and many other tribes, are now mostly grazed instead by herds of cattle. Mediterranean weeds cover the grazed pastures where coastal prairies once grew. Most of the central Coast Range mountains are in private hands and inaccessible to the public. Point Reyes National Seashore is a rare public park established to restore and protect these California plant and animal species and habitats.

Cattle significantly impact the integrity of California native coastal prairies and the associated delicate micro-ecology of biological soil crusts, and have ripple effects on weed increase, soil health, and carbon sequestration at Point Reyes National Seashore.

Biological soil crusts are a complex of mosses, fungi, lichens, green algae, cyanobacteria, and liverworts that form a tiny carpet of growth on many soils even in grasslands and deserts, with roots, filaments, and living networks growing deep into the soil. These various organisms create a living soil that sequesters carbon, helps plants grow, and holds the soil together to stop erosion, and absorb water. Many organisms that make up these living soils are actually integral to all life on Earth.

The trampling and grazing of native grasslands and biological soil crusts by concentrated herds of cattle fenced into pastures will destroy the above-ground plants and mosses, fungi, and lichens. This eventually kills off the root reserves and interconnected mycorrhizae and biological soil crust filament network.

The result of heavy livestock grazing is inevitably dead soils. No deep roots, no hyphae, no mycorrhizae. Barbed-wire fences that section off grasslands into smaller trampled areas, water troughs that pipe water to cattle away from natural water sources, year-long cattle grazing that beats down the delicate lichen, moss, and living crust soil structures, killing off the deep-soil network, will degrade native grasslands.



Rare sensitive habitat Coastal Prairie remnant in an ungrazed area of Point Reyes National Seashore with Idaho fescue (*Festuca idahoensis*), red fescue (*F. rubra*), blue wildrye (*Elymus glaucus*), California buttercups (*Ranunculus californicus*), and coyote brush (*Baccharis pilularis*). This area is lightly grazed by native free-roaming tule elk, but not grazed by beef or dairy cattle and represents a rare reference site to what much of the coastal sensitive habitats used to look like before cattle grazing. Tomales Bay in the distance. April 2019. Photo: Laura Cunningham.



Sensitive habitat of coastal prairie with Idaho fescue, red fescue, blue wildrye, California buttercups, and blue-eyed grass (*Sisyrinchium* sp.). The ground is spongy and there is no bare soils. April 2019. Photo: Laura Cunningham.



Star tulip (*Calochortus tolmiei*) and Idaho fescue bunch in ungrazed sensitive habitat coastal prairie, outside of the fence and not grazed by cattle. L Ranch Road, Point Reyes National Seashore. April 2019. Photo: Laura Cunningham.



A rich carpet of mosses, lichens, and fungi covers the ground around a large Pacific reedgrass bunch (*Calamagrostis nutkaensis*), ungrazed upland in Point Reyes National Seashore. January 27, 2020. Photo: Laura Cunningham.



A rich carpet of mosses, lichens, and fungi covers the ground around a large Pacific reedgrass bunch (*Calamagrostis nutkaensis*), ungrazed upland in Point Reyes National Seashore. January 27, 2020. Photo: Laura Cunningham.



Mosses in the coastal prairie. Ungrazed Point Reyes National Seashore. January 27, 2020. Photo: Laura Cunningham.



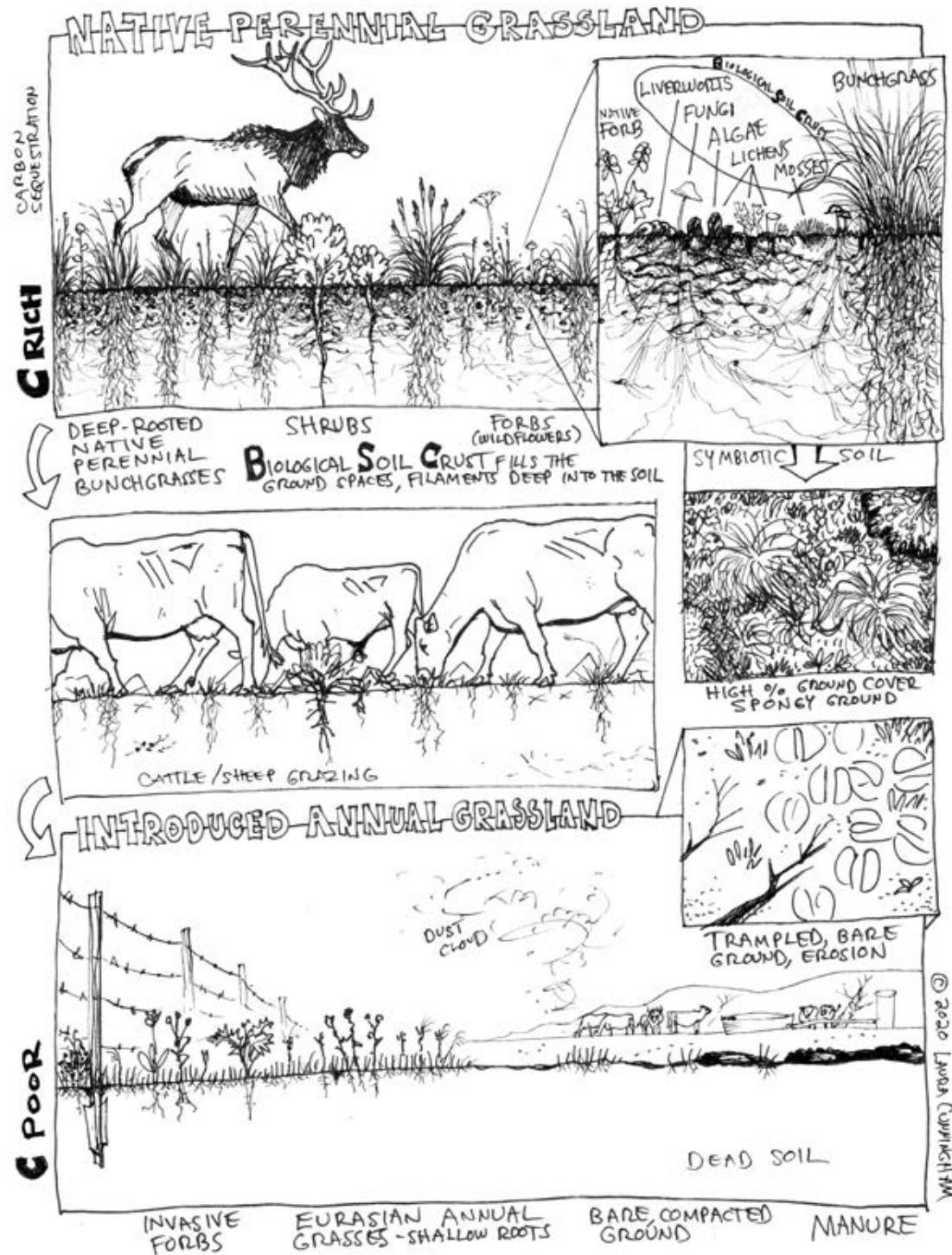
Fruticose lichens in the coastal prairie, along with moss. Ungrazed Point Reyes National Seashore. January 27, 2020. Photo: Laura Cunningham.



Rare sensitive habitat of coastal prairie. Ungrazed carpet of mosses and a mushroom (the fruiting body of underground fungal networks) around a large Pacific reedgrass bunch (*Calamagrostis nutkaensis*), upland in Point Reyes National Seashore. January 27, 2020. Photo: Laura Cunningham.



Idaho fescue native perennial bunchgrass in a coastal prairie remnant not grazed by cattle, compared to European annual grass and bare dirt on a cattle ranch pasture. L Ranch Road, Point Reyes National Seashore. January 26, 2020. Photos: Laura Cunningham.



Conceptual illustration showing the progression of native coastal prairie with Biological Soil Crust and tule elk grazing, impacted by heavy cattle grazing, and resulting in dead soils and poor quality weedy fields. Based on observations at Point Reyes National Seashore ungrazed coastal prairies and grazed cow pastures. Illustration: Laura Cunningham.

The Preferred Alternative claims the NPS plan will not harm sensitive habitats, and even protect them, but prolonged heavy cattle grazing has already eliminated most sensitive habitats from the Seashore. NPS admits that over 90% of northern coastal bunchgrass habitats have been lost grasslands and that pristine coastal prairies are an endangered habitat.¹⁸ Yet removal of cattle grazing is not the Preferred Alternative.

When so many coastal prairie and wetland plants are Federally Threatened or Endangered, state listed, or listed as rare plants by the California Native Plant Society, due to habitat loss and habitat degradation, then we perceive a major problem with the level of protection afforded to coastal prairies within National Park lands. Plus, the Preferred Alternative allows continued and possibly increased levels of mowing and destruction of North Coastal Scrub--with coyote brush (*Baccharis pilularis*) as an indicator species--in order to increase cattle forage on pasture and range subzones.



The rare plant Sonoma Alopecurus in a meadow that receives very little cattle grazing. Photo: Diana Oppenheim.

Sensitive coastal habitats and rare plants are impacted by cattle grazing. The federally endangered rare native grass Sonoma Alopecurus (*Alopecurus aequalis* var. *sonomensis*) is found in moist soils and wetlands, and populations exist on Point Reyes National Seashore. According to US Fish and Wildlife Service, this species is declining due to loss of wetland habitat, competition from nonnative plant species, trampling and grazing by cattle and low reproductive

¹⁸ https://www.nps.gov/pore/learn/management/firemanagement_fireecology_vegtypes_grasslands.htm

success. Attempts to reintroduce the species in the National Seashore have failed as of 2010.¹⁹

These photos were taken by NPS volunteers and given to us for use, showing surveys for Federally Endangered Sonoma Alopecurus. Note the tall grass (mostly Eurasian velvetgrass (*Holcus lanatus*), and that cattle are only allowed to graze these fields for short periods when they will not impact the rare grass. These habitats need tall, mostly ungrazed grass. Restoration to native grasslands should be undertaken in order to maximize conservation of this rare species.



Habitat of the rare plant Sonoma Alopecurus, ungrazed for much of the year in order to conserve this rare native grass. Cattle are only allowed to graze in this rare plant habitat for short periods. Photo: Diana Oppenheim.

¹⁹ https://www.fws.gov/sacramento/es_species/Accounts/Plants/Documents/Sonoma_alopecurus.pdf



Sensitive wetland, meadow, and coastal prairie habitat of the rare plant Sonoma Alopecurus, ungrazed for much of the year in order to conserve this rare native grass. Biologists surveying for the rare plant. Notice the very high RDM of this recovering cattle pasture, with native rush (*Juncus* sp.) and European velvetgrass (*Holcus lanatus*). Photo: Diana Oppenheim.

These rare, threatened or endangered Point Reyes National Seashore plants are associated with the sensitive coastal prairie community, valley grassland, and associated wetlands and meadows, and north coastal scrub according to Calflora²⁰:

- Blasdale's bent grass (*Agrostis blasdalei*)--Coastal Strand, Coastal Prairie, Northern Coastal Scrub; California Native Plant Society (CNPS) rare plant ranking 1B.2.
- Sonoma alopecurus (*Alopecurus aequalis* var. *sonomensis*)--Freshwater Wetlands; Federally Endangered.
- Thurber's reed grass (*Calamagrostis stricta* ssp. *inexpansa*)--Freshwater Wetlands, Northern Coastal Scrub; CNPS ranking 2.1.

²⁰ <https://www.calflora.org>

- Nodding Semaphore Grass (*Pleuropogon refractus*)--riparian, meadows; CNPS ranking 4.2.
- Buxbaum's sedge (*Carex buxbaumii*)--Coastal Prairie, meadows, wetlands; CNPS ranking 4.2.
- Tiburon paintbrush (*Castilleja affinis* ssp. *neglecta*)--Valley Grassland; Federally Endangered.
- Humboldt bay owl's clover (*Castilleja ambigua* ssp. *humboldtiensis*)--Coastal Salt Marsh, wetland-riparian; CNPS ranking 1B.2.
- Point Reyes blemnosperma (*Blennosperma nanum* var. *robustum*)--Coastal Prairie, Northern Coastal Scrub, wetland-riparian; California state rare, CNPS ranking 1B.2.
- Supple daisy (*Erigeron supplex*)--Coastal Prairie, Northern Coastal Scrub;
- Point Reyes birds' beak (*Chloropyron maritimum* ssp. *palustre*)--Coastal Salt Marsh, wetland-riparian; CNPS ranking 1B.2.
- San Francisco bay spineflower (*Chorizanthe cuspidata* var. *cuspidata*)--Coastal Strand, Coastal Prairie, Northern Coastal Scrub; CNPS ranking 1B.2.
- Woolly-headed Spineflower (*Chorizanthe cuspidata* var. *villosa*)--Coastal Strand, Coastal Prairie, Northern Coastal Scrub; CNPS ranking 1B.2.
- Sonoma spineflower (*Chorizanthe valida*)--Coastal Prairie; Federally Endangered, California state Endangered.
- Bolander's water hemlock (*Cicuta maculata* var. *bolanderi*)--Coastal Salt Marsh, wetland-riparian; CNPS ranking 2.1.
- Franciscan Thistle (*Cirsium andrewsii*)--Northern Coastal Scrub, wetland-riparian; CNPS ranking 1B.2.
- San Francisco wallflower (*Erysimum franciscanum*)--Coastal Strand, Valley Grassland, Northern Coastal Scrub; CNPS ranking 4.2.
- Fragrant fritillary (*Fritillaria liliacea*)--Coastal Prairie, Valley Grassland, Northern Coastal Scrub, wetland-riparian; CNPS ranking 1B.2.
- San Francisco hairy gumplant (*Grindelia hirsutula* var. *maritima*)--Valley Grassland, Northern Coastal Scrub, Coastal Sage Scrub, wetland-riparian; CNPS ranking 3.2.
- Short-leaved Evax (*Hesperevax sparsiflora* var. *brevifolia*)--Coastal Strand, Northern Coastal Scrub; CNPS ranking 1B.2.
- Marin western flax (*Hesperolinon congestum*)--Chaparral, Valley Grassland; Federally Threatened, California state Threatened.
- Point Reyes horkelia (*Horkelia marinensis*)--Coastal Strand, Coastal Prairie, Northern Coastal Scrub; CNPS ranking 1B.2.
- Perennial goldfields (*Lasthenia californica* ssp. *macrantha*)--Northern Coastal Scrub; CNPS ranking 1B.2.

- Large-flower leptosiphon (*Leptosiphon grandiflorus*)--Coastal Strand, Northern Coastal Scrub, Coastal Sage Scrub, Valley Grassland, Coastal Prairie; CNPS ranking 4.2.
- Rose leptosiphon (*Leptosiphon rosaceus*)--Open, grassy slopes, coastal bluffs²¹; CNPS ranking 1B.1.
- Coast lily (*Lilium maritimum*)--Coastal Prairie, Mixed Evergreen Forest, Northern Coastal Scrub; CNPS ranking 1B.1.
- Point Reyes meadowfoam (*Limnanthes douglasii* ssp. *sulphurea*)--Coastal Prairie, Freshwater Wetlands, wetland-riparian; California state Endangered.
- Harlequin's lotus (*Hosackia gracilis*)--Coastal Scrub, wetland-riparian (I observed this species in coastal prairie at PRNS); CNPS ranking 4.2.
- Marsh microseris (*Microseris paludosa*)--Northern Coastal Scrub;
- Curly-leaved Monardella (*Monardella undulata*)--Coastal Strand, Northern Coastal Scrub, Coastal Sage Scrub; CNPS ranking 1B.2.
- Gairdner's yampah (*Perideridia gairdneri* ssp. *gairdneri*)--vernal-pools; CNPS ranking 4.2.
- North coast phacelia (*Phacelia insularis* var. *continentis*)--Coastal Strand, Northern Coastal Scrub; CNPS ranking 1B.2
- Point Reyes rein orchid (*Piperia elegans* ssp. *decurtata*)--Generally dry, open sites, coastal scrub, coastal prairie²²; CNPS ranking 1B.1.
- Michael's piperia (*Piperia michaelii*)--Northern Coastal Scrub, Coastal Sage Scrub; CNPS ranking 4.2.
- San Francisco popcornflower (*Plagiobothrys diffusus*)--Coastal Prairie, Valley Grassland; California state Endangered.
- Marin knotweed (*Polygonum marinense*)--Coastal Salt Marsh, wetland-riparian; CNPS ranking 3.1.
- Lobb's aquatic buttercup (*Ranunculus lobbii*)--vernal-pools in Valley grassland; CNPS ranking 4.2.
- Point Reyes checkerbloom (*Sidalcea calycosa* ssp. *rhizomata*)--Coastal Salt Marsh, wetland-riparian; CNPS ranking 1B.2.
- Beach starwort (*Stellaria littoralis*)--Northern Coastal Scrub, Coastal Strand, wetland-riparian; CNPS ranking 4.2.
- Mt. Tamalpais jewel-flower (*Streptanthus glandulosus* ssp. *pulchellus*)--Chaparral, Valley Grassland; CNPS ranking 1B.2.
- San Francisco owl's clover (*Triphysaria floribunda*)--Coastal Prairie, Valley Grassland; CNPS ranking 1B.2.

²¹ https://ucjeps.berkeley.edu/eflora/eflora_display.php?tid=80957

²² https://ucjeps.berkeley.edu/eflora/eflora_display.php?tid=76440



Harlequin's lotus
(*Hosackia gracilis*) in
remnant coastal prairie,
cattle pasture edge. April
2019. Photo: Laura
Cunningham.

Few places on the California coast have such a large number of rare and endemic native plants. Sensitive habitats are in peril and significantly impacted by cattle grazing and habitat removal, and the above list indicates the level of biodiversity found at Point Reyes National Seashore that needs much better conservation management. These sensitive coastal habitats need protection, not continued commercial production on these rare high-value Pacific coast public lands.



B Ranch in Point Reyes National Seashore with drought conditions, very dry rangeland, bare ground, and heavily grazed down range and pasture areas. October 2020. Photo: Jocelyn Knight.



Cattle grazing and mowing or silage harvesting next to Abbotts Lagoon on the Pacific Ocean. H Ranch, Point Reyes National Seashore. The foreground is full of introduced weeds: radish and mustard. June, 2020. Photo: Jocelyn Knight.



Severe erosion, trailing, trampling, and gullying by dairy cows on N Ranch, Point Reyes National Seashore. Photo: Jim Coda.



By the end of summer on a non-drought year, the cattle pastures are reduced to very little European annual grass forage, much bare ground, and cow trails. This was former sensitive coastal prairie habitat. August 25, 2019. This was not a drought year. Photo: Laura Cunningham.



B Ranch in Point Reyes National Seashore with drought conditions, very dry rangeland (formerly lush coastal prairie), trailing from cattle, and sensitive wet meadow heavily grazed down. October 2020. Photo: Jocelyn Knight.



Comparable sensitive meadow-wetland habitat that is ungrazed: sedge meadow and coastal prairie in September 2019, near the Marshall Beach trailhead where cattle are not allowed. Photo: Laura Cunningham.



Cattle grazing on harvested silage fields next to Abbotts Lagoon and sand dunes, coastal strand sensitive communities on the Pacific Ocean. H Ranch, Point Reyes National Seashore. This is too close to the coast. June, 2020. Photo: Jocelyn Knight.

Tule elk habitat is found on the immediate coast, and we have observed both free-roaming elk and fenced elk within the Tomales Elk Reserve on hills and bluffs adjacent to the Pacific Ocean. Cattle displace free-roaming elk, and livestock fencing harms and even apparently kills native tule elk on the Seashore. Cattle spread invasive weeds by their excessive numbers in fenced pastures, degrading what was formerly rich coastal prairies that were habitat for tule elk.



Free-roaming Drakes Beach tule elk bull next to a beef cow on short-grazed European annual grassland in the spring season. Photo: Skyler Thomas.



Drake's Beach free-roaming herd of tule elk overlooking the Pacific Ocean. The public overwhelmingly wants to view native wildlife in this national park unit, instead of cattle. March 2018. Photo: Laura Cunningham.



Free-roaming Drakes Beach tule elk herd on degraded European annual grassland with bare ground and cow manure. Winter season. Photo: Skyler Thomas.



Free-roaming tule elk bull (on the left) on the ranch-side of the Tomales elk reserve fence. The 8-foot-tall elk exclusion fence is meant to keep tule elk in the Tomales Elk Reserve away from coastal cattle ranches in the Seashore, but is only an eyesore and prevents easy access to park coastal areas. Note the degraded condition of this cattle-grazed pasture, with mowing or disking in the distance. October 5, 2020. Photo: Matthew Polvorosa Kline.



Dairy cattle at the fenceline with a tule elk bull along the Tomales Point Tule Elk Reserve 8-foot high fence. Photo: Anonymous.



Drakes Brach tule elk herd dealing with fence obstructions on cattle pastures. Winter season. This is not wildlife-friendly fencing. Photo: Skyler Thomas.



A dead tule elk ensnared by rusted wire which caught its antler. This old fence was left behind while new material went up in its place along the 8ft high stretch of fence keeping elk from entering the ranches. September 16, 2020. Photo: Matthew Polvorosa Kline.



The same ensnared elk as in Figure, showing how the old fence caught the antler. Photo: Matthew Polvorosa Kline.



Barbed wire on a tule elk skull from Point Reyes National Seashore. Photo by Jim Coda.



Kehoe Dairy, J Ranch barbed wire fences and dairy cattle. This is not a wildlife friendly fence inside a national park unit. August 11, 2020. Photo: Jocelyn Knight.

7. **Soils in the grazed lands of the Seashore are degraded and eroding away. Article 5--Section 30243 Productivity of soils; The long-term productivity of soils and timberlands shall be protected...;**

Soils across the ranches on Point Reyes National Seashore are eroded, bare of vegetation in many places from excessive cattle grazing, and exhibit trailing, gullying, and trampling/compaction. Unknown quantities of healthy topsoil from former coastal prairies have been lost and potentially eroded into the Pacific Ocean during heavy rainstorms. Soil productivity is now so low that many ranches on the Seashore must truck in supplemental alfalfa hay, grain, and also

grow silage to feed the dairy cattle, since only meager non-native annual grass cover barely persists on many ranges and pastures of the Seashore. A ranch zoning approach as proposed by the NPS will not alleviate this chronic problem without also greatly reducing the number of livestock and resting the pastures to allow recovery and restoration of deep-rooted native perennial grasslands.



A Ranch in Point Reyes National Seashore with drought conditions, very dry rangeland, bare ground, and erosion. October 2020. Photo: Jocelyn Knight.



Headcut in Home Ranch hillside with beef cattle grazing introduced annual grassland closely. This severe erosion will grow, and is eroding sediment into Home Ranch Creek and Drake's Estero. March 2018. Photo: Laura Cunningham.



Trampled cattle pastures along L Ranch Road in Point Reyes National Seashore. April 2019. Photo: Laura Cunningham.



Kehoe Dairy, J Ranch
supplemental feed
delivered to dairy
cattle in pasture.
August 11, 2020.
Photo: Jocelyn Knight.



Water trough and
bare ground on ridge
above Kehoe Dairy,
Point Reyes
National Seashore,
June, 2020. Photo:
Jocelyn Knight.



Truck delivery of seed bags in Point Reyes National Seashore. The photo was taken by an anonymous photographer at I Ranch (McClure Dairy) in October 2020. The 2 brands read Lockwood - Seed and Grain, and Oregon Grown - Grass Seed. These seed bags might be for planting silage fields to feed supplemental feed to dairy cattle, for planting dry ranges with grass forage in winter to feed cattle, or for drought-related reasons. These non-native grass and grain seeds may be invasive in native plant communities in park lands. Oregon Grown grass seed (<https://oregongrasseed.com>) are all European invasive plants in native plant communities: annual ryegrass, fescue, and other forage species.



L Ranch dairy cattle feeding on alfalfa hay in feedlot, Point Reyes National Seashore. Soils here have been completely denuded of all vegetation except a few European weeds, and trampled and compacted. August 2019. Photo: Laura Cunningham.



Alfalfa hay trucked in as supplemental dairy feed. Point Reyes National Seashore. August 2019. Photo: Laura Cunningham.



Silage field with yellow-blooming mustard, grown as supplemental dairy cattle forage. viewed from L Ranch Road towards the Pacific Ocean. March 2018. Photo: Laura Cunningham.

8. **Visual qualities of the Seashore are impaired by livestock operations.** *Article 6--Section 30251 Scenic and visual qualities. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Ye today in the ranching areas of Point Reyes National Seashore, visitors are treated to piles of cow manure, heavily eroded and gullied pastures, fields of weed thickets, streambanks collapsing from erosion and destabilization from

overgrazing, ugly livestock concentrated feeding operations, barren dirt fields, and artificially altered plant communities where mowing machines remove native coastal scrub plant communities and plant invasive European silage fields for cow forage.

In addition, modern dairy loafing barns block the view of the coast and ocean from many highland points in the Seashore--large, state-of-the-art agricultural facilities built since 2002 that are inconsistent with the historic character of old dairies or Historic Districts. Modern industrial dairy calf crates also are inconsistent with Historic Districts and visual scenery consistent with a rare coastal National Seashore.



Confined Animal Feed Operation (CAFO) consisting of old cement troughs full of non-local alfalfa hay. Solid manure piled up. On a ridge above Kehoe Dairy. Tomales Bay in the distance. Point Reyes National Seashore, June, 2020. Photo: Jocelyn Knight.



Mountains of solid dairy cow manure piled up next to a CAFO, on a ridge above Kehoe Dairy. Solid manure piled up. Tomales Bay in the distance. Point Reyes National Seashore, June, 2020. Photo: Jocelyn Knight.



Bare ground, dairy cow manure piled up next to a CAFO, on a ridge above Kehoe Dairy. Pacific Ocean in the distance. Point Reyes National Seashore, June, 2020. Photo: Jocelyn Knight.



L Ranch dairy
alfalfa hay feeding
area on Point Reyes
National Seashore.
November 16, 2020.
Photo: Kelli
Petersen.



H Ranch tire debris and old barbed-
wire fence in Point Reyes National
Seashore. November 16, 2020. Photo:
Kelli Petersen.



H Ranch water troughs
on Point Reyes
National Seashore.
November 16, 2020.
Photo: Kelli Petersen.



I Ranch McClure dairy silage piles covered with tarps and tires, with calf crates in front, in Point Reyes
National Seashore. November 16, 2020. Photo: Kelli Petersen.



Modern plastic dairy calf hutches also mar the natural scenery at Point Reyes National Seashore and are discordant with an Historic District visual landscape. Still shot from a film by Skyler Thomas, <https://shameofpointreyes.weebly.com/calf-reality.html>



Modern industrial dairy loafing barn, as seen from the L Ranch Road in Point Reyes National Seashore looking westward towards the Pacific Ocean. This does not fit the character of an Historic District. Photo: Laura Cunningham.



I Ranch McClure industrial dairy modern loafing barn and ranch buildings on Point Reyes National Seashore. November 16, 2020. Photo: Kelli Petersen.



I Ranch McClure dairy modern state-of-the-art loafing barn (on the left), and manure-filled cattle paddocks on Point Reyes National Seashore. November 16, 2020. Photo: Kelli Petersen.



L Ranch living quarters for ranch hands with manure-filled pastures on Point Reyes National Seashore. November 16, 2020. Photo: Kelli Petersen.



Extensive silage fields harvested in 2019, Point Reyes National Seashore dairy ranch. Film stillshot from Skyler Thomas.

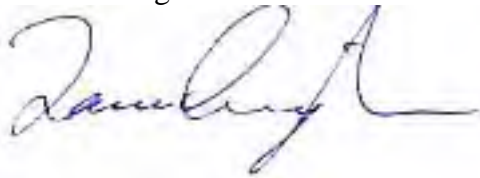
In conclusion, there is simply no longer a threat that agricultural lands will be converted to urban development here. Times have changed since the formation of these coastal national park lands. The public and park visitors seek the rare wild and natural Pacific Coast scenery, not modern industrial beef and dairy commercial operations. The severe impacts of livestock operations on Point Reyes National Seashore and the northern district of Golden Gate National Recreation Area now call for a reconsideration of the balance of public access, sensitive habitats, Threatened and Endangered species, marine and coastal resources, and poor water quality, compared to the obvious impairment of highly significant marine, land, and water resources in a popular national park unit from heavy agricultural use, cattle grazing and commercial ranching in this unique California coastal national park units, impacts which are so prevalent along the entire California coast at present.

We recommend that the California Coastal Commission “Object” strongly to this inconsistent consistency determination, and follow the popular recommendations of numerous local Marin County residents and national park visitors from across the U.S. in seeking better access and protection of these extremely rare and special Pacific Coast public parklands and waters.

Thank you for considering these comments. Western Watersheds Project, the Center for Biological Diversity, and the undersigned local groups and individuals thank you for this opportunity to assist the California Coastal Commission by providing comments for this determination. Please keep us informed of all further substantive stages in this and related processes and documents by contacting me at lcunningham@westernwatersheds.org.

Thank you,

Laura Cunningham



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Judith Gottesman, MSW

Michelle Waters
Animal and Environmental Artist

Eberle Ewing

From: christine hoex <choex@sbcglobal.net>

Sent: Wednesday, December 9, 2020 9:29 PM

To: Coastal Point Reyes Management Plan <PointReyesManagementPlan@coastal.ca.gov>

Subject: Protect the Tule Elk.

Dear Members of the California Coastal Commission and staff,

I am writing to advocate for the protection of Point Reyes National Seashore as a wilderness preserve first and foremost. I also advocate for the protection and preservation of the native species of Point Reyes National Seashore and its ecosystems integrity. I believe that adequate study has not been done on the impact of animal agriculture within the park boundaries. The impact of cattle waste specifically degrades the ecosystems of both the land and the ocean. This is not compatible with the goals of protecting the Tule Elk and their habitat, which represent the conservation of a multitude of native species and ecosystem processes in the Pt Reyes peninsula, a unique biological area.

Currently with the human population at 7.8 billion, we are crowding out all other species. Henry Miller had the foresight to preserve this last isolated group of Tule Elk (*Cervus canadensis nannodes*) on his ranch in 1874. Tule elk which are endemic to California and Point Reyes, remain only at Point Reyes National Seashore. They were the dominant grazers on these lands until their local extirpation by humans in the 1850's. The protection of the Tule Elk at Point Reyes National Seashore is not only about the protection of one species, but the whole of its habitat. The preservation of such precious wilderness is according to the Parks website "one of the primary missions of the National Park Service." I am asking for the Protection of the Tule Elk, and the elimination of cattle and other agricultural animals from where they infringe upon the Elk habitat within the park.

To expand the discussion of wilderness conservation I refer to a interview with eminent biologist E.O. Wilson. In his book, Half Earth, He urges the world to set aside 50 % of of the earth and oceans for wild species to avoid a mass extinction event.

The Half-Earth concept was conceived by E.O. Wilson, the eminent biologist, two-time Pulitzer Prize winner, and noted myrmecologist (that's someone who studies ants). As Wilson wrote in

the January/February 2016 edition of *Sierra*:

"Only by committing half of the planet's surface to nature can we hope to save the immensity of life-forms that compose it. Unless humanity learns a great deal more about global biodiversity and moves quickly to protect it, we will soon lose most of the species composing life on Earth.

<https://www.sierraclub.org/sierra/conversation-eo-wilson>

I believe this broader discussion is pertinent in my request to protect the Tule Elk and their habitat. What better place to protect the wilderness than National Park, a conservation of our national resources.

Thank you for your consideration.

Respectfully,

Christine Hoex

330 Horn ave

Santa Rosa Ca.

December 7, 2020

To: California Coastal Commission

RE: The Consistency Determination for the National Park Service Point Reyes National Seashore 2020 General Management Plan Amendments

The National Park Service (NPS) at the Pt. Reyes National Seashore (PRNS) has submitted for your review a Federal Consistency Determination for the adoption of amendments to the Seashore's General Management Plan (GMP) and the accompanying Final EIS, which will be discussed during your meetings in January.

We strongly urge the Commissioners to reject the NPS submittal because it misrepresents consistency of the GMP with the California Coastal Act with respect to Section 30251 Scenic and visual qualities:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

After living abroad for 15 years, we were excited to return to the Bay area and all that it has to offer. One of our favorite activities is to spend a day at Point Reyes National Seashore to enjoy the beautiful natural habitat and wildlife. We have made numerous visits to the park over the past two years, and find portions of the visit to be disappointing and disturbing. We visit a national park to be immersed in nature, but often find ourselves driving through what appears to be a barren wasteland. This is the case for most of the drive along Pierce Point Road on the way to the Tomales Point Elk Reserve. The view consists of Confined Animal Feeding Operations, trodden and barren dirt and/or weeds, areas filled with manure, miles of barbed wire fencing, and farm related buildings in various states of repair. This is not the view we expect to see in a National Park. In fact, we find the experience to be depressing and an example of extremely poor stewardship of the land. Although we haven't visited the entire park, we wonder if it is even possible to enjoy any of the coastal areas without being confronted with the stark views caused by the dairy and beef operations located within the park.

By law, the NPS is mandated to manage all national parks in a manner which provides maximum protection, restoration and preservation of the natural environment for generations to come. This is certainly not taking place on the land that one must view on the drive to Tomales Bay. Please see photos below:



Stark Views Along Pierce Point Road - Sep, 2020



Stark Views Along Pierce Point Road - And Strong Manure
Odor - Sep, 2020



Stark Views Along Pierce Point Road - Sep, 2020



Stark Views Along Pierce Point Road - Sep, 2020



Stark Views Along Pierce Point Road - Nov, 2020

In January of this year, we had the good fortune to attend a PRNS field trip led by Laura Cunningham, California Director of Western Watersheds Project. We learned that the barren and degraded landscapes that we view within PRNS are due to the grazing of cows. The barren and/or weed covered land that we view within the park should be covered in native coastal prairie, valley grassland, and coastal scrub. Ms. Cunningham also discussed the rare and biodiverse coastal prairie ecosystem. This native habitat contributes to the wellbeing of native animals and protects the soil from erosion. We also learned that the cattle areas are not only absent of native grasses, but the vast amounts of manure produced by the cows pollutes the streams, beaches and ocean. We should be protecting natural habitat within a National Park for the enjoyment of visitors and also preserve the natural environment. Below are photos taken during the field trip:



Non-Native Weeds In The Areas Containing Cows



An Unsightly Confined Animal Feeding Area



View Across to Large Cattle Operation Showing Non-Native Plants



A Small Area Of Undisturbed Native Plants



Native Grasses and Shrubs

Point Reyes National Seashore is the only national Seashore on the West Coast of the United States. It is a natural treasure that should be maintained as a haven for wildlife and wild habitat. The public should be able to visit this National Park to be immersed in nature without having to be confronted by scenes of destruction caused by agricultural operations.



What We Expect To See in PRNS



What We Expect To See in PRNS

To: The California Coastal Commission

RE: Point Reyes National Seashore General Management Plan Amendment Consistency Determination

The National Park Service (NPS) at the Pt. Reyes National Seashore (PRNS) has submitted for your review a Federal Consistency Determination for the adoption of amendments to the Seashore's General Management Plan (GMP)

These comments are being submitted in reference to the upcoming Federal Consistency Determination request for the National Park Service at Pt. Reyes National Seashore (PRNS). I urge the Commissioners to reject this submission on the grounds that the Point Reyes National Seashore General Plan amendment is inconsistent with the California Coastal Act.

My experience stems from recent studies of the ecology, wildlife, history and legislative background of the creation and management of this park, as well as first-hand visits. In an attempt to better educate myself, I organized a series of webinars featuring scientists, biologists, legal experts, conservation advocates and other experts to share their specific knowledge on PRNS with the general public. During these webinars I joined hundreds of viewers in learning about the degradation of native vegetation, damage caused by invasive non-native plants, soil depletion and erosion, air and water pollution, restrictions to public access, ruined scenery and landscapes and the climate pollution occurring from large-scale ranching activities at PRNS. Presently, I am one of the many advocates for the protection and restoration of PRNS. This appeal to the CCC is critical in our plea for help in protecting this national treasure - - for the health and enjoyment of all people, for the survival of its threatened and endangered species, and for the future of our planet.

Point Reyes National Seashore is the ONLY national Seashore on the West coast of the United States. For this reason alone; it deserves to be protected, treasured and respected. This park was not created as rangeland...these ranches were not purchased so that lessees could pollute and destroy this land. And yet, they've been permitted to do so. This is an outright assault on Public Access, Public Rights and Public Safety. (California Coastal Act Section 30210). The pollution and devastation that these agricultural industries have caused to our public land and waters is an assault on our public health and damages environmentally sensitive habitat.

Below are just a few of the numerous failures of the proposed NPS Plan in meeting the articles of the California Coastal Act:

Policies – Article 4 addresses concern for the quality of coastal waters for the protection of human health, stating “... *it shall be maintained and where feasible restored through minimizing adverse effects of wastewater discharges, controlling runoff, etc.*” It is further stated that “*Coastal areas where water-oriented recreation activities can occur must be protected.*” (**Recreation: CCA Section 30220**)

The Point Reyes National Seashore General Plan amendment is inconsistent with the California Coastal Act because it continues to allow waste from cattle ranches to be dispersed through the watershed and into the sea, polluting the area.

In 2013, NPS scientists published these findings in the “Coastal Watershed Assessment for GGRNA and PRNS,” revealing that the conditions in the park dramatically exceed the articles of concern:

“The main sources of water quality degradation in the planning area are bacteria and nutrient loading from nonpoint sources associated with ranches, dairies, septic systems and stormwater runoff.” (NPS 2013)

Ranching activities produce over 133,000,000 lbs. of manure per year affecting erosion, runoff and the spread of e. Coli bacteria into streams, waterways and beaches. This is more than “*an impediment to water-oriented recreation activities*” that the Coastal Act is designed to protect...it is a direct threat to marine species and human health. (**Marine Environment, Section 30230**)

Sec. 30240(a) “Environmentally sensitive habitat areas shall be protected...”

But in fact, they have not been protected. The NPS has failed repeatedly to comply with monitoring fecal coliform and sediment as directed by the Dept. of Fish & Wildlife in the PRNS livestock grazing program. Manure covers the beaches in several areas, including beaches designated for public use all along Tomales Bay.

The NPS Coastal Watershed Assessment for PRNS also found severe pollution occurred at the following dairy locations: North Kehoe Creek, J Ranch and K Ranch property line, L Ranch Impact Yard, A and B dairy ranches, and the McClure's dairy swale. Each of the aforementioned dairies measured conductivity (an indicator of dissolved solids) above 1700 $\mu\text{S}/\text{cm}$. This is double the lethal level for freshwater fish. Streams and tributaries leading to Drake's Estero (a federally protected wilderness), adjacent to a number of the dairies mentioned above (A Ranch, B Ranch, and C Ranch), all had a significant number of dissolved oxygen samples below the optimum range, posing a potential threat fish in these streams. (NPS Coastal Watershed Assessment for PRNS 2013)

It is further stated in the Coastal Watershed Assessment for GGNRA & PRNS:

"The effects of historic grazing practices are evident and pervasive, including gully erosion, soil compaction, nutrient enrichment, altered hydrology, increased vegetation cover of non-native pest plant species, and non-native pasture species that have naturalized from plantings and are now expanding into adjacent areas." (NPS 2013)

The NPS plan is inconsistent with the California Coastal Act **Article 2– Public Access, Section 30210, Access; recreational opportunities; posting. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people ...** (emphasis added).

PRNS currently has 340 miles of cattle fencing. The preferred alternative/plan would increase fencing to 399 miles over the 20-year leases. As stated above, the California Coastal Act requires "maximum access" for "all the people" to the coast. This amount of barbed-wire and other cow fencing prevents public access to almost 30% of the park, which is owned by the American people. Locked gates prevent access to trails and park visitors have been confronted by rancher – lessees when accessing trails, who have insisted that the public is not allowed, contrary to the express right of public access.

Proposed expansion allowing the inclusion of row crops will further diminish public access and critically endangered wildlife coming into conflict with farming activities in the midst of what was previously designated as 'wilderness.' The expansion of ranching will also cause more crowding on already strained public trails, facilities, streets and parking lots.

With millions of visitors per year coming to our National Seashore our focus should be on how best to achieve a sustainable balance of nature and access for public health, recreation, and inspiration. Private commercial industry does nothing to contribute to any of these and therefore, it does not belong in this park.

The earth is undergoing an unprecedented species die off and animal agriculture is a major cause of species loss globally. One hundred plants and animals at Point Reyes are listed as rare, threatened and endangered. More than 90 percent of comments received on the NPS's draft plan for ranching at the seashore opposed the continuation of ranching.

Once again, I appeal to you as stewards of the California Coastal Act to stand firm in protecting this national treasure by rejecting the Consistency Determination of the Record of Decision by the NPS in regards to Point Reyes National Seashore, thereby protecting PRNS for the benefit of the public for generations to come.

Thank you for your consideration and your service.

Diane Elise Gentile & John Crowley
411 Broadway St.
Petaluma, CA 94952

From: Robert Johnston <rajohnston@ucdavis.edu>
Sent: Saturday, December 5, 2020 10:51 AM
To: Coastal Point Reyes Management Plan <PointReyesManagementPlan@coastal.ca.gov>
Cc: Weber, John@Coastal <john.weber@coastal.ca.gov>
Subject: Comments on the CD for the PRNS Mgmt Plan

Coastal Commission Staff,

Please place this memo into the Commission docket for the January meeting on the Pt. Reyes Nat'l Seashore Mgmt. Plan Consistency Determination.

Also, pls verify that it got put into the correct file and tell me how to see all of the comments on this upcoming Commission action.

