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 on-farm 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. 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 Johne'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 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

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¹ PRNS 2001 A year in Review

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 30-day 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.² 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 carbon-beneficial 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 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

www.nps.gov/cuva/historyculture/the-countryside-initiative.htm

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 CO_{2:}
 - (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) <u>Diversified crop species</u>. 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.

Grazing strategies need to be flexible. Much of the project area (iii) 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)³ 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 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

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 $^{^{3}}$ 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.

- 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:
 - 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 <u>new</u> 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 <u>designated elk range</u>. 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 Johne'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 Johne'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 amendment and the problem could be immediately solved.

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

⁴ Attachment B - addendum to management plan

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) <u>Dunes.</u> 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) <u>Fire regime</u>. 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) <u>Buffers for water quality protection.</u> 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) <u>Habitat enhancement</u>. 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

Point Reyes Seashore Ranchers Association 15020 Sir Francis Drake Blvd. Inverness, CA 94937

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 appreciates this opportunity to provide the following comments on the initial public scoping process for the Ranch Comprehensive Management Plan.

Please Identify The Proposal

A scoping process is normally undertaken only after an agency publishes a notice of intent to prepare an EIS. Where, as here, a scoping process is begun earlier, before the environmental assessment, the agency should provide enough information "on the *proposal* so that the public and relevant agencies can participate effectively". (Council on Environmental Quality, *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*, Question no. 13, 46 Fed. Reg. 18026 (23 March 1981) (emphasis added).) The Park Service's 21 April 2014 "letter to interested parties" identified a broad project purpose, but did not identify the proposal. Please identify the proposal.

The Ranchers Association believes that the proposal should be to extend long-term permits to the ranchers to allow them to continue ranching, and to remove the tule elk from the pastoral zone. If that is the Park Service's proposal, then, as the following sections explain, no new NEPA process should be undertaken. If the Park Service's

proposal is something else, then that should be disclosed and the scoping process should be reinitiated so that the Ranchers Association and the public can participate most effectively.

A New NEPA Process Should Not Be Undertaken To Renew Ranching Permits

A new NEPA process should not be undertaken to renew permits to continue existing ranching operations in Point Reyes. If the Park Service wants to issue the ranchers long-term permits to continue existing ranching operations, it could do so now, without the time and expense of further NEPA review, for three reasons.

First, issuing new permits to continue existing ranching operations would be categorically excluded from NEPA. "Issuances, extensions, [or] renewals ... [of] permits that do not entail new construction or any potential for new environmental impact" are categorically excluded from NEPA. (NPS Director's Order 12, Section 3.4(A)(5).) Issuing permits to continue existing ranching operations is not authorization for new construction. Nor would issuing those permits result in any environmental impacts that are "new" in the sense intended by this categorical exclusion, i.e., impacts that are different in degree or kind from any "impacts" ranching has had over its 150-year history in Point Reyes. Because this categorical exclusion applies, no new NEPA process is required.

Second, the courts have recognized that NEPA does not apply to "action that does not alter the status quo". (*National Wildlife Fed'n v. Espy*, 45 F.3d 1337, 1344 (9th Cir. 1995).) The *Espy* case is directly on point. In *Espy*, the agency had acquired land that had historically been grazed by cattle. (*Id.* at 1340.) The agency then transferred the property into private ownership where it continued to be grazed by cattle. (*Id.*) An organization brought suit under NEPA alleging that continued grazing would harm "fragile riparian wetlands" and that an environmental review should have been undertaken before the transfer. (*Id.* at 1341.) The Ninth Circuit held that NEPA did not apply to the agency's decision to allow "continued" grazing:

[The agency] alleges that because the wetlands were used for grazing before it acquired the ranch and are now used for that purpose by the [private party], [the agency's] transfer of the title

did not alter the status quo and therefore was not subject to requirements on NEPA. We agree.

[...]

Discretionary agency action that does not alter the status quo does not require an EIS. [Citation.] The complaint alleges [the agency's] disposal of the Ranch will result in but one injury—continued degradation of the wetlands from grazing. It is not alleged that the disposal will add to that harm.

(*Id.* at 1343-1344.)

So it would be here. Because issuing permits to continue existing ranching operations will simply preserve the status quo, and not add any new harms, NEPA would not apply.

Third, the Park Service has long understood that no NEPA review was necessary to issue permits to continue ranching in the Seashore, because it has not conducted NEPA review of those permits in the past. If the Park Service's policy that NEPA does not apply to ranching permit renewals in the Seashore has recently changed, the Ranchers Association would appreciate an explanation why. (*See FCC v. Fox TV Stations, Inc.* (2009) 556 U.S. 502, 515 ("[a]n agency may not ... depart from a prior policy sub silentio ... [a]nd of course the agency must show that there are good reasons for the new policy").)

A New NEPA Process Should Not Be Undertaken To Remove Tule Elk From The Pastoral Zone

A new NEPA process should not be undertaken to move tule elk from the Point Reyes pastoral zone back to the wilderness areas because the Park Service has already conducted a NEPA process sufficient for that action. The 1998 Tule Elk Management Plan authorized the relocation of elk to a "proposed" elk range in Limantour and rejected an alternative that would have allowed elk in the pastoral zone. In finding that the management plan would cause no significant impact to the environment, the Park Service approved mitigating the "[p]otential for harm to park resources by elk" by "[m]aintain[ing] capability to take corrective actions as necessary including ... capture ... of elk". The Park Service has recognized, in the 1980 General Management Plan and

elsewhere, that ranching provides cultural and natural resources to the Seashore. The continued presence of the elk in the pastoral zone poses an urgent threat to those resources.

By rejecting a proposal that would have allowed elk to range into the pastoral zone, and approving mitigation measures that contemplate the capture of elk that cause damage to Park resources (which includes the ranches), the 1998 Tule Elk Management Plan gives the Park Service all the authority it needs to move the elk from the pastoral zone now — without further NEPA review.

Any Doubt About The Park's Authority To Move The Elk Can Easily Be Addressed

The Ranchers Association understands that the Park Service may have received a legal opinion that the 1998 Tule Elk Management Plan does not authorize moving the elk out of the pastoral zone. Please make that opinion publicly available.

Even if that legal opinion is correct, any gaps in the 1998 Tule Elk Management Plan could easily be fixed by a short addendum to that plan that makes clear that it authorizes the removal of elk from the pastoral zone. A proposed addendum is attached to this letter. Signing that addendum would remove all doubt that the Park has the authority it needs to begin moving the elk off the pastoral zone immediately.

The Park Should Make Issuing New Permits And Moving The Elk Its Priority

Ranching and protection of the environment are complementary, not conflicting. The ranchers' exemplary stewardship of the lands and waters of Point Reyes is what has allowed these families to successfully ranch this area for the past 150 years.

In the years since Congress authorized the Seashore, these ranching families have worked in partnership with the Park Service to prove that sustainable agriculture can co-exist in harmony with the environment. Congress endorsed the continuation of this partnership when it passed legislation (Pub. L. 95-625, § 318) allowing Point Reyes to be leased for ranching in perpetuity, encouraging "to the fullest extent" that the Park Service "maintain this compatible activity" (H.R. Rep. No. 95-1165, at 71 (1978)). And in his 29 November 2012 memorandum, Secretary Salazar directed you "to pursue

extending permits to 20-year terms for the dairy and cattle ranches within [the] pastoral zone".

Please help fulfill Congress's vision, and Secretary Salazar's direction, that ranching be allowed to continue by promptly issuing the ranchers new long-term permits, and ensuring that the elk are removed from the pastoral zone.

With your help, the Ranchers Association looks forward to the next 150 years of ranching in Point Reyes.