Thanks,

Bob

Robert A. Johnston
415 663-8305 landline
530 559-0032 cell/text
P.O. Box 579, Point Reyes
Station, CA 94956

For the California Coastal Commission's January, 2021 Meeting:

**Comments Re. the Consistency Determination for the National Park Service
Point Reyes National Seashore 2020 General Management Plan Amendments**

Robert A. Johnston, Inverness, CA. December 5, 2020.

Summary

1. This is a Coastal Commission review of a Federal Consistency Determination (CD) required by the Federal statute at CZMA Sec. 306(d)(6) and regulations at 15 CFR 930.11(o).
2. The NPS submittal, the CD, reviews their Federal Agency Activity (NPS General Management Plan proposed amendment) and their Federal Agency Development (improvements to ranch

buildings and other structures). The NPS CD refers to the GMP Amendment, described as the Proposed Action in the EIS. The EIS describes its impacts.

3. The State Coastal Management Program in this case is the California Coastal Act, Chapter 3., Objectives. This Federal Activity and Development are to be rigorously reviewed against each of the Objectives in the Coastal Act for consistency. For the CD to be accepted, it must be consistent with all of the Objectives “to the maximum extent practicable.”

4. The NPS lands in this proposed GMP amendment are legally excluded from the California Coastal Zone, but the impacts from these activities will affect the downstream and nearby coastal zone resources and the public visitors driving there. So, a CD review is required.

5. The GMP amendment substantially increases the number and intensity of activities at the 24 ranches in the park by adding small livestock, crops, visitor B&B stays, retail sales of ag products, camping, and meat and cheese processing facilities.

6. According to the proposed GMP Amendment, the EIS, and other referenced park data, these activities will certainly continue or worsen the degradation of: coastal grasslands, wildlife habitats, illegal levels of water pollution in several creeks running to the ocean and to Tomales Bay, air pollution and greenhouse gases, and the quality of scenic resources sought by visitors. Therefore, this proposed Federal Activity is not “consistent to the maximum extent practicable” with several mandates of the California Coastal Act.

7. These comments follow my comments of August 8, 2020 before the NPS CD was submitted. Those comments evaluated the effects of the draft GMP amendments as described in the Draft EIR. Since then, the Preferred Alternative has authorized even more activities that are not consistent with the Coastal Act. So, my earlier comments are still accurate. I state my qualifications at the end of this memo.

8. I urge the Commission to object to this submittal, as is normally done in cases where there are “significant concerns.” (CCC, Federal Consistency in a Nutshell, rev. 1/2001).

The Proposed Federal Activity

The GMP amendments propose to allow the intensification of land uses on 18,500 acres in the Pt. Reyes National Seashore (PRNS) and on 10,000 acres in the Northern section of the Golden Gate National Recreation Area (GGNRA), managed by the PRNS. These 24 ranches are currently

under agricultural leases for beef cattle and dairy grazing. The NPS Proposed Action (the preferred alternative B. in the EIS) will allow:

1. Increasing the acres legally devoted to ranching in the parks by 7,600 acres.
2. A new commercial land use, Small Retail, for stores and stands for agricultural products.
3. A new industrial land use, Ag Processing, for small cheese factories, and slaughtering livestock.
4. Hostels, tent cabins, farm stay rooms, and various camping accommodations.
5. Housing and offices for volunteer organizations.
6. Other adaptive reuses of ranch buildings.
7. Horse boarding.
8. Row crops (2.5 acres per ranch).
9. Small livestock (40-70 sheep, goats, or pigs and up to 500 chickens per ranch).
10. The existing number of cattle will be allowed (5,500 head).
11. Elk will be shot, so as to be “compatible with authorized ranching operations.”

Comments

1. Soil Erosion, Water Quality, and Vegetation

Cal. Pub. Res. Code, Sec. 30243. “The long-term productivity of soils... shall be protected...”

Most of the dairies are so crowded near to the barns and feeding areas that the soils are impervious and biologically dead from trampling. The Nitrogen from spraying manure water on pastures also kills most organisms. Compared to the original coastal grasslands, these lands are clearly severely degraded. Pollutants run down to the coastal zone. The bare soils can be observed from satellite scenes on any map viewer such as Google Maps and from Street View in that software. Soil erosion in the dairy and beef ranch fields can be seen by “windshield survey,” supported by an examination of the Erosion Hazard map in the EIS, Appendix A, Figure 42. A large part of the ranch lands near Lagunitas Creek are rated Very Severe for erosion hazard and a large part of the other ranches are rated Severe and Very Severe. Most of these lands in the former area are also rated as Low Resistance to Soil Compaction, as are ranch lands in the N. half of the area on the peninsula. Local environmentalists and range specialists have

documented the severe soil compaction on many ranch fields. Dairies are especially prone to this problem, due to the concentration of the cows.

Sec. 30240. “Environmentally sensitive habitat areas shall be protected...”

The existing ranch practices in the PRNS have caused very poor range quality leading to widespread soil erosion, sedimentation, and manure pollution of nearby creeks. The PRNS’ own ranch lands report shows a consistent lack of enforcement of their grazing rules, with too many cattle in many areas, year after year. A Summer or Fall drive through the ranch areas clearly shows hardened soil surfaces, gully erosion, creek eutrophication, and surface water pollution. Kehoe Creek is one of the most-polluted waterways in California. Children sometimes can be seen playing in its outlet, a small pond in the sand at Kehoe Beach. Tomales Bay is an impaired water body for nutrients, pathogens, and sediment and several ranches contribute sediment, nutrients, and fecal pathogens to it. The aquaculture farms in the Bay have to stop harvesting for a week or two after Winter rainstorms, due to the health hazards caused by the shellfish uptaking pathogens brought in with this runoff.

All of the ranches are prohibited from discharging any water pollutants to any surface or groundwaters by their Conditional Waivers imposed by the regional Water Board. Any observer, though, can see brown runoff after rainstorms flowing from the fields of the dairies and the beef ranches into swales and small creeks and thence into creeks that run to Tomales Bay, the Ocean, or Drakes Estero. See the Hydrology map in the EIS, App. A, Figure 44, for the locations of streams, which occur throughout the ranch lands.

Most dairy waste from barns and yards is scraped into settling ponds and the liquid part is sprayed onto fields in the dry season. So, that part of the manure discharges partly infiltrates to subsurface soils and groundwater. However, some of these sprayed fecal deposits and the manure piles (“cow pies”) from milk cow pastures simply run off into surface waters. Most of the dairy cows are kept about a hundred yards away from Lagunitas Creek and Olema Creek, which run to Tomales Bay, and from Drakes Estero. But, all of the dairy fields drain into the Bay or Ocean.

The Proposed Action alternative will fence off some areas near to the Ocean, Drakes Estero, and Tomales Bay, but the remaining fields all still drain into surface waters. One can see the

detailed drainage patterns from the EIS (App. A, Figures 9-32, the Ranch Zoning maps that are overlaid on shaded terrain basemaps). Also, Appendix A, Figure 41 shows slopes over 20% with the runoff patterns on the ranches. Last, please see Appendix A., Figure 46, Wetlands, to see how all of the ranches have several riparian corridors, most with narrow wetlands, cutting through their lands. The NPS water quality research reported in Appendix L. is primarily a methods paper but shows that the State single-sample water quality standard for fecal coliform was violated in 6% to 38% of the samples taken, for the years 2000-2013. Best Management Practices improved compliance over this period. Also, see Appendix N., pg. 64 for corroboration by the USFWS.

The park's rangelands have been severely degraded in past years, according to the Bartolome report done for the NPS, and the numbers of cattle apparently were not sufficiently reduced, likely due to inadequate inspections and inadequate enforcement of existing leases. As a result of such poor management oversight, many ranches violated the rangeland conditions (for minimum levels of vegetation density in the Fall) for several years at a time. Appendix E. in the EIS examines only a few recent years, but likewise shows considerable violations of the NPS residual vegetation standard. The overgrazed areas are spread throughout the planning area (EIS, App. E, Figures 4 and 5). Barely mentioned in the GMP amendment and EIS is the fact that the park has not been able to fund a range scientist for the past 45 years, except for about 2 years in that period. This shows the dearth of funding for national parks and also the priorities for staffing in this park. Overall this GMP amendment will require a budget increase of half a million dollars and a one-time allocation of about \$5 million, both dubious expectations in light of larger national fiscal issues. The management measures that "would be implemented" to reduce pollution from ranchlands (EIS, App. F.; NPS CD submittal, pg. 27;) are not guaranteed in terms of an NPS commitment to enforce them. That is, there exist no legally binding commitments by the park and lessees and no guaranteed funding for the park to manage the increased activities on the ranches.

In addition, they put off to the future the identification of many mitigation measures, even for acknowledged major adverse impacts, such as range condition/soil erosion/water quality, where they state that they will do a "programmatic review of best management practices" in

the future in carrying out the plan. This is not legal in a very clear line of NEPA cases and most agencies do not try this trick anymore. Throughout this CD, the NPS states that various mitigation actions are “assumed” or “anticipated” without showing the reader how they are guaranteed with contract provisions in the leases and how the staffing required for the additional oversight required will be funded in the future. The NPS does not actually commit to most of these mitigation actions (called management actions here).

The Proposed Action has the largest adverse impacts of all alternatives in most categories, while Alternative F, no ranches, has the smallest adverse impacts and many positive impacts on the environment and on park visitors. Alternative F, which would terminate the ranch leases, would attempt to restore the coastal grasslands in these areas.

2. Coastal Visitor Quality of Experience

Sec. 30251. “The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance.”

One impact not discussed adequately in the CD is the damage to visitors’ quality of experience caused by the ranches. Ranches are visible from most coastal areas in the park and from most roads within the park that lead to coastal recreation areas. The NPS, Marin County Supervisors, and Marin County Farm Bureau maintain that the public wants a “balance” of natural landscapes and ranches. This is an outdated idea, derived from the early decades of Marin County, when ranching was economically important and from the second half of the 20th Century when ranches were found to be essential for the protection of open space. In a national park, of course, we don’t need ranches to stop subdivisions. Ranches are now a very small part of Marin County’s economy. (Total Gross Domestic Product for the County in 2018 was \$24B (BEA), while ag product in 2018 was \$94M (Marin Co.), or 0.4%.) The best measure of the public’s preference for elk and coastal prairie landscapes over ranches is the fact that only 2% of 7,600 comments on the DEIS supported the Preferred Alternative, B, keep the ranches. Of all comments that endorsed an alternative, 94% preferred Alternative F., no ranching. This is a phenomenally strong set of public opinions regarding alternatives in an EIS, opposing the Preferred Alternative.

The Marin County Local Coastal Program supports ranching and could be considered by the Coastal Commission in this CD review. The LCP, however, covers all of the Marin coastal zone

and the great majority of ranches in the coastal zone are outside of the park and have different environmental and economic circumstances. Within the park, the Coastal Act objectives should control the CD process where we can expect higher standards of environmental protection. With regards to the Coastal Act objective to protect agriculture, I note that Sec. 30007.5 requires that conflicts among objectives “be resolved in a manner which on balance is most protective of significant coastal resources.” So, the promotion of agriculture must be secondary to the protection of soils, habitats, wildlife, and scenic views. Also, none of the ranches contain prime agricultural soils.

Alternative F., which terminates the ranch leases, would expand the Scenic Landscape zone to cover the 28,500 acres of ranches (EIS, App. A., Figure 39). The removal of the ranch buildings and cattle would greatly enhance the scenic values for the 2.5 million annual visitors as they drive through the upland areas on their way to the coastal zone. The NPS also states in the EIS that if ranching were discontinued, some of the retired ranch buildings “could support a higher level of visitation” with campgrounds, larger trailhead parking areas, and other uses (pg. vi and pg. 196). From this discussion, it seems safe to say that the Proposed Activity will damage the scenic qualities viewed from the coastal zone in the park.

3. Air Pollution and Greenhouse Gases

Sec. 30250(a). “New residential, commercial, or industrial development... shall be located within, contiguous with, or in close proximity to, existing developed areas...”

Ranching in the park generates 6.5 times the greenhouse gases that are produced by all visitors’ vehicles. Greenhouse gases from the ranches affect our climate globally and specifically cause sea level rise along this coastline.

The proposed activity will intensify land uses considerably on many of the ranches, by allowing the development of row crops and livestock pastures and pens, ag retail sales, cheese and meat processing plants, and various tourist accommodations. These tourist attractions will bring people out to these two parks who are not coming primarily to see coastal areas. Because these new activities will be far from the sparse existing tourist facilities in this area, trip lengths will be longer than if they were located next to Pt. Reyes Station or Tomales, existing village activity areas.

California has been a worldwide leader in trying to reducing automobile travel to reduce greenhouse gases. Most recently, we passed a law in 2013, SB 743, that mandates that all local and regional agencies reduce automobile travel by evaluating the impact of development projects on vehicle-miles of travel (VMT) in order to reduce greenhouse gases. Earlier laws urge compact urban growth and transit development. These laws show the importance of compact development to California's world-leading efforts to reduce climate change. The NPS plan amendments will increase sprawl in the parks and the EIS should have evaluated this impact.

4. Wildlife Protection and Enjoyment

30001 (c). "That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction."

In terms of the larger purposes of the California Coastal Act, to protect coastal natural resources for the long-term enjoyment of the public, protecting the elk seems to be critical. They are a popular sight from several coastal parking areas and beaches, Limantour especially. And elk can be seen from most of the approach roads leading to the Lighthouse, the Pierce Point trail, and the northern beaches (Abbotts, Kehoe, McClures). This overriding issue is discussed only indirectly in the description of the impacts of Alternative F., no ranches. Not renewing the ranch leases would allow the elk to expand their territory throughout the peninsular part of the park. These native mammals have been here for hundreds of thousands, and possibly several millions, of years. They were numerous during the time of Native American settlement in this area, at least 15,000 years ago. They have great significance to the California coastal prairie landscape. Indeed, the coastal scrub plant community co-evolved along with the elk. Cattle are an introduced species, are very detrimental to many native plant species, and have only been in this landscape for less than 200 years. This GMP amendment will protect the cattle, while keeping the elk populations under control with "lethal removal" so they do not eat more of the forage in the fields.

The S. half of the ranching area on the peninsula and the N. half of the ranching lands in the GGNRA are Red-Legged frog Critical Habitat. In spite of ranching lore about watering troughs

and in spite of the pass given to the NPS by the USFWS, most conservation biologists think that ranching harms this species.

This Federal Activity clearly impairs the park's habitats, which are protected by the Coastal Act. This Coastal Commission review also should acknowledge the standards described in the NPS submittal as their management objectives, which include "the preservation of native species" and "the management of invasive/non-native species." It should be clear to most observers that enlarging the area being ranched and extending the leases, originally intended in the mid-70s to go for 25 years or life tenancies, will worsen the environment for the native tule elk, increase the damage being done to these coastal prairie lands, and continuing to limit the enjoyment of the park's wildlife by the public.

5. Biased Evaluation of All Impacts

The EIS found several types of impacts to be significant, adverse, and unmitigated (air quality, water quality, vegetation, and wildlife). The EIS tries to portray these impacts, however, as "improvements" over the past conditions by using the "current conditions" as the baseline for impact analysis. That is, the NPS looked only at impacts at the margin, in terms of changes from the present state. This allows them to ignore the fact that many of the impacts are significant and adverse in absolute terms in their present state, which is what is experienced on the ground and what matters in terms of being consistent with the Coastal Act. The NPS should have evaluated the impacts absolutely. Standard practice under NEPA and CEQA is to use the original natural conditions as the Baseline whenever restoration to that original state is being evaluated as an alternative. Also, cumulative impacts are generally evaluated back to the natural conditions for the site. I will not comment on many other types of impacts, as experts will do that better than I can. Also, for the Commission to find the CD inadequate and to refuse acceptance, it only has to find one impact of the Federal Activity that is not consistent with the Coastal Act.

The NPS also asks the Commission to not evaluate the "programmatic actions" and their impacts as described in the EIS (CD, pg. 7). Programmatic actions are often only described in general terms, but that is usually sufficient to assess their impacts, at least qualitatively. All activities should be evaluated by the Commission staff and Commissioners in this review.

6. Summary

This Federal Activity is clearly not “consistent to the maximum extent practicable” with the California Coastal Act, Ch. 3. Actually, it will result in large adverse impacts on several Coastal Act objectives. In the Draft EIS the NPS made it clear that the Proposed Action (“Activity” for CD purposes), Alternative B., caused the largest adverse impacts, compared to the No Action and all other alternatives. The Final EIS is not significantly different, but this comparison was dropped.

7. My Qualifications

Since this is a significant issue with major effects on California’s coastal environment, I will outline my background. I taught environmental planning at UC Davis from 1971 to 2005. In the 70s, I published several articles on impact assessment methods and was the director of an undergrad major in parks management. In the 80s, my research involved methods specific to growth-inducing impacts, long-range impacts, and large-scale effects and I helped to develop GIS-based tools for use in regional planning. In the 90s, I was an expert in three Federal lawsuits on NEPA issues, commenting on new freeway segments and interchanges as they would affect travel and urban growth. I was a member of a National Academy of Sciences panel on transport modeling 2005-07. I have advised the Governor several times on both standing and ad hoc panels, several State and regional agencies, and many local planning departments on growth issues. I have been a planning commissioner in two California cities and am now on the board of a California conservancy. I am familiar with the California coastal planning process and actually had Peter Douglas lecture in my land use law class in the early 80s. I have reviewed the LCP for Marin County in detail, read the PRNS GMP, and the current subject documents (the GMP amendments and related EIS, with many supporting documents).

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From: Mark Bartolini <mark.bartolini1@gmail.com>
Sent: Friday, December 4, 2020 11:22 AM
To: Weber, John@Coastal <john.weber@coastal.ca.gov>
Subject: Submission for consideration re:Point Reyes National Seashore General Management Plan Amendment Consistency Determination

December 3, 2020

Mr. John Weber, Analyst
North Central Coast District
California Coastal Commission
Via email

Dear Mr. Weber,

I am writing to offer the California Coastal Commission input on The National Park Service's (NPS) General Management Plan Amendment for 18,000 acres of the Point Reyes National Seashore (PRNS) and 10,000 acres of the adjacent Golden Gate National Recreation Area (GGNRA). I am submitting a white paper I have been working on that I believe will be relevant to your review, in particular as it relates to CCS's mission on coastal access and environmental justice issues.

I apologize in advance for not having the time to synthesize my comments (I have, however, included both a table of contents and an executive summary.)

My professional background includes over 30 years of experience working with underserved communities around the world primarily in war zones and natural disasters. I have managed a wide range of humanitarian programs to assist the world's most vulnerable populations. These include medical and psychological trauma services, epidemic and pandemic response, disability programming, and economic development/livelihoods programs. For the past 7 years, I have focused my work on the nexus of climate change and disaster response. I am a native of Marin and began visiting PRNS with my mother as a three-year-old in 1962. I have lived (when not working overseas or in Washington, D.C.) in Inverness for 35 years. I am a past Executive Director of the Point Reyes National Seashore Association (PRNSA) and was a senior (appointed) official in the Obama Administration--Director, Office of U.S. Foreign Disaster Assistance in the United States Agency for International Development, (USAID).

I would be happy to follow up with the CCC on any aspects of my paper that might be of interest.

Sincerely yours,

Mark

Mark Bartolini

The Taking of Point Reyes:

A Case Study of White Privilege in a Time of Disaster

MARK BARTOLINI

About the Author:

Mark Bartolini has over 30 years of experience managing international relief programs in war zones and natural disasters. He has extensive experience working with underserved communities, and people with disabilities. He has managed large scale projects on community health, epidemics, pandemics, trauma, livelihoods and economic development. For the past seven years, he has focused on climate change and the challenge it poses to effective humanitarian response for the world's most vulnerable populations. Mark was a Vice-President at the International Rescue Committee, Director of the Office of U.S. Foreign Disaster Assistance in USAID and was appointed to the President's Advisory Committee on Voluntary Foreign Aid (ACVFA). He is a former Executive Director of the Point Reyes National Seashore Association.

Contents

Executive Summary	2
I. Introduction.....	8
II. Conceiving and Creating the Point Reyes National Seashore, A brief History	10
III. Health and our National Parks.....	16
IV. Environmental Justice and the GMPA.....	28
V. How Ranching degrades both the National Park experience and the special role our National Parks have in promoting physical and mental health.....	33
VI. How Ranching Impedes Access	36
VII. The Marginalization of Indigenous Peoples of California	39
VIII. Environmental Degradation of Point Reyes.....	46
IX. The Economics of Point Reyes	66
X. The Politics of Point Reyes.....	80
XI. The Taking of Point Reyes.....	101
XII. Conclusion: Through the Looking Glass—The Future of the Point Reyes National Seashore	109
Appendix A	113
Appendix B.....	140
Appendix C.....	142
Appendix D	144
Bibliography.....	149

Executive Summary

The Trump administration is about to direct the National Park Service (NPS) to sign a "Record of Determination" allowing it to move forward with a controversial General Management Plan Amendment (GMPA) that will significantly expand both the timeframe and the extent of commercial ranching operations that already occur on over 28,000 acres of the Point Reyes National Seashore (PRNS) and Golden Gate Recreation Area (GGNRA).¹ The GMPA embodies two signature elements of the Trump era: it is an attack on diversity and it denies and ignores the reality of climate change.

This paper examines the history, policy considerations and politics behind this decision, while presenting an evidence-based rationale for removing the ranches, restoring PRNS and GGNRA lands currently being ranched, and recommitting the park to the vision of its early years: a wilderness oriented park that would have a special focus on people of color and underserved communities in the greater Bay Area. This paper submits that restoring PRNS will not only ensure the park's natural resources will be unimpaired, it will prove a forward looking disaster risk reduction and climate change mitigation strategy that by fostering a culture of health will produce far greater economic benefits while significantly improving the lives of millions in this and future generations.

At a time when Northern California is in the grip of two of the most severe disasters in its history, the coronavirus pandemic and unprecedented climate change-driven fires, a small group of well-connected and resourced ranchers have with the assistance of organizations dedicated to commercial use of public lands and deregulation lobbied the Trump Administration and two California members of Congress to greatly extend both the timeline and the scale of their commercial ranching operations in a National Seashore. While President Trump is the rancher's most powerful supporter, Senator Dianne Feinstein has been the most influential due to her persistence and her rank and position on the Senate Appropriations Subcommittee that funds Interior and NPS.

Staff of Senator Feinstein and Representative Huffman have met regularly with ranchers and their phalanx of lobbyists and experts. As their letters and comments demonstrate (as described and referenced in "The Taking of PRNS" section), they have adopted their requests often verbatim with the same deliberate inaccuracies and distortions of history meant to

¹ This includes 18,000 acres ranched in PRNS and 10,000 acres ranched in GGNRA—but on land administered by PRNS.

mislead the public with the intent of ranching becoming a permanent and expanded presence at PRNS.

The parents of the children now ranching these public lands sold their ranches at fair market value to the people of the United States with a binding agreement that (as with many other properties sold to create the park²) offered them the opportunity to live on the property (ROPs) until expiration at which time they and their operations were required to vacate. Many Californians would doubtless welcome the opportunity to revisit their parents real estate deals from half a century ago. But for millions of Californians who are getting short-changed in this deal--this is essentially a taking of their public lands.

The GMPA would provide ranchers with long-term multigenerational leases as well as allow a range of new activities that would have significant environmental impacts, would further reduce access for visitors and would further alter the pastoral zone in favor of commercial ranching. The GMPA would intensify the degradation of the more than 1/3 of the seashore currently being leased for ranching and, according to research described in this report, diminish the qualities of a national park or seashore that maximize health, and in particular mental health, benefits for visitors.

It will have the greatest impacts on underserved communities in the Bay Area who may lack the resources to visit other wilderness-oriented parks and will be denied the considerable health-related benefits that a restored PRNS could offer. The GMPA may also further alienate communities of color who may be offended by what ranchers are calling a "return to the Shafter era of ranching"--an era that coincided with the California Genocide (the state sponsored persecution and killing of 16,000 Indigenous Californians by white settlers). The fact that ranchers claim their 170-year history of European settlement on these lands is justification for their continuing commercial use of 28,000 acres when Indigenous Coast Miwok, with thousands of years of history, have been given just over an acre for Kule Loklo--a living history exhibit--is not a feature that is lost, or would be considered welcoming, in a state with the largest Indigenous American population and tribal representation in the United States.

² Ranchers object to the use of the word "park" to describe PRNS because they have attempted (inaccurately) to create a narrative whereby National Seashores are managed to a lower environmental standard than National Parks and must elevate the protection of cultural and historic values. Seashores and recreation areas are to be managed to the same standards as national parks. NPS Organic Act, 54 U.S.C. § 100101. Bicycle Trails Council of Marin v. Babbitt, 82 F.3d 1445, 1451-1454, (9th Cir. 1996). This paper will use Seashore, park and PRNS as all 3 designations are in common use and have no legal distinction relevant to the topics discussed in this paper.

Some may also feel that the mobile slaughter of animals, the sale of ranch products at farm stands on the ranches, and visitor lodging at the ranches--all new features in the GMPA--will further instill the ethos of a park that has assimilated the characteristics of one of the wealthiest, whitest counties in the country dedicated to high-priced food and luxury that attract primarily white visitors rather than fulfill its founder's vision which was a unique nature-oriented park accessible, *and welcoming*, to all.

The report demonstrates that even though Senator Feinstein, Representative Huffman and ranching supporters maintain that multigenerational diversified ranching is both ecologically and economically important to the region, there has been virtually no serious analysis to demonstrate that and there is overwhelming evidence to the contrary. The Final Environmental Impact Statement (FEIS) identifies numerous negative environmental impacts due to ranching with vague assurances some will improve.

There has been virtually no attention to the impacts of ranching on visitor access (other than a few references in the FEIS), health benefits and the overall economic value the park creates. According to analysis of the research cited in this report, ranching is a significant drain on the total annual economic impact of PRNS which is in the area of \$1.4 billion dollars annually. And it results in poorer health outcomes for visitors due to access restrictions and environmental impacts from ranching.

In the early 1970s as properties were acquired and the park became not only a legal reality but a functioning one, the NPS spent considerable time and money hiring consultants to reach out to communities of color and underserved communities because it recognized its need to overcome barriers created by its own troubled history including displacing Indigenous peoples to create national parks, segregating blacks during the Jim Crow era and disenfranchising underserved communities by creating a culture that reinforced both the color and class of its predominant visitors: the white middle class. This was reinforced by their remote locations, their entry and lodging fees, and their cultural exhibits which largely focused on white history.

Reaching out to these communities was a cultural shift in NPS thinking driven by the Civil Rights movement of the sixties and the indefatigable leadership on this issue by Interior Secretary Stuart Udall who from 1961-1969 set about making the nation's National Park's parks more accessible to all Americans by making them more welcoming and more diverse. He diversified

staff in an effort (still ongoing) to make the NPS look more like America.³ PRNS, which was only an hour from a major metropolitan area, was created in part to reach out to these communities and offer them an accessible first-rate national park experience. It's 1962 Enabling Act mandated: "(e) Fee or admission charge prohibited "

While the term "Environmental Justice" had not yet been coined, many progressives in the Bay Area understood that the cycle of poverty in which many of these communities found themselves was in part due to environmental impacts that impaired their health, their children's development , their prospects and their life expectancy.

With the establishment of the GGNRA in 1972, Point Reyes was reoriented to being the wilderness component of its much larger neighbor to the south. PRNS was going to offer these communities free of charge a first-class national park experience that would begin to address years of racial and social injustice foisted on their communities by dirty industries, commercial exploitation, institutionalized racism and social inequity.

But perhaps the historian John Hart was right, that it was just rhetoric, when he wrote:

the planners set out to draw the interest of people who would not ordinarily have been park-watchers--but for whom, in rhetoric at least, the park had been created. Chief among them were inner city people and their organizations--Blacks, Chinese, Japanese, Chicanos.⁴

It did not work out that way. John Sansing, PRNS's longest serving superintendant at 25 years, made common cause with the ranchers and encouraged them to seek new legislation that would allow 5-year leases after the finite terms to which they had agreed when they sold their properties, expired.

While this paper acknowledges the hard work and connection to the land of these families and their ancestors, this paper does challenge their coordinated campaign, replete with falsehoods, that attempts to secure a special privilege to allow them to degrade and diminish the benefits that would otherwise accrue to visitors on lands whose very purpose is to benefit *all* Americans in this and future generations.

³ Alan Lepore, "Secretary Stewart Udall - An Unsung Hero for Justice & Washington Football," SI.com, July 27, 2020, <https://www.si.com/nfl/washingtonfootball/news/secretary-stewart-udall-an-unsung-hero-for-justice-washington-football>.

⁴ John Hart, *San Francisco's Wilderness Next Door* (Presidio Press, 1979), 82.

It is a terrible irony that a park whose founders envisioned, because of its exceptional biodiversity, would become one of the crown jewels in the national park system while at the same time--due to its proximity to a major urban area-- be an opportunity to begin to address environmental and social discrimination against people of color and underserved communities should itself be degraded and restricted.

And it is a terrible indictment of our political system that as climate change driven fires burn four million acres in California's fifth consecutive year of unprecedented fire and smoke, as our kelp forests are dying, the coast is experiencing a dramatic loss of species and as the worst global pandemic in over a hundred years has already claimed 250,000 American lives--a small number of politicians have distorted the truth to advantage a handful of ranchers. In so doing, they have threatened the well being of millions of their constituents and the very premise of national parks as places that must be cared for unimpaired for future generations.

These properties were purchased with taxpayer dollars nearly sixty years ago and are still being heavily subsidized today. The public has expressed overwhelming opposition to continuing ranching;⁵ and there is an urgent need for the physical and mental health benefits national park's can deliver at a time of unprecedented crisis.

The report examines this last point through an evidence-based review of how national parks can improve both physical and mental health. The report describes how eliminating ranching would help foster a community of health integrated into the wider Bay Area health system which would more effectively address health disparity among underserved communities, people of color, children from underserved communities and people with disabilities.

The politicians who have turned Point Reyes into what it is today are suffering a failure of imagination. In fulfilling the rancher's dreams of returning the pastoral zone to the Shafter era of 150 years ago, they are reinstituting the very barriers that a community of health is meant to overcome: inequality, environmental degradation and a lack of diversity.

Such an approach ignores the reality around us and the invaluable opportunity we have to take steps now that will create far greater returns for all the people of the Bay Area by restoring PRNS. We are at the beginning phase of climate change driven events that will radically alter

⁵ 91% of the 7,627 respondents to the GMPA public scoping process were against ranching. Only 2.35% favored it. National polling shows the public, in the high 80s and low 90s percentile, consider preserving natural resources to be the most important management priority in our National Parks. The GMPA scoping analysis and the Hart National poll are linked in the bibliography.

life on this planet. California, for the foreseeable future, will be the epicenter of climate change in the United States. The mental health challenges we are currently facing with both unprecedented fires and Covid-19 are staggering. They will almost certainly grow even worse in the coming years.

President Trump was wrong, it's not getting colder. Once ranches are removed, it would take at least a decade to restore Point Reyes based on other such efforts. In 30 short years the impacts to the planet, and to the world's most vulnerable, will be almost unfathomable. The decision to restore Point Reyes, to work harder to make it a more welcoming and a more inspiring national seashore and to make it truly integrate into the region's community of health will, according to research cited in this report, pay dividends in the many billions of dollars for community health - particularly mental health.⁶

Policy makers who fail to educate themselves on the research, to conduct a comprehensive economic analysis, to consult with scientists, with mental health professionals and with the communities that will be most impacted are doing a terrible disservice to their constituents and to the broader community. Our National Parks are not only places for enjoyment, inspiration and physical health--they are places for people to build mental health resilience and to find temporary refuge from the current and coming storm.

⁶ Cecily Maller et al., "Healthy Parks, Healthy People: The Health Benefits of Contact with Nature in a Park Context," in *The George Wright Forum*, vol. 26 (JSTOR, 2009).

I. Introduction

Since the founding of PRNS some 58 years ago, science has greatly advanced our knowledge of critical threats to, and the importance of, protecting biodiversity. It has also significantly deepened our knowledge of the benefits that we humans can derive from spending not just time--but quality time--in nature. The continued, and expanded, ranching operations promulgated in the GMPA are a display of raw power politics favoring special interests; they are an assault against America's Best Idea, our national parks. Some of the nonprofits that have helped ranchers carry their message to Washington are funded by the same donors that fund efforts to defund health care and appoint justices that promote deregulation and exploitation of our public lands. And officials in Marin County, asserting this is in the public interest, have used public funds to support the legal costs of private ranchers, leasing land that is not under their jurisdiction, to support these efforts and some of these organizations.

On one level, the issue of ranching in a national seashore is a small ripple among the rapids now roiling our lives. We are experiencing hundreds of thousands of Americans who've died of Covid-19, 1,200--3,000 Californians with preexisting conditions who've died of smoke-related causes due to unprecedented climate change-driven fires, and the death of George Floyd whose killing by law enforcement holding a knee on his neck for over 8 minutes has motivated a new, and reengaged an old, generation of activists committed to addressing the scourge of racial injustice. But on another level, as Norman Maclean wrote, "eventually all things merge into one." And in this decision drift some of the same societal ills and historical antecedents that have united millions of Americans in cries and concerns of "I can't Breathe!"

To nullify the public's right to seek legal redress Congressman Jared Huffman and Senator Dianne Feinstein worked together to craft a bill. H.R. 6687 that would have codified extending the operations of these ranches, prioritizing their extractive and destructive activities over wildlife, visitors, and one of the initial focus of the park: to serve people of color and underserved communities. The GMPA will limit and degrade public access and will reduce the considerable economic, physical and psychological benefits the park has to offer. It will make the park less welcoming to those who have been most marginalized in our communities and ensure that generations hence are denied the receipt of a park unimpaired. By ignoring the overwhelming public opposition expressed during the scoping process and national polls on how Americans want their parks to prioritize natural resource protection, a handful of politicians are diminishing our park, denying science and economics and the welfare of their own constituents in service of one small, but influential, special interest group.

This is taking place at an unprecedented time of global pandemic, climate change and racial injustice. It is an egregious assault on what Americans believe are the foundational principles governing our national parks, that they are meant for *all* Americans and that they are to be delivered to future generations unimpaired. The failure of comprehensive evidence-based analysis and inclusion in the decision-making process exposes the same institutionalized white privilege that sanctioned segregation in our national parks, the displacement of native and indigenous Americans, and an ethos of our parks as places for white, well-to-do, Americans. Rather than enriching the lives of all of us, it will only benefit a few and set the clock back to a time when rather than search for ways to make our society more equitable the power of government was used to perpetuate white privilege and profit at the considerable expense of the common good.

II. Conceiving and Creating the Point Reyes National Seashore, A brief History

The most authoritative accounting of the conception and creation of PRNS is Paul Sadin's, *Managing a Land in Motion*, an administrative history of the Point Reyes National Seashore commissioned by the NPS. Sadin describes in some detail the early framing of the seashore which was led by Conrad "Connie" Wirth (the NPS official whose depression--era study evaluated a national seashore on the Point Reyes peninsula). Wirth and his team saw the ranches as an impediment to visitors' enjoying the beauty of the peninsula:

The study narrative gave little attention to the ranches, noting only that the private holdings of the larger ranches "prevented the public from gaining any conception of the physical beauty of the region." NPS officials, the author [Wirth] acknowledged, might encounter "difficulties" trying to convince ranch owners to sell their property, but concluded that they would overcome any objection when the various parties paused to "think of the **great need of this breathing spot generations hence.** [*emphasis added*]"⁷

Of course, Wirth and his team were naive in their hope that the ranchers would ultimately see the future park as they did. But they were also eerily prescient, in their choice of words to describe their vision "the great need of this breathing spot generations hence."

They could not have foreseen a virus whose most feared symptom, the difficulty of breathing and being moved onto a ventilator, would kill hundreds of thousands of Americans and that the disparity in morbidity and mortality rates would highlight systemic inequities based on racial and social injustice; that smoke from unprecedented climate change-driven fires would kill thousands of Californians among the elderly and those with preexisting conditions; and that a man crying out to breathe would refocus the country on the continuing scourge of racial injustice and inequity.

They could not have known of the coming scientific and technological advances that would allow researchers to better understand how nature impacts health--even to identify precise neurological responses in the brain and how they respond to different natural settings. They did not know the existential threat a warming planet would pose to biodiversity, or the impact of

⁷ Paul Sadin, *Managing a Land in Motion: An Administrative History of Point Reyes National Seashore* (Historical Research Associates, Inc. 1904 Third Avenue, Suite 240 Seattle, Washington 98101, 2007), https://www.nps.gov/parkhistory/online_books/pore/admin.pdf.

methane from cows in promoting climate change. They would not have known of the importance of parks as places of refuge that promote health during a global pandemic where a virus is capable of airborne transmission; or the extraordinary economic and societal value of a pristine national park for promoting mental health.

However, in some ways the world in the late 50s and early 60s was not so different from today. Wirth and his team clearly articulated the importance of parks for the public's mental health. The Cold War was in full swing when Wirth and his team spoke out at hearings for creating the Point Reyes National Seashore in the late 1950s. Life on the planet was very much at stake and children were taught to "duck and cover" under their desks in case of attack. A "breathing space," "inspiration" and other such words and phrases were employed to describe what science is now explaining: that places of exceptional beauty and abundant wildlife, for many visitors, lift the human spirit and have benefits beyond simple enjoyment or recreation. When mankind through his own actions puts the survival of the human race and all life on earth at risk (as we have done through the development of nuclear weapons and through unchecked industrialization leading to a warming climate) these refuges of an earlier time can tie us back to our essential role in the universe and offer hope that their beauty, their abundance-- and our role in determining their future--will inspire and connect us to their, and our, salvation.

In 1957 the NPS Pacific Coast Seashore Survey, Point Reyes Peninsula, California, Seashore Area, also recognizes the unique characteristics:

The survey emphasized the significance and variety of the peninsula's unique combination of environments--forests, grasslands, dunes, freshwater marshes, and coastal estuaries--and of the abundance of wildlife found in each. The report concluded that the presence of these biological riches "most assuredly would justify every reasonable effort toward protection and preservation permanently as a public duty." This diversity of environments also added to the pleasing aesthetic qualities noted by the survey team. In fact the unusual combination of scenic, biological, and recreational resources in one coastal location, all in close proximity to an urban metropolis, created "significance" for the area that was greater than the simple sum of those parts.⁸

⁸ National Park Service, *Pacific Coast Seashore Survey*, (Point Reyes Peninsula, California , Seashore Area, , 1957).; Sadin, *Managing a Land in Motion*, 47.

The report planted the seeds for a vision embraced years later in 1972 when the NPS finally received the appropriations necessary to create in reality what for a decade had been a mismatch of properties and misguided recreational schemes promoted by park planners.⁹ The adjoining Golden Gate Recreation Area (GGNRA) was established. And PRNS was slated to become a wilderness-oriented seashore that would complement the adjoining more urban-oriented GGNRA whose northern reaches would fall under the administration of NPS staff at the Point Reyes National Seashore.

Ranch proponents claimed that because the 1962 Enabling Act promised ranchers the Government would not condemn their properties and allowed them to continue to ranch that this was proof that ranching was always meant to be a part of the park. There were ranch proponents at the time who were lobbying for such an outcome and some who may have believed it to be the case. There was also the NPS surveys that clearly omitted ranching in the park and a multitude of opponents including David Brower, the Director of the Sierra Club. The truth is in 1962, the ranchers did not want to sell and the park lacked the funds to purchase much of the land in the designated park area. The best play was to let ranching (and only ranching) continue as that would keep the land from being developed (and if a rancher tried to sell he would be in breach and the land could be condemned) while the Interior Department used its limited funds to purchase private land that might be developed.

A resolution to ranching would have to wait until they had more funds. In 1969 when the NPS was near selling off some of the property in the proposed seashore for development in order to acquire others, The Save Our Seashore movement was founded.¹⁰ Save our Seashore did just that, successfully lobbying for the funds to acquire the remaining properties.

The NPS came up with a proposal to ranchers to buy their properties at fair market value and then allow them to stay for their choice of 25-years or the remainder of the longer living spouse. It was a finite resolution of the issue of ranching in PRNS following the guidance issued in the early surveys. Ranching was to be eliminated. That was the USG's recorded legal resolution of the issue.¹¹ However, in the late 1970s, Superintendent Sansing, who favored a

⁹ Hill Gladwin, "Point Reyes in Trouble a Patchwork Park in Trouble," *The New York Times*, August 5, 1969, <https://www.nytimes.com/1969/08/05/archives/point-reyes-in-california-a-patchwork-park-in-trouble.html>.

¹⁰ Katy Miller Johnson, the widow of Rep. Clem Miller who fought so hard to create the park and then died just five weeks after the signing in a plane crash created the organization.

¹¹ Sadin *Managing a Land in Motion*, 177.

continuation of ranching, supported looking for ways to break that contract and the PRNS enabling legislation was amended to give the Secretary of Interior *limited* authority to issue leases for ranching. In the early 1990s, even before the ROPs which could not be renewed had expired, Sansing took it upon himself to begin negotiations with the ranchers about possibly extending 5-year leases with perfunctory consideration of compliance with the legal limitations that had been attached to the amended enabling legislation.¹²

While the founders in the late 50s and early 60s saw the importance of preserving the peninsula for future generations, and park planners in the 60s almost destroyed that vision with some of their grand plans, the 60s also brought arguably the most accomplished Secretary of the Interior in the nation's history: Stuart Udall. During his nine years as Secretary of the Interior, Secretary Udall would father not only seminal legislation protecting the environment such as The Wilderness Bill; The Wild and Scenic Rivers Act; and the Endangered Species Preservation Act he also brought a deep commitment to social and racial justice, equity and diversity. In fact, after leaving Interior in 1969 he went on to become a visiting Professor of Environmental Humanism at Yale.¹³ It was likely in no small part a product of his legacy that brought a renewed focus to the value of PRNS' s proximity to a major urban area that would make it 'greater than the sum of its parts.'