Sincerely yours,

POINT REYES SEASHORE RANCHERS ASSOCIATION

Attachment

cc: US Senator, Dianne Feinstein
US Senator, Barbara Boxer
US Congressman, Jared Huffman
State Assembly Member, Marc Levine
Marin County Supervisor, Steve Kinsey

Addendum to Point Reyes National Seashore Tule Elk Management Plan and Environmental Assessment (1998)

Purpose and Effect of Addendum

The 1998 Tule Elk Management Plan authorizes the relocation of elk to a "proposed" elk range in Limantour. (Page 48, Figure 7.) The authorized range is outside the pastoral zone. The management plan does not authorize the relocation of elk within the pastoral zone.

The management plan specifies that the Park Service will be a good neighbor:

The Park Service has a responsibility to be a good neighbor to adjacent and nearby landowners. Anticipating the effects of tule elk management strategies on the property or perceptions of neighbors is an important consideration. Any depredations by elk on fences, crops, or other property would require mitigation actions to correct or avoid problems. [Page 13.]

To ensure that the Park Service remains a good neighbor, the management plan requires the capture or destruction of elk that stray onto private lands:

Damage to property could occur if elk move outside the Seashore onto private lands and consume crops or damage fences or other property. The Seashore will be ready to recapture or destroy problem animals should these situations arise, or establish partnerships with state and county agencies with the necessary skills and personnel to assist with the capture. The Seashore should be prepared to provide funding for compensating property damage if necessary. [Page 49.]

The management plan does not clearly specify that these good neighbor policies also apply to the pastoral zone. This addendum is being issued to make clear that these good neighbor policies apply to the pastoral zone and to the ranchers within the pastoral zone.

NEPA Analysis

The National Environmental Policy Act (NEPA) does not require the preparation of an Environmental Impact Statement (EIS) when an agency makes a finding of no significant impact. In 1998, the Park Service made a finding of no significant impact for the entire management plan. Based on this finding, no EIS is needed for the capture and removal of elk on pastoral lands, whose impacts are no greater than those related to the capture and removal of elk on private lands.

Approved By:		
11 2	Superintendant, Point Reyes NS	Date



October 28, 2013

Margo Parks California Cattlemen's Association 1221 H. Street Sacramento, CA 95814

Dear Ms. Parks:

I read with interest the recent article (probably from the Point Reyes Light) regarding the conflict between Pt. Reyes ranchers and the tule elk. I have a long history with the issue of the elk.

In the mid-1990s I sat on an advisory committee for the NPS, to study the tule elk situation and recommend a management approach. The outcome of that advisory group was recommendation to test the idea of fertility control, and approach that was already showing promise with other species. That in turn, led to a trial of fertility control, headed up by the late Susan Shideler, of UC-Davis. A three year study showed significant reduction in elk calves as a result of treatment with anon-hormonal contraceptive vaccine Known as PZP). The vaccine was delivered remotely, by dart gun.

The results are shown below:

	Year	Pregnancy Rates	
		PZP Treated	Control
	1 (1997-1998)	1/27 (4%)	24/31 (77%)
	2 (1998-1999)	2/42 (5%)	10/31 (32%)
	3 (1999-2000)	2/35 (6%)	19/29 (66%)

While the number of elk treated (cows only) was below that to achieve zero population growth, it had a stabilizing effect on the entire herd and actually slowed growth to historic lows. The results of this trial were published in a highly respectable scientific journal (Shideler wet al. 2002. Use of porcine zona pellucida (PZP) vaccine as a contraceptive

agent in free-ranging tule elk (Cervus elaphus nannodes). Reproduction (Suppl. 60): 169-176.

After the completion of the project, PORE reluctantly continued using the approach for about two more years but there were political reasons why PORE finally chose to retreat from this approach. The real tragedy was that they had everything in place to continue on, increase application and make a significant change in the elk population. One common reason why PORE retreated was that they claimed it was too expensive, but used research costs instead of simple management costs; there is a big difference between running a research program and a management program. That, however, was merely an excuse and some rather arcane politics stood at the center of the decision.

Application of fertility control, using this same vaccine has gone worldwide. Wild horses are being successfully managed in this manner on many ranges, where BLM bureaucracy has not prevented it; urban white-tailed deer are being successfully managed in this manner; the entire Catalina Island bison herd is being managed in this manner and has achieved zero population growth in a single year; even African elephants, in 15 different game parks in South Africa are being managed in this manner.

Now, application of PZP to PORE elk would not immediately stop the intrusion onto agricultural lands. However, every new calf born to one of those cows will learn the luxury of grazing on agricultural lands and the problem will grow. Fertility control can help and depending on the effort, it can make a difference.

I have over the years, watched the issue carefully, largely through the articles in the Pt. Reyes Light, and I am dismayed that such a scientifically valid approach was jettisoned by the park and everyone sat around for over 15 years watching the problem get larger and larger with little more than hand-wringing. If they had employed this approach 15 years ago, the herd size would be a fraction of what it is today. While I realize that your organization is seeking immediate relief, I cannot help but wonder what the situation will look like 15 years from now.

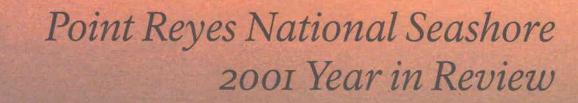
You remarked that because those elk are a public resource, the nation has a stake in the outcomes. Well, I'm from Montana, and I have spoken and I know what of I speak. If you want to know more about this, feel free to contact me.

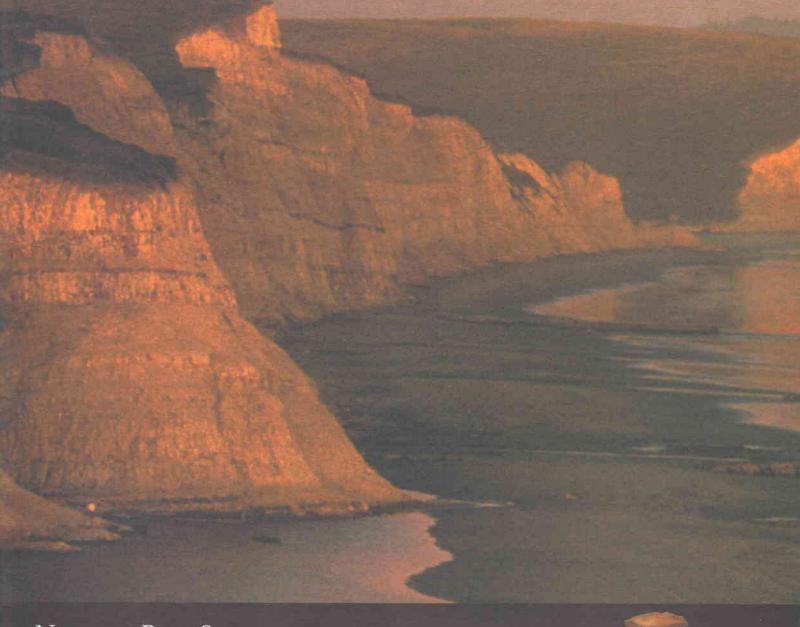
Cordially,

Jay F. Kirkpatrick, Ph.D.

Juy & Kuppatrut

Director





NATIONAL PARK SERVICE



Native Tule Elk Range Freely at Point Reyes - An Update

The 1998 issue of *Natural Resource Year in Review* featured an article on the anticipated of the first free-ranging tule elk herd in 130 years. The release of 28 elk on June 1, 1999 marked the foundation of a restoration of the dominant herbivore to the coastal Seashore ecosystem. The released animals were captured in December, 1998 at Tomales Point, a fenced, 2,600-acre reserve at the northern extent of the Seashore, and relocated to the Limantour area of the Philip Burton Wilderness, 20 kilometers away. Before their release, the elk were quarantined for 6 months in a 21-acre enclosure and repeatedly tested for Johne's disease, or paratuberculosis, a chronic and fatal disease of livestock endemic in the Tomales Point elk herd. A stringent Johne's disease testing protocol, unprecedented in any livestock herd in the U.S., mandated release of only test negative animals.



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 Johne's disease. Each released adult animal wears a uniquely identifiable radio transmitter collar designed to allow tracking

of locations and early detection of mortality. The majority of the animals in the relocated herd have remained within three miles of the release site. Collected data will be used to analyze habitat use, movements, and health status of the relocated elk. The current herd consists of 30 animals with 6 calves born in spring 2001. The release has enjoyed widespread support

from the visiting public and local community alike. Finally, after more than a century, visitors can observe these impressive native ungulates, roaming free in their historic range.







Ranching at Point Reyes: Two Centuries of History and Challenges



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Ranching at Point Reyes: Two Centuries of History and Challenges

INTRODUCTION

In May 2014, the National Park Service initiated a "Ranch Comprehensive Management Plan/Environmental Assessment" (Ranch CMP) to address a variety of issues impacting the future of historic grazing and dairy operations inside Point Reyes National Seashore. Citing in part Secretary of Interior Ken Salazar's 2012 memorandum directing the Park Service "to pursue extending permits to the ranchers within those pastoral lands up to 20-year terms," the scoping document for the EA purports to seek management guidance on a variety of issues including articulation of a "clear vision for ranching" at PRNS, streamlining regulatory review processes, and finally, addressing tule elk impacts on existing ranching operations.

It is this last item, the rather clear-cut goal of addressing tule elk impacts, that belies the true gravity of a rapidly deteriorating situation that threatens not just two centuries of historic cattle and dairy operations at Point Reyes, but with it the larger agricultural fiber of Marin County. The presence of tule elk at Point Reyes is the result of a series of impulsive and politically motivated management decisions beginning in the 1960s and carrying through to today. Time and again best management practices, existing leases and assurances to seashore ranchers, and even the original intent of Congress, have been ignored in the face of outside political pressure and a desire to create what can only be described as a "Disneyland" version of Point Reyes.

The pastoral landscape on display at Point Reyes National Seashore isn't simply an anomaly on the heavily developed California coastline. It is the physical embodiment of centuries of agricultural history and culture dating all the way back to the earliest native inhabitants, who utilized controlled burns to improve grazing conditions - thus starting a tradition of responsible range management carried on to this day by the seashore ranchers at PRNS. It represents the hard work of generations of cattlemen and women to cultivate and maintain one of the most unique and productive grazing environments in the country. It is with this history of hard work in mind that one must examine the current agricultural and management conditions at Point Reyes National Seashore.

Inevitably, the result is a series of questions:

- What has been successful over the past two centuries?
- Perhaps more importantly, what hasn't been successful? (Overgrazing, poor management of "native" plants and animals, introduction of new plants and animals without proper study)
- What was the original intent of elk introduction?
- How closely do today's conditions mirror that intent?
- What can the range conditions at the Pierce Point Ranch and Limantour tell us about additional incursions of elk into the Pastoral Zone?
- Where have previous elk management attempts failed and who is responsible?
- Given the events to date, is the Park Service equipped to manage agricultural landscapes like Point Reyes?

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EARLY HISTORY OF POINT REYES

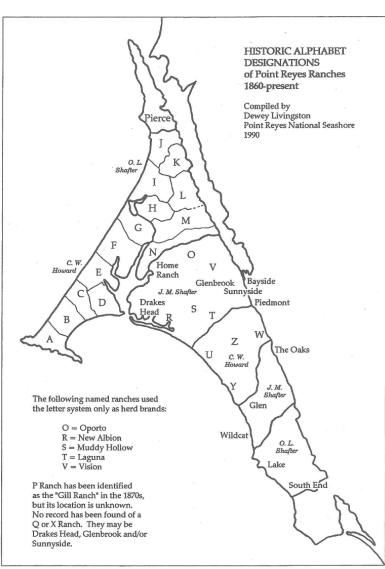
The first agricultural activity at Point Reyes came by way of the Coast Miwok Indians, who inhabited the area as early as 5000 years ago. They existed for millennia on the bountiful harvest afforded them at Point Reyes. Fish, shellfish, deer and elk, and wild growing vegetation like roots, berries, and acorns all contributed to the Miwok diet. Over the centuries, the Miwoks learned to enhance this harvest through brush control and what historians believe to have been a sort of rudimentary form of range management.

The Miwoks first contact with Europeans most likely came with Sir Francis Drake's exploration of the area in 1579. He is believed to have made landfall at modern day Drakes Estero and, according to John Hart's recent book An Island In Time, promptly interrupted a rite honoring the dead. By all accounts, these early interactions were peaceful, with the Miwoks existing as they had for two more centuries before all but disappearing with the founding of Spanish missions in the area around 1776 and the Miwoks' subsequent integration into mission, and later ranch life.

Early Owners, Evolution of the Alphabet Ranches, and the Beginning of Ranching at Point Reves

The first American settlers arrived with US annexation of California via the Mexican Cession in 1848 and the Gold Rush that immediately followed. In order to keep up with demand for dairy in booming San Francisco, a prominent San Franciscan named Randall set about consolidating land on the Point Reyes Peninsula in 1852, quickly introducing hundreds of head of cattle, sheep, and goats, as well as managing thousands of feral cattle left over from the Spanish missionaries of the preceding decades. This rapid expansion proved to be Randall's undoing, as he lost the ranch to foreclosure and was shot by one of his creditors in 1856.

Curiously, the ensuing legal wrangling over the Peninsula resulted not with ownership by Randall's creditors, but rather the partners in one of their law firms - Shafter, Shafter, Park & Heydenfeldt. Over several years, the firm assembled more than 50,000 acres, including most of the Inverness Ridge, Coastal Plain, and the area known



today as the Pastoral Zone. By the late 1850s, Oscar and James Shafter, joined by son-in-law Charles Howard, began organizing the ongoing ranching and dairy operations at Point Reyes into 30 ranches that could be leased to individual operators.

Many of the existing dairy ranches signed leases with the new owners to continue operations on the Peninsula. Beyond these leases, the Shafters also sold a large parcel at Tomales Point to Solomon Pierce, who proceeded to build a diary operation that reportedly rivaled the Shafters own in terms of both quality and output.

Over the next decade the new owners subdivided their holdings several times, eventual settling on 33 individual ranches divided amongst 6 larger tracts, each owned by one of the partners. Twenty-six of these individual ranches were named for letters of the alphabet, starting with "A" closest to the Point and working down the alphabet to "Z".

The ranches flourished in this configuration through the rest of the 19th Century. The advent of refrigeration, new diary operations with better road access in other parts of the region, damage from the 1906 earthquake, overgrazing, and the spread of several non-native plant species across working grassland all contributed to a precipitous drop in profitability by the onset of the Great Depression in the late 1920s.

Following a period of turnover fueled by real estate investors and speculators beginning in 1919, ownership of the individual ranches eventually landed with the contemporary tenants-turned ownersturned tenants again by the 1930s. Many of these families, the Mendozas, Grossis, McClures, and others, continue to ranch the Point Reyes peninsula today.

This ownership shakeup was just in time for the opening of the Golden Gate Bridge in 1937 and with it the expansion of real estate development from booming San Francisco into Marin County.

As a response to that development, and also spurred by a 1935 National Park Service report assessing potential park sites on the Pacific Coast, serious efforts were underway to protect the unique pastoral landscape on the Point Reyes Peninsula by the late 1930s and following World War II. That report, *Study of a National Seashore Recreation Area, Point Reyes Peninsula, California*, advocated for a comprehensive preservation effort in the form of a 56,000 acre park, roughly along the boundaries set forth in the eventual Congressional authorization in 1962.

According to *An Island In Time*, the first conservationists at Point Reyes were the ranchers themselves, beginning with the donation of Drakes Beach by a group including Joe Mendoza in 1938 and the sale of modern day McClure's Beach to Marin County for \$1 four years later.