Udall had inherited an agency that just a decade earlier had sanctioned and enforced Jim Crow laws that mandated "separate but equal" facilities that barred blacks from accessing large areas of southern parks. And he knew that numerous national parks had come at the expense of indigenous communities driven from their native lands.¹⁴ This history had created cultural mindsets that national parks focused on white visitors and their history to the exclusion of all others. They were elitist, racist, dangerous, expensive and unwelcoming.

Udall understood when he became Secretary of the Interior in 1961 that to make national parks accessible to all Americans he would have to make them affordable and more welcoming. He also understood that with nearly all NPS staff being white as were the vast majority of visitors for many communities of color they were considered playgrounds for the entitled. He set about to diversify NPS staff and make it look more like the America whose birthright vested them with

¹² Ibid, 178.

¹³ Lepore, "Secretary Stewart Udall - An Unsung Hero for Justice & Washington Football."

¹⁴ Hanne Elisabeth Tidnam, "National Parks Are Beautiful—but the Way They Were Created Isn't," Medium, August 29, 2016, <https://timeline.com/national-parks-native-americans-56b0dad62c9d>; Kurt Repanshek, "National Parks," November 3, 2016, <https://www.nationalparkstraveler.org/2016/10/president-obamas-public-lands-legacy>.

title to the national parks.¹⁵ Udall understood that visiting our most iconic national parks, such as Yellowstone and Yosemite had become a rite of passage for millions of Americans families each year--but for millions more they were inaccessible places of white privilege whose cost of transportation, lodging, meals and entrance fees put them woefully out of reach.

PRNS offered a unique terrestrial and maritime wilderness smorgasbord, while at the same time being in close enough proximity that the park was accessible to some of the very populations that felt disenfranchised by the systems' more iconic parks.

Here was a peninsula whose geologic trajectory was separate from the rest of the country and the continent. It was slowly moving north every year while the country was moving south. It was home to an abundant array of wildlife and wilderness--both marine and terrestrial. Yet, it was in close proximity to an urban area of some 4.5 million (now almost 8 million) people for whom this was a relatively easy day trip. Visitors could even access the park by public transportation. On its inexorable journey north, the Point Reyes National Seashore would move the national park experience in the direction of equity. To leave no doubt that this was one of the central themes behind the creation of this park, the enabling legislation included this clause:

(e) Fee or admission charge prohibited Notwithstanding any other provision of law, no fee or admission charge may be levied for admission of the general public to the seashore.¹⁶

In the late 1960s and early 1970s the legacy of environmental humanism instilled by Secretary Udall met progressive thinkers in the San Francisco Bay Area. A focus on equity, underserved communities and people of color became clearly articulated within the goals of the new park. The NPS expended considerable resources to hire consultants and conduct extensive outreach to marginalized communities throughout the Bay Area.

The historian John Hart in his history of PRNS *San Francisco's Wilderness Next Door* describes the effort:

¹⁵ Lepore, "Secretary Stewart Udall - An Unsung Hero for Justice & Washington Football."

¹⁶ "An Act to Establish the Point Reyes National Seashore in the State of California, and for Other Purposes," Pub. L. No. S. 476 (87th) (1962).

planners set out to draw the interest of people who would not ordinarily have been park-watchers--but for whom, in rhetoric at least, the park had been created. Chief among them were inner city people and their organizations--Blacks, Chinese, Japanese, Chicanos.¹⁷

While the environmental justice movement would not be so-named until the 80s, and the vernacular used to discuss these issues has evolved, it was nonetheless a concept that many in the progressive San Francisco Bay Area were cognizant of in the early 60s. It is not coincidence that poorer communities are often co-located with heavy industry, that their air, water and services are degraded resulting in an array of negative impacts to their health, to their children's development, to their opportunities and to their life expectancy. These are elements in the circular vortex of extreme poverty and racial injustice is its eyewall.

Creating accessible (in the broadest sense of that term as will be defined in the section on health) national park's would not resolve these crushing forces affecting millions of Americans, but they are one step in the multitude that need to be taken to promote socio-economic equity for underserved communities as well as address racial inequities. Despite sincere efforts on the part of the NPS and a number of nonprofits whose mission is to reach out and introduce people of color to our parks, visitors to national parks remain predominantly white as do staff. It's a problem not just with the NPS, but throughout the environmental movement. Visitors to Yosemite National park are over 80% white and African Americans make up only about 1% even though they represent some 14% of California's total population. Armed law enforcement, a history of negative interactions, cultural histories that focus predominantly on whites, a feeling of being unwelcome --there are myriad issues that have created a cultural resistance in some communities to visiting national parks.

The vision of the founders of PRNS was to create a national seashore whose natural resources, including abundant marine and terrestrial wildlife, native plants and wilderness areas would rival some of the more iconic national parks and yet be more welcoming to constituencies that don't normally visit parks. The key to this was making Point Reyes both affordable and accessible. The founders clearly expressed their understanding that parks held special properties that had the potential to benefit the well-being of visitors and that these benefits should apply in a manner that was consistent with the underlying ideal of our national parks:

¹⁷ Hart, *San Francisco's Wilderness Next Door*.

that they are lands to which every American holds both title and trust to steward them without impairment for future generations.

III. Health and our National Parks

A significant amount of scientific evidence on the role that parks play in improving both mental and physical health has emerged over the 104 years since the NPS was founded. In recognition of this, the NPS has elevated the promotion of public health as a priority function.

Health (from the NPS website):

By promoting parks as a health resource, the National Park Service aims to bring about lasting change in American's lifestyle choices and their relationship with nature and the outdoors.

We have set in motion a 5-year Healthy Parks Healthy People Strategic Plan (2018-2023) complete with 10 guiding principles, 7 seven goals, and 1 vision—for parks to contribute to a healthy, just, and sustainable world.¹⁸ Although Healthy Parks Healthy People is based within the National Park Service, the program works with national, state, and local parks, as well as business innovators, healthcare leaders, scientists, foundations and advocacy organizations to advance the role that parks play in the health of our society. There are [more than 400 national parks](#) across the country with countless opportunities to find health, healing and happiness in a park near you.¹⁹

Promoting public health, as this paper describes, is a science-based natural fit for the national parks. It encourages visitation (access) and is clearly promoting a common good that (as studies

¹⁸ "Healthy Parks Healthy People (U.S. National Park Service)," National Park Service, September 18, 2019, <https://www.nps.gov/orgs/1078/index.htm>.

¹⁹ To read more about the considerable commitment the NPS has made to promoting health and why visit: <https://www.nps.gov/subjects/healthandsafety/healthy-parks-healthy-people-resources.htm>

cited in the economic section of this paper describe) has broader economic and societal implications which transcend the considerable benefits to the well being of the individual.

However, just as with the disparity in outcomes inherent in our health care system, race and poverty remain the primary factors underlying the inequities as to who actually receives the health benefits of visiting our national parks. The correlation relates to visitation numbers that show significant underrepresentation based on their proportional representation in society, particularly among African Americans, Indigenous Americans, Latinx Americans and underserved communities.

In the context of Point Reyes, there is another factor at work that impairs the potential of PRNS to improve public health: the presence and implications of ranching. The NPS's commitment to promote human health and to protect biodiversity are inexorably linked. The following sections will describe how ranching seriously degrades both, through limiting access, environmental degradation and making PRNS a less welcoming park. To a significant extent, this has the gravest implications for people of color and underserved communities--the very people--the historian John Hart wrote "for whom, in rhetoric at least, the park had been created" due to the impacts of disparity in our health system and society of which lower visitation numbers to national parks are just one factor.

There is abundant scientific evidence that demonstrates how spending time in nature improves one's mental and physical health. In healthcare terms, it's patient-funded therapy. Numerous initiatives such as the Global Healthy Parks/Healthy People movement supported by health organizations that include the Kaiser Family Foundation promote the considerable evidence-based health benefits that accrue to those who visit our national parks.²⁰

Studies have shown that people who visit parks are less likely to suffer from obesity, high blood pressure, high cholesterol, CPD, stress and a range of mental health conditions and have longer life expectancies. Moreover, they are more likely to experience a range of mental health benefits including better work productivity, relationships, social interactions, and less prone to depression.

A 30-minute visit to a park can improve heart health, circulation and lower cholesterol, blood glucose, and blood pressure. Walking in nature reduces inflammation and boosts your immune

²⁰ "Healthy Parks Healthy People (U.S. National Park Service)."

system, which decreases the risk of certain diseases and cancers. Interacting with a green space increases social interactions which can prevent diseases like dementia.

Listening to birdsongs and observing animals in nature have shown to promote well-being, reduce stress, improve mood, and reduce attention fatigue. Natural aromas from wood and plants have calming effects and viewing nature reduces mental fatigue.

These represent just a fraction of the health related-benefits researchers have ascribed to spending time in nature. Our National Parks can be a critical element in what the World Health Organization (WHO) calls "a culture of health" and PRNS, given its unique qualities, should be managed in a way that maximizes that potential benefit for all its visitors.

Health involves conditions relating not only to physiological and mental functions, but also to wider contextual factors, circumstances, and relations. This understanding forms the foundation for notions of a "culture of health" as a policy goal and ethical expression, providing a lens by which to assess COVID-19 effects. Referring broadly to "a set of social ideas and practices that promote healthy individuals, households, neighborhoods, communities, states, and nations," a culture of health depends particularly on notions of health equity.²¹ Health equity, which references fairness and social justice, "exists only when people have an equal opportunity to be healthy. Health inequity, therefore, is the unfair and avoidable difference in health status" seen within and across countries and societies, contradicting the realization of a culture of health.²²

Moreover, as a policy goal, a culture of health includes diversity as a core value, embodying inclusion and mutual respect. It is fundamental to health equity, "taking into account individual differences such as socioeconomic status, race, ethnicity, language, nationality, sex, gender identity, sexual orientation, religion,

²¹ Anita Chandra et al., "Building a National Culture of Health: Background, Action Framework, Measures, and next Steps," *Rand Health Quarterly* 6, no. 2 (2017).

²² Michael Marmot et al., "Closing the Gap in a Generation: Health Equity through Action on the Social Determinants of Health," *The Lancet* 372, no. 9650 (2008): 1661–69.; Connie L. McNeely, Laurie A. Schintler, and Bonnie Stabile, "Social Determinants and COVID-19 Disparities: Differential Pandemic Effects and Dynamics," *World Medical & Health Policy* 12, no. 3 (September 1, 2020): 206–17, <https://doi.org/10.1002/wmh3.370>.

geography, disability, and age.” Inclusion is a core element for successfully achieving and sustaining diversity.²³

The following four sections on race, underserved communities, children from underserved communities and people with disabilities will cursorily describe a few of the unique health-related inequities these groups face.

That will be followed by a section on barriers to access created by ranching and how removing those barriers could significantly increase the potential of the park to improve diversity, reduce inequity and promote public health through reimagining PRNS as park dedicated to a culture of health for all visitors and in particular residents of the greater Bay Area.

Racial and ethnic groups still tend to be segregated among the nine Bay Area counties, despite the fact that the overall demographics describe it as one of the most diverse areas of the country. The point in showing this data is to demonstrate that just saying the Bay Area is diverse does not imply equity, diversity or inclusion. And indeed within our counties diversity is limited. If, in building a community of health, inclusion is fundamental for a park to also be a locus for a community of health it too must be inclusive. Yet the segregation we see in our communities is not that different than the segregation we see in our national parks. And as discussed later in this paper, the GMPA will promote further segregation leading to more inequity in the health benefits derived by those who visit PRNS.

Racial and Social Justice

²³ “Human Rights and Health,” accessed November 21, 2020, <https://www.who.int/news-room/fact-sheets/detail/human-rights-and-health>.

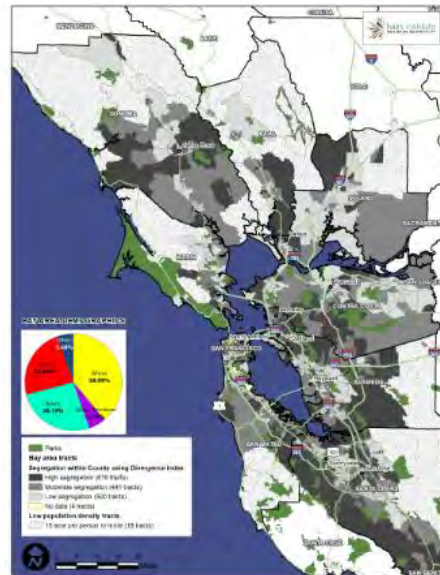


Figure 1: Map of the Bay Area²⁴

²⁴ "The Demographic Statistical Atlas of the United States - Statistical Atlas," accessed November 23, 2020, <https://statisticalatlas.com/county/California/Marin-County/Race-and-Ethnicity>.

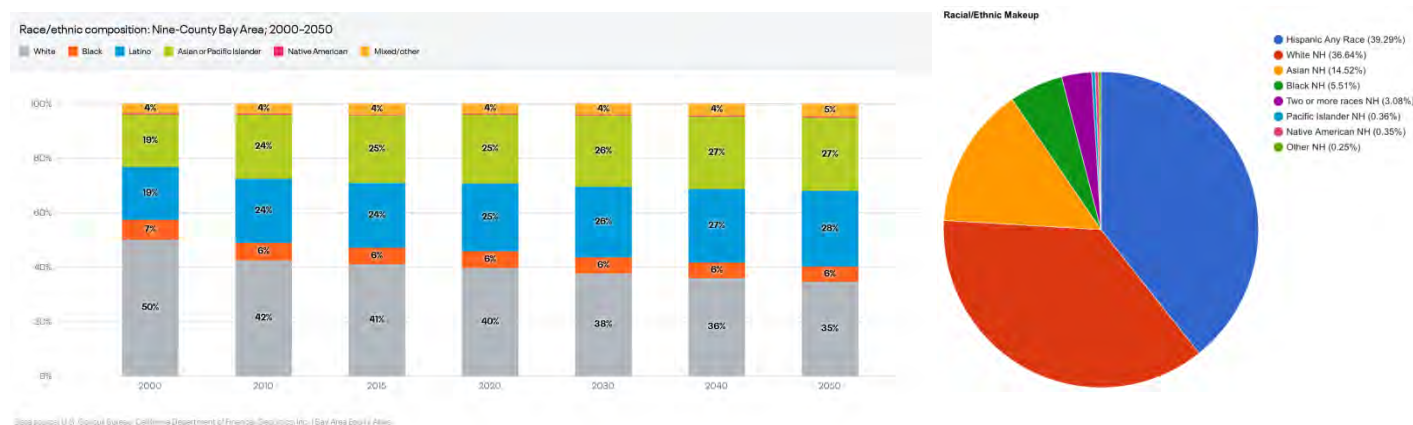


Figure 2 and 3: Race and Ethnic Composition of the Nine County Bay Area²⁵

The following link is to an interactive web site where readers can view race and ethnicity demographics and community location for the nine Bay Area counties:

<https://bayareaequityatlas.org/indicators/race-ethnicity#/>

Despite being significantly diverse as a region, every county shows significant racial and ethnic segregation.

Covid-19 has illuminated to a distressing degree the extent to which race plays a role in health outcomes. While I don't want to oversimplify or overstate the role parks can have in reducing health disparity related to Covid-19, it is striking how many of the comorbidities associated with complications from Covid-19 are the very ones that parks have been shown to mitigate and whose implications are being seen more in populations that visit parks the least.

Of course race and ethnicity account for myriad other risk markers for other underlying conditions that impact health. And the disparity in Covid-19 mortality rates suffered among African American, Indigenous American and Latinx Americans versus whites are certainly due to myriad interconnected factors in our society including socioeconomic status, access to health care, and increased

²⁵ PolicyLink/USC Equity Research Institute, "Bay Area Equity Atlas," 2019, <https://bayareaequityatlas.org>.

exposure to the virus due to occupation (e.g., frontline, essential, and critical infrastructure workers).²⁶

But embedded among these factors is the evidence-based reality that as a percentage of their respective demographic, whites who visit national parks at overwhelmingly higher numbers than Indigenous Americans, African Americans and Latinx Americans, live healthier lives and are less impacted. The correlation exists and relates not only to morbidity and mortality but also to the numerous mental health implications related to SARS CoV2.²⁷

Figure 3: COVID-19 Mortality Rate by Race/Ethnicity²⁸

Rate ratios compared to White, Non-Hispanic Persons	American Indian or Alaska Native, Non- Hispanic persons	Asian, Non- Hispanic persons	Black or African American, Non- Hispanic persons	Hispanic or Latino persons
Cases¹	2.8x higher	1.1x higher	2.6x higher	2.8x higher
Hospitalization²	5.3x higher	1.3x higher	4.7x higher	4.6x higher
Death³	1.4x higher	No Increase	2.1x higher	1.1x higher

²⁶ CDC, "Coronavirus Disease 2019 (COVID-19)," Centers for Disease Control and Prevention, February 11, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html>.

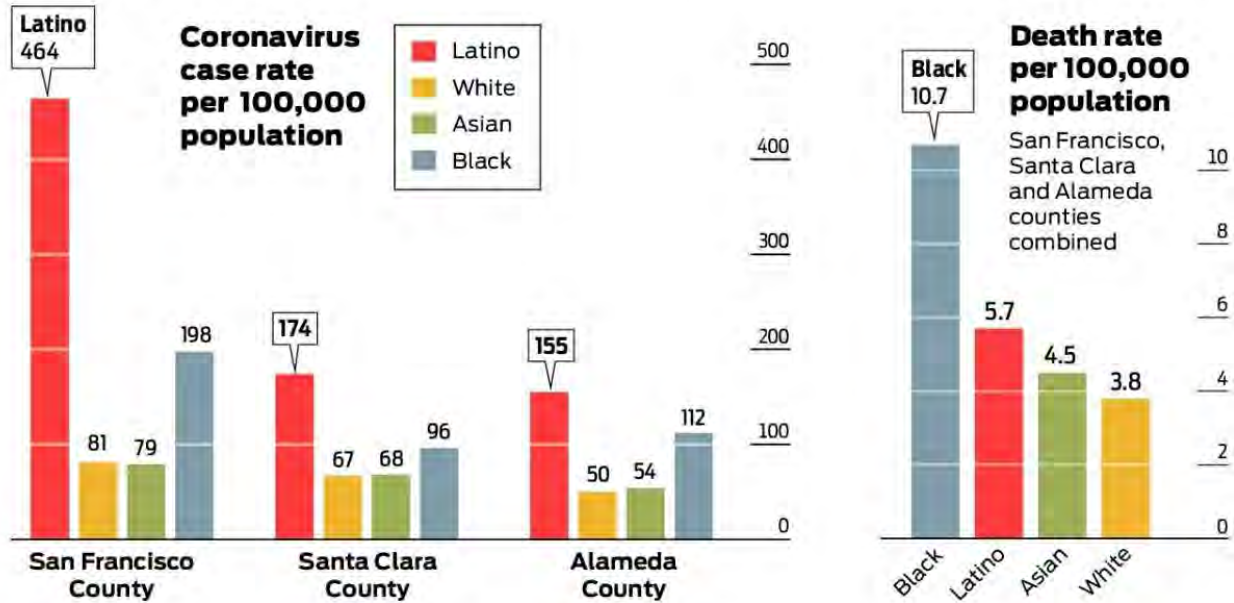
²⁷ [Shannon Firth](#), "Interplay of COVID-19, Substance Use and Mental Health— Minorities "doubly at risk" for long-term mental health consequences after surviving infection" MedPage Today November 24, 2020 <https://www.medpagetoday.com/infectiousdisease/covid19/89876>

²⁸ CDC, "Coronavirus Disease 2019 (COVID-19)," Centers for Disease Control and Prevention, February 11, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html>.

Racial disparities in COVID-19

Latinos have disproportionately tested positive for COVID-19 in three of the Bay Area's largest counties, and black people have died from the disease at nearly twice the rate of any other race.

Data as of May 5



Note: The prevalence of testing in each county will likely influence case rates. Due to the relatively low number of deaths in each county, The Chronicle combined them for its analysis. In Santa Clara County, health officials grouped Asian and Pacific Islanders together.

Source: County public health departments; American Community Survey

Todd Trumbull / The Chronicle

This is the United States Environmental Protection Agency definition of Environmental Justice:

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. This goal will be achieved when everyone enjoys the same degree of protection from environmental and health hazards, and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.³⁰

²⁹ Ibid.

³⁰ OP US EPA, "Environmental Justice," Collections and Lists, US EPA, November 3, 2014, <https://www.epa.gov/environmentaljustice>.

Poverty, as discussed earlier in this paper, is often described in terms of a trap: caused by self-reinforcing factors such as lack of capital, education and connections that once they exist persist until there is outside intervention. But one of the most insidious factors that the environmental justice movement has identified relates to health and the environmental conditions existing in many underserved communities that impair it. These preexisting conditions, which can cause both mental and physical impairment, can affect entire families and be a major factor in generational cycles of poverty.

The agendas of reducing such unfairly distributed environmental exposures (environmental justice) and the inequitable burden of poverty are converging, as reflected in recent suggestions to integrate efforts to make equitable environmental health policies with action on social, economic, and political disparities.³¹

Generational poverty is distinguished from situational poverty which is typically caused by an event or series of events in a person's lifetime. Drivers of situational poverty include recession, climate change, disasters, loss of a business, disease, health care costs and epidemics (or in the current situation, pandemics).

The United States, and in particular Northern California, is facing a historic time of situational poverty. Tens of thousands have lost jobs, businesses, apartments and homes and loved ones from Covid-19. The elderly are especially at risk and suffering from isolation. Thousands of people in each of the last five years have lost homes due to climate change-driven fires. Rising insurance rates threaten to drive many from their homes. The ACA may be overturned or diminished, food banks are under tremendous pressure to meet growing needs. Income inequality is rapidly increasing. Infrastructure is suffering and the state and cities are under tremendous economic pressure due to lost revenue related to the pandemic and federal mismanagement of SARS-CoV-2. Mental health problems, including suicide, depression, substance abuse and domestic violence are all on the rise. Certain groups such as teens and the elderly are being disproportionately impacted.³²

³¹ O'Neill, Marie S.[†]; McMichael, Anthony J.[‡]; Schwartz, Joel[§]; Wartenberg, Daniel[¶] Poverty, Environment, and Health: The Role of Environmental Epidemiology and Environmental Epidemiologists, *Epidemiology*: November 2007 - Volume 18 - Issue 6 - p 664-668

³² Kate Larsen, "San Francisco Experts Describe 'perfect Storm' of Teen Suicides, Youth Mental Health Crisis during Pandemic," ABC7 San Francisco, November 19, 2020, <https://abc7news.com/8079510/>.

Health Inequities, Underserved Children and National Parks

During my two-year tenure as the Executive Director of the Point Reyes National Seashore Association (PRNSA is a nonprofit established to support elements of the NPS' mission such as education) , our highest priority was introducing children from underserved communities to PRNS. PRNS's Clem Miller Environmental Education Center has produced numerous case studies of the transformative power of nature to shape, and even save, children from that cycle of poverty. Without doubt the most rewarding aspect of the job was knowing that in some cases PRNS was that intervention that liberated a child from a generational cycle of poverty.

There is considerable scientific evidence describing the nexus between childhood development and time spent in nature. And while all children can benefit from this effect, children who have suffered trauma and/or come from underserved communities often demonstrate the most compelling impact. Thousands of such children from underserved Bay Area school districts attend these programs in PRNS each year.

Research has established that having access to natural areas is vital to our overall well-being," said Yener Balan, MD, FAPA, "However, while everyone can benefit from being outside, residents in many low-income communities face significant barriers in accessing safe outdoor spaces, and often times, can have higher rates of chronic stress and obesity."

A good resource on the issue of nature and child development is *Last Child in the Woods: Saving our Children from Nature Deficit Disorder* by Richard Louv. There are innumerable articles and books on the topic and on the NPS website they cite these benefits:

Just 20 minutes in nature improves concentration and reduces the need for ADHD and ADD medications in children. Walking through nature also improves cognitive function and memory. These benefits can greatly improve performance in school.³³

Through the insight and dedication of PRNSA's excellent environmental education staff, over 60% of the several thousand children, that attend these programs each year did so on scholarships. New programs and partnerships were developed, such as one with the International Rescue Committee, that introduced newly arrived refugee children (and their families) to the benefits of visiting a national park.

³³ National Park Service, "Nature Makes You... (U.S. National Park Service)," May 17, 2019, <https://www.nps.gov/articles/naturesbenefits.htm>.

Many of the attending children lived in areas that were only a few miles from the ocean yet had never been to a beach. Many had childhoods defined by trauma such as child abuse, abandonment, parental drug abuse, spousal abuse, extreme poverty, violent neighborhoods, pollution and environmental degradation and health issues related to all of the above. Newly arrived refugee children often suffered war-associated trauma and were often bewildered by the transition to a new culture and often new language. But they were also full of hope driven by the desire to create a better world than the one they fled.

As PRNSA staff can attest, the experience for some of these children was transformative. For many, the joy and enlightenment that came from learning about and experiencing nature brought them back to Point Reyes year after year. Their grades, their social skills, their relationships and their mental health all improved. Some came back to work as counselors in the program and many went on to college and impressive careers. At PRNSA's annual dinner, some of these inspiring stories were highlighted by inviting former and current students to describe in their own words the role PRNS had played in their own extremely challenging lives.

While there are many undeniably positive aspects to these programs, it must be said that ranching degrades, rather than supports the role of children's environmental education in the PRNS. Part of the summer program at Clem Miller includes field trips to the pastoral zone of the park. Children are taken canoeing on Abbotts lagoon. The lagoon itself has shown contamination and the area surrounding is heavily ranched. These children, many coming from the most underserved communities in the Bay Area deserve better. Imagine the impact of being surrounded by free-roaming herds of Tule Elk and native fields of bunch grasses, and pristine waters rather than commercial mowers, manure spreading trucks, miles of fencing, cows and the smell of manure.

For many of these children, this is their one shot at being immersed in something approaching a Yosemite or Yellowstone experience. Many of their families don't have the resources to take them to another national park where the managers don't fence in herds of native elk into a small preserve, shoot or "aggressively haze" them, allow heavy equipment to plow barren fields and establish point of sale stands that sell boutique food they and their families cannot afford. The experience of cows, sheep, goats, chickens, guard dogs and all their smells and noise will perhaps become the lingering impressions these children will carry with them for years as their only visit to a National Seashore. Go to Abbotts Lagoon and really look. You are not in a National Seashore, you are in a commercial ranch. As described in this paper, there are a multitude of opportunities for experiencing ranching in the Bay Area and throughout the state. Is this the best we can do for these children?

Health Inequities, People with Disabilities and National Parks

People with disabilities bring their own unique perspectives on access when visiting PRNS.

Under the Americans with Disability Act, National Parks are required to make reasonable accommodations for people with disabilities to access the park. There is little that can be done in the mountainous wilderness area of the Seashore to accommodate certain disabilities related to mobility. Other than the loop trail at Bear Valley, and a specialized wheelchair with balloon tires that a very strong person might help get to a beach, the pastoral zone is the likely destination for people with mobility issues. The Abbotts lagoon trail (through the generous donation of a retired doctor) is partially wheelchair accessible as is the Light House overlook and the Chimney Rock Elephant seal overlook. But a visit to Abbott's lagoon is less an experience of visiting a national park and more the experience of a series of large commercial ranches with the sights, smells, pollution, erosion, lack of native wildlife, introduction of non-native farm animals, invasive weeds, fencing and heavy equipment.

A visitor with impaired vision will hear, smell and feel the park: in a park without ranching they may hear only the sounds of ocean surf, the songs of birds, the rustling of leaves in a tree, an elk bugling or other sounds of rutting, a bull elephant seal trumpeting, the sway of bunch grasses in an open meadow. They will smell the sea air, the trees, grasses, they will feel the wetness of salt air being blown across an open field the feel of different native grasses as they traverse a field. But for the majority of the pastoral zone all these sensations will likely be intermingled and degraded (or removed altogether) by the barriers created by 349 miles (soon to be 399 under the GMPA) miles of fencing, the sounds of non-native animals such as cows, chickens, goats and sheep. Depending on the time of year, they may walk barren or muddy fields devoid of native plants covered with cow dung. They will likely smell fields covered in liquid manure and may well hear the sounds of trucks and other large machines used to service and work the ranches. They will be denied access to a traditional national park experience and instead experience the same sensations offered alongside the roads of the many hundreds of ranches comprising much of Marin and Sonoma. But they have no other option than PRNS for a visit to a national seashore on the entire Pacific Coast.

IV. Environmental Justice and the GMPA

The environmental justice, social justice and civil rights movements share the same principles of seeking social justice, equal protection, and an end to institutional discrimination.

Environmental justice depends on the fair distribution of environmental benefits and burdens. One of the hallmarks of both environmental and racial discrimination is denying meaningful participation in environmental decision-making and failing to recognize community or cultural differences.

In the context of the GMPA, only one voice was sought and only one voice was heard--that of the ranchers. The voices of other communities were not heard nor was the situation they face in many of their communities understood. Access to green spaces in some communities in the Bay Area can be limited, dangerous and /or otherwise unhealthy. There was no discussion of the many factors that drive their "poverty trap" and how they and their children might benefit from a more pristine PRNS. It is a bitter irony that while science's understanding of how a national park might help or even be that transformational intervention has evolved, for many their situations have not changed. And -PRNS, already degraded , is on a path to become even less of a park under the GMPA.

In the intervening years, and in particular around the issue of ranching and how it might impact these most vulnerable communities, there has apparently been no outreach beyond the public scoping that took place as part of the NEPA analysis.

It's hard to see how that meets NEPA and 23 U.S.C. 109(h), requirements to consider impacts on all communities including low-income communities that must be routinely identified and addressed.

The entire process appears to have violated all three fundamental principles of Environmental Justice:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority populations and low-income populations.
2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.

3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.³⁴

This does seem consistent with the myriad attacks this Administration has made against diversity. While NPS might claim they met what was legally required of the process, it stands in stark contrast to the considerable proactive outreach to people of color and underserved communities that occurred during the early formative years of PRNS where the NPS spent considerable sums hiring consulting firms and ensuring these communities had a voice.

Of course at that time Stuart Udall was the Secretary of the Interior and I have already described his estimable record which speak far louder than his words.

In June of this year the NPS deputy director David Vela in a public statement on June 9 said:

The National Park Service commits to lead change and work against racism. Specifically, we will work together in building strategies and tools that effectively engage all communities so that we become better allies for inclusion, equity, and equality. We commit to doing a better job of listening and building a genuinely more inclusive environment both within the agency and with external communities.³⁵

That certainly was not the case with this process. Vela's statement reflects the concept of anti-racism, a system of proactive policies and behaviors meant to correct racial bias and injustice. It's an idea President Barack Obama advanced via presidential memorandum to NPS and other public land agencies in January of 2017. Called "Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters," this document encourages parks stewards to advocate for a more inclusive and complete story of America, advocates including diverse voices in the decision-making process for new public lands and

³⁴ "Environmental Justice," Virginia Department of Transportation, October 30, 2019, http://www.virginiadot.org/business/resources/Civil_Rights/Environmental_Justice_Questions_and_Answers.pdf.

³⁵ David Vela, "Statement from Deputy Director David Vela - Office of Communications (U.S. National Park Service)," National Park Service, June 9, 2020, <https://www.nps.gov/orgs/1207/06-09-20-david-vela-statement.htm>.

waters, and recommends increasing the number of outreach programs dedicated to providing better access for diverse communities.³⁶

These recommendations aim to correct more than a century of land management policies that have long ignored people of color. Anti-racism in our national parks means telling the stories of everyone who contributed to the historic character of the land. In doing so, not only can all visitors be made to feel welcome, they may even be inspired to help preserve and protect our lands.

“We try to get people to have meaningful experiences in our parks so that they will remain culturally relevant for a population that [is becoming] more ethnically diverse,” says Alan Spears, senior director of cultural resources at the National Parks Conservation Association. “We do that by rolling up our sleeves and creating new sites and exhibits that show the American people a history that they are a part of.”³⁷

While I don't doubt the sincerity of both Vela and Spears, the fact is they are working in an Administration that has openly and consistently waged war on diversity and inclusion.

The Trump administration issued an [executive order](#) and [memorandum](#) in September, prohibiting any discussion in the federal workforce of concepts such as systemic racism, white privilege and unconscious bias during workplace diversity training.³⁸

Not only was history not corrected in this process, but diversity and inclusion were dismissed. Rather than the benefits of our parks being protected and accessible to all in equal measure, the Trump Administration's rejection of diversity and inclusion has trickled down through all the agencies it directs.

The following is a transcript of a question on white privilege asked by the journalist Bob Woodward to President Trump and his response:

³⁶ Barack Obama, “Presidential Memorandum -- Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters,” whitehouse.gov, January 12, 2017, <https://obamawhitehouse.archives.gov/the-press-office/2017/01/12/presidential-memorandum-promoting-diversity-and-inclusion-our-national>.

³⁷ James Edward Mills, “How Can the National Park Services Work to Be Anti-Racist?,” National Geographic, June 23, 2020, <https://www.nationalgeographic.com/travel/national-parks/more-diversity-how-to-make-national-parks-anti-racist/>.

³⁸ Joanne Lu, “Why Diversity Training Has Been Suspended At USAID,” NPR.org, October 27, 2020, <https://www.npr.org/sections/goatsandsoda/2020/10/27/927838397/why-diversity-training-has-been-suspended-at-usaid>.

...And do you have any sense that that privilege has isolated and put you in a cave, to a certain extent, as it put me – and I think lots of White, privileged people – in a cave and that we have to work our way out of it to understand the anger and the pain, particularly, Black people feel in this country? Do you see?" Woodward asked.

"No," the president said. "You, you really drank the Kool-Aid, didn't you? Just listen to you, wow. No, I don't feel that at all." ³⁹

Interior Secretary Ryan Zinke

Three high-ranking Interior officials from three different divisions said that Zinke has made several comments with a similar theme, saying "diversity isn't important," or "I don't care about diversity," or "I don't really think that's important anymore." In a hallway meet-and-greet shortly after Zinke was confirmed, one staffer told CNN that Zinke was asked about diversity at Interior, a department with about 68,000 employees, of which more than 70 percent are white, according to the Office of Personnel Management. "(Zinke) flat out said, 'I don't really think that's important anymore. We don't need to focus on that anymore.'" ⁴⁰

Speaking of Peaceful Black Lives Matter Protests Interior's deputy assistant secretary of fish, wildlife and parks has written:

(T) he non-violent protesters actually are far more damaging to the long-term fabric of our civil society than the rioters," he wrote. ⁴¹

House Natural Resources Chair Raul Grijalva (D-Ariz.) called Carl "an avowed white nationalist" and argued his hiring does further damage to an agency that is among the least diverse in government. "Hiring Jeremy Carl, an avowed white nationalist, to run major portions of the

³⁹ "Trump Dismisses Question on White Privilege: 'You Really Drank the Kool-Aid,'" CBS News, September 10, 2020, <https://www.cbsnews.com/news/trump-bob-woodward-george-floyd-black-lives-matter-60-minutes-2020-09-10/>.

⁴⁰ Sara Ganim, "Ryan Zinke to Employees: Diversity Isn't Important - CNNPolitics," March 27, 2018, <https://edition.cnn.com/2018/03/26/politics/ryan-zinke-diversity/index.html>.

⁴¹ "US Interior Official Called Black Lives Matter 'Racist,' Defended Kenosha Shooter," Tasnim News Agency, October 31, 2020, [/en/news/2020/10/31/2379985/us-interior-official-called-black-lives-matter-racist-defended-kenosha-shooter](https://en/news/2020/10/31/2379985/us-interior-official-called-black-lives-matter-racist-defended-kenosha-shooter).

Interior Department is the culmination of a long and intentional process that started early in the Trump administration," Grijalva said in a statement to The Hill.⁴²

The Trump administration is scrubbing diversity in word and in deed, and all the attacks on diversity throughout the federal government threaten the security of the country. Officials at the Centers for Disease Control and Prevention received in December of last year from the administration a list of "words to avoid" to improve chances of getting funding, including "diversity," "evidence-based" and "transgender."⁴³ Secretary of Housing and Urban Development Ben Carson has recently proposed to amend the department's mission statement, removing references to "sustainable, inclusive communities."⁴⁴ Education Secretary Betsy DeVos Education Secretary Betsy DeVos scaled back civil rights investigations. The numbers of black, Hispanic and female White House staffers have dropped significantly since Trump took office.⁴⁵

Polling has shown that our national parks enjoy significant bipartisan support. But this report can't fairly describe the process that led us to the GMPA without exploring the various political currents, and back-eddies, (on both side of the aisle) that have taken us to where we are. Just as sure as President's Kennedy and Johnson guided Stuart Udall's direction of the NPS so too has Donald Trump's vision driven Ryan Zinke's and Dave Bernhard's direction of the NPS.

⁴² Ibid.

⁴³ Elizabeth Cohen, "The Truth about Those 7 Words 'banned' at the CDC - CNN," January 31, 2018, <https://edition.cnn.com/2018/01/11/health/cdc-word-ban-hhs-document/index.html>.

⁴⁴ P. R. Lockhart, "Ben Carson Is Pulling HUD Away from Its Key Mission," Vox, March 8, 2018, <https://www.vox.com/identities/2018/3/8/17093136/ben-carson-hud-discrimination-fair-housing-anniversary>.

⁴⁵ Andre Perry, "Ryan Zinke Just Doesn't Get It on Diversity (Opinion) - CNN," CNN, March 27, 2018, <https://edition.cnn.com/2018/03/27/opinions/zinke-has-it-wrong-on-diversity-perry-opinion/index.html>.; Rebecca Harrington. "Here's How Trump's Cabinet Compares to Obama's - Business Insider," May 11, 2017, <https://www.businessinsider.com/trump-cabinet-compared-to-obama-diversity-women-minorities-2017-5?r=US&IR=T>.

V. How Ranching degrades both the National Park experience and the special role our National Parks have in promoting physical and mental health

I remarked earlier that if ranching operations ceased and PRNS was restored to its founders' vision it would improve visitors' mental and physical health outcomes. Researchers at Stanford have determined that the degree to which health benefits, especially mental health benefits, accrue is correlated less to the time you spend in nature and more to the *quality* of the nature you experience. Greater biodiversity equals greater benefit.

Experiencing nature not only reduces stress but also improves our cognitive ability. Gregory Bratman from Stanford University and his colleagues enlisted 60 participants who were randomly divided into two groups: The first group took a 50-minute “nature” walk surrounded by trees and vegetation, and the second group took an “urban” walk along a high-traffic roadway. The nature walkers showed cognitive benefits including an increase in working memory performance, “decreased anxiety, rumination, and negative effect, and preservation of positive effect.”

In a subsequent study, Bratman investigated the neurological mechanisms affected by being in nature by measuring the part of the brain (subgenual prefrontal cortex) that is activated by brooding. Our tendency to brood, referred to by cognitive scientists as “morbid rumination,” often makes us focus on the negative aspects of our lives and can lead to anxiety and depression. Bratman and his colleagues found that the participants who walked in the quieter, wooded portion of the campus had lower activity in the brooding portion of their brains than those who walked near the busy roadway.⁴⁶

The psychological benefits of being in nature are also affected by the biodiversity of the natural environment. As cities design urban green spaces, incorporating diverse vegetation and wildlife improves urban dwellers' health and well-being. A study in Sheffield, UK, surveyed the effects of different habitat types such as amenity planting, mown grassland, unmown grassland, scrub and woodland and

⁴⁶ Gregory N. Bratman et al., “Nature and Mental Health: An Ecosystem Service Perspective,” *Science Advances* 5, no. 7 (2019): eaax0903, https://advances.sciencemag.org/content/5/7/eaax0903?utm_source=miragenews&utm_medium=miragenews&utm_campaign=news.

monitored the butterfly and bird species in these areas. Participants showed an increase in psychological well-being in habitats with greater species diversity.

As researcher Richard Fuller and his colleagues point out, “The degree of psychological benefit was positively related to species richness of plants and to a lesser extent of birds, both taxa where perceived richness corresponded with sampled richness.”

Additionally, “Our results indicate that simply providing green space overlooks the fact that green spaces can vary dramatically in their contribution to human health and biodiversity provision. Consideration of the quality of that space can ensure that it serves the multiple purposes of enhancing biodiversity, providing ecosystem services,⁴⁷ creating opportunities for contact with nature and enhancing psychological well-being.”⁴⁸ Fuller’s study suggests that the biodiversity in a habitat affects our well-being—the more species diversity, the greater the positive impact on our health.⁴⁹

This research is consistent with my own experience of introducing hundreds of people to the Point Reyes National Seashore over the 35 years I have lived here. Invariably, when I run through a list of sights we might see (unless I am talking to a serious birder) and where in the park they would like to visit, Tule Elk and Elephant seals rank first then Chimney Rock's wildflowers in the spring, whales, seals, coyotes, bobcats foxes and large raptors such as bald Eagles, Ospreys and Peregrine Falcons. As we drive through the pastoral zone, or smell, hear or see something unpleasant related to ranching most ask about how and why ranches are allowed in the park? When juxtaposed with the excitement they express at seeing any of their preferred sightings, the ranches and cows, I now know, have triggered the brooding portions of their brains due to this discordant note from what they expected in a national seashore.

⁴⁷ Chester L. Arnold Jr and C. James Gibbons, “Impervious Surface Coverage: The Emergence of a Key Environmental Indicator,” *Journal of the American Planning Association* 62, no. 2 (1996): 243–58.

⁴⁸ James R. Miller, “Biodiversity Conservation and the Extinction of Experience,” *Trends in Ecology & Evolution* 20, no. 8 (2005): 430–34.

⁴⁹ Andrés R. Edwards, “Why 30 Minutes of Nature a Day Is So Good for Your Health - Yes! Magazine,” *Yes Magazine*, April 10, 2019, <https://www.yesmagazine.org/health-happiness/2019/04/10/health-nature-science-outside/>.

The National Park Service is custodian of our most treasured landscapes, cityscapes, and seascapes. These resources-- that nurture, sustain, and inspire us are now being valued and understood for their collective benefits as a health resource to the American public. Explore [this site](#) to learn how national parks help people enjoy healthier, happier lives.⁵⁰

It's hard to read that and think of the implications of ranching and the degree to which they will be intensified by the GMPA and not wonder how in the world did it come to this? For many Americans who love our national parks, who recognize the benefits they provide to all citizens and who believe fervently in passing them on not only unimpaired but improved for future generations, the precedent being set by PRNS is anathema to what a national park or seashore is supposed to be and opens the door to other such practices in other national parks.

⁵⁰ "What Works for Health - Health & Safety (U.S. National Park Service)," National Park Service, August 3, 2020, <https://www.nps.gov/subjects/healthandsafety/what-works-for-health.htm>.

VI. How Ranching Impedes Access

PRNS comprises some 71,028 acres of which 17,000 are underwater. That's the buffer that runs out 1/4 mile seaward under the Pacific and Tomales Bay borders of the park leaving just 54,028 acres above the tide line. The pastoral zone has 18,000 acres of PRNS under lease to cattle (a little over 33% of the terrestrial areas of PRNS). An additional 10,000 acres are leased for ranching in adjoining GGNRA lands along highway 1. PRNS also administers these lands. This section will describe several ways that ranchers deny access within not just the 1/3 of PRNS they lease but also through a larger swath of PRNS due to the footprint of their operations. They physically block it, they restrict and lower visitor numbers. The degradation caused by the ranches impairs the visitor experience by diminishing potential benefits, such as health, reinforces cultural aspects that work against inclusion and focus on economic priorities that invite exclusion. Combined, these actions make the park less welcoming to underserved communities and people of color and establish an unequal burden on access.

Just as a seawall diminishes public access, the 349 miles of fencing (plus the 50 additional miles under the GMPA), nearly 6,000 cows, buildings, infrastructure, heavy equipment, trucking, plowed fields, and new additions including herding dogs, chickens, goats and sheep will all reduce access to PRNS. In addition, the GMPA prioritizes ranching operations over visitation giving the NPS authority to limit or cease visitation to the ranch areas if it impairs ranch operations.

The Final EIS envisions greater visitor access if ranching was eliminated:

If alternative F, which calls for the elimination of ranching and limited management of Tule elk, were to be selected, an implementation plan would be developed to provide additional detail about expanded visitor opportunities. At that time, the visitor capacity would also be updated.⁵¹

The EIS cites numerous impediments to visitor access relating to ranching:

This analysis area includes the north district of Golden Gate managed as a part of Point Reyes. This analysis area is also mostly ranching land; therefore, the

⁵¹ Point Reyes National Seashore et al., *General Management Plan Amendment Final Environmental Impact Statement*, 2020, <https://parkplanning.nps.gov/showFile.cfm?projectID=74313&MIMEType=application%252Fpdf&filename=Point%20Reyes%5FNorth%20District%20Golden%20Gate%20NRA%20GMP%20and%20EIS%5F508%2Epdf&sfid=440519>, 216.

amount of visitor use that can be accommodated is directly proportional to the types of visitor access that can be provided on ranching lands.⁵²

While the assessments mention the inability to create parking on ranch lands as a barrier to visitor access (with the exception of the assessment of greater visitor access if ranching was eliminated) the assessments fail to cite the extensive dairy and cattle operations, the 349 miles of fencing, the infrastructure, plowed or silage fields that all present barriers to public access. Rather they are referred to as the "desired conditions."

New structures also limit access:

PRNS has recently authorized and permitted tens of thousands of square feet of new building space on seashore dairies. PRSRA applauds PRNS for allowing these important buildings to be constructed in the coastal zone.⁵³

The most limiting attribute constraining visitor use throughout Pierce Point Road and L Ranch Road is the quality of the visitor experience. Currently, a lack of infrastructure to support diversification of recreation opportunities and/or expansion of visitors to the area affects the visitor experience. The character of the L Ranch Road is gravel rather than paved and the trailhead lacks restroom facilities, except for a restroom facility at the bottom of the trail. Roadside parking occurs frequently given the small size of existing parking lots and inability to expand onto ranching lands. Most beach access requires moderate to strenuous hiking.⁵⁴

The EIS also cites the potential for increase visitation due to the expansion of ranching, including farm stays and farm stands. Both of these may well draw new visitors. But as the NPS is considering limiting visitation in the ranching areas based on a quota/reservation system, this could prove another barrier for visitors from underserved communities to access the park as this once free for all park would accept reservations (NPS uses vendors that charges for reservations) for visitors who could afford lodging and the expensive "boutique" (based on

⁵² Ibid., 218.

⁵³ Point Reyes Seashore Ranchers Association, "Re: Ranch Comprehensive Management Plan Environmental Assessment (EA)," June 2, 2014, <http://savedrakesbay.com/core/wp-content/uploads/2016/08/PRSRA-Scoping-Letter-with-attachments.pdf>.

⁵⁴ Point Reyes National Seashore et al., *General Management Plan Amendment Final Environmental Impact Statement*, 217.

prices of local ranch products such cheese, meats, chickens and ice cream) foods currently available in nearby towns that will be sold at farm stands on the ranches under the GMPA.

Such an approach would create a country club like atmosphere in these areas. It could create a less welcoming atmosphere for certain visitors and could lead to making the park less welcoming to visitors whose access has never been restricted to date at PRNS.

VII. The Marginalization of Indigenous Peoples of California

One of the aspects that surveys have shown deter people of color from visiting national parks is the marginalization or outright exclusion of all but white history in park exhibits and the degree to which visitation and staff are predominantly white.

As one Indigenous American remarked: "think about it, if my family wants to go on a picnic would we really choose to go there? We have a ten thousand-year history in the place and when we go there all we see are white people and their culture being celebrated. I don't think so."

The way national parks retell the history of the land can have significant impacts on who visits. Issues like is the history accurate? Is the history weighted unfairly toward one group or another? How is history managed in the park?

No race has a longer presence or more tragic aspect to their history at Point Reyes than the Indigenous Coast Miwok. They lived on these and surrounding lands for thousands of years until during a relatively brief period from 1817-1846 their land was essentially stolen from them. The Tule Elk had been killed off and Indigenous Coast Miwok were forcibly removed from their aboriginal lands by the Missions, Mexican landholders and other California settlers. Many were sent as conscripted laborers to work on ranches or to the mission in San Rafael. Many died from diseases associated with the Spanish Missions and the ranches, and some were killed at the hands of European settlers and state-sponsored militias.

Scholars don't agree on the technical merits of the term genocide to describe a four hundred-year history following the arrival of white settlers to the Americas when the population of indigenous Americans fell from an estimate 5 to 15 million to just over 200,000 by the end of the 19th century.⁵⁵ Since the majority of the deaths were related to disease, some scholars argue the intent needed to constitute genocide "to destroy in whole or part" is missing. But there can be no question that policy and practices carried out against indigenous peoples during this time (to name just one, the killing of Buffalo to destroy Indigenous people's food

⁵⁵ Donald L. Fixico, "When Native Americans Were Slaughtered in the Name of 'Civilization,'" HISTORY, March 2, 2018, <https://www.history.com/news/native-americans-genocide-united-states>.

sources) constituted textbook genocide.⁵⁶ Moreover, there were recognized genocides within the larger genocide.

This historical fact is important to the GMPA for a number of reasons, the primary one perhaps being it demonstrates the importance of inclusion in not only fostering a culture of health but in developing and adopting major policies in a National Seashore. When it does not occur, as in this instance, the more powerful party tends to dominate and project—wittingly or not—superiority.

The June 2014 letter the Point Reyes Seashore Ranchers Association (PRSRA) wrote to the NPS Superintendent, their scoping comments and op-eds call for a return to Shafter era ranching (Please see Appendix A). The Shafter era refers to two brothers who were partners in a law firm in San Francisco. They and another partner owned virtually all of the Peninsula (during most of this period) and created a system of tenant ranches that were operated from approximately 1858-1920.⁵⁷

The timeline of the Shafter era partially coincides with one of the darkest periods in California history--the California Genocide committed by white European settlers and the State of California against Indigenous tribes that occurred between 1848-1879. In 2019, California's Governor Gavin Newsom formally recognized and apologized for the California Genocide.⁵⁸

[The]state's first governor, Peter Hardenman Burnett, in a State of the State address to California legislators in 1851 referred to "the Indian foe" and called Native people robbers and savages. "That a war of extermination will continue to be waged between the races until the Indian race becomes extinct must be expected. While we cannot anticipate this result but with painful regret, the inevitable destiny of the race is beyond the power or wisdom of man to avert."⁵⁹

⁵⁶ J. Weston Phippen, "'Kill Every Buffalo You Can! Every Buffalo Dead Is an Indian Gone' - The Atlantic," May 13, 2016, <https://www.theatlantic.com/national/archive/2016/05/the-buffalo-killers/482349/>.

⁵⁷ Sadin, *Managing a Land in Motion*, 21.

⁵⁸ Erin Blakemore, "California's Little-Known Genocide," HISTORY, July 1, 2019, <https://www.history.com/news/californias-little-known-genocide>.

⁵⁹ Ibid.

During this period, "white settlers and the California government [enslaved](#) native people and forced them to labor for ranchers through at least the mid-1860s." ⁶⁰

Native Americans had never before been exposed to the Old World pathogens spread by the settlers and their domesticated cows, pigs, sheep, goats, and horses. As a result, millions died from measles, influenza, whooping cough, diphtheria, typhus, bubonic plague, cholera, and scarlet fever. ⁶¹

About 16,000 Indigenous Californians were killed through violent acts in the genocide. The state's Indigenous population, which had already fallen dramatically during Spanish colonization, dwindled to just 30,000 from around 150,000 before statehood. And long after the genocide ended discrimination against Indigenous Americans persisted.

Native Californian children were forced to assimilate into white culture and attend "Indian assimilation schools" like the Sherman Indian School in Riverside, CA. ⁶² There, they were forbidden to speak their languages or take part in tribal ceremonies...Poverty, health disparities and limited opportunities were, and still are, common. ⁶³

The ranchers and the GMPA essentially glorify that era. The ranchers like to say there would have been no park without them. There is certainly merit in the claim that they protected the area from widespread development. But the acquiring of that land, as with much of the land on which the national parks were created, trampled on Indigenous people's rights.

While the ranchers' intent was doubtless a nostalgic reflection on a time of unregulated industry and not the darker history of that period, it's likely to add yet another layer of concern that will impact Indigenous Americans willingness to visit PRNS. And if PRNS is to be a park for all, it can't ignore the fact that California has the United States' largest Indigenous American

⁶⁰ Ibid.

⁶¹ "The Native American Genocide And Its Legacy Of Oppression Today," All That's Interesting, November 21, 2016, <https://allthatsinteresting.com/native-american-genocide>.

⁶² Becky Little, "How Boarding Schools Tried to 'Kill the Indian' Through Assimilation," HISTORY, November 1, 2018, <https://www.history.com/news/how-boarding-schools-tried-to-kill-the-indian-through-assimilation>.

⁶³ "The Native American Genocide And Its Legacy Of Oppression Today."

population and is home to 109 federally recognized tribes with another 78 tribes petitioning for recognition.⁶⁴

A visit to Point Reyes will introduce Indigenous Americans to some jarring juxtapositions. The history of the park is dominated by the 170-year history of white European settlers who ranched the land and some would argue participated in a land grab by leasing and ultimately buying land from which Indigenous populations were forcibly removed. The thousands of years of Indigenous history on this land is detailed in a few Bear Valley Visitor Center exhibits and the Kule Loklo village. An attempt to sell "Indian tacos" at the site was shut down due to it not meeting State Health Department requirements.⁶⁵

Europeans relatively small sliver of time on the Peninsula receives far more attention at the Bear Valley Visitor Center than the Coast Miwok's. And the descendants have, under the same legal authority that allowed about an acre of park land to be used to create the living history exhibit of Kule Loklo, been leased more than 1/3rd of the park, 28,000 acres on which they continue to live and profit as did their ancestors. A return to the Shafer era, an even more intensive period of ranching in the pastoral zone when their fellow white European neighbors committed genocide against indigenous Americans, will not make the park more welcoming.

The NPS staff hold regularly scheduled monthly meetings with ranchers as well as innumerable informal meetings. There were no such meetings with stakeholder groups to discuss the implications of continued, let alone significantly expanded, ranching by the NPS, the County of Marin, the political office holders supporting ranching, the Department of Interior or the White House.

The NPS would claim that it fulfilled its obligation under NEPA by holding scoping meetings and providing opportunities for public comment. But under NEPA they have an obligation to look beyond environmental impacts and consider human impacts as well. There was virtually no outreach to these communities to discuss the impact the GMPA would have on their lives. The only opportunity was the public scoping process where over 91% of respondents out of 7,627 opposed ranching and only 2.3% supported it.

⁶⁴ Judicial Council of California, "California Tribal Communities," California Courts: The Judicial Council of California, 2020, <https://www.courts.ca.gov/3066.htm>.

⁶⁵ Sadin, *Managing a Land in Motion*, 276.

National Parks and the Antecedents of Cultural Avoidance

While the Coast Miwok have the most complex legacy for the NPS to address, many other racial and ethnic groups also share a complicated history--if not with Point Reyes, with the National Park system itself. The enslavement of African Americans led to countless injustices and horrors from which the country has yet to fully address or recover from and for which African Americans continue to suffer. For decades, the NPS followed Jim Crow laws in southern parks and imposed "separate but equal" facilities.

The legacy of segregation, predominantly white visitors, the presence of predominantly white, armed law enforcement rangers, the treatment of African Americans in rural areas a denial or minimization of their history in parks alongside a glorification of whites, and high fees are just a few of the historical legacies that made African Americans feel unwelcome and created a cultural mindset that persists today.

The NPS has recognized this issue and in some cases such as through the inspiring work of Betty Reid Soskin at the Rosie the Riveter/WWII Home Front National Historical Park, has taken action to make our parks both more welcoming by being more inclusive and accurate in retelling of their history.

By providing only a glancing view of native American culture and history, of African American, Latinx, Chinese, Japanese and other people of color's experience in inhabiting these lands and dwelling almost exclusively on white European settlers our national parks have created a culture that is self-fulfilling: oriented toward the white visitor who in many parks make up over 80% of visitors and unwelcoming to the many people of color who see their own histories marginalized or excluded altogether.

Our national parks do represent a mirror into America's soul with all its suffering, sorrow, sin, hubris, greed, corruption, prejudice, exploitation and inequality as well as our joy, triumph, hope, goodwill, generosity, abundance, courage, renewal and beauty. The numerous organizations dedicated to encouraging and facilitating people of color and underserved communities to visit national parks urge the NPS to engage and listen to these communities and strive to use that information to make parks more welcoming.

Figure 5: Separate and not equal in NPS.



As Greg Sarris Chairman and Chief, Graton Rancheria a federation of Coast Miwok and Southern Pomo groups said, "We just want a seat at the table."

Surveys show that many of the issues that arise from ranching and these new activities including hotel, food or other costs that are too expensive , difficulty parking, crowding, accessibility, reservations required and a feeling of being uncomfortable (usually related to one's culture being minimized or armed white law enforcement presence) may be the new normal for PRNS if ranching continues under this new GMPA.

Figure 6: Surveys demonstrating park inaccessibility by race and ethnicity.⁶⁶

Table 3:
Closed-ended Responses for Not Visiting NPS Units More Often,
by Race and Ethnicity (All Respondents)

	Total	White Non-Hispanic	Hispanic American	African American
Hotel/food/other costs too expensive	62%	59%	74%	70%
Don't know much about the parks	61%	57%	71%	75%
Distance	54%	52%	67%	63%
Units are too crowded	49%	49%	49%	32%
Reservations needed too far in advance	48%	47%	58%	45%
Parking difficulties	42%	40%	50%	46%
Lack information once inside parks	27%	24%	40%	40%
Entrance fees are too high	27%	25%	38%	33%
Service fees are too high	24%	21%	36%	29%
Units are not accessible	24%	22%	26%	31%
Units are not safe	11%	9%	24%	9%
Employees give poor service	8%	6%	14%	18%
Units are uncomfortable places to be	7%	5%	9%	18%

⁶⁶ Frederic I. Solop, K. Hagen, and David Ostergren, "Ethnic and Racial Diversity of National Park System Visitors and Non-Visitors," *NPS Social Science Program, Comprehensive Survey of the American Public, Diversity Report*, 2003, 1–13, <http://npshistory.com/publications/social-science/comprehensive-survey/ethnic-racial-diversity.pdf>.

VIII. Environmental Degradation of Point Reyes

Access in a national park transcends the mere ability of a person to go somewhere. Access, as Dr. Bratman and Dr. Fuller's research describes, also must account for the type of stimuli you are exposed to. If greater biodiversity leads to improved mental health benefits than discordant notes, such as the landscapes one encounters in the pastoral zone, may trigger what the researchers describe as the "brooding response." The GMPA will add 59 miles of additional fencing in unspecified areas.⁶⁷ In addition new species of farm animals such as chickens, goats, sheep as well as dogs, llamas and row crops that will create conflicts with the park's native wildlife. The GMPA will allow mobile slaughtering of these animals and point of sale farm stands to sell meat and other products in the park. The report has already commented on the negative impacts these additions will have on access related to making PRNS a more welcoming park.

According to the research cited in this report they will also impact visitors' sensory experience in the park, negatively impacting the mental health benefits that might otherwise occur. And, as discussed earlier in the section on people with disabilities they may impact these visitors disproportionately.

Following are a small sampling of recent photographs providing visual evidence of how ranching degrades the environment, the visitor experience--including mental and physical health benefits. There is significant scientific evidence on the environmental impacts of ranching in PRNS. These have been identified in numerous public comments and the NPS's own Environmental Impact Statement (EIS) on the GMPA.

I will also reference two lengthy noteworthy comments on the topic: James Coda, a former Assistant U.S. Attorney in the Northern District of California (San Francisco) where he handled environmental and natural resources cases for the United States. for the Department of Interior mostly involving the Park Service. Coda in a 36-page December 7th, 2020 comment to the California Coastal Commission writes on the legal and environmental aspects of water pollution and usage in PRNS stating "Conditions today are completely unacceptable for coastal watersheds, especially for coastal watersheds in units of the national park system. The Commission should object to what the Park Service plans to do to these parks."

⁶⁷ Point Reyes National Seashore et al., *General Management Plan Amendment Final Environmental Impact Statement*, 110.

Laura Cunningham Director of the Western Watersheds Project's 86-page December 9th 2020 submission to the California Coastal Commission

Figure 7: Hale bays and cows in Point Reyes National Seashore.



Figure 8: A manure spreader spraying liquid manure on field



Figure 9: *A herd of cattle grazing on dry grass.*



Figure 10: *Cow manure and tracks through soil.*



Figure 11: *'Historic' farm in frame on dry grass near cows.*



Figure 12: *Cattle on the seashore.*



Whose Land is it? Entitlement at PRNS

While the GMPA states that ranchers will not be able to kill coyotes, bobcats and other wildlife that might predate their newly introduced farm animals, no detailed plan is provided as to how this will be accomplished and enforced. In fact the NPS has consistently failed to enforce environmental and other regulatory violations at PRNS in large part due to fear of recrimination from NPS or Interior in Washington who don't want to antagonize politicians they know are not above punishing them through the appropriations process. (see The Politics of Point Reyes Section)

Despite language which attempts to reassure those who fear such actions, ranchers have already demonstrated their contempt for the park's wildlife by categorizing native Tule Elk as "invasive" and lobbying to have them shot. And the GMPA will allow them to employ dogs (otherwise forbidden in most of the park) to protect their stock and both "standard and aggressive hazing" of elk that interfere with their operations. Moreover, the driver of the GMPA, the Trump Administration, chief of public lands William Perry Pendley said in 2017: "This is why out west we say 'shoot, shovel and shut up' when it comes to the discovery of endangered species on your property."⁶⁸

Overlooked violations include overgrazing of cows (exceeding regulatory thresholds of numbers permitted), storing heavy equipment from businesses located outside the park, assuring minimum standards for housing, using the properties for non-permitted commercial purposes such as weddings. In addition there have been instances of environmental regulations being violated, and denying public access on their leased land beyond the 500' privacy perimeter around residences. A number of visitors claim ranchers told them they were trespassing and to leave "their" property even though they were well outside any residential areas in fenced pasture land. All these violations have occurred without any enforcement. While this is not to say there has been no enforcement, it has been selective and at times ignored.

The attitude that this is "their land" is pervasive. Their successful lobbying for more control of visitor access as represented by the new proposed restrictions in the GMPA is indicative of past behavior where they have attempted to assert nonexistent rights to deny public access. A

⁶⁸ Cassidy Randall, "Trump's Public Lands Chief Refuses to Leave His Post despite Judge's Order," the Guardian, October 10, 2020, <http://www.theguardian.com/environment/2020/oct/10/william-perry-pendley-bureau-of-land-management-refuses-to-leave>.

recent example occurred in April 2020 when the following sign was posted at the second gate of L Ranch Road.

Figure 13: Sign at the second gate of L Ranch Road denying access to the public amidst the coronavirus pandemic



At the time this was posted, the NPS had adopted a Covid-19-related policy that restricted access to the park to bike and foot travel only. When contacted, NPS officials stated they were not aware of the sign and it was not an official park sign. Within a matter of days the park issued a new policy which closed all public access to this area of PRNS including all of Sir Francis Drake from the L Ranch road turnoff to the conclusion of Sir Francis Drake Blvd. at Pierce Point Ranch--the same area now being proposed to limit the number of visitors.

When contacted about this decision, senior NPS officials claimed it was a law enforcement issue--they lacked the capacity to patrol this area. PRNS has six law enforcement personnel that are required to live in the park. When the park is fully open, they must manage thousands of visitors a day. Doubtless, all six were deemed "essential personnel", yet they could not manage the handful of people that were coming to the park during this period? It seems more than a

coincidence that the only part of the park they closed outright was the area ranchers had already posted an illegal sign announcing its closure.

The incident highlights the clout of the ranchers, their willingness to use it, and just how damaging to the public good the ranchers' sense of entitlement can be. One of the reasons the park was closed was concerns expressed by Marin County Health officials that small towns surrounding the park such as Point Reyes, Bolinas and Stinson Beach would be inundated with visitors threatening local residents with a greater risk of contracting Covid-19. It was a reasonable concern and certainly it would put local residents at more risk as they faced greater exposure when shopping or by driving a half hour or more to a more populated area to shop.

While this was a fair point with respect to small towns (and there were avenues to address that through messaging and enforcement), it ignored the vital role parks can play in a public health crisis).⁶⁹ The public has a right to access *their* park in good times and especially in bad when it is most needed.

Another reason was that some NPS staff were expressing concern about the safety of going to work. Even though there is considerable research on the mental health implications of lockdowns and on stress-related to pandemics such as suicide, depression, substance abuse and domestic violence, the NPS chose to completely close this section of the park while grocery store workers, first responders, health care workers and many others put themselves at risk to provide critical services to the public.

The mental health consequences resulting from this pandemic related to the loss of loved ones, illness, isolation, job loss, small business closures, housing loss, food shortages, childhood anxiety and developmental challenges, stress caused caring for children who cannot go to school while working, lack of access to normal recreational outlets, "cabin fever" and myriad other factors is staggering.⁷⁰

⁶⁹ Zeynep Tufekci, "Keep the Parks Open," The Atlantic, April 7, 2020, <https://www.theatlantic.com/health/archive/2020/04/closing-parks-ineffective-pandemic-theater/609580/>.

⁷⁰ [Nirmita Panchal](#), [Rabah Kamal](#), [Kendal Orgera](#) Follow @ [KendalOrgera](#) on Twitter, [Cynthia Cox](#) Follow @[cynthiacox](#) on Twitter, [Rachel Garfield](#) Follow @[RachelLGarfield](#) on Twitter, [Liz Hamel](#) Follow @[lizhamel](#) on Twitter, [Cailey Muñana](#), and [Priya Chidambaram](#) The Implications of COVID-19 for Mental Health and Substance Use <https://www.kff.org/coronavirus-covid-19/issue-brief/the-implications-of-covid-19-for-mental-health-and-substance-use/>

Think of a single mother living in an urban underserved community locked in a small apartment with young children. She may have few options to safely take her children outdoors. Residents of underserved communities won't have the resources to travel to other parks that offer a traditional national park experience and their communities likely lack green spaces anything like those accessible to wealthier residents of the Bay Area.

A visit to PRNS could be tremendously therapeutic. And we know that with appropriate distancing and masks outdoor recreation is one of the safest activities in this pandemic. That the ranchers would post a sign without authorization claiming to prohibit such activity, that they have lobbied for and received authority for the NPS to kill native wildlife that are far below their carrying capacity, that they have lobbied for and received authority for the NPS to limit visitors based on the operational needs of ranching are just a few of the many actions they have taken that demonstrates how diametrically opposed their presence in the park is to ideal of parks being managed based on laws and norms that serve the common good.

Reimagining Point Reyes: 'Restore it and They Will Come'

With political will, foresight and the elimination of ranching, the future of Point Reyes could be not only an inspiring story of environmental restoration but a model for managing our national parks in a time of climate crisis. It would restore the park for the benefit of this and future generations in adherence to existing laws governing resource protection:

without impairment of its natural values, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with, based upon, and **supportive of the maximum protection, restoration, and preservation of the natural environment within the area**⁷¹(Emphasis added.)

The park could adopt additional foundational documents including an environmental justice policy, a strategy for integrating PRNS in the region's community of health, a commitment to proactively reaching out to vulnerable and underserved populations to create a more welcoming park for these communities, maximizing the potential of PRNS' natural values to

⁷¹ "16 U.S.C. 459c - Point Reyes National Seashore; Purposes; Authorization for Establishment," Pub. L. No. Y 1.2/5; § 459c (2002), https://www.nps.gov/pore/learn/management/upload/lawsandpolicies_usc16sec459c_enablingleg.pdf.

create a resilient community better prepared to address the mental health implications of current and future crises.

Based on the FEIS, the elimination of ranching would allow for increased visitor access in these areas.⁷² The creation of a "Lamar Valley on the Pacific" would almost certainly increase visitation.

Alternative F would eliminate impacts on elk related to hazing and fencing and would allow for the freeranging population to expand across the planning area. Under both alternatives E and F, given the absence of predators and the need to keep elk within Point Reyes, population management would be needed at some point in the future, likely beyond 20 years.

Under alternative F, removing ranching operations would eliminate a unique experience for visitors to experience the role of ranching in California and in the historic districts, resulting in an adverse effect for visitors seeking those opportunities. However, other visitor opportunities related to experiencing natural sights and sounds would be expanded, and there could be additional recreational trail linkages and public opportunities through the adaptive use of ranch complexes no longer used for active ranching, resulting in beneficial impacts for visitors seeking these experiences. Similarly, the potential expansion of the elk population under alternative F would result in long-term, beneficial impacts for visitor use and experience related to observing elk in their native habitat.⁷³

According to the GMPA's FEIS, the downside of removing ranches is that visitors would be denied a "unique" experience to see ranching in California in a historic district. Removing ranching would not deny Californians that opportunity. Ranches in Marin and Sonoma counties are ubiquitous. Many have histories as long as those in PRNS and there are many that offer public access—including farm stays. Even in West Marin's historic districts in the Point Reyes area just outside of the National Seashore there are a number of opportunities for the public to experience ranches with equal or greater historical value than those found in PRNS.⁷⁴ And when you include ranches statewide, the opportunities rise exponentially.

But when you consider the health benefits for visitors outlined by NPS coupled with the unique natural attributes of wilderness, wildlife and water, there is only one place in the entire

⁷² Point Reyes National Seashore et al., *General Management Plan Amendment Final Environmental Impact Statement*.

⁷³ GMPA FEIS, Executive Summary, IX.

⁷⁴ <https://foodandfarmtours.com/>

state this could occur: PRNS. The FEIS claims that (assuming no new predators were introduced) it would be at least twenty years before the elk population would grow to the point where it would need management (relocation or culling).

If the park was restored, it would offer a unique experience of being the only National Seashore on the Pacific Coast with visitors could hike on trails alongside free ranging herds of native Tule Elk. Such a unique experience would likely increase PRNS's total economic value for the region. An increase in 20% of visitation would result in an additional \$73.5 million to the annual total economic value calculated by the NPS plus an additional \$250 million in mental health value using a conservative conversion of the Griffiths study described in the economics section of this paper.

In order to include underserved and vulnerable communities in these benefits a more proactive approach in reaching out to these communities accompanied by a plan for monitoring and evaluation should be developed.

To get a sense of what this region of the park could be, compare *Figure 14*, the reality of the park today, with *Figure 15*, lush native plants and elk in the fenced Tule Elk "Preserve" at Tomales Point.

Figure 14: PRNS Patoral



Figure 15: PRNS Elk "Preserve" at Tomales Point.



Ranch supporters say the land has been forever altered and that the problems associated with returning it to its natural state would outweigh the benefits. But there are relevant examples demonstrating the success of such projects. PRNS's own highly successful Giacomini Wetland's restoration of wetlands that had been diked and the contours of the land altered in order to boost dairy production during WWII has seen a significant transformation since it was completed in 2010. [Here](#) is a link to Hart mountain restoration where cattle were removed and with time lapse photography you can view the progress of the restoration.⁷⁵

⁷⁵ "Hart Mountain: Restoration of Riparian Areas Following the Removal of Cattle," Oregon State University College of Forestry, accessed November 22, 2020, <http://www.cof.orst.edu/hart/index.html>.



Figure 16: *Yellowstone's Lamar Valley.*

Figure 18 is Yellowstone's Lamar Valley. A paved road to the left of this image transverses the valley all the way to the East Gate of the park. Visitors are able to hike numerous trails along and into the valley or adjoining valleys where roads disappear. Some chose to simply observe from their car the abundant free ranging wildlife which include bison, elk antelope, grizzly bears, wolves, coyotes and bald eagles to name but a few species found in this valley. But the experience for all visitors is consistent. They are experiencing a pre-industrial portrait of our country.

Imagine what this area of the park would be like were it to be restored. What if the one third of the park now fenced like a maze, much of it denuded or covered in manure and invasive species and occupied by thousands of cows and the industrial components that support them were all removed and the land was restored? What if Tule Elk were released from their fenced-in "preserve" were over half of them perished in the last drought and allowed to roam and graze like the Bison in Yellowstone's famous Lamar Valley? Visitors could hike unimpeded along newly established trails from Tomales Bay through native plant meadows grazed by herds of Native Elk and other wildlife across an open expanse to the Great Beach, Esteros or Drake's beach.

There would be no danger from cows, or heavy trucking and industry. Instead of smelling manure, visitors would smell only salt air and native grasses. They would not see cow patties, manure ponds, and cattle-caused erosion. There would be fewer ravens preying endangered species, a fraction of the current methane release and a fraction of the pollution. Visitors would no longer suffer harassment by ranchers (yes there are numerous instance of ranchers telling

hikers to "get off my land" as well as signs warning the public not to enter) along the 19-mile stretch between Tomales Point and the Point Reyes lighthouse and along Drake's and Limantour Esteros. This most visited area of the park would go from eyesore to iconic. And the benefits of a visit to PRNS would be significantly enhanced.

Those who derive mental health benefits from the park may be particularly affected by vast open spaces and roaming herds of wildlife recalling what it must have been like before man began exploiting the planet. As someone who has introduced numerous trauma survivors to PRNS, I think this aspect is particularly relevant in our national parks where wildlife and untrammelled spaces put life in perspective and help reconnect bonds that were broken during the traumatic (usually man-made) event.

That such a vision is not already in place and is about to become even more remote in a national seashore which is protected by the most robust level of regulation speaks to the influence of the local ranching community and their ability to sway politicians at the local, state, and federal level to achieve their ends (more on this in the Politics of PRNS section).

The environmental benefits of visiting the park are not equally distributed and the burdens of the environmental and scenic impacts of ranching fall exclusively on visitors. It is a terrible irony that a national seashore created with a purpose to address issues of racial and social inequity related to environmental injustice should itself be degraded by the same system that foisted environmental inequity on the communities it was meant to serve.

It may be that decision-makers driving ranching in the park never realized the magnitude of benefits that a national park offers a community; they never thought to have their staff review the mountains of research online of racial and social inequity in our parks, the link to poor health outcomes in these communities, and the importance of national parks in the promotion of public health.

And they clearly never thought to invite vulnerable communities to discuss the potential ramifications of their actions or what benefits might accrue to these communities if the weight of all that power was lifted, ranching was removed, and that energy was applied to restoring PRNS to the breathing spot Conrad Wirth intended.

This report has provided summaries and links to just a fraction of the evidence of the health benefits that would accrue to those that visit PRNS. Visitors would finally be able to visit a truly iconic national seashore and be enthralled by the herds of free roaming wildlife at this Lamar

Valley of the Pacific. For some, the experience would be transformative provoking the intervention that breaks the cycle of extreme poverty and despair.

As the region reels from two major disasters, Covid-19 and climate change-induced wildfires, a restored Point Reyes maximizes the value of the park--not just financially but in individual impact in building mental health resilience in visitors. It not only can have significant impact on visitors current mental health, but future mental health as well. Preparing for the impacts of future disasters in particular their impact on mental health can and should be a major focus of PRNS.

The increase in repeated disasters and associated social stressors linked to global warming is likely to affect the mental wellbeing of billions of persons in the 21st century, increasing risk for depression, anxiety, PTSD, anger and violence, social disruption and displacement, and social conflict. This means that our current conceptual frame of disaster response will be too narrow to address the many problems created and exacerbated by climate change-disaster mental health no longer should remain the sole model guiding our preparation and response. We need an expanded view that encompasses diverse responses to match a greatly expanded set of threats.⁷⁶

PRNS: A Park Divided

This report has detailed several examples of how some management policies at PRNS, such as those concerning ranching, have been directed by politics rather than best practices and law. Another telltale that something is amiss at PRNS is the schizophrenic nature of its management policies concerning resources.

PRNS has engaged in numerous laudatory efforts to promote native plant and animal species recovery. The original tension in the park was not about ranching, which the framers assumed would simply be removed as the park matured. It was between preservation and recreation. But since the park took nearly a decade before enough contiguous properties were purchased

⁷⁶ Josef I. Ruzek, PhD, "Disaster Response, Mental Health, and Community Resilience," *Psychiatric Times*, January 27, 2020, <https://www.psychiatrictimes.com/view/disaster-response-mental-health-and-community-resilience>.

the evolution in thinking within the NPS had changed--both legally and philosophically--in the direction of preservation.

To be sure that tension still exists, but in many instances PRNS has successfully managed both imperatives. Yet when it comes to commercial operations the NPS--doubtless due to their fear of recrimination from Washington and their understanding that they are not autonomous but part of a system that is directed by whatever Administration is in office and whatever political actors have the power to influence key decision-makers in the Department of Interior--has demurred in favor of commercial operations.

For instance, every year from March 1st through June 30th the NPS closes Drakes Estero (where only non-motorized vessels are allowed) to prevent flushing of Harbor-seals during their pupping season. Yet they allowed oyster operations--using boats with motors--to continue year-round before the closure of DBOC. The NPS closes parts of Drake's Beach to protect habitat for Elephant Seals which have made an impressive recovery at PRNS over the last 30 years; large areas of beaches throughout the park are closed during summer months to protect the nests of an endangered species--Snowy Plovers. Yet the NPS's own research has shown that ranching attracts ravens that predate eggs in the plovers' nests.

Tule Elk, one of the most iconic species in PRNS, once roamed this peninsula in the thousands. Like Bison, they were killed by hunters and ranchers to near extinction. The ranchers refer to them as "an invasive species" and have demanded their removal from all ranched lands. Under the GMPA, a small herd will be allowed to remain at Drakes Beach. But many from this herd have been authorized to be shot. In addition, "standard" and "aggressive" forms of hazing will be allowed to be used against elk that stray onto ranch lands. A "preserve" was created that fences the largest herd into a small area of the park's northernmost tip at Pierce Point. Elk have died in significant numbers from lack of water and other resources due to this artificial arrangement not found in other national parks/seashores. Nonnative privately-owned cows are guaranteed adequate water through lease agreements and provided for with both locally grown non-native feed and feed transported into the park from outside vendors.

Point Reyes host more species of birds than any other unit in the national park system.

Yet cats can be seen in fields predating birds and other native wildlife. And the GMPA will allow for dogs to roam freely on the ranches and protect the newly arrived goats, sheep, chickens and row crops. The pollution created by ranching which is allowed to occur through "waivers" flows into Tomales Bay and the Pacific Ocean. All these waters lie within the Gulf of the Farallones

National Marine Sanctuary where a citizen can receive a steep fine for tossing a crust of bread into the water. But as with all the other activities listed above, ranchers have been allowed to carry out activities that if committed by visitors could lead to stiff fines or jail sentences.

In January 2019, elephant seals occupied the section of Drakes Beach adjacent to the Kenneth C. Patrick Visitor Center, and, at times, the parking lot and wooden ramps leading up to the visitor center. As a result, the entire Drakes Beach area south of the junction of Sir Francis Drake Boulevard and Drakes Beach Road was closed to the public to better protect the elephant seals from disturbance. If you follow the logic of the ranchers, it would make sense to just shoot them because they are interfering with the operations of the general public who in theory are the real owners of the park. Of course, no park-loving visitor would want that to happen because viewing wildlife and protecting them are primary reasons for our parks to exist.

Yet the NPS allows ranchers to serially violate existing laws protecting these and many other species. They plow under native plants and plant invasive species. The park's own EIS has detailed significant negative environmental impacts from ranching, including pollution, erosion, soils degradation, loss of native plant species, introduction of invasive, predation by ravens on endangered snowy plover eggs, pollution of waters supporting endangered coho salmon, methane from cattle, impacts of expansive fencing and infrastructure on visitation, to name a few. It's list in the FEIS of "Desired Conditions" ⁷⁷ is being trampled upon by the desired outcome of ranching. Politics, not NPS existing regulations, not best practices, not the common good drives what the FEIS describes as the "desired outcome:" multigenerational ranching in a national seashore.

PRNS: Ranching and Climate Change

The focus of this paper is on restoring PRNS as a strategy for adapting the park to mitigate current and future mental health impacts of climate change-driven events.

But, this paper would be remiss to not acknowledge that the most critical aspect of climate change mitigation is stopping, or greatly reducing, pollutants at their source and how ranching at PRNS contributes to this problem.

⁷⁷ GMPA FEIS "Desired Conditions" Chapter 1 pg.2

Congressman Jared Huffman has proclaimed "Addressing climate change is the greatest imperative of our time. The stakes are enormous for our environment, our economy, and our planet."⁷⁸ Yet, he also wrote in a letter to then NPS director Jon Jarvis:

I am also gratified to see you re-affirm the Secretary's commitment that "ranching operations have a long and important history on the Point Reyes peninsula and will be continued at Point Reyes National Seashore" (Secretary's 29 November 2012 memorandum to you re Drakes Bay Oyster Company). That commitment is in accord with Congressional intent that agriculture is a compatible activity in, and should continue as a permanent part of, the Point Reyes National Seashore.

While longer-term lease/permits provide the ranchers with greater legal certainty, I believe we can and should do even more to ensure the continuing economic viability of ranches in the Seashore. In recent years, ranchers have requested—and to its credit, the Seashore administration has generally granted—permissions to diversify their agricultural pursuits.⁷⁹

Climate experts⁸⁰ and the Intergovernmental Panel on Climate Change⁸¹ agree that

Half of global human-caused emissions of methane, a greenhouse gas roughly [30 times more potent than carbon dioxide](#), comes from agriculture, namely livestock and rice cultivation. Up to 75 percent of nitrous oxide emissions — almost 300 times the warming potential of carbon dioxide — comes from nitrogen fertilizer. Of the 1.9 billion acres in the [48 contiguous states](#), 654 million acres are used as pasture land for livestock, 538 million acres are forested, and 391.5 million acres are used to grow crops. But of that cropland, only one-fifth is

⁷⁸ "Environment and Climate Change," U.S. Congressman Jared Huffman, accessed November 30, 2020, <https://huffman.house.gov/policy-issues/environment-and-climate-change?latest=147>.

⁷⁹ Jared Huffman, "Huffman to Park Service: Provide Needed Flexibility to Point Reyes Agriculture," U.S. Congressman Jared Huffman, April 16, 2013, <https://huffman.house.gov/media-center/press-releases/huffman-to-park-service-provide-needed-flexibility-to-point-reyes-agriculture>.

⁸⁰ Fountain, Henry. "Cutting Greenhouse Gases From Food Production Is Urgent, Scientists Say - The New York Times." The New York Times, November 5, 2020. <https://www.nytimes.com/2020/11/05/climate/climate-change-food-production.html>

⁸¹ P.R. Shukla et. al, IPCC" Special Report on Climate Change and Land, 2019.

used for the food we directly eat. One-third of US cropland is allocated to growing feed for livestock, like corn and soy.⁸²

The PRNS contribution to greenhouse gases were addressed in the NPS's FEIS. They are:

Activities associated with ranching would continue to emit criteria pollutants and greenhouse gases associated with cattle grazing, manure management on dairies, fugitive dust, and mobile source emissions.

The GHG emissions from livestock under Alternative B would represent approximately 21% of agricultural sector emissions in Marin County and 5.7% of the total county emissions.