Next came the dedication of Tomales Bay State Park in 1952, following seven years of fundraising and arm-twisting by the Marin Conservation League, together with matching funds from the county Board of Supervisors.

Thus began a decade-long struggle to create the Point Reyes National Seashore. The original 1935 report

was updated in the form of a new survey titled *Pacific Coast Seashore Survey Preliminary Report*, *Point Reyes Peninsula*, *California*, *Seashore Area* in 1957. This report, commissioned by NPS Director Conrad Wirth (who, incidentally, was the author of the original 1935 report), called for a much smaller footprint at Point Reyes, focusing on Tomales Point and the southern portions of the park, but largely excluding the existing ranching operations on the peninsula. Even this limited proposal was poorly received by the locals and ranchers who feared the inevitable result, a gradual elimination of agriculture on the Point Reyes Peninsula either by legislation, outsider encroachment, or both.

CREATION OF POINT REYES NATIONAL SEASHORE

Point Reyes National Seashore was created by authorization of Congress in 1962. The legislative wrangling that preceded it at every level is a story unto itself. Following US Representative Clair Engle's 1958 resolution calling for a report on the proposed Point Reyes National Seashore Recreation Area, Clem Miller, the Congressman representing California's 1st District (at that time spanning the coast of California from San Francisco north to the Oregon border) introduced legislation in 1959 to create a national seashore at Point Reyes. Concurrently, then *Senator* Clair Engle introduced an identical companion bill in the Senate (H.R. 8358 and S. 2428, respectively). The original legislation was general in nature, proposing a seashore between 28,000 and 35,000 acres but not specifying any boundaries.

Lacking local public support for the proposal, particularly from seashore ranchers and others opposed to Federal condemnation of active grazing land, Miller and Engle put their bills on the back-burner and set about building local support through a variety of methods, including the creation of "grassroots" groups like the Point Reyes National Seashore Foundation. According to *Managing a Land in Motion: An Administrative History of Point Reyes National Seashore*, a report prepared for the NPS in 2007, Miller was quoted at the time as saying:

"It is necessary that we begin to take some steps in our office to push this matter if the local people are unable to or unwilling to do it. At the same time, I want to retain the concept of local autonomy particularly West Marin local autonomy. We want to give the impression that everything is emanating from there. I am afraid, however, that McCarthy [attorney for the ranchers] sees through this."

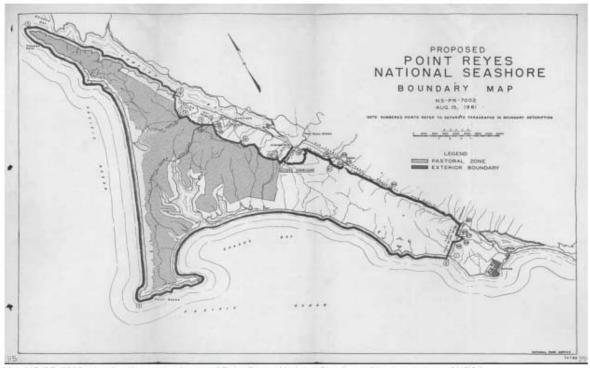
Also standing in opposition to the creation of a National Seashore at Point Reyes was the Marin County Board of Supervisors, who voiced their disapproval repeatedly through both votes and letters to Clem Miller; and the West Marin Property Owners Association. The latter was formed in 1958 by thirty-five West Marin ranchers in response to the perceived threat to their livelihoods from annexation into the proposed park.

The onset of the 87th Congress in 1961 brought revised bills from Miller in the House of Representatives and Engle, now joined by Republican Senator Kuchel, also of California. These updated but still identical bills (H.R. 2775 and S. 476) contained some important additions. The size of the proposed park had been expanded to 53,000 acres (based on the recommendations of the National Park Service), and provisions had been added to address the concerns of local land owners and ranchers.

Among these provisions was the creation of a "pastoral zone" of at least 20,000 acres which would allow continuation of historic ranching and dairy operations within the constructs of the larger park plan. This pastoral zone, along with "right of use and occupancy" language guaranteeing continued possession of seashore ranches by existing ranch families (as long as they continued their current grazing and dairy activities), and a land exchange structure allowing owners a way to exchange their property for something of equal value in elsewhere, all served to persuade local land owners and the Marin County Board of Supervisors to drop their opposition by early 1962.

This paved the way for final passage in the House and Senate in the summer of 1962, with President Kennedy signing the Point Reyes National Seashore Authorization Act on September 13, 1962. The final act authorized the Department of the Interior to spend up to \$14 million to establish Point Reyes National Seashore.

The four page authorization signed by President Kennedy - Public Law 87-657 - outlined the general boundaries of the intended seashore and pastoral areas, contained extensive language dealing with any acquisitions of property from owners wishing to sell to the Department of Interior, and specifically granted the Secretary authority to permit hunting and fishing, in keeping with the recreational intent as well as to allow ranchers to maintain their historic way of life at Point Reyes.



Map NS-PR-7002, showing the pastoral zone of Point Reyes National Seashore. (Image courtesy of NPS.)

It wasn't until 8 years later, in 1970, that the authorization for PRNS was expanded to include the seashore ranches and the original spending cap for land acquisition raised from \$14 million to \$57 million using money from the relatively new Land and Water Conservation Fund.

The intervening years between the original authorization in 1962 and the first amendment in 1970 saw an agency unsure as to just what they had created at Point Reyes. In fact, the National Park Service at this time was struggling nationwide to define their role in managing some of the newly created seashores, lakeshores, and parkways within the NPS system. *An Administrative History of Point Reyes* describes the creation of sundry committees, commissions, bureaus, and boards charged with resolving these issues and charting a path forward. Among them:

- The Outdoor Recreation Resources Review Commission (ORRRC) created by President Eisenhower in 1958. ORRRC produced a report in 1962 entitled *Outdoor Recreation in America*. In it, the ORRRC called for the creation of:
 - The Bureau of Outdoor Recreation (BOR), an offspring of the ORRRC which subsequently competed with the Park Service within the Department of Interior for control of DOI property and budget.
 - The Recreation Advisory Council, another ORRRC suggestion created by President Kennedy in 1963 that produced "Policy Circular No. 1" later that year. That document advocated greater accessibility of national recreation sites like NPS seashores for "allpurpose recreational use".
- A special committee of the NPS Advisory Board on National Parks, Monuments, and Historic Sites that was directed to address calls to "reorganize" the Park Service "to make very clear the distinction between the traditional functions of the Service and the newer and often very different ones that are primarily recreation related."

The unifying characteristic of all these initiatives is that they fell by the wayside within a decade - their conclusions and recommendations mostly forgotten by the greater public lands community. At places like Point Reyes, however, the aftereffects of this unfocused management are still being felt today.

The recommendations of the special committee of the NPS Advisory Board eventually led in 1964 to a directive breaking park unit management into three distinct categories - natural, historic, and recreational. Additionally, each new category now had its own operating guidelines ostensibly tailored to the primary objectives of the category. PRNS fell under the recreational area category in this new arrangement, with policy direction coming from the *Compilation of the Administrative Policies for the National Recreation Areas, National Seashores, National Lakeshores, National Parkways, National Scenic Riverways (Recreation Area Category) of the National Park System - one of three manuals governing operation of the newly created categories.*

Of the new categories, Secretary of Interior Stewart Udall wrote:

"In looking back at the legislative enactments that have shaped the National Park System, it is clear that the Congress has included within the growing System three different categories of areas—natural, historical, and recreational.

"Natural areas are the oldest category, reaching back to the establishment of Yellowstone National Park almost a century ago. A little later historical areas began to be authorized culminating in the broad charter for historical preservation set forth in the Historic Sites Act of 1935. In recent decades, with exploding population and diminishing open space, the urgent need for National Recreation Areas is receiving new emphasis and attention.