Figure 17: Emissions from ranching in Point Reyes National Seashore.⁸³

TABLE 12: ANNUAL EMISSIONS FROM RANCHING AND MOBILE SOURCES UNDER EXISTING CONDITIONS (TONS/YEAR)

Activity	NH ₃	VOC	PM _{2.5}	CO ₂ -Equivalent (metric tons per year)
Ranching/Livestock Emissions	104.9	46.9	0.671	24,601
Mobile Source Emissions*	0.27	0.56	1.6 (including dust)	3,734

Ranching in the Park generates the equivalent of 24 thousand metric tons of CO₂/year, six-and-a-half times the amount generated by all the car traffic of the over two million annual visitors.

⁸² Umair Irfan, "UN Climate Change Report: We Must Change How We Use Land and Grow Food - Vox," Vox, August 8, 2019, <https://www.vox.com/2019/8/8/20758461/climate-change-report-2019-un-ipcc-land-food>.

⁸³ Point Reyes National Seashore et al., *General Management Plan Amendment Final Environmental Impact Statement*, 2020, <https://parkplanning.nps.gov/showFile.cfm?projectId=74313&MIMEType=application%252Fpdf&filename=Point%20Reyes%5FNorth%20District%20Golden%20Gate%20NRA%20GMP%20and%20EIS%5F508%2Epdf&sfid=440519>.

IX. The Economics of Point Reyes

The Economic Benefits of Point Reyes: Two Studies

The EIS does not provide an economic analysis of ranching in PRNS. In fact it appears there has not been a comprehensive economic analysis of ranching in PRNS. To do so would require an analysis of the opportunity costs as well as total economic value to the community, market conditions for dairy and beef, impacts on the health benefits that would typically occur in this area of the park, and what other economic benefits might accrue if the land was restored.

Based on the two studies cited in this section the measurable economic benefits of PRNS in 2019 to the local, regional and national economy exceed \$1.469 billion. Of this, 369 million was determined by an NPS study that reviewed an 8-year history of the total economic value related to tourism/visitation generated by PRNS.

An additional \$1.1 Billion dollars for the total economic value related to the mental health-related benefits was extrapolated from a 2019 study conducted by a team of researchers at Griffiths University in Australia published in Nature. This study determined that national parks globally generated some 6 Trillion USD in total economic value based on improved mental health. The study quantified the impacts of increased productivity from workers, a reduction in government sponsored mental health care costs and reduced costs for law enforcement and the criminal justice system from mental health-related expenditures.

From a policy standpoint related to ranching in PRNS, the issue is not whether this number is 100% accurate, it is that it is unquestionably large--much larger than even the total economic value of the park's own tourism-related value. And while research described in this paper has unquestionably identified physical health benefits that result from visiting a national park, there are as yet no methodologies that have been developed to quantify that value. Moreover, the impacts of 1/3rd of the park being ranched as described in the Stanford study on the brooding effect, the NPS's own EIS, the numerous public comments expressing distress over the environmental degradation in the ranched areas of the park, the research on issues that make a park less welcoming to people of color and underserved communities all point to negative impacts on the total economic value for the park resulting from ranching as well as diminished mental-health related outcomes due to ranching.

The Marin County Gross Domestic Product (GDP) in 2018 was \$24 billion (U.S. Bureau of Economic Analysis (BEA)). That is the total production of monetized goods and services. The

total value of agricultural production in Marin County in 2018 was \$94 million (Marin Co. Agricultural Commission). The ranches in PRNS contribute \$16 million of that figure. Agriculture is a very small part of the economy of the County at 0.4%.

Subsidies Analysis of Ranches in the Park

In the process of amending the General Management Plan (GMP) of the PRNS, during 2015-2021, the amendments applied to an area called the “park” which consists of the PRNS and the N. District of the GGNRA (Golden Gate National Recreation Area). Data to support an analysis of the costs and benefits of the ranches in the park is not available, but national and California data show that, on average, dairy and beef cattle operations lose money, that is they are a net loss, due to the large subsidies taken by these businesses.

The average subsidy to dairies in Marin Co. from 1995 to 2019 was \$27,000.⁸⁴ Expressed in terms of milk prices in 2015, subsidies nationally accounted for 45% of production costs and 71% of gross income.⁸⁵ The cattle industry is subsidized to a lesser degree, mainly through feed subsidies, representing about 6 percent of the wholesale price of beef nationally. The general view of agricultural economists is that most small dairies, such as these, lose money. In the park, ranchers pay about a third of the local market value for access to rangelands, a huge subsidy from taxpayers. Since the land and structures are owned by the government, taxpayers also pay for most of the ranch improvements and maintenance to roads, buildings, fences, and other infrastructure. It seems fair to say, jut based on these numbers, that ranches are a net economic loss. This is likely only to grow. State air quality regulations will make dairying more expensive in the future as they seek to control methane pollution. Increasingly strict state water quality rules also will make dairies and ranches more costly to operate due to erosion controls and manure management. Adding to these costs are the considerable costs of NPS monitoring, evaluating and enforcing the new regulatory framework for ranching developed in the GMPA.

In addition the cost of the air, water and land pollution, erosion, and biodiversity loss caused by the ranches should be calculated as part of any economic analysis.

⁸⁴ Environmental Working Group (EWG) <https://www.ewg.org/about-us>

⁸⁵ Ibid.

To describe total economic value of ranching in PRNS, ranchers have suggested the \$16 million they generate be multiplied by a factor of 2.5. This would bring the total amount to \$40 million dollars which accounts for support the industry provides to services like veterinary services, restaurants, to feed suppliers and heavy machinery producers.

(It is important to point out that these benefits would not accrue exclusively to Marin but also Sonoma which shares a significant amount of the suppliers as do other area that may be used to purchase feed or machinery etc.)

Unlike the total economic value of tourism and the healthcare costs that accrue from visiting the park which have relatively low costs (such as the greenhouse gas emissions of vehicles which, while not insignificant, nonetheless account for less than a sixth of the greenhouse gas emissions generated from cows in the park).⁸⁶ Moreover the diesel powered semi-trucks which according to the FEIS presents a significant danger to cyclists and foot traffic in the park--are along with diesel powered farm equipment a source of gross vehicle pollution that would be eliminated with the removal of the ranches.

Determining value between the Ranches and Tourists

The GMP amendments propose to make the ranch leases permanent, by extending them for current owners to 20 years and when those owners sell, to envision them running with other owners forever. Since the ranches operate as a net loss and tourism and health-related benefits results in a far more substantial economic net benefit, a major issue is the effect of ranching on tourism.

The over 2.4 million tourists coming to the park in 2019 spent about \$102 million in West Marin Co. That spending supported about 1,090 jobs in this region.⁸⁷ In 2019, this value was \$54 million in labor income and an additional \$128 million in economic output plus \$85 million in value added bringing the total economic value of PRNS tourism to \$369 million in 2019.⁸⁸ (In 2017, all visitors to the County spent \$803 million⁸⁹ and in 2017 PRNS's total economic value was \$377.2 million⁹⁰). So, visitors to this park are a significant fraction of tourism in the County.

⁸⁶ Point Reyes National Seashore et al., *General Management Plan Amendment Final Environmental Impact Statement*.

⁸⁷ National Park Service and U.S. Department of the Interior, "2019 National Park Visitor Spending Effects: Economic Contributions to Local Communities, States, and the Nation," 2012-2019, April 2020.

⁸⁸ Ibid.

⁸⁹ Marin County Visitors Bureau

⁹⁰ National Park Service and U.S. Department of the Interior, "2019 National Park Visitor Spending Effects," 2020.

Tourists create relatively small costs that fall onto the park and the County, for roads, facilities, police, bathrooms, and other facilities.

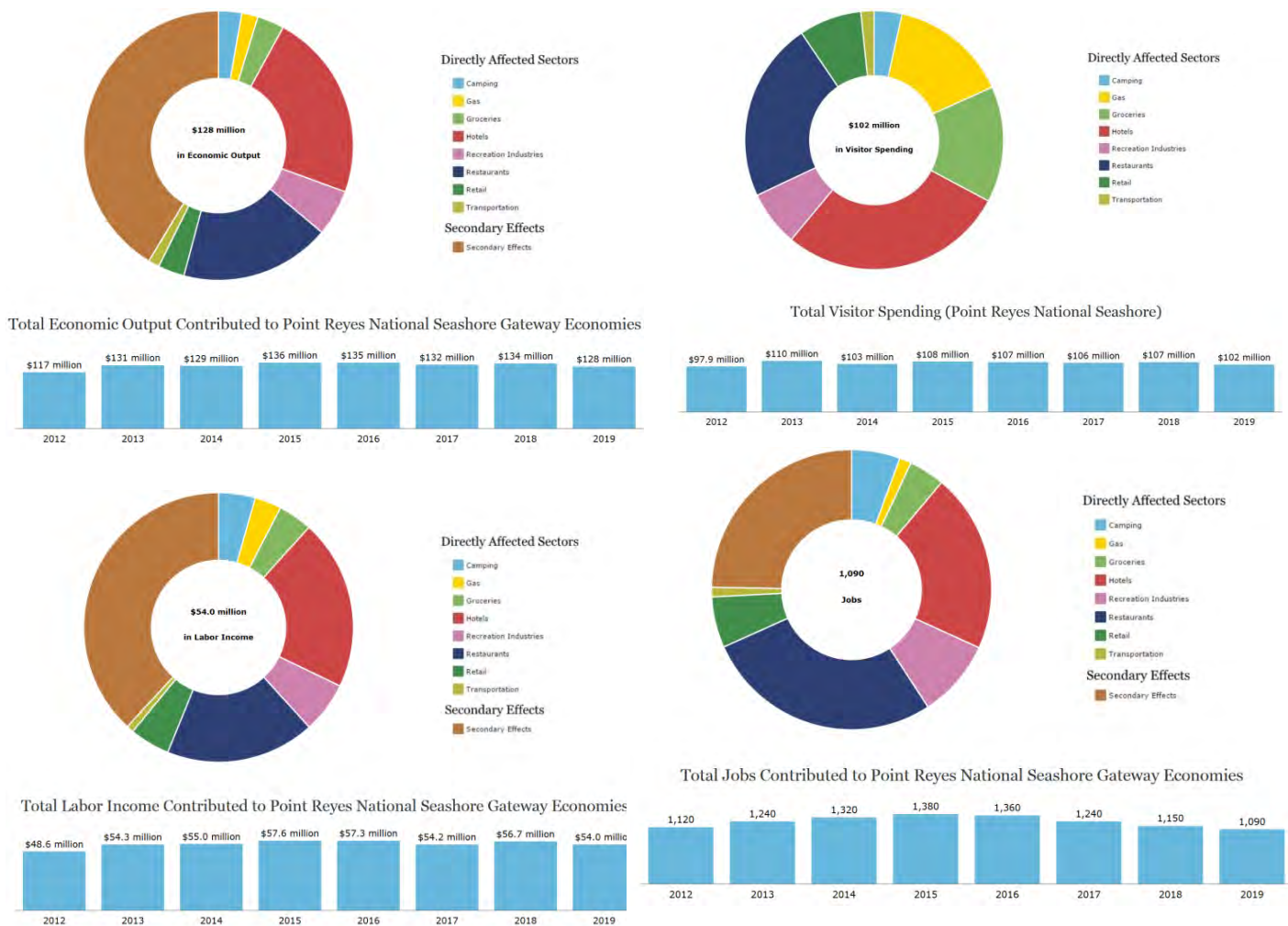
In summary, the ranches appear to be a net loss to the nation and County, while tourists and the considerable health benefits from a national park are a significant net benefit to the nation and County.

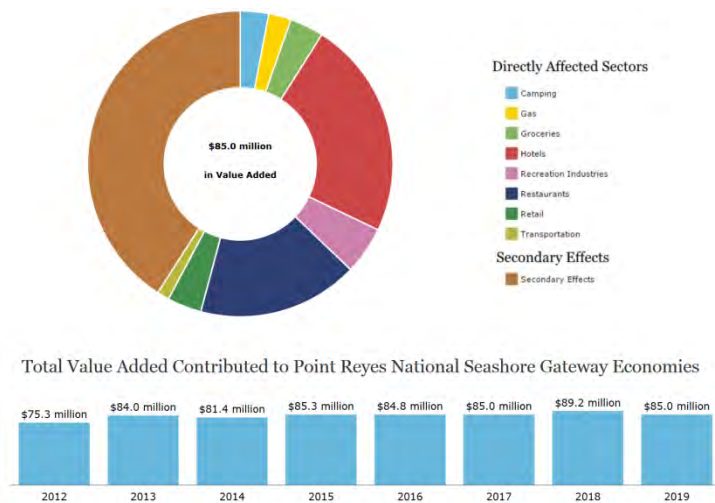
It is clear that ranching limits visitation as described in the chapter on access. To determine how removing ranching might increase visitation, the overwhelming public opposition to the proposed GMPA where 91.4% opposed ranching and only 2.3% of 7627 respondents supported continuing ranching is a strong indication. In fact, many commenter's stated that they disliked the ranches due to the widespread overgrazing, bare fields, manure piles, smells, and other nuisances. The ranches lead to a loss of tourist spending, which then make them an even larger net loss to the county and the nation.

The Studies

The two studies presented in this section quantify two different economic benefits of PRNS. The first is based on an interactive tool developed through a collaboration between the National Park Service and the U.S. Geological Survey that allows users to retrieve data for any national park unit from the Visitor Spending Effects report series. Below are a series of pie charts derived from this tool for 2012-2019. The figures have remained relatively consistent over this period, but as a reference PRNS created \$369 million in non-AG related economic benefits and 1,090 jobs in 2019.

The second study emanates from Australia and uses standard economic methodologies to calculate the monetary value of mental health benefits provided by national parks. Economic benefits from health are not included in the NPS analysis. Given the nature of the data and the fact that it originates from Australia, extrapolating these numbers is imprecise. However, the authors do state that given that the United States has the highest health care costs in the world (\$10,586) per capita annually, more than twice that of Australia's per-capita annual rate of (\$5,005) it is safe to assume that the quantifiable economic benefits resulting from improved mental health impacts are significantly higher in monetary terms in the U.S. than in Australia.

NPS Visitor Spending Effects Report.⁹¹⁹¹ Ibid.



"The methods used in this total economic value study are fully consistent with other valuation efforts within the federal government to analyze proposed regulations, evaluate environmental compliance alternatives, quantify losses of natural resources from oil spills, and other purposes. This study was peer-reviewed and will be submitted for publication in academic journals."⁹²

⁹² National Park Service, "National Park Foundation Announces Study Determining Value Of America's National Parks To Be \$92 Billion - Office of Communications (U.S. National Park Service)," National Park Service, June 30, 2016, <https://www.nps.gov/orgs/1207/06-30-2016a.htm>.

The text box summary below describes methodologies for quantifying the value of mental health benefits produced by nature exposure.

Nature and mental health: An ecosystem service perspective

Valuation and decision-making contexts.

Gregory N. Bratman, Christopher B. Anderson, Marc G. Berman, Bobby Cochran,

Sjerp de Vries, Jon Flanders, Carl Folke, Howard Frumkin, James J. Gross,

Terry Hartig, Peter H. Kahn Jr., Ming Kuo, Joshua J. Lawler, Phillip S. Levin, Therese Lindahl, Andreas Meyer-Lindenberg, Richard Mitchell, Zhiyun Ouyang, Jenny Roe,

Lynn Scarlett, Jeffrey R. Smith, Matilda van den Bosch, Benedict W. Wheeler, Mathew P. White, Hua Zheng, Gretchen C. Dail

There is a considerable literature describing the monetary valuation of mental health. Analyses have focused on the avoided costs of mental illness and on the economic benefits of happiness, well-being, and thriving. A range of methods has been used in these cases, including direct market valuation, indirect market valuation (avoided cost, factor income, hedonic pricing, etc.), and contingent valuation ([106](#)). In general, mental distress and mental illness account for considerable costs, and relief of such suffering yields large benefits for society and the individuals affected ([107](#), [108](#)). Improved learning and work productivity resultant from nature contact may also have positive economic impacts ([109](#)).

However, monetary value is only one of many ways to quantify the mental health benefits produced by nature exposure. Many noneconomic measures of quality of life, well-being, and happiness have been developed ([110](#)), both in clinical settings and in sustainability science, and these may have a role in valuing mental health as an ecosystem service. One example is the DALY, now a standard currency in quantifying burden of disease and potentially suitable in ecosystem services calculations. Another form of valuation includes a ranking approach (rather than absolute values) that projects the expected relative benefits of alternative scenarios of change in a specific location.

These valuation approaches can help reveal the contribution of ecosystems to mental health in decision-making. With a more complete picture, decision makers can more fully consider the repercussions of losing or enhancing access to nature, in the context of urban design, including the spatial layout of built and natural environments, and proximity to workplaces and homes. Valuation can help inform judgments of whether to invest in nature and how to do so while also considering other pressing needs. Our knowledge regarding the magnitude of mental health benefits on their own may not be enough to justify the costs associated with increasing nature within cities, but together with benefits such as water quality, flood security, urban cooling, and recreation, we can obtain a more complete picture of the impact of these types of decisions.

[Nature%20andhttps://pubmed.ncbi.nlm.nih.gov/31355340/%20mental%20health%20An%20ecosystem%20service%20perspective%20Science%20Advances.htm](https://pubmed.ncbi.nlm.nih.gov/31355340/%20mental%20health%20An%20ecosystem%20service%20perspective%20Science%20Advances.htm)

A study was done in Australia in 2019 by Griffith's University researchers and published in *Nature Communications* to ascertain the economic value of protected areas (e.g. National Parks) attributable to the improved mental health of visitors.⁹³ “Health services value” is defined as the reduction in costs to human economies via the improved human mental health and wellbeing associated with open-space visits.⁹⁴

The study found that “there is a direct link between protected area visits and individual human mental health and wellbeing, which translates to a very substantial but previously unrecognized economic value,” and that this value far exceeds that of both tourism to these areas and the budgets allocated to maintain them.

The study results ascribe a minimum of approximately \$500 health services value per visit to open spaces and a minimum of approximately \$9,100 visitor. There were 2.4 million visits to Point Reyes National Seashore in 2018, which is estimated as a turnstile-like figure by the National Park Service.⁹⁵ Therefore, the minimum health services value attributable to PRNS is \$1.15 billion. Depending on how many individual visitors accounted for the 2.4 million visits (considering how many people are repeat visitors in a year) the number could be significantly more. For example, if the average number of visits per visitor is 4, then the number of visitors is 600,000, and the associated health services value scaled on a per-visitor basis is \$5.46 billion. Even if the average number of visits per visitor is 10, the number of individual visitors is 240,000 and the associated health services value is \$2.18 billion.

These calculations assume the myriad relevant social and economic factors are equitable between Australia and the US. “Protected area visitation patterns, however, and the dependence of quality of life on age, income, education, gender, family factors, and exercise, may differ considerably between countries and cultures.” And whereas this is a broad assumption, one reliable and salient variable is that health care costs in the US are roughly twice that in Australia,⁹⁶ implying that, if anything, grafting this analysis on to the US discounts the associated economic value.

⁹³ Ralf Buckley et al., “Economic Value of Protected Areas via Visitor Mental Health,” *Nature Communications* 10, no. 1 (November 12, 2019): 5005, <https://doi.org/10.1038/s41467-019-12631-6>.

⁹⁴ *Ibid.*

⁹⁵ “Park Statistics - Point Reyes National Seashore (U.S. National Park Service),” National Park Service, June 22, 2020, <https://www.nps.gov/pore/learn/management/statistics.htm>.

⁹⁶ Roosa Tikkanen and Melinda K. Abrams, “U.S. Health Care from a Global Perspective, 2019 | Commonwealth Fund,” The Commonwealth Fund, January 30, 2020, <https://doi.org/10.26099/7avy-fc29>.

The study quantifies the economic value of mental health benefits that derive from visiting national parks. The researchers used the \$/QALY calculation a standard way to make decisions around healthcare spending priorities to determine that National parks worldwide are worth about \$8.7 trillion (\$US6 trillion) a year in the improved mental health of their visitors, according to initial estimates published by the team of Griffith University researchers. The study showed the mental health benefits lead to trillions of dollars of economic benefit from more productive economic output in addition to reduced health care and criminal justice system costs.⁹⁷

Currently, the costs of poor mental health in Australia amounts to approximately 10% of GDP, and the researchers' estimates indicate that these costs could be 7.5% higher without protected areas such as national parks. The economic costs of poor mental health include treatment, care and reduced workplace productivity and affect individuals, families, employers, insurers and taxpayers. The health-related benefits of spending time in nature are thought to include improved attention, cognition, sleep and stress recovery.

"This value already exists, it just was not recognized." People already visit parks to recover from stress. In healthcare terms, it's patient-funded therapy. Without parks, costs of poor mental health in Australia would rise by \$145 billion a year."

The economic costs of poor mental health include treatment, care and reduced workplace productivity and affect individuals, families, employers, insurers and taxpayers.

Mental Health in the United States

It was predicted (pre-Covid-19) that the 2020 total U.S. expenditure on mental health services will reach some 238 billion dollars. Common mental disorders in the U.S. include anxiety disorders, depression, bipolar disorder, obsessive compulsive disorder (OCD), and dementia. As of 2017, around 15 percent of males and 22 percent of females reported some mental illness in the past year.⁹⁸

⁹⁷ Carley Rosengreen, "Research Estimates Value of Impact National Parks Have on Mental Health," Griffith University News, accessed November 22, 2020, <https://news.griffith.edu.au/2019/11/13/research-estimates-value-of-impact-national-parks-have-on-mental-health/>.

⁹⁸ Statista Research Department, "Total Mental Health Services Expenditure U.S. 1986-2020," Statista, October 31, 2014, <https://www.statista.com/statistics/252393/total-us-expenditure-for-mental-health-services/>.

These disorders can lead to myriad other societal costs often involving the criminal justice system and include substance abuse, suicide, domestic violence, and child abuse.

Will Shafroth, president of the National Park Foundation here in the U.S. said of the Griffith University study:

Every day, we hear about the life-changing and enriching experiences of visitors to our national parks. While these experiences provide spiritual, emotional, and physical value to these visitors, this groundbreaking study documents the economic value the American public recognizes that our national parks give to our country.⁹⁹

Dr Ali Chauvenet, one of the co-authors of the study, said poor mental health lowered workplace productivity and was felt by everyone in the community.

Professor Buckley said he hoped the findings would give a good indication of the inherent value of national parks, which he feared was becoming overlooked.

He said many parks departments were under pressure to try to generate money from their parks by partnering with tourism operators, but the research showed the parks themselves should be the focus.

“From a state treasury perspective you get a bigger return from parks if you can get a lot of people to go for free,” he said.

“If you encourage people to enter parks and you pay the parks service to run those parks then the payback in terms of improved mental health and productivity is much, much bigger than anything you would get out of tourism development.”¹⁰⁰

“National parks were not created to be the economic contributors that they are. They were created to preserve and protect these wonderful, natural, historic and cultural landscapes of the country,” said Jeffrey Olson, chief of communications at the National Park Service’s Natural

⁹⁹ Sean Fleming, “This Is the Economic and Health Value of National Parks,” World Economic Forum, November 22, 2019, <https://www.weforum.org/agenda/2019/11/national-parks-mental-health-wellbeing/>.

¹⁰⁰ Stuart Layt, “The Simple Way National Parks Are Worth \$145 Billion to the Economy,” November 13, 2019, <https://www.brisbanetimes.com.au/national/queensland/the-simple-way-national-parks-are-worth-145-billion-to-the-economy-20191112-p539yi.html>.

Resource Stewardship and Science directorate. “It just so happens that because we get more than 300 million [people] that come visit us every year, there’s also this economic value that they leave behind in the communities they visit.”¹⁰¹

Total Economic Value for PRNS, 2019

The NPS defines economic output as “a measure of the total estimated value of the production of goods and services” supported by park visitor spending. The entire system of national parks had an economic output of \$37.8 billion in 2017,¹⁰² and as described above \$369 million for Point Reyes. But when we apply the Griffith methodology to PRNS we derive a conservative estimate of 1.1 Billion dollars in total annual economic value with a visitation number of 2.25 million annual visitors. This applies to health care costs savings, improved productivity, higher economic outputs due to improved worker productivity and a decrease in criminal justice-related costs. (the same areas analyzed in the Griffith study.)

These figures bring the total economic value for PRNS in 2019 to 1.469 billion dollars.

Jobs

PRNS generated over 1,090 jobs in 2019 according to the NPS analysis provided above. The ranches reportedly generate 63. If the ranches are removed it is likely visitation would go up and more jobs would be created. For those ranch workers who would lose their jobs, programs would need to be established to assist these workers with assistance, housing and training to ease their transition. The median salary of Agricultural workers (countywide) is \$13,000 a year. According to the Marin County Agricultural report, they are the lowest paid workers in the county. The opportunity exists to help these workers escape their own cycle of poverty.

The park was ostensibly created to address environmental justice issues related to people of color and underserved communities. Yet over time the very park that was mandated to be free and expected to be managed in a way that would ensure these communities a traditional national park experience, was itself allowed to be degraded by a small but powerful group of

¹⁰¹ Janet Nguyen, “What Are the Economic Benefits of a National Park?,” *Marketplace* (blog), February 26, 2019, <https://www.marketplace.org/2019/02/26/what-are-economic-benefits-national-park/>.

¹⁰² National Park Service and U.S. Department of the Interior, “National Park Visitor Spending Effects: Economic Contributions to Local Communities, States, and the Nation,” April 2020.

commercial stakeholders. Restoring PRNS could serve tens of thousands or more who for various reasons have felt excluded from this park or whose visits were tainted by what they saw as exploitation.

Public Opinion Research on Ranching in Point Reyes

There appears to be little in the way of credible public opinion polling to assess the public's position on continuing ranching in Point Reyes. The evidence that does exist consists of the following:

- 1) National public opinion polling on National Parks
- 2) Public comments on the NPS scoping process (the General Management Plan Amendment)
- 3) National Parks Foundation
- 4) YouGov Survey

Of the available data sets, the NPS scoping process provides the only data that was specifically focused on ranching in PRNS and where respondents were presented with a range of options as well as specific content regarding what those options entailed. Moreover, unlike surveys, which involved checking boxes in answer to multiple choice questions, there were no limitations for length of comments in the scoping process.

National Polling:

There are a number of national surveys available involving questions regarding support for National Parks and how Americans want them to be managed. These consistently show protecting wildlife and park resources for future generations as the highest priority.

1) The Hart Poll^{[1] 103} is of registered voters. It finds:

- 95% of voters agree that protecting and supporting National Parks is an appropriate role for the federal government today.

¹⁰³ Hart Research Associates and North Star Opinion Research, *Strong Bipartisan Support For National Parks*, 2012, <http://www.parkpartners.org/Strong-Bipartisan-Support-For-National-Parks.html>.

- Strong majorities of voters think it is very or fairly likely that a candidate who considers our National Parks to be important:
 - would be someone who cares about the environment (89%)
 - will protect our heritage for future generations (82%)
 - is a good steward of our nation’s resources (76)
 - is forward looking and thinks about the future (71%)
 - understands what makes America special (67%)
 - is patriotic (67%)

These associations are largely shared by Democrats, Independents, and Republican voters alike.

The YouGov survey^[2] review showed that 90% of Americans consider the conservation and preservation of US National Parks important and that a majority of Americans wanted more national parks.¹⁰⁴

A 2016 study by the National Parks Foundation provided the first ever comprehensive economic evaluation of the Americans National Parks. ([link here](#)) "The study, a reporting of total economic value, clearly demonstrates the public’s shared perception of the incredible benefits of national parks and programs, whether they personally visit parks or not." It found that:

- 95% of the American public said that protecting National Parks for future generations was important
- 80% would pay higher federal taxes to ensure the protection and preservation of the National Park System.

GMPA Public Comments:¹⁰⁵

As part of the scoping process for the GMPA, the Park Service was legally obliged under NEPA to accept public comments on the Plan. More than 7,600 comments were received. They are available online from the NPS:

¹⁰⁴ Ibid.

¹⁰⁵ Appendix B Categorization of Public Comments on the Point Reyes National Seashore Draft Environmental Impact Statement for a General Management Plan Amendment

https://www.nps.gov/pore/getinvolved/planning_gmp_amendment_deis_public_comments.htm

There were two public meetings where the public was also invited to offer verbal and written comments, but these data is not publicly available.

An analysis of the comments as well as the methodology in analyzing and aggregating the data can be found at: <https://restoreptreyesseashore.org/comments-to-draft-plan/>.

The analysis showed that over 91% (6,969) of the 7,627 respondents opposed the preferred plan (Alternative B) on various grounds. Of all public comments which endorsed any specific plan explicitly (1,859), over 94% (1,751) endorsed the plan that removes ranching altogether (Alternative F). The report also notes that the comments convey “a strong sense of betrayal and cynicism regarding the perceived misuse of public lands, cruelty to wildlife, allegiance to commerce and politics over commonwealth, and shortsightedness with respect to climate change and endangered species.”

The operative legal process only required the NPS to consider “substantive” comments, which are defined as questioning the accuracy or adequacy of the plan, suggesting alternatives, or causing revisions ([link](#)). On this basis, a large number of the comments were ignored in the final plan, including value judgments such as “it’s wrong to kill native species in a national park,” etc. Nonetheless, the referenced analysis considered every comment submitted, since its goal was to gauge public sentiment rather than satisfy the letter of any law.

X. The Politics of Point Reyes

A Tale of Two Presidents

President Theodore Roosevelt:

I want to ask you to keep this great wonder of nature as it now is. I hope you will not have a building of any kind, not a summer cottage, a hotel or anything else, to mar the wonderful grandeur, the sublimity, the great loneliness and beauty of the canyon. Leave it as it is. You cannot improve on it. The ages have been at work on it, and man can only mar it.

Here is your country. Cherish these natural wonders. Do not let selfish men and greedy interests skin your country of its beauty, its riches, or its romance.

President Donald Trump:

You know, they came to my office, a lot of the senators that I just introduced and Ron and everybody. They came to my office. They said that this will make us and make you the number one environmental president since Teddy Roosevelt. I said, huh, that sounds good. Because I wasn't going to do it. I figured, you know, let's not do it. But when they said that, that was like a challenge. Number one since Teddy Roosevelt. Who would have thought, Trump is the great environmentalist? I am, I am.

I don't think science knows, actually, it'll start getting cooler. You just watch.

The PRNS GMPA will:

- Undercut environmental regulations safeguarding the most protected public lands in the nation
- Further diminish the critical role parks play in promoting and improving public health which will have its greatest negative impacts on underserved communities and people of color
- make PRNS less welcoming for underserved communities and people of color

- Further degrade the environment
- Mandate the government kill native species still in the process of recovery
- Exacerbate climate change
- Ignore significant financial losses due to ranching for the local, regional and national economy and diminish significant financial gains generated by PRNS
- Reinforce the stigma of our national parks being heavily weighted toward wealthier, white Americans
- Be a huge giveaway to a small group of ranchers (at least some of whom are wealthy) receiving government subsidies for over 50 years who have used anti-environmental legal and lobbying groups--some paid with public funds--to guarantee support for a plan that ranchers who wrote it say will return them to a period some 150 years ago described as the "Shafter era."
- In the ranched areas it will limit access and diminish the experience and benefits of visiting a national park at a time of great need

The issue of ranching at PRNS came to President Trump's attention through an invitation to PRNS rancher Kevin Lunny who appeared with the President at a White House event announcing an Executive Order on government transparency which the president characterized as "just the latest step in my administration's tireless fight to curtail job-killing, soul-crushing regulations."

Following Mr. Lunny's providing the American people with his version of the closure of Drake's Bay Oyster Company, he discussed his fear that the same thing could happen to PRNS's 24 ranches. President Trump responded, "We'll have somebody right here in the White House looking at it, Kevin, so this doesn't happen to other people."¹⁰⁶

Following that meeting the Trump administration's Interior Department, became the most powerful advocate for the GMPA. The directive by Interior to approve as requested almost everything the ranchers were asking for went from the Oval Office to the Department of Interior to the National Park Service whose job it was to carry out the Administration's policy for Point Reyes.

¹⁰⁶ Will Houston, "Trump Criticizes Drakes Bay Oyster Co. Closure before Signing Transparency Orders – Marin Independent Journal," Marin Independent Journal, October 12, 2019, <https://www.marinij.com/2019/10/10/video-trump-criticizes-drakes-bay-oyster-company-closure-before-signing-transparency-orders/>.

The Final EIS repeatedly cites, in almost Orwellian terms, the "desired outcome" as an explanation of why and how management decisions are being made by the NPS. Yet the selection of Alternative B clearly is the most contrary option to the "desired conditions " such as promoting native plants and protecting native species that comprise the list of desired conditions cited in the FEIS.¹⁰⁷ To understand the "desired outcome" one need not read through the entire GMPA or the Final EIS. One need only to read the 2014 PRSRA letter to the PRNS Superintendent and the comments they and individual ranchers submitted for the public scoping process. The short version of the "desired outcome" is that multi-generational ranching is important economically and ecologically in Point Reyes, that the ranchers want to go back in time 150 years and return to the "Shafter era" of ranching and all this is "fully consistent with Congress's intent for the management of Point Reyes National Seashore."

This evidence base compiled for this paper demonstrates that ranching is harming both the environment and the economic value of PRNS. It also points to the written history and legal documents which clearly demonstrate that , while there were and are certainly supporters of this desired outcome, the early framers of the park did not think ranching should remain in the park. And the 1962 Enabling Act did not address the issue of how and under what terms ranching would continue in the park--once/if they actually became part of the park. When the NPS and ranchers finally came to an agreement on the sale of their properties, the terms contained a finite date at which time ranching would be eliminated. There was no legal basis for them to stay once the ROP expired and ranchers agreed to that. It wasn't until years later that rancher's successfully lobbied for an amendment that allowed the Secretary of the Interior to allow 5-year leases under the constraint that they must not impair existing laws relating to natural resource protection.

That something so insulting to "America's Best Idea" should be proffered by the Trump Administration is not surprising. Under this administration we have seen national monuments reduced, regulations abandoned, endangered species delisted without a scientific basis, protections removed and now a handover to commercial interests of more than 1/3 of a park that 2.5 million people visit each year.

Jared Huffman and Diane Feinstein

¹⁰⁷ GMPA FEIS, "Desired Conditions" Purpose of and Need for Action Chapter 1

Although the Trump administration committed to the rancher's Shafter era plan, they came late to the party. There were a host of players whose decades long support provided the oxygen for the plan to survive into the Trump Administration.

First among them was PRNS Superintendent John Sansing who had a 25-year career at PRNS, retiring in 1995. Mr. Sansing supported the ranchers and encouraged ranchers to lobby Congress for legislation that would allow them to break the terms of their agreements to sell.

In 1992 Diane Feinstein was elected to the Senate. When Trump directed Interior to help the ranchers it was icing on the cake. Senator Feinstein, with a huge assist from Rep. Jared Huffman had already put that play in motion.

I firmly believe that multi-generational ranching and dairying is not only important both ecologically and economically for the area, but also entirely consistent with Congress's intent...I'm working with the National Park Service and surrounding communities to ensure that the Ranch Comprehensive Management Plan expected by the end of the year will allow for continued ranching at the Point Reyes National Seashore," she said. "I strongly believe that ranching in the area is entirely consistent with Congress's intent when it established Point Reyes and will continue to support that belief in Congress."¹⁰⁸

This paper describes how ranching does both serious ecological and economic harm to PRNS. It describes how some of the most impoverished children in the Bay Area receive scholarships to attend programs at PRNS and when they visit the pastoral zone they are experiencing a ranch and not a park. Senator Feinstein has used her influence and political savvy to maintain ranching at PRNS. For nearly 30 years, until President Trump's entry into this issue, Senator Feinstein with her powerful seat on the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies has been a singular force in defining that Congressional intent.

This subcommittee controls the Interior Department's (and NPS') budget and has made her the most feared political force at PRNS. She's held all the cards and she has consistently used her authority to influence NPS policy. Even though NPS had "full discretion" as to whether ranches

¹⁰⁸ Kevin Bogardus and Jeremy Jacobs, "NATIONAL PARKS: Feinstein Lends Support to Ranchers on Calif. Seashore -- Tuesday, April 19, 2016 -- www.eenews.net," E&E News, April 19, 2016, <https://www.eenews.net/stories/1060035882>.

should have their lease extended or not--it was not the NPS making this call but Interior at first responding to Senator Feinstein and then gaining the full support of the President.

Just a few years earlier Senator Feinstein attached a rider¹⁰⁹ to an important Senate appropriations bill that would have given a \$3,200- a-year, no-bid 10-year lease worth about \$20 million dollars to PRNS rancher Kevin Lunny. Mr. Lunny had purchased the remaining eight years of the Johnson Oyster Farm Lease despite being notified by an NPS attorney that as the oyster farm was considered a nonconforming use in an area designated by Congress (after a multiyear process that included an EIS and public scoping process) as a potential wilderness area the NPS would not renew the lease and would remove the oyster farm at the termination of the lease to fulfill Congress' intent to designate the bay full wilderness area status.

Mr. Lunny went ahead and purchased the remaining years of the lease determined to fight and unleashed one of West Marin's most bitter feuds. That Senator Feinstein was willing to have staff literally spend years on this issue for a rancher (there were several qualified oyster growers in the area that would have sought that opportunity) in an area that Congress had already conducted an expensive public process demonstrates her power and interest in commercializing PRNS.

One would hope that the issues raised in this paper will encourage many of the policy-makers who have expressed full-throated support for ranching in the park to task their staff to examine the issues raised and to hold hearings with representatives of the myriad stakeholders this plan will impact beyond just the ranchers.

As research, quantitative data, and climate change bring these issues into even clearer focus over the coming years, history and public opinion will be the ultimate judge of their legacy on this issue. With a new administration preparing to assume office, Senator Feinstein, who inserted a rider into an appropriations bill citing Congressional support for ranching in PRNS that the NPS cites as a basis for their GMPA, will play a critical role in determining the park's future. But so will her colleagues who have the power to stand up and block any attempt to codify this decision while holding hearings to consider the future of ranching in PRNS.

¹⁰⁹ Dennis Rodoni, "Marin Voice: Huffman's Point Reyes Bill Protects Ranches, Environment – Marin Independent Journal," Marin Independent Journal, October 28, 2018, <https://www.marinij.com/2018/10/28/marin-voice-huffmans-point-reyes-bill-protects-ranches-environment/>.

Another important political figure is California's 2nd Congressional District Congressman, Jared Huffman, whose district surrounds the Federal park. In 2018, Congressman Huffman introduced precedent- setting legislation H.R. 6687. Excerpts from a May 2018 article in the *Point Reyes Light* are revealing as to what drove the legislation:

Three members of RAG (Resilient Agriculture Group) —Dr. Watt, conservationist Phyllis Faber and rancher Kevin Lunny—wrote a letter to this newspaper

{From the Letter}

"Both Representative Jared Huffman and Senator Dianne Feinstein are on record repeatedly as to their unwavering support for agricultural uses remaining a permanent part of the Point Reyes working landscape, consistent with Congress's original intent," they wrote. "It is incumbent upon them to now move from words of support to collaborative legislative action."

RAG has recently announced the hiring of the lobbyist John Doolittle, a former House Republican who came under investigation in the early 2000s for his business relations with lobbyist Jack Abramoff, the prominent lobbyist who defrauded numerous clients.

In a conversation with the Light, Rep. Huffman confirmed that he is open to a legislative solution. He said that he has worked on drafting legislative language in close collaboration with Sen. Feinstein.

In speaking with the Light, Rep. Huffman remained critical. "It's very important to me that I have an open dialogue and working relationship with the ranching community, and it's easier to do that when the community is unified," he said. "When there are splinter groups and offshoots that go out and engage in secret lobbying agendas, it can complicate things and it can undermine the trust that is so important for us all to work together."¹¹⁰

The article also described concerns expressed by some ranchers. As one put it, "I think it can be dangerous to take the RAG path and hire a disgraced, far-right former Congressman to lobby

¹¹⁰ Anna Guth, "House Committee Hears Point Reyes Woes," The Point Reyes Light, May 3, 2018, <https://www.ptreyeslight.com/article/house-committee-hears-point-reyes-woes>.

for you in Washington.”¹¹¹ However, looking at some of the groups the PRSRA worked with, such concerns seemed to fade away as new allies were brought to the fold and the dream of returning to Shafter era ranching became ever closer.

Possibly worried they might suffer the same fate as DBOC, the RAG members--which included Mr. Lunny-- urged their representatives to introduce legislation in the face of a NEPA process that included public review. Had it been successful, it would have eliminated any avenues of public redress.

"In recent weeks, RAG, a new group of advocates and ranchers, has called for legislation that will guide the general management plan amendment process by clarifying Congress's intent that the working ranches continue."¹¹²

Rep. Huffman and Senator Feinstein, as the article states, worked together to craft just such legislation.

It was the same approach used by Rep. Rob Bishop of Utah to eliminate legal challenges to the Trump Administration's 85% reduction of Utah's Bears Ears Monument that exposed the land to oil drilling and uranium mining. Rep. Bishop introduced legislation to codify the Trump Administrations' actions. And Huffman and Feinstein worked together to craft H.R. 6687 which would have codified not only extractive commercial use in a national park, but its primacy.

Huffman and Feinstein's bill was so extreme it received the enthusiastic support of some of the most ardent anti-environmentalists in the House. Rep. Rob Bishop enthusiastically co-sponsored it. Huffman told his colleagues in the House that the bill had the support of his constituents (a stance he still maintains today) and he told his constituents that the bill would not impact the ongoing public scoping process even though it would have codified most of the key issues being reviewed by the public.

The bill would have also codified the killing or removal of a native species (free-ranging Tule Elk) because they interfered with commercial interests. Huffman (and according to the *Light* article, Feinstein's) bill would have radically changed existing law and management practices in our national parks.

¹¹¹ Ibid.

¹¹² Ibid.

Commercial extractive industry (not concessionaires) would be further sanctioned, their operations would take precedence over native wildlife and resources that could be destroyed or otherwise removed if they interfered with the operations. And under the GMPA a visitor's right to visit these areas of the park could be limited or denied if they were deemed to interfere with commercial operations

The following link is to a 3-minute clip of the House Natural Resource, National Park Subcommittee Unanimous Consent procedure on H.R. 6687:

[https://www.youtube.com/watch?v=zXcEMlb6-ik&feature=youtu.be&ab_channel=SavePointReyesNationalSeashore.](https://www.youtube.com/watch?v=zXcEMlb6-ik&feature=youtu.be&ab_channel=SavePointReyesNationalSeashore)

Congressman Garrett Graves of LA was astonished and requested clarification at the precedent the Huffman Bill would set while Rob Bishop, UT-- who co-signed the bill at Huffman's request-- (they have two of the worst anti-environment records in Congress), responds affirmatively about a joke Graves makes about making sausage from the Elk:

{Rep. Graves} So this bill actually protects commercial operations in the confines of a national seashore and to the extent you may have species infringe on commercial operations, the species are relocated?

Actually, the bill also permits the NPS to use lethal methods. Killing the Tule Elk is in fact the method of removal NPS adopts in the GMPA.

Delighted with the answer, Congressman Graves congratulates Congressman Huffman for his bill and when Huffman offers him some Tule Elk in Louisiana Graves and Congressman Bishop joke about making sausage from the elk.¹¹³

Congressman Huffman has stated that he has read the history of the park and he believes that ranching was always meant to stay. Perhaps he has relied on Dr. Laura Watt's history or another one of the pro-ranching advocates. But as stated earlier, finite leases, then authority given to the Interior Secretary to issue 5-year leases only if they are compliant with the resource protection goals described in the 1978 amended Enabling Legislation and a statement By NPS in the Final EIS that that the leases are discretionary, there are no legal requirements for

¹¹³ Save Point Reyes National Seashore, *Hypocrisy at Home*, 2020, [https://www.youtube.com/watch?v=zXcEMlb6-ik&feature=youtu.be&ab_channel=SavePointReyesNationalSeashore.](https://www.youtube.com/watch?v=zXcEMlb6-ik&feature=youtu.be&ab_channel=SavePointReyesNationalSeashore)

the NPS to issues lease. It is clear that both Senator Feinstein and Rep. Huffman would like to change that by codifying ranching in perpetuity at Point Reyes, but to date they have not succeeded in passing such legislation.

Congressman Huffman's stance on PRNS runs contrary to many of the positions he has taken on other environmental issues such as California's Salton Sea where he tweeted this after chairing a September 24, 2020 hearing on the issue (refer to *Figure 18*):

"Yesterday, I chaired the first federal hearing on the Salton Sea in 23 years, and it was revealing. My democratic colleagues and I want the federal government to partner with the state to address the air, water and wildlife disaster that is unfolding there and diproportionately impacting communities of color. Our GOP colleague, Rep. Tom McClintock, couldn't care less. He used the hearing to spout the most specious theories of climate change denial, thumb his nose at environmental justice concerns and he even managed to mix in some classic Trumpist medical quackery by trivializing the pandemic and claiming that masks do nothing to prevent the spread of Covid."

Figure 18: Jared Huffman's post on September 24th 2020, regarding the Salton Sea.¹¹⁴



¹¹⁴ Jared Huffman, "Huffman's Comments on the Saltan Sea," Facebook, September 27, 2020, https://l.facebook.com/l.php?u=https%3A%2F%2Fwww.desertsun.com%2Fstory%2Fnews%2Fenvironment%2F2020%2F09%2F24%2Fcalifornia-democrats-lambast-federal-inaction-salton-sea-hearing%2F5854882002%2F&h=AT1YDb_s4f9ONQhIUzQpkvV4Wa2TvTzar2AcIs_-EYUrXtahcg5ALFFrGqQj6HPwV6EdkxodbTMFcXz_uymhSaHU9ohlxCSEFR9MRxi92OASjwXKdMzPzKA7wDexLr01RMY&s=1.

The voting records and public statements of both Rep. Bishop and Rep. McClintock who receive significant funding from the fossil fuel industry place them in the extreme right of anti-environmentalist, climate change deniers in Congress:

The Republican members of the House Natural Resources Committee spent their years in power undermining and dismantling our most important wildlife laws, including the Endangered Species Act. Just last year, Representative Bishop and his colleagues introduced a package of nine bills that, in effect, would have gutted the ESA.¹¹⁵

Both Rep. Rob Bishop, who co-sponsored Huffman's bill, and Rep. McClintock who Huffman calls out for being a climate change denier congratulated Rep. Huffman for introducing H.R. 6687. During the same committee hearing meeting on H.R. 6687, Rep McClintock and Rep. Bishop commend Rep. Huffman for "finding local solutions to complex problem which the local people agree is the answer."

As this paper has noted, the only local people at the table were the ranchers and the politicians. The public spoke out during the scoping process with over 91% opposing ranching and was ignored. The reason why they supported H.R. 6687 was clear in the video clip: it set a new precedent in favor of commercial interests over native wildlife on public lands that receive the highest level of protection. A "no brainer" gift to the far right which they enthusiastically embraced.

Much of which Rep. Huffman says about McClintock and the Salton Sea applies to Rep. Huffman and PRNS. He has been no less blatant in thumbing his nose at environmental issues, people of color and Environmental Justice in how he has used his power to support ranchers at PRNS. Since he clearly demonstrates in this tweet that he understands these issues, one is left to assume that in his own district, and when his own political self-interest is in play, he simply does not care.

He tries to evade responsibility when asked by constituents saying thing like "it's not my decision it's the NPS's" when in this instance NPS is merely a vessel carrying out policy being directed from above. He also said when he introduced H.R. 6687 that it "would not impact the ongoing public scoping process" when in fact it would have made it completely irrelevant.

¹¹⁵ Jimmy Tobias, "Republicans Aren't Just Climate Deniers. They Deny the Extinction Crisis, Too," *The Guardian*, May 23, 2019, sec. Opinion, <https://www.theguardian.com/commentisfree/2019/may/23/republicans-arent-just-climate-deniers-they-deny-the-extinction-crisis-too>.

The Ranchers in Politics

The ranchers have made common cause with and availed themselves of the services of nonprofits who promote deregulation and the commercialization of public lands. The Pacific Legal Foundation has been supported by funding from the Koch brothers and Cause of Action, which has also received Koch brothers funding, was used by Mr. Lunny for his DBOC legal challenge. With the death of David Koch, the Charles Koch foundation has stepped up spending millions to try and defund the Affordable Care Act during a pandemic. The same multi-billionaires who spent lavishly to deregulate government including a range of long-standing environmental laws like the Endangered Species Act fund organizations dedicated to the commercial use of public lands. PRNS, as public land that receives the highest level of protection would be a coup to essentially turn back into private hands.

And the same dark money that has funded the Heritage Foundation's effort to seat anti-regulation, anti-climate change, business friendly justices and has for years funded legal challenges against the ACA that may strip healthcare from millions of Americans, lift the ban on denying coverage for pre-existing conditions, and remove lifetime caps have also funded legal support to ranchers that are degrading the health benefits accruing from a national seashore.

For some ranchers to have balked at hiring, according to one ranchers description, "a disgraced, far-right former Congressman to lobby for you in Washington," but to have stayed silent as these groups, extremist anti-environmentalists in the House and a white Supremacist Donald Trump rallied to their cause should make one think about their assurance that they are "stewarding these lands in the public interest."

The County of Marin

The Marin County Board of Supervisors unanimously passed a resolution supporting the GMPA with one supervisor referring to the action as "a no brainer."

Prior to his support of the Resolution Supervisor Dennis Rodoni, who has authored op-eds in support of the ranchers and whose 4th District abuts PRNS, accepted an invitation to join the board of the Marin Agricultural Land Trust (MALT). MALT is one of the county's most strident advocates for ranching in PRNS. They also receive millions of dollars in taxpayer funds through a Marin County sales tax that has funded both the Marin County Parks Department and Malt. (How Supervisor Rodoni managed to deconflict his fiduciary responsibilities as a board member

of a private nonprofit that also receives taxpayer funding for which he also bears a fiduciary responsibility has been the subject of recent concern resulting in his stepping off the Board of MALT after it was disclosed MALT had overcharged the County of Marin some \$800,000 on an easement transaction due to a "process" error.

When a group of environmentalists sued the NPS over its failure to update its Management Plan, Supervisor Rodoni helped engineer an extraordinary pay out of up to \$200,000 of public funds to cover the ranches legal fees so that they could join the lawsuit.¹¹⁶

The county provided the reimbursement— officially defined as 20 percent of ranchers' legal fees, up to a \$200,000 cap.

Two groups of ranchers were being represented separately. One group hired a private international law firm, Arnold & Porter Kaye Scholer. Another cohort was being represented by Western Resources Legal Center.¹¹⁷

In addition, according to the article, county legal staff had also spent over a hundred hours on the case.

What made these actions extraordinary included:

- The PRNS Ranchers and their PRNS-based ranches (several also own ranches outside the park) operate on federal lands not subject to the jurisdiction of Marin County.
- "two years ago the county had allocated \$125,000 to help ranchers with the difficult impacts of the drought. But then rain fell, and the funds were never paid out."¹¹⁸
(How does the county make that assessment over schools., roads, nonprofits, underserved communities, hospitals and the myriad other needs in the county?)
- Some of the ranchers are multi-millionaires. Does the county consider this in offering legal support and public funds?
- "The county has since been discussing how the money should be spent, and ultimately decided to repurpose it for the ranchers' legal fees, with an extra infusion of \$75,000."¹¹⁹

¹¹⁶ Samantha Kimmey, "Ranchers Get Legal Funding from County," The Point Reyes Light, January 12, 2017, <https://www.ptreyeslight.com/article/ranchers-get-legal-funding-county>.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

- Where did these funds come from? Was there a public review process?

The county provided approximately \$100,000 (according to the article the funds were split) to "Western Resources Legal Center". WRLS lists Point Reyes Ranchers Association and Lunny Ranch as two of its 2018 supporters.

According to its website this organizations mission is:

Our mission is to provide skills and training for law students seeking careers representing oil and gas interests, farmers, ranchers, timber companies, water users, mining companies, and other businesses that provide the natural resources and productive land uses on which modern life depends.¹²⁰

What an irony that Marin County (whose Countywide Plan claims to be focused on climate change) should use public funds to support such an organization so that it can safeguard the interests of a handful of ranchers in a national seashore whose activities are degrading and devaluing public health and our local economy and exacerbating climate change based on the findings presented in this report.

The justification teh County used was based on the assertion that any decrease in ranching in PRNS threatens policy in the Countywide Plan and the Local Coastal Program that support the continuation of agriculture.

The Countywide Plan reads like a patient who takes multiple drugs for addressing multiple symptoms without consulting experts on how those drugs might interact and produce negative or fatal outcomes. For instance, the county has adopted policies related to inclusion, equity, racial discrimination, underserved communities health and the environment.

If the document was merely aspirational, perhaps it would not be so alarming. But it is a planning document and the county used this to justify expending public funds. The Marin County Board of Supervisors passed a resolution that affirms equity and inclusion as priorities in the county and takes a stand against all forms of discrimination and intolerance.

¹¹⁹ Ibid.

¹²⁰ "WRLC Mission Statement," Western Resources Legal Center, 2019 2007, <https://www.wrlegal.org/about-us>.

"We will fight for the rights, freedoms and interests of all members of our community. What resonates most for me now is the power of community and the importance of acting locally to protect the values we cherish: community, acceptance, respect, integrity and compassion," Sears said. "So let's join hands and go forward with energy and engagement, working together to creatively solve problems and enrich the lives of everyone in our community."¹²¹

It appears that in developing the Marin County's Countrywide plan (CWP) ranchers were consulted, but the communities that will be most negatively impacted by ranching remaining in the park were not. In fact, there is no mention of the distinction of ranching in a national park and ranching in general. The platitudes describing ranching are just that: there is no serious analysis of the myriad issues that arise with food production. Nor is there analysis of why or how, in a National Seashore that serves some 2.4 million visitors a year it might be problematic or contrary to the laws and policies governing national parks and seashores.

The 2007 CWP claims it "integrates sustainability principles, addresses climate change, and links equity, economy, and the environment in its policies and programs." In fact there appears to be little in the way of integration as issues are siloed resulting in a plan riddled with inconsistencies. Issues involving underserved communities are related only to housing. Since the document does not even bifurcate lands being ranched in Marin with federal lands that enjoy much higher legal protections, there is no mention or analysis of what ranching in the park might do to visitation, the accessibility of the park and the impacts on these communities to enjoy the health benefits of visiting a park. The focus on economic and cultural values of ranching overemphasizes the brief 150-year extractive uses of white European settlers on these lands over the many thousands of year history of Indigenous Coast Miwok. By deemphasizing their considerably longer history stewarding these lands, the CWP distorts history and institutes barriers for these communities to feel welcomed on their aboriginal lands.

The CWP states: "Although agriculture is not technically considered a 'natural system,' most ranchers and farmers in Marin conduct agricultural activities in a manner compatible with the natural environment." Again, the report offers no basis for making such an assertion, except for its clear intent to state unqualified and unexamined support for agriculture.

¹²¹ Katrina Houck and Patch Staff, "Marin County Board Adopts Resolution on Equity, Inclusion," San Rafael, CA Patch, December 14, 2016, <https://patch.com/california/sanrafael/board-adopts-resolution-equity-inclusion>.

Photos attached to this report demonstrate anything but a system compatible with the natural environment as does the parks own EIS --especially on lands that are supposed to be managed to the highest standards of protection. Ranches at PRNS receive waivers allowing them to pollute. It claims it wants to address climate change, but says nothing about the well-documented impacts of methane on climate change and the urgent need to reexamine our current agricultural practices. ¹²²

The CWP also states:

The 21st century in Marin will include a restored natural environment that supports a rich array of native plants and animals, and provides for human needs. Residents and visitors will enjoy clean air and water. Native habitat and essential corridors for wildlife movement and plant dispersal will be protected. Watershed function will improve with enhancements to water infiltration, preservation of stream-flow capacity and riparian vegetation, and restoration of stream corridors, marshlands, and other natural wetlands.

Where is the evidence of this commitment in these photos (all taken in 2020) of the ranched lands in PRNS that the County of Marin has not only supported but heavily subsidized? What process did they follow to cite the CWP as the basis for approving support to ranching when it clearly violates the stated priorities of the CWP within the most protected of public lands?

¹²² Henry Fountain, "Cutting Greenhouse Gases From Food Production Is Urgent, Scientists Say - The New York Times," The New York Times, November 5, 2020, <https://www.nytimes.com/2020/11/05/climate/climate-change-food-production.html>.

Figure 19: *Coyote searching for food in a barren field.*



Figure 20: *Manure piles and veal huts.*



Figure 21: Plowed fields at Abbott Lagoon.



Figure 22: Barren fields.



Figure 23: *Silage fields.*



Figure 24: *A massive modern milking shed built on a bluff directly over the Great Beach.*



Figure 25: 4 Bull Tule Elk who wandered on to ranch lands where they can be "aggressively hazed" or shot according to the GMPA.



The CWP fails to examine through a holistic, rigorous analysis how its various components meet its objectives and how they interrelate to other goals and aspirations.

While it claims to support "a restored natural environment that supports a rich array of native plants and animals" and clean air and water, the County of Marin relied on this CWP to justify funding anti-environment groups to help ranchers in PRNS continue to degrade the land areas of a national park that tens of thousands of Marin residents frequently visit.

The fact that the county has based funding and policy decisions regarding supporting and subsidizing and continuing ranching in PRNS based on a CWP and LCP that are so deficient is deeply troubling. With no economic analysis, no community impact evaluation or statement, no discussion or Bay Area wide-outreach to fairly analyze the impacts of maintaining ranching decisions were made that could negatively impact millions for generations to come.

There is one shared characteristic of everyone that has been deeply involved in this issue (including this author¹²³) the entire Marin County Board of Supervisors, every rancher, politician, local journalist, county official, ranch supporter, the key members of Congress driving the issue, NPS officials, lobbyists, lawyers, professors, Interior Officials, --and certainly those who actually have the power to effect change, we are all white.

Congressman Huffman, in the *Light* article referenced above, advises the ranchers and their supporters about the importance of having a united ranching community to work with--implying that will better assist him in delivering on what *they* all want.¹²⁴

It appears that not one of these policy-makers or their staff even considered reaching out to communities of color or to underserved communities to get their input on this decision. Nor have I read anything specific to PRNS around the topics raised in this paper that will negatively affect these communities. Rep. Huffman commented about environmental justice issues that were impacting people around the Salton Sea. But he is apparently unaware of the environmental justice issues in his own backyard.

And as discussed earlier in developing a culture of health, one of the hallmarks of both environmental and racial discrimination is denying meaningful participation in environmental decision-making and failing to recognize community or cultural differences. It is also an example of how systemic racism in our society occurs through brute force--when one demographic group uses its power and its privilege to advantage themselves while disadvantaging others. How else can you explain a group with a 150-year history on these lands being given the opportunity to break their agreements to end ranching, receive ever expanding leases and privileges on over 28,000 acres of land while a historically oppressed indigenous group with 10,000-years of history on these lands is given an acre of land and is essentially dismissed in this process?

¹²³The author has reached out to several of these communities to hear their concerns and intends to continue to expand this effort.

¹²⁴ Anna Guth, "House Committee Hears Point Reyes Woes," *The Point Reyes Light*, May 3, 2018, <https://www.ptreyeslight.com/article/house-committee-hears-point-reyes-woes>."

XI. The Taking of Point Reyes

For the many people who visit PRNS and ask "how could this happen in a National Seashore," there are four documents (all of which are attached sequentially in Appendix A-D of this report) that describe the "how." The first is the June 2, 2014 PRSRA letter¹²⁵ to PRNS Superintendent Cicely Muldoon, where the ranchers set out their Shafter era plan. The second is a 2016 letter from Dianne Feinstein to Secretary of the Interior Sally Jewell¹²⁶ urging the Secretary to implement the Shafter era plan reiterating (in some cases almost verbatim) the ranchers requests. The third is a letter from the NPS's Western Region director Laura Joss¹²⁷ who was tasked with the response (doubtless reviewed and approved by Interior). She acknowledges Congressional intent to maintain ranching at PRNS, assures her NPS will continue their support of ranching , reminds her that PRNS staff are in regular contact with both the ranchers and her staff regarding the GMPA and thanks Senator Feinstein for her continued support of *sustainable* (emphasis added) ranching at PRNS.

These letters demonstrate how the review and subsequent response to a court ordered settlement were predetermined and not based on the outcomes of an impartial environmental review (even though the ability of the Secretary of Interior to authorize leases is constrained by a requirement that they be consistent with existing natural resource protection laws governing the management of such resources in National Parks and in PRNS own amended enabling legislation:

§459c–6. Administration of property

shall be administered by the Secretary without impairment of its natural values, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with, based upon, and supportive of the maximum protection, restoration, and preservation of the natural environment within the area (Emphasis added.)

¹²⁵ Point Reyes Seashore Ranchers Association. "Re: Ranch Comprehensive Management Plan Environmental Assessment (EA)," June 2, 2014. <http://savedrakesbay.com/core/wp-content/uploads/2016/08/PRSRA-Scoping-Letter-with-attachments.pdf>. (See Appendix A)

¹²⁶ Diane Feinstein, "Official Correspondence from Senator Diane Feinstein to Secretary of the Interior Sally Jewell," March 18, 2016, https://www.eenews.net/assets/2016/04/19/document_gw_01.pdf. (See Appendix B)

¹²⁷ Laura E. Joss, "Official Letter from NPS Regional Director, Pacific West Region, Laura E. Joss to Senator Dianne Feinstein," April 7, 2016.

Ms. Joss never mentions awaiting the final environmental assessment nor does she refer to awaiting determination based on the results of analyzing adverse impacts including, economic, environmental, or the considerable issues at stake regarding equity, diversity, and environmental justice and health. There was no discussion about awaiting feedback from the various stakeholders highlighted in this paper, only a clear line of communication between PRNS staff (with oversight from Interior) , Senator Feinstein's staff and the ranchers.

This predetermined outcome calls into question the validity of the NEPA process (which continuously refers to the "desired outcome"--which is clearly the outcome agreed to in these two letters). In response to a question in the FEIS, the NPS asserts that it has discretion as to whether or not to authorize leases in the park. That is accurate. As the statute above defines the Secretary of the Interior's authority to issue leases is dependent on such lease being compliant with existing law regarding the protection of natural resources.

The issue of Congressional intent is doubtless clear in Senator Feinstein's mind. As the ranking member of the subcommittee on Interior Appropriations she has every reason to believe the Interior Department will respond favorably to her "urging" them to take specific actions. But her characterization of this intent being extent in 1962 is simply not accurate. And given the constraints on the Interior Secretary's authority to issue leases, the lack of codified Congressional law on the issue and the fact of the significant misinformation Senator Feinstein and Congressman Huffman have provided their colleagues "congressional intent" is at best undetermined.

The fourth element of this taking is described in an article in the *Point Reyes Light*¹²⁸ which includes the demands by a ranching advocacy group that legislation be pursued to codify their plan and protect it from a legal challenge. Ostensibly this is for the purpose of "clarifying Congress's intent that the working ranches continue."¹²⁹ But the legislation that Feinstein and Huffman work on does much more than that. As discussed in the previous section, It would codify the primacy of commercial operations in a national park over existing laws that mandate natural resource protection be the highest priority. This is what so excited Republicans who favor the commercialization of all public lands and earned their full-throated support for the

¹²⁸ Anna Guth, "House Committee Hears Point Reyes Woes," 2018. (See Appendix D)

¹²⁹ Ibid.

bill. The Secretary of the Interior's authority to issues leases would be unbound from existing laws that have guided the NPS since its establishment. It would set a precedent that doubtless would be tested in other parks under future administrations.

In the article Rep. Huffman describes how closely Senator Feinstein and he are working on legislation to preempt any challenges, and where Rep. Huffman counsels the ranchers on how to work together so he can give them what they want.

To further elucidate these points, consider the following elements of each of the 4 documents.

The PRSRA letter is where the ranchers lay out the Shafter era plan. It describes the considerable resources that went into its development:

This letter also incorporates facts and information from PRSRA consultants, including lawyers, historians, NEPA experts, scientists and other resource management agencies.¹³⁰

The letter, which contains numerous inaccurate as well as debatable points describes elements of the Shafter era plan that become the verbatim talking points used by Senator Feinstein and Congressman Huffman in their many public and official statements on this issue as in this letter from Senator Feinstein to Secretary of the Interior Jewell:

[D]iversification of crops and income is now more important than ever," Feinstein wrote. The upcoming NPS ranch management plan, she added, "should allow for some level of agricultural diversification ... including small-scale row crop farming, production of different livestock species, and allowance of agricultural processing and sales.

These are points that derive from that letter that are all incorporated in the GMPA. Senator Feinstein goes on to say:

¹³⁰ Point Reyes Seashore Ranchers Association. "Re: Ranch Comprehensive Management Plan Environmental Assessment (EA)," June 2, 2014. <http://savedrakesbay.com/core/wp-content/uploads/2016/08/PRSRA-Scoping-Letter-with-attachments.pdf>.

lawsuit, I firmly believe that multi-generational ranching and dairying is not only important both ecologically and economically for the area, but also entirely consistent with Congress's intent when it established Point Reyes National Seashore in 1962 and subsequently amended the Act in 1978.

Allowing for continued ranching was a part of the deal Congress struck when it first established Point Reyes National Seashore as a national park. As part of a deal to persuade landowners to sell their property to create the National Seashore in 1962, the federal government assured residents they could continue ranching. And Congress subsequently reaffirmed the importance of agriculture in 1978 when it established the permitting system that now governs the leases.¹ We must keep that promise.

This is a completely inaccurate rendering of facts and history.

To the first point, at least some of the considerable environmental impacts of ranching are documented in the EIS and many more in numerous expert opinions on the topic. This paper has addressed the economic loss the ranches create for the community and the region as well as their negative impact on public health. Moreover as to the history that Senator Feinstein and Representative Huffman promote: There was no deal struck in 1962 between the government and ranchers that created a legal basis for the continuation of ranching in a National Seashore (which at the time was nowhere near fully formed due to property acquisition issues.) In 1962 the ranchers refused to sell their properties and the government did not have enough money to buy all the properties identified in the new park so they simply delayed the issue for almost 10 years until funds were forthcoming. They then purchased the properties under terms that set a finite term of "reservations of use and occupancy." It was a similar deal that homeowners and other ranches in GGNRA received who were forced to vacate per the terms of the ROP. According to the NPS's own history of the park, the 1962 Enabling Act (EA) did not provide any legal commitment to ranching continuing in a park that at the time the EA was signed existed only on paper:

The specific language in the founding act, Public Law 87-657, which states that the government may not acquire land in the pastoral zone without the consent of the owner, **"so long as it remains in its natural state, or is used exclusively for ranching and dairying purposes," was in no way a mandate for the NPS to continue agricultural activity at Point Reyes.**(Emphasis added). That language

described the terms by which a rancher would be allowed to maintain property ownership. In other words, if the rancher wanted to keep title to their property for a designated period of time, they had to keep the land in its traditional agricultural operations; otherwise the government could condemn the property in order to ensure that the NPS remained in control of the land. The point was to keep other inappropriate land uses—subdivisions, apartment buildings, Ferris wheels, and the like—from appearing in the center of a national seashore.

The authorizing act did not mandate the ranch owners, or the NPS, to keep the land in agricultural use; they did want to maintain undeveloped open space, the pastoral scene, and rights of the original property owners. **Many NPS officials and members of Congress assumed that once the government purchased the land in the pastoral zone, it would eventually be allowed to return to its natural state, as that term was then understood.(Emphasis added)**¹³¹

Senator Feinstein's letter claimed:

These operations are not only an important cultural and economic underpinning in the area, they also sustain a healthy and well-balanced ecosystem. Sound, sustainable farming practices help with—not hinder—the management of vast grasslands under threat from non-native plants.



invasive shallow-rooted plants



a coyote searches for food on a barren field

¹³¹ Sadin, Paul. *Managing a Land in Motion: An Administrative History of Point Reyes National Seashore*. pg. 177 Historical Research Associates, Inc. 1904 Third Avenue, Suite 240 Seattle, Washington 98101, 2007. https://www.nps.gov/parkhistory/online_books/pore/admin.pdf.

Another gross inaccuracy as the photos above reveal. Ranching has introduced invasive species which the ranchers claim cows are now needed to suppress. This report describes successful restoration efforts. Ranchers have claimed the pastoral zone would be impossible to restore.

Sustainable ranching in the Seashore also provides an excellent opportunity to educate the millions of visitors who come visit each year. In these unique working landscapes, visitors can witness for themselves how locally-produced food reduces greenhouse gas emissions by reducing the distance traveled from farm to table.

One half of Marin County's landmass and perhaps even more in Sonoma are in agriculture. There are endless opportunities for visitors to experience ranching and farming in the Bay Area through farm stays, food tours and other programs. Many of these tours are conducted on ranches that are just as historic and are just outside the park on the East shore of Tomales Bay.

¹³²PRNS is the only National Seashore on the Pacific Coast.

FOOD & FARM TOURS

Experience the bounty of Northern California's Coastal Corridor

BOOK NOW

Taste. Immerse. Connect.

We offer unique and intimate day excursions connecting you to the renowned agricultural destinations of Marin and Sonoma Counties. Go behind the scenes to meet the makers and taste the wide array of artisanal food and libations coming from our local food shed.

To suggest that ranching in a National Park helps combat climate change is not accurate. From the NPS EIS: ¹³³

¹³² <https://foodandfarmtours.com/>

¹³³ Point Reyes National Seashore et al., *General Management Plan Amendment Final Environmental Impact Statement*, 107.

TABLE 12: ANNUAL EMISSIONS FROM RANCHING AND MOBILE SOURCES UNDER EXISTING CONDITIONS (TONS/YEAR)

Activity	NH ₃	VOC	PM _{2.5}	CO ₂ -Equivalent (metric tons per year)
Ranching/Livestock Emissions	104.9	46.9	0.671	24,601
Mobile Source Emissions*	0.27	0.56	1.6 (including dust)	3,734

Activities associated with ranching would continue to emit criteria pollutants and greenhouse gases associated with cattle grazing, manure management on dairies, fugitive dust, and mobile source emissions.

The GHG emissions from livestock under Alternative B would represent approximately 21% of agricultural sector emissions in Marin County and 5.7% of the total county emissions.

The NPS Regional Director for the West Coast Region, Laura E. Joss was tasked to respond to this letter. Her response is devoid of any suggestion that there will be any result other than the one Feinstein has "urged." As is standard bureaucratic practice in any U.S. government agency when dealing with high profile or sensitive issues it would have been sent to Interior for review and clearance as it was a response to an official request being made by a Senator with tremendous influence over Interior and NPS's budgets who has for years weighed in on issues at this park. This is where NPS's "Alternative B" was determined. Not by the extensive NEPA process or the thousands of citizens who spent countless hours providing earnest comments as part of the public scoping process which the NPS pointed out was not "a popularity contest." The decision was made based on a series of false premises created by a team assembled by the ranchers to reach out to their most reliable Congressional allies. These two letters formed the basis of the "desired outcome" referenced throughout the FEIS.

The partnership between the National Park Service and the park ranchers to preserve the vibrant ranching and dairying tradition at Point Reyes National Seashore and adjacent park lands has endured for more than 50 years. Point Reyes National Seashore staff today is proud to work together with the children and grandchildren of those ranching families who sold their lands to the National Park Service decades ago. We are committed to honoring Congress' intent regarding these beef and dairy ranches when it passed and updated Point Reyes National Seashore's enabling legislation, and intend to honor existing ranching and dairy authorizations.

The National Park Service believes that the Ranch Comprehensive Management Plan under development will strengthen both the historic working ranches and the superlative natural and cultural resources of Point Reyes National Seashore. The process is well underway, and we anticipate release of the plan for public review in late 2016. Point Reyes staff has met with your staff throughout this planning process, and will be pleased to continue to keep you and your staff updated as the plan progresses.

At the end of Senator's Feinstein's letter to the Interior Secretary expressing her series of false assertions she closes with this quote:

I would like to close with a quote from the National Park Service's General Management Plan of 1980: "There is no better place for man to contemplate his origins, the factors that sustain him, and the threats that may destroy him, than at the edge of the sea." I am now more convinced than ever that this national treasure and its lessons should be preserved for our children.

What are the lessons that children and future generations will learn from this as they face the unprecedented and existential challenges ahead? That 99 colleagues of Senator Feinstein and 434 of Representative Huffman supported this taking of a National Seashore because they failed to learn what the broader implications might be and to listen to the communities that would be most impacted? Our systems of checks and balances often becomes short-circuited in Congress when a determined, and immensely influential, politician such as Senator Feinstein is determined to get their way on an issue that is seen as local. Other politicians, even if they disagree, may choose not to oppose because they don't want to expend political capital and/or they may need that person's support to legislate on their own local issue. That's our system.

As Swedish activist Greta Thunberg so clearly observed this has terrible societal costs given the reality we now face:

And yet there are the Australia wildfires, the California wildfires, severe climate events all there for us to see. Is it that even more individuals have to experience cataclysmic events in order for them to take the climate crisis more seriously? Many people say that. They say it's not until it's burning in our own backyard that we will start to act. But that's not true. If you look at Australia, did they change? No. Look at California. Did they change? No. We have lost contact with nature so much that even when it's burning right in front of us, we don't care. We care more about this social system, this political system that we've built up.¹³⁴

¹³⁴ David Marchese, "Greta Thunberg Hears Your Excuses. She Is Not Impressed.," *The New York Times*, November 2, 2020, sec. Magazine, <https://www.nytimes.com/interactive/2020/11/02/magazine/greta-thunberg-interview.html>.

What is occurring is a systemic failure of government. This is a case study in how imbedded white privilege in one small very wealthy and very white county sanctions and sustains systemic racial and economic injustice. While everyone who visits the park will suffer, people of color and underserved communities will suffer the most. There may be no other options available to many in these underserved communities in the Bay Area or along the entire coast of California to experience a national park with an area like Yellowstone's Lamar Valley--but with the added maritime wonder of the Pacific Ocean, Tomales Bay and all their marine life. It could only happen at PRNS. People of color will be less likely to feel welcomed at a park that is more white person's ranch than park. And the end results for both these communities will be more pressure applied to the grip of gross inequity.

XII. Conclusion: Through the Looking Glass—The Future of the Point Reyes National Seashore

This moment and the movement it has inspired is about making the choice to confront the uncomfortable truths about a continuing legacy of systemic racism, implicit bias and racial and cultural division within our social, economic and political systems. The commission is committed to being part of this conversation, to not only giving voice but taking responsibility to act in our service to the public.

Steve Padilla Chair, California Coastal Commission

It is a terrible irony that a park whose founders envisioned would become one of the crown jewels in the national park system while at the same time--due to its proximity to a major urban area-- be an opportunity to begin to redress environmental and social discrimination against people of color and underserved communities should--through a pernicious display of white privilege--itself be degraded and restricted. And it is a terrible indictment of our political system that as climate change driven fires burn four million acres in California's fifth consecutive year of unprecedented fire and smoke, as our kelp forests are dying and the coast is experiencing a dramatic loss in species and as the worst pandemic in over a hundred years has already claimed 250,000 American lives our politicians have decided that the financial

interests of a handful of ranchers should be supported over the overwhelming public need for a park of this unique character at a time of unprecedented crisis.

For the past eight years I have examined the global humanitarian response system and how we can better adapt elements of the system to meet the intensifying impacts from climate change. At its core it is simply a study about systems and people--particularly the world's most vulnerable who with diminished resources and coping skills are the most at risk. There's no question that ranching in Point Reyes contributes to climate change and the park's EIS acknowledge this in its attribution of the methane produced from cows. The time is running out to address the root causes of climate change. But we are also on the clock for developing strategies to prepare ourselves to become more resilient in the face of coming challenges. It's as if a train is bearing down on us and we are frozen like a deer in the headlights on the track.

The international and domestic disaster response community spent decades preparing for not an if, but a when a global pandemic would emerge. We built early warning systems like the World Health Organization's GORAN and the United States Agency for International Development's PREDICT; we created the National Strategic Stockpile to have masks gloves and other Personnel Protective Equipment ready to distribute to states around the country and we developed planning roadmaps to detail the critical steps in the early day weeks and months of a pandemic.

When SARS CoV2 arrived, it caught us flat-footed. Our early warning systems had been defunded or degraded. Much of the inventory in the National Strategic Stockpile had been used and not replenished. And much of the planning was largely disregarded.

We suffered from our systems breaking down; and we certainly suffered from a lack of clear, competent and courageous leadership. But we also suffered from a failure of imagination as to just how challenging and complex a global pandemic would prove to effective response.

The politicians who have turned Point Reyes into what it is today are suffering a similar failure of imagination. In fulfilling the rancher's dreams of returning the pastoral zone to the Shafter-era of 150 years ago they are reinstituting the very barriers that a culture of health is meant to overcome: inequality, environmental degradation and a lack of diversity.

Such an approach ignores the reality around us and the invaluable opportunity we have to take steps now that will create far greater returns for all the people of the Bay Area and beyond by

restoring PRNS so that it maximizes its potential as a critical element in the region's and nation's Community of Health.

California's future is one that will be challenged as never before by water (mostly the lack of it) fire, economic instability, sea level rise, salinization, even greater inequity and migration at historic levels. And there will be disasters that we don't yet have the ability to predict. We are at the beginning phase of climate change driven events that will radically alter life on this planet.

Research has shown that the cumulative impact of multiple disasters reduces a person's coping abilities.¹³⁵ By refocusing our parks as places managed to foster mental health resilience we can help better prepare all Americans to withstand these oncoming disasters. To make such an effort relevant to all Americans the nexus between environmental justice, poverty, race, social equity and health must be addressed by making our parks more welcoming to these communities through outreach and targeted programs.

The inspiring quote above from the California Coastal Commission's Chair Steve Padilla was written about the Black Lives Matter Movement, but it also speaks to the need of society, and the structures that govern it, to put principles and results ahead of rhetoric and to never waiver from serving the common good.

California, for the foreseeable future, will be the epicenter of climate change in the United States. The mental health challenges we are currently facing with both unprecedented fires and Covid-19 are staggering. They will almost certainly grow even worse in the coming years.

Once ranches are removed, it would take at least a decade to restore Point Reyes based on the timeline of other such efforts. President Trump was wrong, it's not getting colder. In 30 short years the impacts to the planet, and to the world's most vulnerable, will be almost unfathomable. The decision to restore Point Reyes, to work harder to make it a more welcoming and a more inspiring national seashore and to make it truly integrate into region's

¹³⁵ Chas Danner, "California's Disaster Overload: Wildfires, Hazardous Air, and COVID-19" *New York Inteligencer* Aug. 24, 2020

community of health will pay dividends in the many billions of dollars for community health particularly mental health.

Policy makers who fail to educate themselves on the research, to conduct a comprehensive economic analysis, to consult with scientists, with mental health professionals and with the communities that will be most impacted are doing a terrible disservice to their constituents and to the broader community. Our National Parks are not only places for enjoyment, inspiration and health-- they are places people need to find temporary refuge from the current and coming storm.

The perilous situation we now find ourselves in and the good that can come of restoring Point Reyes National Seashore calls for us after 58 years to heed the words of Conrad Wirth, the man who first recognized that this geologically contrarian peninsula was indeed greater than the sum of its parts. **We** are the "generations hence" in "great need of this breathing spot."

Acknowledgements:

The author would like to thank Kat Despain for her generous, and extremely helpful, contribution in formatting this document and assembling various elements including the Table of Contents, Appendix and Bibliography.

Appendix A

Point Reyes Seashore Ranchers Association 15020 Sir Francis Drake Blvd.
Inverness, CA 94937

Hand delivered

June 2, 2014

Cicely A. Muldoon, Superintendent

Point Reyes National Seashore One Bear
Valley Road

Point Reyes Station, CA 94956

Re: Ranch Comprehensive Management Plan Environmental Assessment (EA)

Dear Superintendent Muldoon,

The Point Reyes Seashore Ranchers Association (PRSRA) appreciates the opportunity to comment on the Ranch Comprehensive Management Plan (CMP) during the current public scoping period.

I. INTRODUCTION

Ranching and farming families have been the stewards of the beautiful lands and waters of the Point Reyes peninsula and surrounding rangelands for many generations. It has been widely recognized that because of the careful management by these families, these cultural and natural resources were preserved. As ranchers know well, we must take very good care of the land we love so that it will remain productive for future generations. In the 1950s and 1960s, Congress recognized that this land and water preserved by these enduring, committed families should be protected into the future---not protected from the long standing land stewards and their historic businesses, but protected from new development. Congress created the Point Reyes National Seashore (PRNS or seashore) to protect not only the natural resources, but also the agriculture, mariculture and fisheries that had shaped the landscapes for the previous century. The relationship to the land of the historic families who had been caring for the land for previous generations was also to be protected.

The members of the PRSRA 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 (MRCD) and the Natural Resources Conservation Service (NRCS) to adopt new conservation practices and implement on the ground projects to protect and improve natural resources. Most of these beneficial projects come by choice, and at the financial expense of the historic rancher or farmer. PRSRA members provide exceptional educational opportunities. Members of PRSRA partner with other organizations and agencies to help inform the public about the benefits of family farming. One PRSRA member, the Drakes Bay Oyster Farm, provides on-farm educational opportunities for schools, organizations and roughly

50,000 members of the visiting public annually. PRSRA members produce over 20% of Marin County's agricultural products, generally, and more than half of Marin County's oysters, specifically. The land in the Olema Valley and Point Reyes Historic Ranch Districts constitutes approximately 25% of the land available for agriculture in Marin County today. The ranchers within the project area provide a significant number of jobs as well as affordable housing for their employees. The milk, beef and other farm products flowing into our local region provide more economic opportunities for the region through distribution, retail and restaurants featuring local farm products.

Over the past 50 years, since the creation of PRNS, National Park Service (NPS) managers and staff have continually come and gone. Each time new NPS staff arrive at PRNS to regulate the ranching and farming activities, the seashore ranchers provide the necessary education and background for them to begin to understand the historic operations. Only on very rare occasions have we ranchers seen any NPS staff with any background or education in agriculture – and we have seen hundreds of NPS officials and employees pass through PRNS. For longer than anyone at the NPS, the seashore ranchers have known the seashore's history, and have known and cared for both the natural resources and the local community and the people in the county we serve. The current staff at PRNS, together with the contractors they have hired and the experts with whom the PRNS will consult with during this EA should listen carefully and give special importance to the comments by the most experienced PRNS land managers, the Point Reyes Seashore Ranchers.

PRSRA represents and supports all ranchers and farmers in the project area. This scoping letter has been written by the historic ranchers with collaborative conservation in mind. PRSRA has taken this EA very seriously. PRSRA has had several membership meetings over the past month to work on our scoping comments. This letter reflects hundreds of suggestions and edits from the affected ranchers. Almost every rancher was engaged in the development of these scoping comments and almost every rancher has signed this letter. This letter also incorporates facts and information from PRSRA consultants, including lawyers, historians, NEPA experts, scientists and other resource management agencies. The purpose of PRSRA is to work with PRNS to achieve a relationship that protects both the ranchers' livelihoods as well as the natural resources. PRSRA believes these goals are not mutually exclusive, but, in the case of the project area, both are required to achieve either goal.