"...a single, broad management concept encompassing these three categories of areas within the System is inadequate either for their proper preservation or for realization of their full potential for public use as embodied in the expressions of Congressional policy. Each of these categories requires a separate management concept and a separate set of management principles coordinated to form one organic management plan for the entire System."

The most obvious flaw in this new management plan was the issue of Congressional intent. The authorizations for many of the newly created units contained language that directly contradicted recreational priorities envisioned by the Advisory Board. In particular, the enabling legislation for Point Reyes outlines preservation, recreation, and deference to ongoing ranching activities as priorities in different parts of the law - a study in contradictions unto itself.

These contradictions were so frustrating to park staff that, according to multiple accounts, the new manuals were largely ignored by the early 1970s, aided by the General Authorities Act of 1970 which reestablished the idea of a common thread running through all units of the National Park Service, regardless of their disparate original intent. In other words, NPS quickly decided that it was easier to tailor units to fit a common theme that it was to operate unique areas like Point Reyes in a site-specific manner.

On a National level, the Park Service would revise it's management policies several more times during the 1970s, each time wrestling with the question of how to manage resources that didn't fit into the traditional idea of a "national park". This identity crisis was particularly detrimental to PRNS since it coincided with the seashore's formative years. Much of the park service's original management and master planning took place in an environment where national park management policy was changing year-to-year.

SHIFTING PRIORITIES

By 1975, Point Reyes National Seashore, benefiting from an increased Congressional authorization (from the original \$14 million in 1962 to \$57 million in 1970) had acquired all 17 of the outstanding seashore ranches and were hard at work on a general management plan for the unit (the first iteration of which was published in 1972 although the current version wasn't published until 1980). Around this same time, the recreational-area approach to management of PRNS and the subsequent heavy public use it spurred led to calls from the environmental community for better protection of the seashore's natural resources.

A multitude of environmental and conservation organizations either formed or increased their involvement during this period. These included the Sierra Club, Audubon, the Marin Conservation

League (which had been involved in the creation of the original state park that preceded PRNS), the Environmental Action Committee of West Marin, and the Save Our Seashore" campaign.

Almost immediately, these environmental groups opposed the hunting and fishing activities promised by Congress in creating PRNS. They argued that hunting in the seashore would be dangerous and detrimental to the visitor experience, despite Clem Miller's explanation a decade earlier that "The national seashores are not national parks - a wider range of outdoor recreational activities will be permitted...". Miller and others maintained that irrespective of this intent, the locals in greater Marin County were generally opposed to hunting at the new seashore. This opposition did not extend to the ranchers, who had incorporated hunting as a way of life for generations at Point Reyes.

Even as PRNS instituted a total ban on hunting at the behest of local environmental groups in 1971, Superintendent John Sansing indicated his intent to study the need to retain hunting as an option for control of some wildlife populations, particularly deer.

This ban represented one of the early breaches of trust between the seashore ranchers and park service management. Critical to their inducement to sell (under threat of condemnation) long-held ranches to the Department of the Interior was the promise that the ranchers would maintain the right of "use and occupancy" under their new lease agreements. Sansing acknowledged as much by granting temporary exceptions to the hunting ban in multiple cases following the decision. Regardless, the foreshadowing was unmistakable that historic ranching at Point Reyes would have to be defended at every turn if it were to survive.

A NEW DIRECTION AND NEW SPECIES

"Although the final land purchases and formal National Park Service establishment of Point Reyes National Seashore in 1972 had "completed" the park by defining its geographic boundaries, the process of redefining the function and meaning of the peninsula's natural, cultural, and human resources continued over the next three decades of PRNS history."

- Managing a Land in Motion: An Administrative History of Point Reyes National Seashore (Paul Sadin, Historical Research Associates, Inc. 2007)

Spurred on by the successful derailing of an ill-conceived development scheme within the seashore, left with an extensive local network of activists and organizations, and blessed with inconsistent and scattered NPS management, the environmental community in Marin County set about remaking Point Reyes National Seashore in its own image during the mid-1970s.

Contributing to this leadership vacuum, 1974 brought yet another failed management concept to Point Reyes. In an effort to more effectively deal with the competing resources and interests of the agency in the San Francisco Bay area, NPS attempted to reorganized Golden Gate National Recreation Area (GGNRA), Muir Woods, PRNS, and other areas into a single administrative unit. This arrangement proved wholly unsuccessful and was abandoned within a few years of its implementation.

It was during this period that the idea of reintroducing historically native tule elk first surfaced. As impossible as it sounds, on-going general management planning discussions simultaneously entertained both the need to control *over*populated deer and the desire to introduce the long-absent elk species into the already crowded and conflicted recreation area/seashore/historical site.

This lack of a cohesive approach to resource management led to the 1976 publication of a Natural Resources Management Plan and Environmental Assessment to deal with a variety of pressing issues inside the seashore. Among them grassland management, control of exotic plants, fire management, maintenance of exotic deer populations, control of dogs and cats, stocking of fish, dam removal, backcountry use, and reintroduction of tule elk. It is important to keep in mind that at this time, PRNS staff was still mid-way through formulation of a comprehensive general management plan (GMP) for the seashore, which would not be completed and published until 1980.

As with many aspects of the Point Reyes story, the formulation of the 1980 GMP is a story unto itself. With the onset of NEPA (the National Environmental Policy Act) in 1969, Point Reyes became an early test case of the public participation requirements built into the new law. Environmental groups, emboldened by their recent successes, took the opportunity to submit their own complete general management plans, rather than simply contributing or commenting on the park service's efforts.

One of their chief objectives was the establishment of a "wilderness" designation (as defined in the 1964 Wilderness Act) over the majority of land inside PRNS. This push resulted in Public Law 94-544 in 1976 designating some 25,000 acres of PRNS as wilderness and an additional 8,000 as "potential" wilderness - and helping to cast the organization of PRNS as it exists to this day. It should be noted that this wilderness was pushed through *prior* to the completion of the 1980 General Management Plan, effectively circumventing the new public participation requirements of NEPA. Instead, the wilderness was simply part of PRNS by the time the GMP was published four years later.

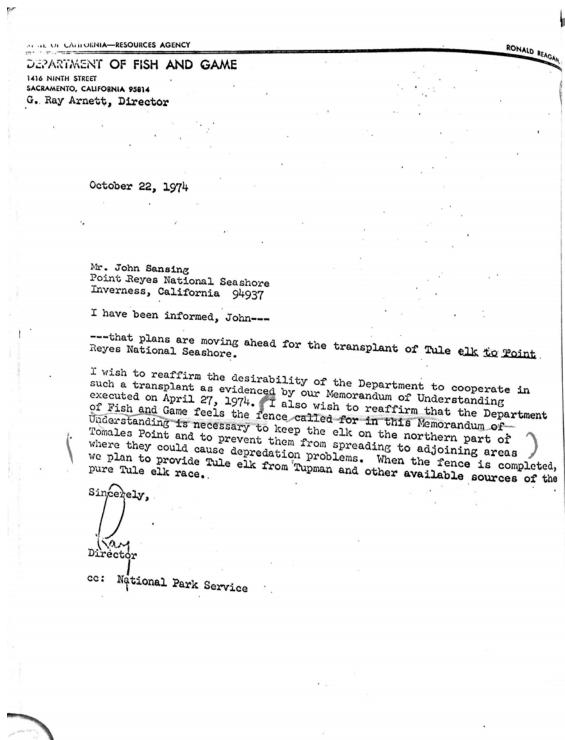
TULE ELK INTRODUCTION

The establishment of the Phillip Burton Wilderness Area, as it was named in 1984, paved the way for one of the key items on the environmentalists agenda at Point Reyes to come to fruition - the reintroduction of tule elk.