Many of the Special Use Permits (SUP) traditionally issued to the historic ranchers and farmers within the seashore have expired and have not been renewed. PRSRA does not concur with NPS that issuing 20-year permits as directed by the Secretary of the Interior would require an EA pursuant to the National Environmental Policy Act (NEPA). Furthermore, PRSRA does not agree that a new EA is required to allow PRNS to employ the tools already authorized in a previous EA and management plan to remove the elk from the ranchlands. Nevertheless, because PRNS decided that an EA would be undertaken, PRSRA will participate in the NEPA process as the most experienced and most affected stakeholder.

PRNS is a unit of the national park system and PRNS is a "National Seashore", not a "National Park." PRSRA asks that all EA documents, publications and communications be corrected.

Currently, there are many references to "park" or "park resources." These should be changed to "seashore" or "seashore resources." This error, if not corrected, could cause the public and consultants to apply the wrong standards to this environmental review.

PRSRA is the voice of the ranchers in the seashore. The undersigned members of PRSRA ask that during this Ranch CMP EA and into the future after this process is complete, PRNS and its contractors communicate with the ranchers through PRSRA on any regional issue – any issue that is not absolutely specific to one ranch. PRSRA as a group is conversant in most, if not all issues affecting multiple ranchers whereas individual ranchers may not be.

II. THE PURPOSE AND NEED AND OBJECTIVES SHOULD BE MODIFIED

a. Purpose & Need

A need for action should be limited to new activities, with new federal action required, with the potential for effects on the human environment. The NPS clearly states that this EA is to “Identify collaborative management opportunities that promote protection of Shafter era ranching.” In order to properly state this clearly, one of the needs that should be amended now reads: “To provide clear guidance and streamline processes for park and regulatory review of proposed ranching activities, including best management practices that promote protection of park resources.” PRSRA suggests that this need should be re-stated as: “To provide clear guidance and streamline processes for PRNS and regulatory review of proposed **new** ranching activities consistent with Shafter era ranching and farming activities, including best management practices that promote the addition of culturally appropriate agricultural practices and promote protection of seashore resources.” (See PRSRA legal analysis, attachments A and B)

b. Plan Objectives

The plan objective: “Clarify NPS expectations and rancher commitments to ensure consistency of agricultural lease/permits” should be amended. PRSRA believes a more collaborative approach to ensure consistency would improve this objective. PRSRA suggests changing this objective to: “Clarify NPS and Ranchers’ expectations and commitments to ensure consistency of agricultural lease/permits.”

The plan objective: “Identify and evaluate activities that provide operational flexibility to support long-term dairy and beef cattle operations in a manner consistent with the protection of park resources” should be amended. This narrow view of only providing operational flexibility to a dairy and beef ranching monoculture misses the true objective of supporting, encouraging and celebrating the truly diversified and dynamic Shafter era agriculture. PRSRA suggests that this objective should be re-written as: “Identify and evaluate activities that provide operational flexibility to support the dairy and beef cattle operations as well as the diversified agricultural activities that were present during the Shafter era in a manner consistent with the protection of seashore resources and World Heritage Site management principles that recognize ‘continuing landscapes.’”

NEPA requires an agency to review the effects of its federal action on the whole human environment, not just the effects its action may have on the natural environment. The viability of the ranchers is part of the human environment that this CMP must consider. PRSRA suggests another plan objective: “To create a plan that will allow current practices to continue, allow for long term leases/permits, allow for the addition of new practices consistent with Shafter era agriculture and to ensure ranchers’ financial viability in a manner consistent with the protection of seashore resources.”

Certain seashore ranch lands have recently been taken out of agricultural production, completely changing the land use and its intensity of use, without any environmental review or public process. In some cases, historic families have been displaced. PRSRA asks that one more plan objective be added: “Restore agricultural activities in the Olema Valley and Point Reyes Historic Ranch Districts where they historically existed and are not otherwise prohibited by law or are no longer agriculturally viable in areas where grasslands were replaced by dense brush or forest long ago.” This EA should consider the benefits of having PRSRA members---familiar with these rangelands--involved in the decision-making about which areas are agriculturally viable and which are not.

III. THE APPROPRIATE ENVIRONMENTAL BASELINE

Ranching and farming activities have been present in the subject area for at least 150 years. During the cultural period focused upon in this assessment, the Shafter era, an extremely diversified agricultural network existed. During this period there were thousands of acres in crop production, a myriad of livestock species being raised,

oysters being harvested, processing facilities for milk, cheese, butter, meat and crops and spring forages were being harvested and stored for winter livestock feeding.

The current baseline looks very similar to what has existed for 150 years, with a few exceptions. Today most of those activities are permitted by PRNS on some ranches, but not all. If an activity is currently allowed, it should be part of the current environmental baseline. For example, the current baseline includes dairy and beef operations, storage of on-farm harvested forage for livestock feeding, small scale row crops, poultry raising, oyster farming, bed and breakfast operations, on-farm sales of products raised in the seashore, horse boarding and onfarm tours and interpretation. Allowing all ranchers the same authorizations to undertake activities that PRNS already allows for some ranchers should not require an EA. Only new activities, not a part of the current baseline, should be the subject of this EA.

Tule elk were extirpated from the subject area by the 1860s. Tule elk were not present during the Shafter era. Tule elk were not present when Congress entrusted the NPS to protect the seashore, the ranches and farms and the people on the ranches and farms. Only a few years ago, NPS decided to re-introduce tule elk to the 18,000 acre designated elk range located entirely within the Limantour wilderness area. By this time (1998), it was well known that introduced tule elk in an area without predators could become highly invasive. The current elk management plan reassured seashore ranchers at the time that the ranch lands would be protected because the plan stated that the elk would not negatively affect any other permitted use (long-standing ranch SUPs) and the plan included tools to manage elk overpopulation, including contraception, relocation and culling. For some years, PRNS interpreted the plan just as the ranchers interpret it and kept the elk off of the ranch lands.¹³⁶ The Seashore's 2001 *"Year in Review"* (attachment D) acknowledged the need to "carefully monitor" to keep the elk outside the pastoral zone, to prevent their interfering with the cattle ranches and to ensure that the elk "are not shedding the organism that causes Johnne's disease." Nevertheless, beginning in about 2002, the park stopped actively managing the elk. Efforts to keep the elk out of the pastoral zone ceased. Under these circumstances, the development of a herd of tule elk in the pastoral zone must be recognized as a temporary condition and not taken into account in establishing the baseline for environmental review of a ranch management plan.

For 150 years there were no tule elk damaging ranchers' rangelands and livelihoods.

Assurances were given that there would be no conflicts. The new change in PRNS management of the invasive species PRNS reintroduced has led to the recent elk devastation resulting in the current elk emergency. Elk and cattle cannot coexist as was implicitly recognized in the current plan by its provision of tools and assurances. Elk do not belong in the pastoral zone and their current existence should be temporary. A recent lack of management should not change the true and honest environmental baseline.

The environmental baseline for this EA should include all of the ranching, farming, interpretive, visitor serving and retail activities that exist today, without tule elk.

IV. IMPACT TOPICS THAT SHOULD BE ADDRESSED BY THIS EA

It is crucial that the EA provide an objective, fair and thorough analysis of the positive effects of the agricultural operations situated within the project area. These ranches and farms not only preserve for the public the cultural heritage of the working landscapes of the project area, they do much more. This EA must evaluate the ecosystem

¹³⁶ PRNS 2001 A year in Review

services provided by the grazing livestock as well as the environmental, educational, economic and scientific contributions made by these historic family farms.

1) Ranch Operations / Activities

a) Review of permit structure

- i) Historically and currently, PRNS has issued SUPs to ranch operators for terms from five to twenty years. The November, 2012 memorandum from the Secretary of the Interior directed the NPS to consider offering 20 year leases/permits to all ranchers.

As PRNS has already offered 20 year agreements to some ranchers without a formal NEPA process, PRSRA believes PRNS could similarly offer 20 year leases/permits to all ranchers without initiating the current EA. However, because PRNS included the review of permit structure as an issue to cover in this EA, PRSRA will provide some guidance for the process. This EA should fully evaluate the concept of a 20 year “rolling renewal” agreement. In this type of agreement, at the end of each year the lease is automatically renewed for the length of the initial 20 year term, unless either the landowner or the farmer decides that the current term will be last term. In this way, the parties can continuously capture the benefits of a long term lease. The benefits include:

- (1) More commitment by the rancher to invest in infrastructure and repairs;
- (2) Improved public enjoyment of the seashore because ranches would more likely be maintained better;
- (3) More likely that banks will offer loans to the rancher;
- (4) More likely that ranchers will invest in long term rangeland improvements;
- (5) More likely that ranchers will invest in resource conservation projects;
- (6) More rancher eligibility for resource conservation project grants;
- (7) Reduced NPS staff time and paperwork;
- (8) Reduced rancher stress as permits near expiration;
- (9) Facilitated meeting of project objectives into the future;
- (10) Creation of more public trust that NPS actually does support the long term continuation of ranching and farming in the project area; and
- (11) Increased security and incentive for the next generation ranchers within the project area to continue the family farming tradition.

This appears to be a perfect place and opportunity to utilize a rolling renewal agreement because the park has respected the relationship of the families with the land as part of the cultural landscape, and the leases/permits have never been put to public bid and have always been renewed with the historic families that pre-existed the seashore. A process that would allow the parties to meet every five years to review compliance with conditions, amendments and lease/permit payment rates should be evaluated to support the mutual benefit of a rolling renewal agreement. The NPS and the public would be protected from a failure to comply with permit requirements, just as they are protected today. Currently, the PRNS imposes a 30day cancellation clause for any rancher not complying with lease/permit conditions, a form of landowner protection that could also be included in a new rolling renewal agreement. PRSRA recognizes the fact that the mutual benefits of a rolling renewal agreement far outweigh any imagined negatives.

Rolling renewal agreements have already been recognized by Congress as a valuable concept and tool to preserve agriculture. The Williamson Act is a perfect example of how a commitment to the long-term continuation of agriculture can be accomplished through rolling renewals.

This EA should evaluate the benefits of a creating and contracting with a third party non-profit with a board consisting of local agriculturalists, local range managers who regularly work with seashore ranchers, and agency representatives to manage the day-to-day administration of the range management plan as an NPS partner. Board members would be familiar with agricultural practices in the Marin and Sonoma foodsheds and with the culture, climate, soil and market conditions that impact the ranches in the seashore.

This model is consistent with NPS policies supporting local community involvement and with the UNESCO principles for World Heritage Site cultural landscapes. It is particularly appropriate for "working" or "continuing" landscapes, which are often part of larger communities. The Cuyahoga Valley Rural Initiative serves as precedent.¹³⁷ In that instance, NPS entered into an agreement with a non-profit to manage all agricultural lands and leases within this unit. PRSRA believes that this model should be analyzed as a solution for the project area. The benefits could include:

- (1) Improved relationship and trust between parties;
- (2) Day-to-day oversight provided by individuals with experience in dealing with local conditions in an agricultural community recognized nationally and internationally as a leader in sustainable and ecologically sound agricultural practices;
- (3) More continuity, as members of the non-profit will likely have less turnover than PRNS staff;
- (4) Community involvement with the future of food production in the project area; and
- (5) Reinforced public commitment to continue viable agriculture in the project area in perpetuity.

ii) Specifically, this EA should evaluate the alternative that the new long term leasing regulations could be modeled on Cuyahoga Valley National Park's "Countryside Initiative." Lessees would be supported in the continued adoption of farming practices considered to be ecologically sustainable, including organic and carbonbeneficial practices if requested by the rancher. In order to encourage a sustainable combination of agricultural land uses, a diversity of food and fiber crops could be allowed. With Cuyahoga as precedent, the NPS could lease the land directly to the ranchers and enter into a Cooperation Agreement for day-to-day ranch management by a nonprofit partner, whose board could include farm advisors and other Marin ranchers. In the case of Cuyahoga, the non-profit partner:

- (1) . . . provides technical information and guidance on sustainable agriculture, helps prioritize rehabilitation of farm properties, recruits and evaluates prospective farm lessees, and will evaluate and monitor each farm's annual operation plan.

b) World Heritage Site Status. The Point Reyes and Olema Valley Historic Ranch

¹³⁷ www.nps.gov/cuva/historyculture/the-countryside-initiative.htm

Districts, located within Point Reyes National Seashore, are eligible for listing on the National Register of Historic Places. This EA should evaluate the nomination of these historic Ranch Districts for World Heritage Site status. PRSRA believes that NPS can nominate these ranch districts for World Heritage Site Status and that this status would further the plan objective of preserving ranching and farming in the project area in perpetuity. In the meantime, with Cuyahoga as precedent, NPS could and should manage the lands consistent with World Heritage Site principles for managing “continuing” cultural landscapes.

This EA should also consider the effects on the human environment by evaluating compensation, perhaps via rent reduction, for ecosystem services provided by ranchers. If a rancher, with NPS approval, voluntarily goes above and beyond what is required by agreement for resource conservation, a monetary value can be attached to those services. The ranchers can be reimbursed through credits toward rent. This concept has been used by land managers in other situations. PRSRA believes that this concept could be useful to build collaboration between ranchers and PRNS to further the natural resource conservation and greenhouse gas (GHG) reduction goals of PRNS.

c) Operational Flexibility

i) Currently, PRNS has allowed operational flexibility unequally. PRSRA submits that conditions should be similar for all lease/permit holders. PRSRA believes that PRNS could allow for all what it has allowed for some without a NEPA process. However, because PRNS decided to initiate this CMP EA, PRSRA will provide comments to help inform and requests review by the process.

(1) Uniformity – all ranchers should be treated equally

- (a) Same conditions
- (b) Same duration
- (c) Same authorizations

(2) The following operational flexibility has been allowed for some ranchers without any NEPA process and should be allowed for all ranchers without a NEPA process.

- (a) Harvest and storage of on-farm planted and volunteer forage for feeding livestock during times of the year when little forage is available on ranch rangelands. This normal farm practice of tilling, planting and fertilizing most likely occurred on every ranch during the Shafter era and still occurs as a permitted use on several seashore ranches. Traditionally and currently, harvested forage is stored on-farm as dry hay, silage and haylage. It is well known that in the project area most native coastal prairie grassland plant species have been replaced by non-native species, due to factors such as 150 years of active ranching, farming, planting of non-native annual and perennial pasture species, and accidental introduction of other non-native species brought in with livestock feed. Continuing the historic practice of storing feed will not likely result in a further loss of native plant species; rather, the opposite more likely could occur. Forage planting, on what has been determined as highly erodible soil, can be limited to no-till practices. There are many resource and economic benefits of allowing this historic practice to continue and it should be allowed on every ranch instead of only a few selective ranches. It is critical that the rancher or farmer be allowed to harvest forages when the plants are at the proper growth stage. Harvesting either too early or too late results in a dramatic loss in feed value. Restricting harvest timing would be a change to the environmental baseline and the adverse effects of such restrictions should be analyzed in this EA.

Harvesting and storage benefits include:

- (i) Represent the true cultural heritage of the Shafter era ranching through the present time;
- (ii) Are already permitted uses within the seashore;
- (iii) Can be used effectively as range management tools to reduce nonnative, invasive plants;
- (iv) Have been shown to be effective management tools to control and reduce the highly invasive velvet grass (*hulcus lanadis*);
- (v) Reduce the carbon footprint of the project area by reducing the miles traveled by large trucks that would otherwise deliver purchased forage;
- (vi) Reduce feed costs for PRSRA member ranchers;
- (vii) Allow seashore ranchers and farmers to compete economically with farmers and ranchers outside of the project area;
- (viii) Improve seashore visitor experience by demonstrating an interesting, culturally appropriate and viable working landscape; and
- (ix) Improve seashore visitor experience by reducing large livestock feed truck traffic.

Forage produced on a farm or ranch is a farm product – just as are milk, beef, chicken, eggs, pork, oysters, artichokes, peas and beans. Forage is a very traditional crop. Historically, including within the working landscapes of the project area, ranchers and farmers produced feed crops and sold some of those crops to neighbors who needed the extra forage. PRNS has permitted such sales and off-farm use of forage crops in the same way it permits the sale of other farm products. The working landscape of the project area is a traditional food producing region. Allowing the ranchers and farmers to work together to best utilize and protect the resources is vital to the long term survival of the cultural resource PRNS is entrusted to protect. PRSRA suggests that the sale of any farm product, including forage, be allowed by PRNS for every rancher or farmer in the project area. Disallowing a rancher or farmer the ability to sell their farm products would be a burden not faced by agriculturists outside of the project area. An EA should not be required for this management strategy to be immediately implemented project area wide.

- (b) Range management practices known to be effective for improving forage quality and quantity should be allowed for all ranchers and farmers in the project area. For centuries, these coastal prairie grasslands have been carefully managed by humans interested in preserving the productivity of these rangelands. Careful management using tools including fire, mowing, grazing and planting rangeland forages have resulted in preserving the lush, productive and bio-diverse grasslands Congress meant to protect. PRNS contains perfect examples of how vital this rancher stewardship is. Where the NPS has allowed ranchers and farmers in the project area to do their jobs, using the above tools, the resource has been protected and is largely unchanged since the Shafter era and when Congress recognized the good stewardship of the Point Reyes ranchers. In essentially every place where NPS decided to end livestock grazing and evict the ranch families, the land stewardship ended. These locations without the ranchers' rangeland management have lost their historic grassland character. With the loss of livestock grazing, a change in both plant and animal species assemblages occurred. Where the NPS has chosen to end ranching and the rangeland stewardship provided by the ranchers, the ungulate carrying capacity has largely decreased. The loss of forage due to the lack of land stewardship and lack of range management in these former ranch lands have now contributed to the tule elk crisis. Invasive brush and weeds have invaded these areas to a point that seashore visitors have largely lost access.

PRSRA does not believe that the objective of Congress was to allow these fantastic, sweeping, well managed, accessible grasslands to be lost. PRNS allows some ranchers to use appropriate range management tools and is prohibiting others from using these scientifically proven tools. PRSRA suggests that PRNS treat ranchers and farmers equally and allow every rancher or farmer in the project area to do their jobs, preserving these precious landscapes using the best available range management tools - responsible tools used by land managers everywhere. Allowing ranchers to make range management decisions as they have for generations will help meet the objective stated by PRNS. An EA should not be required for this management strategy to be immediately implemented project area wide.

- (c) Farm product diversification is fast becoming a necessity for the survival of small family farms everywhere. PRNS, in recognition of this fact, has already allowed some ranchers to diversify. Currently permitted for some ranches are small scale row crop operations, chicken operations, farm tours and interpretation and farm stays (ranch bed and breakfast operations). Additionally, diversification helps to achieve the NPS objective of preserving the Shafter era ranching and farming. PRSRA believes that PRNS could, and should, without an EA, allow similar diversification opportunities for all interested ranchers and farmers in the project area so that all ranchers and farmers are treated equally.
- (d) Lodging and public education on seashore ranches and farms are already permitted activities on some ranches and farms. This use should be allowed on any seashore ranch or farm if an operator requests permission. PRSRA understands that environmental review was required when PRNS gave approvals to some, so none should be necessary to issue other approvals. The visiting public is extremely interested in learning about the historic farming and ranching operations and activities. Allowing visiting families to experience the farm through organized tours and to actually stay at the farm are important visitor serving activities. Currently, thousands of visitors are provided tours and educational opportunities yearly at the oyster farm buildings located within the pastoral zone in the project area. Here, the public can learn about the history of PRNS, the value of cooperative conservation where both food production and natural resource conservation coexist in harmony. Allowing more seashore ranchers the ability to offer these kinds of services would be a public benefit. It would also add to the viability of the ranch operation if other seashore ranching families were allowed to provide temporary lodging for individuals and families interested in an actual farm experience. PRSRA does not believe that all PRSRA members would be interested in obtaining permission to provide these

services, but does believe the option should be open to all interested, to create equality among lease/permit holders.

- (e) Best Management Practices (BMP) listed in the EA materials should not only be allowed by PRNS, they should be encouraged and perhaps incentivized by PRNS. All of these practices are implemented to improve environmental quality while preserving seashore ranchers' livelihoods. Added to the list of BMPs should be management intensive grazing (MIG) for those ranchers interested. MIG provides a multitude of rangeland, wetland and riparian zone benefits when planned and implemented properly. MIG is allowed on some seashore ranches and should be allowed for all interested ranchers in the project area. Another emerging, yet crucial BMP is managing the rangelands in a fashion proven to sequester carbon. By following standards set by the Marin Carbon Project (MCP), supported by peer-reviewed science, the project area rangelands could offset all GHG production emitted from PRNS. PRNS should encourage the seashore ranchers interested in employing these MCP practices. The results of following the MCP practices are:

- (i) Increased organic matter in the soil;
- (ii) Increased soil carbon as a result of increased photosynthesis;
- (iii) A reduction in atmospheric CO₂;
- (iv) Increased soil water holding capacity;
- (v) Improved water quality in storm water runoff; (vi) Reduced storm water runoff; and
- (vii) Improved forage production.

There is some potential for rangeland managers to be monetarily compensated for the carbon they sequester. PRNS should allow all credit and compensation to go to the seashore ranchers that have implemented this important BMP, should the opportunity arise in the future. PRNS should also consider compensating seashore ranchers, through rent reduction, for offsetting the PRNS carbon footprint. This ecosystem service provided by the seashore ranchers could allow PRNS to become the example of how a unit of the NPS can become carbon neutral, even carbon beneficial – an important part of a solution to climate change and ocean acidification. BMPs have recently languished at PRNS during an approval process instead of being quickly authorized. One of the stumbling blocks is the unnecessary requirement imposed by PRNS to repeat a NEPA analysis that had already been accomplished by another federal agency. There is only one NEPA. Most of the BMP proposals brought to the PRNS by a PRSRA member have been designed and analyzed by NRCS. NRCS is a federal agency that has significant, long term experience with the project area. NRCS is authorized and fully capable of completing appropriate and legally sufficient NEPA review. PRSRA suggests the new ranch CMP include a provision that PRNS will accept the NEPA review prepared by NRCS and the recommendations by NRCS on any BMP evaluated by NRCS. This agreement will result in:

- A more streamlined process;
- BMPs being implemented more quickly and more often;
- More natural resources protection;
- More experienced individuals analyzing BMPs and making decisions;
- More rancher willingness to initiate a less onerous process to do the right thing for the environment; and
- Less taxpayer dollars wasted by avoiding unnecessary, duplicative review.

- (3) The following operational flexibility should be fully analyzed in the EA, as this historically and culturally appropriate flexibility will provide the necessary options for the ranching families in the project area to remain viable. Agriculture is a dynamic land use. Changes in markets, feed prices, consumer interest and new opportunities require flexibility in agricultural operations. PRSRA ranchers and farmers should be allowed the same flexibility as family farmers outside the project area so that seashore ranchers can remain competitive in the local agricultural marketplace. The flexibilities required to remain viable will not only meet the needs of the seashore ranchers, it will also contribute to the PRNS' stated objectives of preserving the Shafter era cultural landscape and improving visitor experience. PRSRA requests that the following operational flexibilities be fully analyzed in the EA.

- (a) Farm product diversification that was common during the Shafter era (and throughout time due to the dynamic nature of agriculture) is no longer occurring within the project area.

- (i) Diversified livestock species. During the Shafter era, multiple livestock species existed in the project area. Hogs, sheep, goats, chickens, and turkeys all had their place on the farm. PRSRA asks that this historic use be returned to the project area. Ranchers may choose to companion graze sheep with the cattle, others may choose to add pasture raised poultry – both good range management choices that will demonstrate the pastoral zone’s cultural heritage while helping the economics of the ranches or farms. Other ranchers may choose to raise row crops for market and hogs to eat the spoiled vegetables while producing local food and reducing our carbon footprint. PRSRA suggests that PRNS allow seashore ranchers to diversify into additional livestock species. As the grassland resource is best suited for cattle, and a significant population of coyotes exists, it would be expected that the percentage of other livestock used on the ranches would be low, yet important. Ranchers and farmers should be allowed to choose what livestock or poultry species, within the limits of the Shafter era to current, they raise on their farms and ranches. PRNS has allowed ranching operations to change from dairy to beef. PRNS has also recently allowed ranchers to convert their beef operations to dairy operations where a dairy previously existed. PRSRA applauds this flexibility and expects that other ranchers will be allowed the same options and operational flexibility into the future.
- (ii) Diversified crop species. During the Shafter era, the ranches and farms were necessarily diversified to fit into a local food system. Many different crops were grown both for feeding the large staff on these diversified farms and ranches and for sale to the public. Thousands of acres of the project area were under cultivation growing many different crop species. During the Shafter era and after, Point Reyes became the “artichoke capital” of California. Today, reminiscent of the Shafter era, vast fields that once grew artichokes still have the beds and furrows created by the farmers. Presently, thousands of crop acres in the project area produce only forage for cattle. Only a tiny portion of the project area remains in traditional row crop or traditional crop species field crop production. PRSRA ranchers know the history of their ranches or farms, know their soils, know their water availability, know what crops can be dry farmed and know where to find assistance in recovering small scale crop production within the project area. PRSRA suggests that this EA consider allowing seashore ranchers to diversify their family farms by adding small scale crop production, with a selection of crop species appropriate and within the limits of the Shafter era to current time. It is unlikely that all ranchers will choose to diversify into crop production, yet it is vitally important that the choice is available. To avoid the unlikely event that a rancher would like to plant too many acres, PRSRA suggests that row crop production be limited to no more than 15% of the total farm or ranch acreage. This allowance, with the 15% cap, will not only allow the seashore ranchers to remain competitive economically, it will contribute to the PRNS objective of preserving the Shafter era agriculture. It will also benefit the gateway communities surrounding the project area by allowing seashore ranchers to once again be a lively and important part of the local food system and more directly influence the local economy. Allowing the recovery to the Shafter era crop production will also help to meet the PRNS stated objective to reduce its overall carbon footprint.
- (iii) Grazing strategies need to be flexible. Much of the project area has been continuously grazed since livestock were introduced in the 1850s. Rangeland ecologists and scientists have discovered that other grazing systems can be more effective in preserving native plant species, preserving and sequestering carbon, reducing non-native invasive plant species, reducing impacts to wetlands and riparian areas, reducing internal parasite infestation and increasing forage production. PRSRA members have many resources available, including the Marin County Ag

Commissioner, the NRCS, and the University of California Cooperative Extension office (UCCE) to help them choose and implement new grazing techniques that further the dual goals of resource conservation and increased ranch profitability. To implement grazing practices that would result in improved rangeland conservation often requires additional fencing and water sources so that livestock can be managed and rotated in a system that meets these resource and economic goals. PRNS has allowed some ranchers to improve water distribution systems and add fencing to achieve these goals. PRSRA suggests that PRNS allow all ranchers to use these appropriate tools and techniques to improve rangeland conservation and productivity. PRSRA believes that the temporary impacts of placing pipelines, water troughs or fence posts are far outweighed by the improvements to the grassland and wetland ecology. Ranchers should be required to provide evidence that they have consulted with a certified rangeland ecologist to create a grazing plan with improvements to minimize impacts to special status species and special habitat. Ranchers should also be required to provide public access through any new fences that cross PRNS established trails. PRSRA believes that allowing all ranchers to implement these conservation practices when requested would further the PRNS objectives.

- (iv) Remove maximum stocking rates and stocking densities currently imposed on some, but not all, ranchers and farmers within the project area and use Residual Dry Matter (RDM) and other resource monitoring tools to ensure that ranchers are managing responsibly. There is no known basis for, or value in, limiting livestock numbers or animal unit months (AUM)¹³⁸ on some of the ranches. There is also no justification given for the vastly different livestock and AUM restrictions between similar ranches or for the fact that some ranches have no maximum AUM use limits. Rangelands can be more properly managed by understanding the resource and setting resource management goals, including RDM. Stocking rates must be adjusted to compensate for annual weather variations, grazing regime adjustments, pasture improvements through good rangeland stewardship and climate change effects to achieve the targeted RDM. Stocking rate and stocking density restrictions are antithetical to collaborative, resource based rangeland management. Simply counting cows and alleging violations by any rancher exceeding an arbitrary number, even when excess forages exist, serves no purpose. Arbitrary cow limits fundamentally discourage good rangeland stewardship. If a rancher is restricted to a low number of AUMs that is easily achievable without exotic weed management, or soil carbon consideration, that rancher would have no incentive to improve the resource or help to sequester carbon. By removing limits on AUMs or actual maximum livestock headcounts, a rancher is incentivized to improve land stewardship because of the resultant increase in carrying capacity. Lifting these unequal, arbitrary and unnecessary conditions and shifting to a focus on resource condition and RDM will help to achieve the PRNS objectives. PRNS should allow the rancher with the experience on the land to decide how to manage the livestock density on the rangelands while meeting PRNS RDM and other resource goals. Larger carrying capacity is usually related to good pasture management. Ranchers should not be penalized for increasing carrying capacity by increasing the soil and forage health by

¹³⁸ Animal Unit (AU) = 1 cow with calf. Animal Unit Month (AUM) = the amount of feed consumed by one animal unit in a one month period.

charging more rent due to increased AUM usage. This, again, could discourage good stewardship. This EA should consider charging seashore ranchers, into the future, the

same total price for forage consumption that they are currently paying. This could serve two purposes: 1) all ranchers would be incentivized to improve the health of the rangeland resource because it will increase carry capacity for no extra fee to PRNS; and, 2) ranchers will more likely help PRNS to meet resource conservation objectives. This would also be a small way to reward good land stewards for the ecosystem services they and their grazing livestock provide the PRNS and the public.

- (v) On farm borrow sites should be allowed for PRNS rancher rock needs. Historically, seashore ranchers have utilized small on-farm rock resources to serve the needs of the rancher, including road maintenance and armoring high traffic livestock areas including gateways, water troughs and holding pens. The native Monterey shale present on some of the ranches is softer and less angular than typical purchased crushed rock, making it the perfect choice for livestock. A few years ago, PRNS decided to close these important local resources. This taking has caused ranchers to spend significant amounts of money to purchase rock and to have the rock trucked long distances to the seashore ranches. The purchased rock is generally hard, crushed rock with angles and sharp points risking injury to livestock hooves. PRSRA suggests that the EA consider allowing seashore ranchers to resume the historic use of at least one, two or three of the many sites that have recently been disallowed by PRNS. This NEPA process should consider the benefits of using on-farm resources in lieu of long distance trucking. PRSRA is willing to assure PRNS that the required reclamation plan is in place with the California Department of Conservation. This will give the guarantee to PRNS and the public that the small quarries will eventually be properly reclaimed with soil cover and appropriate vegetation. PRSRA suggests that the rock can be used only within the project area and could not be sold for any other purpose. This is an opportunity for PRNS to collaborate with the seashore ranchers to improve ranch conditions and profitability while furthering the PRNS' stated plan objectives. Restoring this historic activity would result in:

1. Improved ranch road maintenance resulting in less erosion and resource damage;
2. Reduced large truck traffic on the narrow PRNS roads;
3. Gateway communities appreciation of the elimination that the new rock truck traffic has caused by the ranch resource closure;
4. Increased visitor enjoyment by limiting truck traffic;
5. Demonstrated PRNS / PRSRA member collaborative management;
6. Reduced injury to, and thus more humane treatment of, livestock;
7. Reduced potential for introduction of exotic invasive weed seeds with rock delivered from outside the project area;
8. Better access for PRNS staff that continuously use ranch roads maintained by ranchers;
9. Improved rancher ability to meet the requirement in their current SUPs to maintain the ranch roads;
10. Reduced PRNS carbon footprint; and,
11. Increased viability of the seashore ranchers.

- (vi) Family succession plans should be included in PRNS' leases/permits. In recent years, PRNS evicted the Horick family, a multi-generational seashore ranching family, after the permit/leaseholder (Vivian Horick) was unexpectedly killed in an auto accident. Even though the ranch in question, the D Ranch, is located within the pastoral zone (a zone set aside by Congress to continue the traditional ranching at Point Reyes) PRNS has disallowed much of the ranch, and most of its buildings, to continue in agriculture. After evicting the Horicks, PRNS unilaterally decided to completely change the use---and the intensity of use---of a significant portion of this agricultural land without initiating a public process pursuant to NEPA. Instead of allowing ranching to continue on all of the D Ranch as decreed by Congress, and thus expected by the public, PRNS---without the agreement or participation of the public--allowed tule elk to proliferate on this ranch located within the pastoral zone. This significant federal action clearly had the potential for adverse impacts to the human environment and those impacts should have been studied before the action was taken. This federal action has resulted in a temporary loss of agricultural production on this historic ranch. PRSRA believes that if a succession plan was in place at the time of Vivian Horick's death, the same historic family would still be ranching on their historic family ranch that they built with their own hands in the late 1800s and the tule elk would not have invaded the D ranch and the surrounding ranches. The long term viability of the small family farms located in the project area depends on good succession planning. PRNS should require that every seashore farmer or rancher has a plan that describes who will succeed the current lease/permit holder. This would avoid problems that will invariably arise if a permit/leaseholder unexpectedly dies or if a current permit/leaseholder is evicted by PRNS. The required planning process should also include provisions for who may assume the agricultural permit/lease if a current ranching family decides it does not want to continue its family farming tradition. It is of critical importance to PRSRA that former ranches be returned to production and that no other ranches be arbitrarily or otherwise removed from agricultural production. A clear planning process can help to avoid future conflicts.

This is example of where a non-profit made up of local experts, managers and community members, as in Cuyahoga Valley, could recognize the value of the existing multi-generational families' experience and connection to the land in choosing who will be selected to operate the ranches within the working landscapes.

This EA should also analyze all the adverse effects that would result from a loss of even one ranch or farm within the project area, including:

1. Loss of public trust in NPS and PRNS;
2. Damage to the regional agricultural infrastructure by reducing critical mass to support:
 - a. Processors of farm products
 - b. Distributors of farm products
 - c. Vendors of farm equipment and machinery
 - d. Consultants, and

- e. Veterinarians; and
 - 3. A precedent for anti-agriculture groups and individuals to use to continue to attempt to remove agriculture from the project area.
- (vii) On-farm value added opportunities should be considered in this

EA. In its printed materials PRNS has suggested for review, under Ranch Operations/Activities, "Diversification (small scale row crop, value added operations within existing structures, etc.)" PRSRA believes that this language is unnecessarily restrictive and should be broadened and rewritten. PRNS has recently authorized and permitted tens of thousands of square feet of new building space on seashore dairies. PRSRA applauds PRNS for allowing these important buildings to be constructed in the coastal zone as it has allowed those dairies to milk more cows, to reduce the water quality impacts caused by the dairy livestock, and to increase the profitability of the dairy. PRSRA questions why PRNS would want to limit value added facilities to only existing structures. In the region surrounding the project area, both the Marin Countywide plan and the local coastal plan allow for new structures to house value added facilities, because those jurisdictions understand the need to allow these sorts of activities to keep agriculture in Marin viable. The project area is in Marin and the seashore ranchers have the same needs as those outside the project area. The Shafter era agriculture within the project area was replete with almost every kind of on-farm processing. On the ranches and farms, there were vegetable packing facilities, butter churning facilities, cheese making facilities, slaughterhouses, butchering and packing facilities---all a part of a thriving, local food system---the kind of local food system that our nation is recognizing we ought to return to and embrace going forward (and a system that the European nations, and much of the world, have never lost sight of). The infrastructure to accommodate these kinds of activities no longer exists on many of the seashore ranches. This EA should not only consider allowing these sorts of uses within existing ranch structures, but also contemplate the effects of replacing buildings and infrastructure lost over time, or that have not previously existed. PRSRA does not expect all seashore ranchers will be interested in using an existing structure, or in building a new structure, to commence on-farm processing. However, for those ranchers that are interested, PRNS should give permission to do so. Allowing value added on-farm processing would:

1. Help to achieve the objective of preserving Shafter era agriculture;
2. Improve the economics and profitability of seashore ranchers;
3. Allow interested seashore ranchers to become an important part of the local food system by moving away from a monoculture commodity based agricultural system and back a locally focused system;
4. Promote opportunities for young ranching family members to become excited about the farm and allow for a viable future;
5. Be consistent with PRNS policy to allow on-farm processing as it has always allowed the oyster farm to process, pack and ship oysters from its buildings located in the pastoral zone within the project area;
6. Allow all ranchers and farmers interested in on-farm processing to grow, process, pack and ship farm products (simply treating each permit/lease holder equally);
7. Improve the gateway community's access to wholesome, locally produced food;

8. Reduce the trend of small family farms ceasing operations due to the inability to compete with large operations on commodity priced products.

Additionally, seashore ranchers should be allowed to process local farm products from outside the project area. The seashore ranchers are part of a larger, local food system. The seashore boundary should not separate the seashore ranchers from the larger local agricultural community.

This EA must also evaluate the benefits of allowing not only the products grown on a particular ranch unit for on-farm processing but also for products produced on ranches and farms in the region. The benefits of allowing seashore farm product processing include; 1. Opportunities for collaboration between seashore ranchers;

2. More accurate representation of the Shafter era agriculture and agricultural product processing;
3. Reduction of the overall number of on-farm processing facilities; and,
4. Allowance for more expensive processing to be accomplished than a single seashore rancher could not justify on a one ranch basis.

(viii) On-farm retail sales should be allowed on all ranches and farms within the project area. PRNS has consistently, since the formation of PRNS, allowed on-farm sales at the oyster farm, located within the pastoral zone within the project area. To create uniformity and equality, other interested seashore ranchers should also be allowed to sell their products at the farm. This EA should assess the benefits of on-farm sales, including:

1. New visiting public opportunities to taste and take home the products of the PRNS regional, historic working landscapes;
2. New marketing opportunities for vegetables and value added products;
3. New educational opportunities for the visiting public and seashore ranching families to connect;
4. Improved economic opportunities for seashore ranchers; and,
5. Renewed opportunities for seashore ranching family members to become/stay involved in the family farm.

This authorization would be consistent with what is sold at the on-farm retail shop at the oyster farm. The oyster farm currently sells, and has recently sold, shellfish it grows on-farm as well as flowers grown at the M Ranch, salmon, halibut and crab landed at the historic fish dock near Chimney Rock, and certified organic beef, artichokes and other row crop vegetables grown on the G Ranch. Allowing retail outlets, or "farm stands" on ranches within the project area to sell more than what is simply grown on that specific farm or ranch will result in the following benefits:

1. Allow for collaboration between PRSRA members;
2. Reduce the number of on-farm sales locations;
3. Add variety to the farm stands, thereby improving visitor experience; and, 4. Provide consistency, uniformity and fairness to all seashore ranching and farming families with permits/leases.

Additionally, seashore ranchers should be allowed to sell local farm products from outside the project area. The seashore ranchers are part of a larger, local food system. The seashore boundary should not separate the seashore ranchers from the larger local agricultural community and local food system.

PRSRA fully supports equal treatment and expects that opportunities given to one permit/lease holder will be offered to all other lease/permit holders. PRSRA does not expect all seashore ranchers will be interested in initiating on-farm sales, but those interested should be given the permission. This EA must consider on-farm sales locations sited in temporary structures, permanent existing structures and new structures. Given the extreme weather conditions in most of the project area, a safe, indoor facility is most likely the most appropriate location.

- (ix) D Ranch conflict solution. PRNS evicted the Horick family in late 1999. The D Ranch remains an historic piece of the agricultural land located within the pastoral zone. PRSRA is unaware of a NEPA process undertaken at the time to consider the effects of changing its use - to remove agriculture from a significant portion of the D Ranch located within the congressionally designated pastoral zone specifically authorized for its continued agricultural use. Resuming the historic agricultural activities on the entire D Ranch is an important step in preserving this historic working landscape as a complete unit. Since PRNS ended the historic use of agriculture in the pastoral zone, apparently without the required public process or environmental review under NEPA, PRSRA presumes that resuming the designated, historic land use will also not trigger a NEPA review. PRSRA requests that PRNS issue permits for the building complex and the entirety of the rangeland at the D Ranch. This would go a long way to reassure the public that PRNS is truly committed to preserving agriculture in the project area, rather than dismantling it.
- (x) New worker housing and upgrading existing worker housing where necessary should be allowed and encouraged by PRNS. As agriculture changes, staffing levels need to change as well. For example, a rancher currently producing only beef may be interested in restoring some of the agricultural diversity that one occurred on the ranch – perhaps 15 acres of row crops. This recovery of the Shafter era agriculture would most certainly require that additional farm workers also return to the landscape. Over the decades, PRNS has allowed ranchers to add housing on the ranches and farms without initiating a NEPA process. Given this fact, an EA is probably not necessary to allow other interested ranchers and farmers to add housing. Nevertheless, PRSRA would like the new CMP to expressly authorize additional worker housing on the ranches if the rancher can demonstrate the need. All new housing could be limited to housing necessary for rancher family members and required farm workers. Benefits of new housing to meet the needs of the ranchers include:

1. Reduced traffic on seashore access roads;
2. Reduced GHG production from commute traffic;
3. Reduced danger to employees expected to commute during odd hours:

- a. For example, an employee may need to arrive at 2:00AM to be at the ranch in time for milking. This condition could lead to more hazards, including hazards caused by, and injury to nocturnal wildlife on roadways;
- 4. Continued Shafter-era agriculture where ranch workers live and work on the ranch;
- 5. Increases affordable housing in West Marin county, rather than exacerbating the affordable-housing shortage;
- 6. Improved seashore ranchers and farmers competition with ranchers and farmers outside the seashore for skilled employees;
- 7. Reduced adverse effects to the rancher, the livestock and or the employee if an employee meets difficulty during commute and is late, or misses work; and
- 8. Improved living conditions and lifestyle of the ranch workers if they do not have to commute from long distances.