One of the last ranch acquisitions completed at PRNS was the Pierce Point Ranch on Tomales Point in 1973. In the eyes of the Park Service and wilderness advocates, Tomales Point, with its expansive vistas and commanding views of the Pacific featured prominently in the new proposed wilderness area. The fact that it was being actively grazed as part of the Congressionally established Pastoral Zone was of little concern, and following its purchase, PRNS immediately embarked on the eviction of the resident rancher, Merv McDonald, who's family had been ranching at Point Reyes since the 1880s and at Pierce Point since 1966.

Evidence of this intent comes in the form of a 1974 letter addressed to Superintendent Sansing from the California Department of Fish and Game. The letter discusses a previously executed Memorandum of Understanding between NPS and CDFG regarding the elk, and goes on to discuss the specifics of erecting

a fence across Tomales Point to create a proper enclosure to "prevent them from spreading to adjoining areas where they could cause depredation problems." It should be noted that this letter, as well as the MOU that it references, come a full two years before the 1976 congressional directive to use federal lands to protect tule elk in California.



In the five years following the purchase of the Pierce Point Ranch the Park Service made ranching operations at Pierce Point increasingly difficult for McDonald, their efforts made much easier with the inclusion of Pierce Point Ranch and all of Tomales Point in the 1975 wilderness designation. Clearing that legislative hurdle allowed PRNS to restrict the use of motorized vehicles, terminate electrical service to essential water pumps, prevent routine road grading, and hamper essential fence repair. The McDonald family fought the eviction until 1978, operating under a series of two year special use permits while attempting to work with the Park Service to find a suitable and affordable place to relocate outside the seashore. Amazingly, that search took the McDonalds as far away as Australia, to no avail.

The family was permanently evicted in 1979, but not before suffering the final indignity of watching the new tenants of Pierce Point, 10 tule elk from an existing herd on the San Luis National Wildlife Refuge in Southern California, released into a temporary enclosure on the ranch. In fact, Merv McDonald states that he was asked to help care for the new arrivals in his last months there and recalls one particular female that was sick with diarrhea (a telltale symptom of Johne's Disease) that subsequently died in the enclosure, one of several to die from illness in the years immediately following introduction.

HISTORY OF TULE ELK IN CALIFORNIA

In 1998, the NPS completed an Environmental Assessment (EA) of elk management activities at PRNS (which will be discussed later in this report) following the guidelines of the National Environmental Policy Act (NEPA). That EA describes Tule Elk thusly:

Tule elk females, or cows, give birth in the late spring and early summer from April through June usually to a single calf, and rarely twins. Weighing around 30 pounds at birth, the newborn calf was conceived some eight months earlier during the last summer's rutting season. The ratio of male to female calves at birth is 50:50, but this changes over their adult life, usually with females living longer than males.

Tule elk young grow rapidly, reach sexual maturity at 18 months of age, and eventually grow to some 300-500 pounds, with males being 50-100 pounds heavier on average than females.

Males at 1.5 years of age develop short (about one foot), straight antlers and are known as "spike bulls." As they age, the antlers rapidly become larger with four or five points that may weight up to 40 pounds. The antlers begin growing in the late winter shortly after being cast off. Covered with tissue or "velvet" during the growth period, the velvet covering dries out and is shed to reveal the completed antler. This nutritionally demanding annual accomplishment compounds the biological cost of reproduction for the male.

Tule elk breed in a polygamous mating system where males compete during the rut or breeding season for dominance. The result is that the dominant bull mates with many females, accomplished through forming harems. Thus, only 15-25% of males breed compared with 90% of females. At Point Reyes the rutting season is usually in the late summer in July through September. Bulls establish a dominance hierarchy through rutting behavior that includes vocalizations such as "bugling," various body postures and threats, and the dramatic fights that can result from head butting and antler charging. While most of these behaviors result in no harm to competing males, injuries can sometimes occur. Most dominant bulls are in the range of 4-8 years old, but this

varies' a great deal depending upon the age structure of the herd. The dominant bulls herd and defend females, which form a reproductive herd or "harem." The lead bull will go a month with little food to keep out competitors and breed with the females when they enter reproductive readiness or "estrus."

Tule elk are considered mixed grazers and browsers, meaning they feed on both ground-level herbs and grasses and on woody shrubs and trees. At Point Reyes elk eat a wide variety of plants including various grasses, coyote bush, willow, bush lupine, plantain, and miner's lettuce. As ruminants, their multichambered stomach is ideal for breaking down plant cellulose through bacterial action. Each animal consumes some 2 to 3 pounds of vegetation per 100 pounds body weight each day depending on nutritional content of the food. Thus, a 450-pound bull might eat 10 to 15 pounds of forage daily. Tule elk require 3-10 acres of habitat per animal, but this figure is very inexact due to the differences in productivity of different soils, climates, vegetation, communities, and numerous other factors.

Tule elk have few remaining predators at Point Reyes at this time. originally black and grizzly bears, mountain lions, and coyotes would have taken their toll, especially on the newborn and young, along with the older infirm animals. Today, coyotes occur on the Tomales Point elk range and mountain lions have occasionally been spotted a few miles away. Should tule elk be allowed to expand their range in the Seashore, they will likely come into regular contact with these predators.

Life expectancy for tule elk is generally considered to be 8-12 years once they reach adulthood, but individuals can live much older than this. In 1998 one of the original animals, introduced in 1978, mown locally as "old cow," died at an age of at least 21 years.

Once abundant in California, tule elk populations dwindled in the 1800s, dropping from 500,000 head in 1850 to a low-point of around 30 animals by 1874, primarily due to over-hunting and conversion of habitat to agricultural land. Decades of effort to restore the population resulted in a herd numbering several hundred by the 1940s.

In the 1970s, both the State of California (1971) and the Federal government (1976) passed legislation dealing with tule elk recovery. Both set 2000 animals as a sustainable state-wide population goal. The Congressional resolution went so far as to direct Federal agencies to make land available for species preservation. In the wake of these two bills an interagency task force was established to determine the best place to establish new herds in California. The task force was made up of representatives from the National Park Service, BLM, Department of Defense, California Fish and Game as well as Parks and Recreation, and the US Forest Service.

Beyond Point Reyes, the findings of that task force led to the establishment of herds on military reservations, federal, and state lands around California. That action led to a 1986 tule elk population in California numbering more than 2000 individuals in 22 herds throughout the state, thus achieving the goal originally put in place by the task force.

It should be pointed out that, despite the tremendous management instability and shifting priorities at PRNS during the 1970s, an Operations Evaluation in 1972 labeled tule elk reintroduction as a "pressing issue." This is astonishing considering the circumstances, and speaks to the larger historical management

issues at PRNS, particularly with regard to prioritization and best management practices.

GROWTH AND EXPANSION OF THE POINT REYES HERD

Following the eviction of the McDonald family and the introduction of 10 tule elk to Tomales Point in 1979, a permanent enclosure was erected in the form of a 3-mile long fence between Tomales Bay and the Pacific Ocean creating a 2600 acre area for the elk to roam without interfering with ongoing ranching operations.

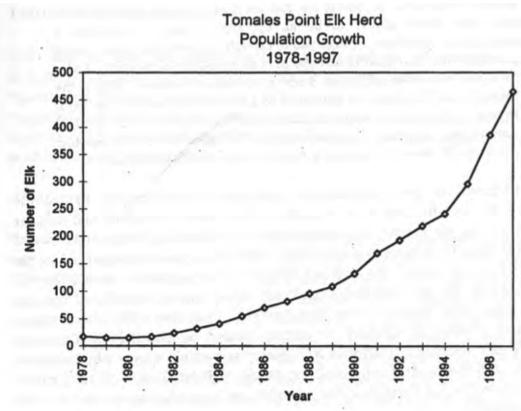


Figure 2. Growth of Tomales Point Elk Herd from 1978 to 1997

The optimal carrying capacity for the Tomales Point enclosure was identified in a 1986 study by Pete Gogan at UC Berkley as 140 animals. This number and Gogan's study are referenced in the historical portion of the 1998 Elk Management Plan as well. In his study, Gogan estimated that "once the elk reached that level, the population would naturally stabilize."

In reality, the opposite occurred. After struggling for the first several years in the enclosure, primarily due to persistent drought conditions and disease issues, elk numbers exploded through the 1980s and 1990s. A 1994 elk census counted 254 individuals at Tomales Point, and another in 1996 pegged the population at 380 individuals - 240 more than the estimated carrying capacity of 140 outlined in 1986 and 30 more than a subsequent study conducted by a panel of scientists in the early 1990s that concluded there was enough feed at Tomales Point to carry 350 individuals. Regardless of the estimate used, it is clear that by the mid-1990s the elk herd at Point Reyes had outgrown its 2600 acre enclosure and was not

stabilizing as predicted.

The first attempt at a public process to deal with the growing elk issue was a 1992 Environmental Assessment titled *Control of Tule Elk Population at Point Reyes National Seashore*. This EA identified five alternatives including removal of the Tomales Point fence, creation of additional fenced areas, relocation outside the seashore, and managed hunting of excess population.

Despite the pressing need to deal with the issue at that time, the 1992 EA was "withdrawn from the approval process" by NPS.
Interestingly, and foreshadowing the Park Service's disregard for NEPA compliance on future issues, Appendix B of the 1998 Elk Management Plan states that despite the abandonment of the process in 1992, PRNS used the draft assessment and public response to

Control of Tule Elk Population at Point Reyes National Seashore (1992)

Alternatives

1. No Action

No effort is made to control the population of the elk herd at Tomales Point. Using the population model developed by Gogan, the herd will continue to increase at a near exponential rate. The elk population would temporarily exceed the carrying capacity of the range, perhaps by a considerable amount.

2. Remove Fence and allow elk to disperse.

With the Tomales Point fence removed, elk would initially disperse to the south. Eventually elk may migrate beyond the boundaries of the Seashore.

3. Create additional fenced reserves within the Seashore.

Additional acreage elsewhere within the Seashore could be fenced off and a number of elk could be transplanted to the new range. This would require the construction of additional elk fences.

4. Relocate excess elk to areas outside the Seashore.

As called for in the April 27, 1974 Memorandum of Understanding (this MOU has expired), California Department of Fish and Game (DFG) would remove any elk determined to be in excess of the maximum carrying capacity.

5. Allow Public Hunting to reduce the number of elk.

A public hunt, regulated by DFG, would harvest elk on a yearly basis so that the carrying capacity of the elk range is not exceeded.

help formulate policy and direct strategies for tule elk at Point Reyes.

In May of 1997 PRNS explored numerous options for controlling the surging elk population at the seashore. Among them, immuno-contraception, chemical sterilization, relocating "surplus" elk to other wilderness areas in the seashore, and the culling of excess population through hunting by park rangers. These discussions, along with a "bumper crop" of 100 calves the previous summer, led to PRNS undertaking a new Environmental Assessment to formulate an Elk Management Plan, which was published in 1998.

The 1998 Elk Management Plan weighed a variety of options for dealing with the exploding elk population at Point Reyes. Conceding a current population of 465 individuals at the time of the report, already far in excess of even the most generous estimations of carry capacity at Tomales Point, the EA identified only four alternatives this time. Conspicuously absent was the public hunting alternative present in the 1992 report. No explanation was given as to why this option, which is used in various forms throughout the National Park Service and was included only six years prior, was not deemed worthy of inclusion in the 1998 EA. Given the history of administrative decision-making at PRNS, the logical conclusion is that political pressure once again took precedence over sound science and best management practices. Regardless, the new more politically palatable Environmental Assessment was

published with a Finding of No Significant Impact (FONSI) in July of 1998, meaning that PRNS was now free to pursue Alternative A, "Manage Elk using Relocations and Scientific Techniques".

The specifics of implementing Alternative A are outlined in the report itself, including a summary of proposed actions, broken into Interim/Short-term and Long-term action categories.

Interim or short-term actions:

- **1.** Maintain elk fence on Tomales Point Range.
- **2.** Continue monitoring tule elk and their environment.
- <u>3.</u> Continue PZP immunocontraception tests on elk.
- **4.** Continue research efforts into tule elk ecology, including methods to alter elk population size where necessary.
- <u>5.</u> Set interim management limit for Point Reyes tule elk population at 600-800 animals, with Tomales Point set at 350-450 and Limantour set at 250-350.
- 6. Establish thresholds for tule elk, vegetation, and other resource indicators to replace interim management limits.
- 7. Conduct a Risk Assessment Analysis to address Johne's Disease transmission.
- 8. Establish a free-ranging herd within 18,000 acres by relocating 35-70 animals to the Limantour area. Work to ensure only Johne's free animals are relocated.
- 9. Work to ensure public safety; reduce consequences to neighbors of free-ranging elk.

Alternatives and Proposed Action

Alternative A



Alternatives including the Proposed Action

Overview of Alternatives

 ${f F}$ our alternatives describe a range of reasonable approaches to the management of tule elk at Point Reyes National Seashore:

Alternative A: (Proposed Action) Manage Elk using Relocations and Scientific Techniques

Alternative B: Eliminate Restricted Range through Management Decisions
Alternative C: Reduce and Maintain Elk at Small Remnant Population Size
Alternative D: No Action / Minimum Requirements

The alternatives address the mission and goals established in this plan for tule elk at Point Reyes, the topics described under the section Issues and Concerns, and the other Seashore management plans such as the General Management Plan, the Statement for Management, and the Resource Management Plan. The alternatives vary in the number and size of elk herds projected, the amount of effort required in their management, and the number of years required to achieve their goals. Some alternatives meet some of the goals better than other alternatives, and such alignments will be discussed where applicable.

Alternatives B and D propose to manage elk populations sizes with minimal intrusion, within certain constraints. Alternative C places the tightest restraints on the upper limit of elk population size with a concurrent need to eliminate animals and/or reduce fertility. Alternatives A and B emphasize relocating elk to establish free-ranging herds. Alternatives C and D represent the lowest cost approaches over a long time period. While Alternative B may be low cost initially, future costs appear higher with this approach. Alternative C will be initially costly, but then costs will be lower. Alternatives A and C pose the least threat to other Seashore operations such as visitation or ranching; Alternatives B and D offers the highest level of potential impacts on these other resources. Alternatives A and B contribute the most towards managing tule elk as part of a natural ecosystem dynamic.

Alternatives may use a variety of methods to reduce elk populations when necessary, including contraception, sterilization, relocation, and lethal removal. The justification and decision process for making such reductions vary significantly between the alternatives.

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10. Work with other agencies to relocate 35-70 animals elsewhere in the State in the historic tule elk range in cooperation with the State of California.

Long-term actions:

- 1. Manage free-ranging herds using minimal intrusion to achieve viable management limits as part of dynamic ecosystem processes.
- 2. Adaptively manage the herd, revising this plan as necessary to best fit new situation and information.

Absent from either this list or the FONSI is any mention of managing threats to ongoing ranching operations - a topic addressed repeatedly in other parts of the report. Specifically in a matrix of environmental consequences for Alternative A that lists Cultural Resources and Ranching as potentially affected resources. The matrix cites concerns that large elk herds would "constitute visual intrusion on cultural landscape as they would not have been present during ranching period" as well as the enhanced risk that "free ranging herds may expand into territory adjacent to agricultural lands and possibly come into conflict with cattle."

No explanation is provided as to why PRNS chose not to provide mitigation options to deal with these specific impacts, although the broader prescription for the management of herd, including capture, relocation, and culling if necessary, should all logically apply to the seashore ranches in the same manner as other impacted resources.