2) Management of Tule Elk on Ranchlands

PRSRA objects to the section entitled “Management of Tule Elk on Ranchlands” found in the materials describing the current ranch CMP EA. These materials were prepared by PRNS with the intent to educate the public of the elk “issue” and to encourage public comment. This PRNS description of the issue implies that PRNS has a plan objective of keeping tule elk on the ranchlands and managing them there. It appears as if PRNS is soliciting public comments about managing elk *on* the ranchlands. PRSRA opposes this language and suggests that this sentence be changed to the more accurate and legally correct requirement to which PRNS must comply: “Update the 1998 Environmental Assessment and Elk Management Plan.” Unfortunately, damage has already been done by suggesting to the public, during this important comment period, that the new existence of the invasive tule elk on to the pastoral zone is a done deal. The PRNS, its contractors and its experts must consider the fact that the public was given this misleading statement prior to commenting.

In 1998, an environmental assessment, pursuant to NEPA, was undertaken by PRNS to consider alternatives about how to manage the overpopulated elk on Tomales Point that were known carriers of the dreaded Johne’s disease, a serious disease transmittable to cattle. One plan alternative that would have allowed the tule elk to roam on the ranchlands in the pastoral zone was rejected by the public.

The 1998 Elk Management includes a map that clearly describes, with a distinct line around the perimeter, the 18,000 acre designated elk range. The 1998 plan states that the PRNS would establish the free ranging elk herd “*within*” those 18,000 acres. This range intended for the elk does not include any ranch land and is fully located within the Limantour wilderness area. The current CMP EA materials include a similar map showing where the elk currently exist, but now excludes the designated elk range. This is misleading. The public may not know that the elk have been allowed to proliferate outside the limits of the designated elk range found in the current elk management plan. By failing to include the designated elk range in the map, the public has not been properly informed to provide meaningful comments on the EA. The PRNS, its contractors and its experts must consider the fact that the public was given this misleading map prior to commenting.

The 1998 Elk Management Plan recognizes the fact that introduced tule elk can become invasive and have the potential to adversely affect seashore resources, including cattle. The plan is clear that PRNS is to manage the elk so that they do not harm any other permitted use within the seashore. To manage the expected elk proliferation and to avoid harm to other permitted uses, the plan allows the PRNS and CDFW to use capture and relocation of wayward elk, contraception of elk, and even lethal culling. For the first several years following the 1998 public process and plan approval, PRNS utilized *all* of these approved tools to manage the

elk and kept them off the pastoral zone. During these years there was no controversy because everyone interpreted the plan the same way. The contraception program appeared to be hugely successful (see Science & Conservation Center letter, Attachment C). When a rogue elk appeared on a ranch, the rancher called the seashore staff and the animal was tranquilized and brought back to the designated elk range. In at least one case, a repeat intruder was shot and killed by PRNS. The PRNS was quite clear, and understood their responsibility when they looked back at 2001 in the PRNS publication *"Point Reyes National Seashore 2001 Year in Review"* (attachment D) where PRNS stated *"Since their release, the new herd has been carefully monitored to ensure animals remain within Seashore boundaries, do not interfere with cattle ranches within the park and are not shedding the organism that causes John's disease."* (emphasis added) Unfortunately, and still without explanation, sometime around 2002, PRNS ceased management of the tule elk. Contraception ceased. Relocation ceased. Culling ceased. At the time tule elk management ended, PRNS began to allow tule elk to proliferate in the pastoral zone and harm the ranchers---the very permitted use the plan set out to protect.

Since PRNS reversed its management of tule elk and allowed the elk to invade the pastoral zone, PRSRA members---as well as PRSRA itself---have made dozens of attempts to inform the seashore staff and management of the devastation caused by the tule elk. Additionally, both individual ranchers and the association have made repeated requests to have the elk managed per the elk management plan as PRNS did for the first few years following the public NEPA process and plan approval in 1998. The unauthorized elk herd on the pastoral zone is growing at a rate of 12% per year, a full doubling of population every 6 years. The damage caused by the elk invasion to the ranchers is now catastrophic. PRSRA considers this invasion now an emergency---a crisis that must be addressed immediately.

PRSRA strongly opposes the new PRNS efforts to enhance tule elk habitat within the pastoral zone. These PRNS efforts, including the creation of new water sources, are changing the use of an area within the pastoral zone, without the required public process necessary to make such dramatic changes. The PRNS has chosen to create an elk attractant within the pastoral zone meant to be used by the ranchers in the working landscapes, rather than improving the habitat in the designated elk range where the elk belong. This EA must not be used to validate improper management practices just because PRNS has unilaterally initiated those practices outside of, and in conflict with, the current elk management plan. This EA must fully evaluate the benefits of habitat enhancement within the elk range and the adverse effects to the project area if elk habitat enhancements continue within the ranch lands.

PRSRA strongly opposes the current elk hazing by PRNS. This EA should evaluate the adverse effects to the elk, the ranchers' fences, the ranchers' water systems, the ranchers' livestock and the continuous cost to the taxpayer to run elk in circles.

This EA must evaluate whether the PRNS has the authority to immediately resume the management of the tule elk, using the tools already authorized in a previous EA and current operative elk management plan. These are the same tools PRNS previously used pursuant to the current plan to ensure the elk "do not interfere with cattle ranches within the park and are not shedding the organism that causes John's disease" that can be transmitted from elk to cattle. If PRNS believes that it does not currently have the authority to remove the tule elk from the pastoral zone, the seashore superintendent can sign the proposed amendment¹³⁹ and the problem could be immediately solved.

¹³⁹ Attachment B - addendum to management plan

PRSRA believes that the only solution that will meet the objectives of this plan is to build a fence on the boundary between the subject area ranch land and the wilderness area that contains, in its entirety, the designated tule elk range. The free ranging elk could continue to thrive in the area where they were intended to be and the ranchers could get back to providing stewardship for the resources and food for the community. This EA should fully consider the adverse effects of allowing the violation of the 1998 elk management plan to be validated by allowing any elk to remain on the pastoral zone, including: a) Ongoing harm to ranchers and their livelihoods;

- b) Ongoing risk of injury, disease or death to cattle;
- c) Ongoing risk of disease to tule elk from cattle;
- d) Increased taxpayer expense to manage elk within a ranching zone; and,
- e) Ongoing conflict with congressionally established permitted ranchers.

This EA must also recognize that the seashore ranchers are more endangered than the tule elk. The dairies within the project area represent some of the last remaining dairies in the ocean side dairy region of the north coast of California. In contrast, tule elk population in California is rapidly expanding, with over 4000 elk on 22 different sites.

3) Floodplains, Wetlands, Riparian Areas

PRSRA is unaware of any new ranching or farming activities requested within floodplains, wetlands or riparian areas. The ranching and farming activities that may be occurring within these areas have been part of the environmental baseline for around 150 years. PRSRA ranchers, in collaboration with NPS, NRCS, RCD and others have made many modifications over the years to reduce impacts to these important areas. PRSRA commits to continuing its partnership with agencies and organizations with the goal of reducing negative environmental impacts to floodplains, wetlands and riparian areas. Any existing (current environmental baseline) effects should be excluded from this process. NEPA requires a federal agency to evaluate only new effects that have the potential of altering the status quo.

4) Species of Special Concern

NEPA requires a federal agency to analyze the effects of new activities on the human environment. Ranching and farming activities are a part of the environmental baseline. The status quo of continuing ranching should not be evaluated within this environmental assessment process; it should be categorically excluded, pursuant to NEPA. Special status species or species of special concern analysis should be limited to new activities with a potential to have effects on the environmental baseline. This CMP EA should be limited in scope to the effects of new effects anticipated from new development and changes from the status quo only. During analysis of potential impacts to species of special concern by new activities, the plan objectives should be kept in mind. Using potential adverse impacts to special status species to block requested changes to the status quo, especially for activities allowed elsewhere in Marin County, would create further unfair disadvantage to seashore ranchers and undermine the plan objective.

5) Health and Safety

- Standards for operator and worker housing.

PRSRA is puzzled by this section that PRNS has identified as an issue to be included in the Ranch CMP EA.

The worker housing on the ranches and farms have health and safety standards that must be followed. PRNS and the United States Public Health Department (USPH), on an annual basis, inspect all worker housing on every historic ranch or farm located within the working landscapes of GGNRA and PRNS. PRNS and USPH then provide inspection reports to the ranchers and farmers that provide and maintain the housing. If the agencies find any health or safety non-compliance, they require the rancher or farmer to correct the deficiency. This regulatory oversight seems to be appropriate in assuring health and safety standards are met for worker housing.

PRSRA is concerned that because PRNS listed worker housing health and safety as an “*issue*”, the public perception may be that there is a problem with health and safety of the workers’ housing on the ranches or that the changes contemplated by this EA may result in adverse effects to worker housing health and safety.

PRSRA does not believe a public process is necessary to ensure that the existing health and safety standards be applied to new housing. It seems self-evident that the existing standards and inspection protocols would apply.

6) Vegetation

- a) Restoration of native prairie. It is widely recognized that most of the native plant species once found in the coastal prairie grasslands within the subject area have been replaced by non-native species, either intentionally or accidentally, over the past 150 years of European-American land use. PRSRA believes that true restoration of native coastal prairie is only possible in rare locations within the ranch lands in the subject area. Generations of livestock grazing, exotic seed planting, tilling, crop production, imported feed with exotic plant seeds have all contributed to this shift. These practices, which have changed the landscape and the plant communities beginning 150 years ago, have continued shaping the landscape through the Shafter era and into the present.

This EA should study negative effects to the ranchers and their livelihoods if restoration of native plant species takes priority over the continuation of the normal ranch practices that have been part of the working landscapes from the Shafter era through the present time. PRSRA is willing to work with rangeland ecologists and certified rangeland managers to locate areas best suited for row crop production, forage crop production, rangeland planting, rangeland mowing to control invasives, waterline placement, water trough placement, fence installations and other BMP implementation. PRSRA recognizes that there are a few rare locations where native vegetation dominates and areas where special status species exist. PRSRA commits to working with NPS, NRCS and others to carefully and appropriately manage these sensitive areas. These rare areas have been identified over the years and ranchers and farmers already cooperate with agencies to help preserve these resources.

PRSRA observes that the most serious threat to the native coastal prairie *grassland* (a system that has been managed by humans for centuries, perhaps millennia) is the NPS’ removal of ranches and farms that formerly provided the necessary stewardship. In areas that have been renamed “wilderness,” a tragic shift has occurred or is occurring. Instead of the traditional, native grassland, these areas have become a brush covered landscape. A landscape (Limantour wilderness) that has facilitated catastrophic fires resulting in private property devastation at the wildland-urban interface. A landscape that no longer supports the same assemblage of wildlife species that the native coastal prairie grasslands once supported. A landscape that does not resemble what the NPS is asking ranchers to accomplish within the project area. This unmanaged grassland likely contributed to the 24% loss of tule elk in the Limantour elk range during last year’s drought. PRSRA suggests that NPS allows the historic ranchers to continue the same rangeland stewardship practices, working with the agencies and experts, as they have for

generations. PRSRA also recommends that NPS focus their rangeland restoration efforts on the most critical areas – the Limantour and Tomales Point elk ranges.

This EA should also consider the benefits that could be provided to coastal prairie grassland by properly managed livestock grazing on ranches within the project area where grazing has recently ceased. Returning rancher stewardship to these coastal prairie livestock pastures at no cost to PRNS (actually PRNS would collect SUP fees) are likely to further the NPS goal to preserve the coastal prairie grasslands. PRSRA supports the applications by the historic families in the project area to resume historic grazing operations on these ranch lands in desperate need of rangeland management.

- b) Dunes.** The sand dunes located within the pastoral zone have long played a role in the cultural working landscapes of the Shafter era agriculture through to the present. Thankfully, PRNS has included the dune management in this NEPA process. This process may now work to improve the earlier NEPA process undertaken by PRNS. The working landscapes – ranch CMP EA is the proper context to evaluate the effects of the dune management. The sand dunes have always been a threat due to the highly erosive nature of the sand. High winds can easily result in significant sand movement, potentially covering valuable pastureland.

The sand dunes have been managed by European-Americans for a long time. To reduce the shifting sand, people have planted vegetation to hold the sand in place. After establishment of PRNS, NPS also planted beach grasses and ice plant to hold back the blowing sand.

Recently, PRNS, at the objection of PRSRA, has initiated projects to remove the vegetation that was planted to hold the sand in place. Erosion control measures implemented by PRNS have failed. The result was exactly what PRSRA was concerned about. The moving sand covered valuable pasture land, fences and endangered plant species, including the endangered grass species Sonoma Alopecurus as well as the rare habitat for the Myrtle's Silverspot Butterfly. PRSRA asks that this EA properly consider the dunes as part of the cultural working landscape with non-native plant species. This EA should consider the adverse effects of removing the non-native vegetation from the dunes.

- c) Non-native species management.** PRSRA members are committed to work with rangeland managers, NPS, NRCS, UCCE, Marin County Ag Commissioner and others to employ best management practices to help manage non-native plant species. PRSRA requests that this EA study the well-established benefits of using livestock grazing, multi-species grazing, MIG grazing, tilling, mowing, mechanical harvesting, fencing and other agricultural practices on control and management of non-native invasive plants.

PRNS currently uses herbicides for the control of non-native invasive plants within the project area. PRSRA request that the EA study the benefits of allowing ranchers, in certain circumstances, to use herbicides to control invasive weeds. On occasion, invasive weeds may begin to invade areas inaccessible to mechanical control. Sometimes the invasive is not palatable to cattle. In these circumstances, PRSRA members believe that the use of an herbicide may have less adverse environmental impact than the rampant proliferation a non-native invasive weed may have. Although it may be only on rare occasions, PRSRA asks that PRNS authorize the use of herbicides when necessary.

- d) Brush management.** Both native and non-native brush species require management in coastal prairie grasslands. Without brush control, the grasslands will likely become lost to brush invasion. This loss of native habitat due to brush invasion has already been demonstrated at PRNS in areas where NPS has removed ranching. Coastal prairie grasslands require management. For hundreds of years, or perhaps millennia, humans have facilitated the persistence of this important ecosystem, through fire, grazing and

mowing. PRSRA requests that this EA fully evaluate the fact that brush management has occurred on coastal prairies for all recorded history, a fact that has also been identified through anthropological review. This EA should also consider the ecosystem benefit of preserving the grassland habitat by allowing ranchers to control invasive brush from their pasture lands. PRSRA is committed to work with the agencies to identify the best timing for brush removal to reduce adverse effects to other species.

Rangeland ecologists and watershed managers understand that nutrients and sediments are better controlled and better treated by grass covered soil than brush covered soil. The bare soils often found in the shade of the invasive brush allow water to travel more quickly and with less absorption and less plant nutrient uptake. PRSRA requests that the EA study the water quality benefits of allowing ranchers to continue the tradition of brush control as well as the degraded water quality that would result in any prohibition of brush control.

e) Fire regime. Coastal prairie grasslands require disturbance and invasive species control.

Native Americans used fire as a tool to manage the project area before European-Americans arrived. The record tells us that the Point Reyes peninsula and surrounding rangelands were covered with lush grasses and full of wildlife – largely due to the regular burning. European-Americans continued to employ fire as a rangeland tool.

Most current PRSRA members used fire extensively for brush control on these ranches until the NPS stopped the use of fire. PRSRA believes that fire is an appropriate tool to control brush in certain circumstances and, because of the risk of wildfires, not in others.

The cessation of use of fire and grazing has led to an increase in fire fuel loads, especially in the Olema Valley. Grazing can reduce fire fuel loads in these areas. PRSRA requests that the EA study the benefits of re-introducing grazing to these areas and how this could reduce the risk of catastrophic fires causing harm to the resource, personal property and the potential personal injury or death resulting from avoidable wildfires.

PRSRA suggests that in wilderness areas, where almost all native grassland and the species assemblages it supports have been largely lost (especially due to unmanaged brush invasion), fire be considered as a restoration tool. PRSRA asks that this EA also consider the benefits to the human environment resulting from fire fuel reduction and minimizing the risk of more PRNS catastrophic wildfires that prescribed burning could provide. This EA should also analyze the increased wildlife carrying capacity, including that of the tule elk, that would result if PRNS began to manage the now threatened coastal prairie grasslands in the wilderness areas.

7) Visitor Use / Recreation

a) Interpretive / educational programs regarding historic and contemporary ranching operations.

Historically and currently, interpretive and visitor serving programs within the project area are provided by Drakes Bay Oyster Farm. Approximately 50,000 visitors per year are invited to farm tours as well as other interpretive and educational services at the oyster farm. The oyster farm educational services are part of the curriculum of many elementary schools, high schools and colleges. At the oyster farm, the visiting public is able to learn about the history of the working landscapes and the responsibility NPS and the ranchers have to preserve and protect the working landscapes as an important part of our cultural heritage. PRSRA recognizes that a NEPA process previously began to evaluate the interpretive services at the oyster farm. One of the provisions of NEPA is that this EA can re-evaluate what was done in a

previous document (just as with the previous elk EA). The interpretive services currently provided by the oyster farm on a daily basis are most certainly an important part of the current ranch CMP EA baseline.

Public education has always been a central interest to PRSRA and is prominently featured in PRSRA's mission statement. PRSRA believes that PRNS does not currently provide any meaningful interpretation of the ranching and farming within PRNS or GGNRA. PRSRA worked for years to arrive at one temporary poster that would be periodically displayed at the PRNS headquarters visitor center. PRSRA believes that the visiting public deserves the interpretation and educational programs now provided by the historic oyster farm and that those programs should be allowed to continue. Because the oyster farm buildings, where the visitor serving activities are provided, are located within the pastoral zone fully surrounded by the other farm and ranch land project area and is easily accessible to the public, this EA must include this vital public education resource. PRSRA not only supports the continuation of the oyster farm interpretation within the working landscapes, it believes that ranch land interpretive and educational programs should be expanded.

PRSRA requests that this EA fully evaluate the benefits of the existing interpretive and educational services provided by a PRSRA member at no cost to the visiting public or the taxpayer. This EA should fully consider what it would cost the taxpayer if NPS were to replicate the oyster farm interpretive center to celebrate the working landscapes of the project area. The costs include rent, electricity, a public water system, a waste water treatment system, building maintenance, restroom maintenance, staff time and materials to host over 50,000 visitors per year, 7 days a week. The EA should evaluate the benefit of having the public interpretive center in the middle of the working landscapes. It should consider the educational value of having the center on a working farm where children can see and learn about where their food comes from. It should also evaluate the benefits of having a traditional multi-generational ranching family leading the educational programs.

The EA should also consider the fact that people passionate about agriculture may not choose NPS for their career. This EA should evaluate the adverse effects of NPS employees, generally more interested in natural resources, providing agricultural interpretive services.

- b) Access. PRSRA members are always willing to cooperate with preserving existing public access through the ranch and farm lands in the subject area. Any contemplated changes to the current access baseline should be evaluated in this EA. New public access through ranch land usually results in more work for the rancher. These challenges could include new gates, gates being left open, prohibition on new important fencing or other BMP, parking challenges, disturbance to livestock, wildlife disturbance, and loss of privacy.

This EA should also analyze the fact that new access could also lead to potential risk to the visiting public. New public access through historic livestock pastures could disrupt normal animal behavior. Changes in stimuli and disturbance can lead to increased anxiety and, in some instances, aggression in domestic livestock.

This EA should also evaluate the benefits of NPS providing indemnification to the ranchers in case of injury to members of the public caused by livestock. PRSRA believes that this would be fair because it is NPS that is encouraging public access through ranchers' livestock, not the ranchers.

- c) Recreational opportunities. PRSRA is fully aware of the public's support of continued agriculture in the subject area and public's desire to know more, and to experience more about the historic working landscapes. The following are two examples of recreational opportunities already allowed in the

seashore within the project area. An EA was not initiated to allow these activities to be conducted in the past, therefore it should not be required now. PRSRA believes that simple fairness would suggest that if others are interested in similar activities, PRNS should permit those as well.

Today, the oyster farm is the only member of PRSRA organized and permitted to offer regular farm tours. The oyster farm does not currently charge any fee for the tours. This EA should consider the effects on the human environment of allowing other ranches and farms to provide farm tours if requested. If NPS would allow other ranchers and farmers to offer tours at a fee, the public would benefit from the recreational value and the rancher would benefit from the income generated.

Today, the Mendoza family (B Ranch) is the only member of PRSRA allowed to have farmstays. Overnight stays on other working ranches within the project area would offer more recreational opportunities for visiting families interested in experiencing the working landscape culture with the families that have been a part of the landscape and history for generations. This EA should evaluate the public benefit of the ranchers offering daytime farm work experiences and overnight on-farm accommodations as well as the benefit to the ranching family by allowing additional farm income.

Today, the oyster farm is the only PRSRA member permitted to sell its products to the visiting public in its on-farm store. This is a valuable recreational opportunity for the visiting public. It is truly exciting for families and children to experience a visit to the working landscape, see the farm and have the opportunity to purchase the farm product at its source. This EA should evaluate the benefits of on-farm product purchasing opportunities for the visiting public. These opportunities provide the following to the visiting public: education, recreation and a connection to a historic, yet fully active food producing region. All the while, these opportunities also help the ranchers and farmers connect with the public that appreciates their work and provides additional farm income.

8) Planning & Protection of Ranch Complexes

- a) Define areas for ranch infrastructure improvements. PRNS has recently allowed large expansions of ranch infrastructure well outside of the general cluster of buildings or previously improved area. On one ranch in the pastoral zone, PRNS facilitated the permitting and authorization, including permit from the California Coastal Commission, for the construction of two large barns for animal housing and a new manure pit for additional waste storage. This new development outside of the building complex was necessary to improve water quality and to allow the dairy to increase herd size and increase profitability of the dairy. Even though this project expanded the previous boundaries of the ranch complex, the expansion area represents only a small fraction of the ranch area. This EA should recognize the dynamic nature of agriculture within the project area and recognize the benefit of remaining flexible to add ranch infrastructure outside of an existing building complex or an imaginary future complex limit. This EA should consider the adverse effects that could result if new ranch complex limits are established without the full understanding of what the future may bring. PRSRA supports the notion that new building and development be situated within the existing ranch complex as possible. As in the above example, it is unlikely that any ranch or

farm within the subject area could fit this extensive development within its current building complex. Therefore, the same flexibility that was offered to that rancher should be offered to other ranches and farms as necessary.

- b) Define roles and responsibilities for maintenance of existing infrastructure. The roles and responsibilities for maintenance and repairs of existing infrastructure are clearly defined in the SUPs issued to ranchers

and farmers within the subject area. PRNS applies the rules unequally between the permit holders. Over the years, PRSRA members have asked PRNS to adhere to the conditions in the permit for each and every permit holder. PRSRA does not believe that a NEPA process is necessary to compel PRNS to uphold the agreements in the SUPs equally among all permit holders. Similar to other “issues”, PRSRA is unaware of any changes in roles or responsibilities regarding infrastructure maintenance or repairs contemplated by this ranch CMP EA. If NPS is proposing changes to the roles and responsibilities, it should identify those proposed changes in the purpose and need or in the plan objectives. Once the NPS has established a defined project that can be evaluated, PRSRA and the commenting public can provide meaningful comments.

Generally, PRSRA accepts the roles and responsibilities for maintenance and repair of existing infrastructure as agreed upon in the current SUPs and opposes the unequal performance of PRNS responsibilities under those permits. The permits require the ranchers and farmers to be fully responsible for cyclic maintenance including fencing, painting, water system maintenance, road maintenance and other items. The permits also state that the NPS is responsible for capital improvements. PRNS should be paying for major, long term infrastructure repairs. The common practice is that PRNS refuses to pay for capital improvements as set forth in the permits. Occasionally, however, PRNS has agreed to pay for capital improvements. One example is that requests for roof replacements with 30-year life expectancies are regularly denied, yet PRNS has recently paid for new roofs for one rancher. There are other examples of such unequal performance of PRNS responsibilities.

PRSRA is concerned that when rural land appraisals are completed by PRNS contractors, the appraisers are unaware that it is the rancher or farmer that has usually paid for capital improvements, not the NPS as the permits suggest. The resulting appraisal may be higher than if the appraiser knew the rancher actually has to pay for capital improvements.

If this EA actually does contemplate a change to the roles and responsibilities for maintenance and repairs of existing infrastructure, PRSRA asks that it be informed of the desired changes. PRSRA commits to working collaboratively with PRNS on any appropriate changes to the current agreements. With or without changes that may or may not trigger NEPA, PRSRA expects that full, fair and even implementation will be established throughout the project area.

9) Floodplains, Wetlands, Riparian Areas

- a) Buffers for water quality protection. PRSRA members have been working and will continue to work with NRCS, RCD and NPS to establish appropriate buffers for sensitive riparian areas. PRSRA is not aware of any PRNS plan to change the existing protections. If NPS has a proposal to change the existing baseline with new restrictions it should make that proposal available to the public so that meaningful comments can be given. If NPS does not have a proposal to change the status quo, PRSRA will continue to collaborate with the agencies to protect sensitive habitats and no evaluation is necessary in this EA.
- b) Habitat enhancement. PRSRA members have been working and will continue to work with NRCS, RCD and NPS to enhance habitat in sensitive riparian and wetland areas. PRSRA is not aware of any PRNS plan to change the existing PRNS/PRSRA collaborations. If NPS has a proposal to change the existing baseline with new requirements or restrictions it should make that proposal available to the public so that meaningful comments can be given. If NPS does not have a proposal to change the status quo, PRSRA will continue to collaborate with the agencies to enhance sensitive habitats and no evaluation is necessary in this EA.

V. CONCLUSION

Attached to this scoping letter is a PRSRA letter identifying the process anomalies of this current ranch CMP EA. Although PRSRA has pledged to cooperate in an honest process that can result in positive change, PRSRA is still unclear about what triggered this current NEPA process and why it has been initiated by NPS.

Many serious social, cultural, economic and environmental issues have been identified to be reviewed in this process. Some of these issues have already been analyzed by previous NEPA processes. From these processes, management plans have been approved. PRSRA recognizes that PRNS chooses to follow a plan in some cases, and chooses not to follow a plan in other cases. These PRNS decisions can be catastrophic to the ranchers and/or the ranch lands that NPS is entrusted to protect. One example is the PRNS decision to ignore the established purpose of the pastoral zone, a zone set aside by Congress to continue commercial agriculture due to its local importance and cultural value. PRNS, without a public process, removed the Horick family from the pastoral zone and changed the use and the intensity of use of the historic D Ranch from the authorized agricultural use to an unauthorized elk range in the middle of the pastoral zone. Another example is the PRNS decision to follow the 1998 elk management plan that was approved through a NEPA process for several years, only to stop following the plan without another NEPA process.

PRSRA requests that this EA analyze how the agency, NPS and PRNS, will inform PRSRA and the public about any changes to the ranch management plan that results from this process. It should detail a roll-out process with target dates to accomplish any changes. Furthermore, this EA should analyze and share with the public a process for PRSRA and/or the public to initiate if they have reason to believe that the plan that comes out of this process is not being followed by PRNS. A commitment to delegate day-to-day oversight and management decisions to a nonprofit partner with a board of local farm advisors and ranchers would reassure PRSRA that the park service will follow through on the plan approved as a result of this process, a necessity if agriculture in the Historic Ranch Districts is to survive and thrive into the future.

PRNS staff has repeatedly reassured PRSRA that ranchers and farmers will have a meaningful seat at the "NEPA table." We have been told that our voices are important, that we will be invited to special meetings to discuss plan alternatives and to have an active role in the process. PRSRA will participate in an honest and open process in good faith.

Sincerely Yours,

Point Reyes Seashore Ranchers Association

cc: US Senator, Dianne Feinstein
US Senator, Barbara Boxer

US Congressman, Jared Huffman

State Assembly Member, Marc Levine

Marin County Supervisor, Steve Kinsey

Appendix B

March 18, 2016

The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Dear Secretary Jewell:

I write to urge the National Park Service to continue to honor existing ranching and dairy leases at Point Reyes National Seashore in your development of the upcoming Ranch Management Plan. While I am disappointed by the recent lawsuit, I firmly believe that multi-generational ranching and dairying is not only important both ecologically and economically for the area, but also entirely consistent with Congress's intent when it established Point Reyes National Seashore in 1962 and subsequently amended the Act in 1978.

Allowing for continued ranching was a part of the deal Congress struck when it first established Point Reyes National Seashore as a national park. As part of a deal to persuade landowners to sell their property to create the National Seashore in 1962, the federal government assured residents they could continue ranching. And Congress subsequently reaffirmed the importance of agriculture in 1978 when it established the permitting system that now governs the leases.¹ We must keep that promise.

Congress's intent that agriculture continue at Point Reyes has been reflected by various members of the administration throughout the years. Then-Secretary of the Interior Ken Salazar observed in 2012, for instance, that "working ranches are a vibrant and compatible part of Point Reyes National Seashore, and both now and in the future represent an important contribution to Point Reyes' superlative natural and cultural resources." The Secretary then directed the National Park Service to fully consider the values of ranching and farming in future planning efforts.

Point Reyes now has a total of 35 leasing or permitting instruments that allow ranching, of which 29 are for beef cattle and 6 are for dairy cattle. These operations are not only an important cultural and economic underpinning in the area, they also sustain a healthy and well-balanced ecosystem. Sound, sustainable farming practices help with—not hinder—the management of vast grasslands under threat from non-native plants.

Sustainable ranching in the Seashore also provides an excellent opportunity to educate the millions of visitors who come visit each year. In these unique working landscapes, visitors can witness for themselves how locally-produced food reduces greenhouse gas emissions by reducing the distance traveled from farm to table.

I firmly believe that not only must the National Park Service provide for continued ranching, but the National Park Service should do so in a manner that places these ranchers on sound footing. We must provide farmers and ranchers assurance that the land they are investing in today will be there tomorrow for their children, let alone around long enough for them to recoup their investments.

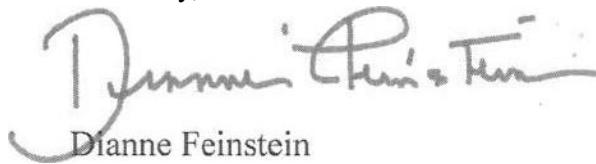
That is why I asked for, and former National Park Service Director Mary Bomar agreed to issue, ten-year leases. That the National Park Service subsequently decided to issue twenty-year leases is another step in the right direction. These types of leases will allow ranchers to amortize the costs of vital capital improvements, like installing fencing and developing water sources for livestock.

I am also acutely aware that this drought has taken its toll on farming in the area. As a result, diversification of crops and income is now more important than ever. The upcoming Ranch Management Plan should allow for some level of agricultural diversification within the special use permit, including small-scale row crop farming, production of different livestock species, and allowance of agricultural processing and sales. Not only would these types of allowances afford ranch families stability, but they would also provide the local community with diversity of local foods.

At a time when climate change highlights the importance of local food sources, we should be applauding, not vilifying, farmers at Point Reyes. I ask that you please keep me and my staff updated as you continue to develop the Ranch Management Plan.

I would like to close with a quote from the National Park Service's General Management Plan of 1980: "There is no better place for man to contemplate his origins, the factors that sustain him, and the threats that may destroy him, than at the edge of the sea." I am now more convinced than ever that this national treasure and its lessons should be preserved for our children.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dianne Feinstein". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Dianne Feinstein
Dianne Feinstein
United States Senator

Appendix C

United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

IN REPLY REFER TO:

IO.B. (PWR-PI)

0 7 APR 2016

The Honorable Dianne Feinstein
331 Hart Building
Washington, DC 20510

Dear Senator Feinstein:

Thank you for your March 18, 2016 letter to Secretary Jewell concerning existing ranching and daily leases at Point Reyes National Seashore. Secretary Jewell has asked that we respond to you on her behalf.

The partnership between the National Park Service and the park ranchers to preserve the vibrant ranching and dairying tradition at Point Reyes National Seashore and adjacent park lands has endured for more than 50 years. Point Reyes National Seashore staff today is proud to work together with the children and grandchildren of those ranching families who sold their lands to the National Park Service decades ago. We are committed to honoring Congress' intent regarding these beef and dairy ranches when it passed and updated Point Reyes National Seashore's enabling legislation, and intend to honor existing ranching and dairy authorizations.

The National Park Service believes that the Ranch Comprehensive Management Plan under development will strengthen both the historic working ranches and the superlative natural and cultural resources of Point Reyes National Seashore. The process is well underway, and we anticipate release of the plan for public review in late 2016, Point Reyes staff has met with your staff throughout this planning process, and will be pleased to continue to keep you and your staff updated as the plan progresses.

In the interim, the park has continued to work closely with park ranchers to support ongoing and new projects and improvements. For example, in summer 2015, the National Park Service received a \$570,000 grant from the State of California to implement water quality best management practices on a number of ranches, thereby supporting the sustainability of these ongoing operations..

We appreciate your continued support of sustainable ranching at Point Reyes National Seashore. If we can provide any further information, please do not hesitate to contact Superintendent Cicely Muldoon at (415) 464-5101.

Sincerely,

A handwritten signature in dark ink, appearing to read "Laura E. Joss". The signature is fluid and cursive, with the first name "Laura" and last name "Joss" clearly distinguishable.

Laura E. Joss

Regional Director, Pacific West Region cc: Point Reyes National

Seashore Superintendent Cicely Muldoon

Appendix D

POINT REYES LIGHT

House committee hears Point Reyes woes

By Anna Guth

05/03/2018

A growing rift among ranchers in the Point Reyes National Seashore over whether to trust the park service to support their ongoing operations took a national stage last week.

During a hearing held by the House Committee on Natural Resources, Representative Jared Huffman sparred with Professor Laura Watt, a member of the recently formed Resilient Agriculture Group based in West Marin, over whether the park's current process to amend the seashore's general management plan will result in the protection of the historic ranches—a goal that they share.

In recent weeks, RAG, a new group of advocates and ranchers, has called for legislation that will guide the general management plan amendment process by clarifying Congress's intent that the working ranches continue.

Yet their tactics, including hiring a Republican lobbyist, have moved others in the ranching community to speak out, disassociating from the group and arguing for a more collaborative approach with the park.

Rep. Huffman, who meets regularly with the ranchers and the park service, challenged Dr. Watt's testimony at the hearing, in which she described an agency bias that has resulted in poor management of the ranchlands.

The congressional hearing, which was held to question the efficacy of the National Environmental Policy Act, was an odd setting for the dispute between Rep. Huffman and Dr. Watt—neither of whom support rolling back environmental regulations, as does the committee's Republican majority.

Dr. Watt is a Sonoma State University professor with a background in environmental planning for federal agencies and the author of "The Paradox of Preservation: Wilderness and Working Landscapes at Point Reyes National Seashore." She told the committee that she believes the park service has injured the Point Reyes ranches through an inconsistent application of NEPA, thereby forcing advocates to look for legislative solutions.

She pointed to the fact that the park service required an environmental impact statement for the now-defunct Drakes Bay Oyster Company to transfer from its reservation of use and occupancy to a special use permit, though the agency had not conducted environmental reviews for ranches to do so.

She also described how permits were cancelled for D Ranch and Rancho Baulines in the early 2000s without an environmental review, despite the major changes in land use that ensued.

Dr. Watt was critical of the park service for issuing a finding of no significant impact for the 1998 elk management plan that allowed for relocating animals from Tomales Point to Limantour, but declining to take any action to resolve conflicts with ranchlands without further review.

Lastly, she questioned why the park service had initiated the ranch comprehensive management plan, with an associated environmental review, to address former Secretary of the Interior Ken Salazar's prompt to extend leases to 20 years.

Dr. Watt characterized these actions as intentionally neglectful of the ranches.

She said the park failed to update the 1980 general management plan and to manage and control the elk population, meanwhile "pushing several permittees to discontinue ranching and accede to the cancellation of their permits, resulting in serious degradation of historic buildings and increases in fire hazard from unmanaged pastures being taken over by brush and weeds."

When it came time for his comments, Rep. Huffman said he appreciated Dr. Watt's research. Still, he said, "It is important to clarify that her testimony, at least in some elements, does not reflect what I believe to be the prevailing view of ranching families in Point Reyes today."

He continued, "It's not a perfect relationship, but in my experience, most ranchers regard the park service as a more or less decent landlord—not the capricious, heavy-handed and anti-agriculture agency that is sometimes portrayed by its critics."

Specifically, Rep. Huffman took issue with Dr. Watt's criticism of the consistency of NEPA analyses, which he said she had suggested was "driven, basically, simply by whether they like a project." That was an oversimplification, he said.

The level of NEPA review depends on all sorts of different requirements in different circumstances, he argued, including that the significance of environmental impacts vary from one situation to another and that in some instances case law requires that even continuing uses require a review.

He also asked Dr. Watt to clarify a few points for the room. She confirmed for him that she does not support waiving or weakening NEPA reviews of timber harvesting or oil and gas drilling, as the committee majority has repeatedly proposed, or the recent legislation to take carbon pollution and climate change out of future NEPA analyses.

On a few other important points, the congressman and the professor were in agreement.

"I agree that the park service has shortcomings: their management of the tule elk—the very successful reintroduction of the tule elk—has created some real challenges for some ranches and dairies, and this has

to be addressed sooner rather than later,” he said. “Senator Feinstein and I are working on this and pushing the park service, and we are going to continue to do that.”

Importantly, he said, “I also agree that in a perfect world, the enabling act of the seashore would be a little more direct about the preservation of the historic ranches and dairies.”

In a conversation with the Light, Rep. Huffman confirmed that he is open to a legislative solution. He said that he has worked on drafting legislative language in close collaboration with Sen. Feinstein, though there is no bill at this time.

“I would only support very carefully crafted clarifying legislation,” he added.

Three members of RAG—Dr. Watt, conservationist Phyllis Faber and rancher Kevin Lunny—wrote a letter to this newspaper in early April in response to a story about the general management plan amendment.

“Both Representative Jared Huffman and Senator Dianne Feinstein are on record repeatedly as to their unwavering support for agricultural uses remaining a permanent part of the Point Reyes working landscape, consistent with Congress’s original intent,” they wrote. “It is incumbent upon them to now move from words of support to collaborative legislative action.”

The letter concluded, “As long as the statutory language remains subject to competing interpretations, these endless planning and litigation battles will continue, resulting in perpetual uncertainty for both ranchers and the seashore-using public.”

RAG has recently announced the hiring of the lobbyist John Doolittle, a former House Republican who came under investigation in the early 2000s for his business relations with lobbyist Jack Abramoff, the prominent lobbyist who defrauded numerous clients.

Chris Carr, RAG’s attorney, worked with Mr. Doolittle previously in litigation that resulted in the park service abandoning a dog management plan in the Golden Gate National Recreation Area after the plaintiffs uncovered the use of private email between park employees.

As far as Mr. Doolittle’s role, Mr. Carr said there is a Republican majority in the House, “and so we brought him on board for obvious reasons. To say the least, it’s helpful to have someone who works with those folks and is familiar with the legislative process.”

He added, “We are talking with everyone—Congressman Huffman, Senator Feinstein, Republicans in the House. We don’t view this as a partisan issue.”

Mr. Carr has also been driving an extensive Freedom of Information Act request to the park service that has so far provided thousands of documents in an interim response. (The vast majority of those

documents were simply pulled from the legislative record from the 2016 lawsuit rather than newly collected.)

Part of a rare influx of letters from the ranching community in this newspaper in the last month, ranchers David Evans and Claire Herminjard wrote a letter to the editor in early April criticizing RAG over what they believe are tactics that threaten the current process to amend the general management plan.

Though a settlement with three environmental groups that sued the park in 2016 mandates that three out of the park's proposed scenarios involve reducing or eliminating ranching and dairying, the agency has also put forward the idea of 20-year leases, increased elk management and operational diversification.

"We understand that these may be well-intentioned citizens and fellow ranchers and we appreciate their support of ranching in the seashore," Mr. Evans and Ms. Herminjard wrote. "That said, we are deeply concerned by their methods and believe their contentious actions are wholly counter-productive to completing the management plan update and securing long-term leases for ranchers."

Their sentiments were echoed a week later by a host of ranching families, including Bill and Nicolette Niman, Bob and Ruth McClure, Dan and Dolores Evans, Julie Rossotti, Betty Nunes, Bob Giacomini, and Tim, Tom and Mike Kehoe.

"We feel the need to step out of comfort zone and make our views on the planning process clear," they wrote. They emphasized their "positive" and "mutually respectful relations" with park staff as well as their commitment to the amendment process.

"We believe promoting exchanges between environmentalists, ranchers and the N.P.S. will lead to a better understanding of the issues around ranching and the environment in the seashore—resulting in a G.M.P.A. that will help the seashore become a model for productive agriculture on public lands throughout the United States, a long-term benefit for all," they wrote.

Mr. Lunny, vice president of the Point Reyes Seashore Ranchers Association, who joined RAG in March, offered his perspective on the reservations regarding the group.

"The people who are hesitant might not yet understand RAG's efforts, our goals and plans fully," he said.

Yet he also added, "The park service hasn't treated everybody the same—there are different experiences and different loyalties. That should be respected, and that's okay."

In speaking with the Light, Rep. Huffman remained critical. "It's very important to me that I have an open dialogue and working relationship with the ranching community, and it's easier to do that when the community is unified," he said. "When there are splinter groups and offshoots that go out and engage in secret lobbying agendas, it can complicate things and it can undermine the trust that is so important for us all to work together."

Burr Heneman, who believes the seashore's enabling legislation and subsequent amendments are ambiguous as to the future of the working ranches in the seashore, agreed with his representative. He is optimistic that the park service plan will provide continued strong support for ranching. Though he acknowledges there may be a time and place for legislation, he is also critical of RAG—in particular its choice for a lobbyist.

“If there is going to be legislation, we all should be working together with our very capable and involved elected representatives,” he said. “I think it can be dangerous to take the RAG path and hire a disgraced, far-right former Congressman to lobby for you in Washington.”

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