IMPLEMENTATION OF THE ELK MANAGEMENT PLAN

Almost immediately following the publication of the Elk Management Plan and FONSI in July of 1998,

PRNS staff moved to relocate some of the overflowing elk population at Tomales Point (estimated to be 550 individuals by that summer) to the Limantour area as prescribed in the EA. Over the course of the next year, 27 elk were relocated by helicopter to a temporary enclosure in the Limantour area and, in June of 1999, released from the enclosure into the Phillip Burton

Also of note during the summer of 1999 was the termination of ranching operations at the "D" Ranch following the untimely death of the matriarch of the Horick family, who's heirs were denied the right to continue leasing the ranch by PRNS. As in many other irregular management

Wilderness.

Alternative A: Matrix of Environmental Consequences continued....

Affected Resource	Positive Consequences	Negative Consequences
Recreational Resources	There should be very little effect on recreational resources. Increased distribution of elk herds in Seashore will increase viewing opportunities for visitors. Interpretation will provide educational and enjoyment possibilities. Additional elk distribution will disperse visitors.	Possible closure of areas on temporary basis for a few days to conduct operations may inconvenience some recreationists, but no more likely in this alternative than others.
Public Safety	There should be little effect on public safety under the proposed action. Avoidance of need to lethally remove animals should reduce need for addressing the public safety issues involved.	Free-ranging elk may have potential for wandering onto roads and pose traffic hazard. Expanded distribution may increase visitor contact with elk during rutting season, a time of increased safety risk due to aggressive male behavior.
Cultural Resources	Elk will assist with maintaining open grassland landscape similar to that achieved through cattle ranching. No effect expected on historic structures. Will recreate prehistoric landscape element.	Some limited erosion of archeological sites may occur. Large herds of elk will constitute visual intrusion on cultural landscape as they would not have been present during ranching period.
Adjacent Landowners	Action should have little effect on adjacent landowners or land planning in area. Improved restoration should encourage additional visitors with positive effect on local economies.	Permitting free-ranging elk may generate dispersal of individual elk out of the Seashore boundaries onto private lands. Potential if this occurs for damage to private property to occur.
Ranching	Creation of new herds will remove pressure to expand Tomales Point elk range. Alternative compatible with ranching activities encourages continued support of permits and leases.	Free-ranging herds may expand into territory adjacent to agricultural lands and possibly come into conflict with cattle. Some use of cultivated crops may occur and cattle may affect health of elk herd through cattle bome diseases.
Non-native Deer	Native herbivores can replace non- native fallow and axis deer accelerating trend for restoration of ecosystem.	Conflicts between elk and non-native deer may increase need to reduce, remove, or eliminate non-native deer, increasing costs.

situations at Point Reyes, no explanation was given as to why the Park Service refused to allow the heirs to continue the terms of the existing lease or sign a new one. Like Merv McDonald two decades earlier, the Horicks were evicted from the "D" Ranch and the ranch was "decommissioned" despite its location squarely in the middle of the Pastoral Zone.

It is around this same time that contemporaneous accounts describe the appearance of a rogue bull on several occasions at the "L" Ranch. Seashore ranchers say that PRNS removed the bull twice before finally electing to shoot the animal once it became apparent that it would continue to travel outside the designated elk habitat of the Phillip Burton Wilderness. This action is consistent with other accounts of PRNS officials complying with their own management plan during this time, at times relocating herds of up to 40 individuals at a time and utilizing fertility control methods to control herd size.

THE ELK LEARN TO SWIM

In the Summer of 2000, seashore ranchers observed two cow elk near Drakes Beach in the Pastoral Zone. This was a highly unusual development considering the geographic location of Drakes Beach relative to the designated elk range in the Limantour area. Put simply, the two areas are separated geographically by the relatively wide waters of Drakes Estero. By that Fall two more appeared, this time a bull and a cow, and this time each was wearing a GPS tracking collar. The Park Service contends that the elk must have "travelled across Drakes Estero" which in more practical terms means that they swam.

It must be mentioned here that seashore ranchers insist that none of them have ever seen elk swim, and certainly not across the fairly wide expanse of Drakes Estero. Further, one of the ranchers recalls seeing



an unmarked truck and stock trailer operating after sundown near Drakes Beach immediately prior to the appearance of the second, collared pair in the Fall of 2000.

The Park Service has no explanation for this, adhering instead to the idea that on multiple occasions elk from the Phillip Burton Wilderness Area swam across Drakes Estero to graze on the recently "decommissioned" "D" Ranch.

However the elk made the journey from their designated range into the Pastoral Zone, the Park Service chose not to adhere to the recently completed Elk Management Plan or deal with the incursion in any way. Instead, the elk were allowed to remain on the "D" Ranch to graze, multiply, and establish a third herd at Point Reyes, in direct conflict with the two year old management plan that clearly stated on page 46 under the heading "Relocation to Limantour" that "The Seashore will not attempt to establish new

herds that require permanently fenced, restricted ranges."

According to Paul Sadin's *An Administrative History of Point Reyes National Seashore*, "By 2001, a herd of thirty elk, including six calves born that spring roamed freely, closely monitored by park staff by means of radio transmitter collars attached to each animal.

TULE ELK AT POINT REYES TODAY

The current tule elk herd at PRNS exists in three areas of the Seashore. The largest herd resides within the boundaries of the original Pierce Point Ranch at Tomales Point. This herd was in excess of 500 animals just a few years ago, but there are reports that 100 or more have died in the past 1-2 years, ostensibly from Wastings Disease, although a simple visual examination of the range conditions at



Tomales Point highlights the inadequate volume of feed available to support the herd at its present size. Despite pronouncements in the 1998 Elk Management Plan and elsewhere that grasslands have actually improved with the decades of elk grazing, the conditions inside the 2600 acre area today stand in stark contrast. The picture at left was taken in March of 2014 and highlights the dramatic difference in available feed and scrub brush along the 3 mile fence separating Tomales Point from the Pastoral Zone.

The second herd, established through transplant of 28 animals from Tomales Point to Limintour, numbers around 70 animals. Experiencing a degradation of conditions an lack of feed similar to the Tomales Point herd, the Limantour group makes daily incursions onto the Home Ranch, where dozens of elk, including a band of bachelor bulls, can be found routinely routinely grazing on grassland leased for cattle grazing. The pictures below were taken during a tour of the Home Ranch in March of 2014.







Again, it is hard to ignore the striking difference in available feed between the managed grazing land and the designated elk habitat in the Phillip Burton Wilderness Area - beginning just beyond the fence line in the pictures shown here.

These daily incursions are more than a simple nuisance for affected seashore ranchers. Adult tule elk, as described earlier in this report, can consume "10 to 15 pounds of forage daily" and "require 3-10 acres of

habitat per animal." Dozens of elk consuming feed at that rate can severely impact grazing conditions and pasture rotation schedules.

In addition to the challenges at the Home Ranch it is perhaps the unsanctioned herd residing on the former "D" Ranch that is the source of greatest consternation to the agricultural community at Point Reyes and in Marin County. Now in excess of 80 animals, Park staff has essentially appropriated the "D" Ranch for their care, feeding, and watering, going so far as to drain wetlands adjacent to Drakes Beach to create stock water tanks exclusively for their use.

The lessees of the adjacent "C" Ranch have suffered tremendous loss of grassland and damage to pastures and fencing due to the unsanctioned elk that PRNS allows to remain in the Pastoral Zone.

The below pictures, taken in the Spring of 2014, partially convey the impact on their operations and explain the threat to their continued organic certification. Once again, the condition of the grassland in the grazed areas as compared to those left unmanaged speak volumes about the importance of continued beef and dairy operations at the seashore.







The fence lines shown here divide pastures on the "C" Ranch from the neighboring "D" Ranch. In an effort to placate the ranchers, PRNS staff have begun "hazing" the elk back onto their makeshift range on the "D" Ranch whenever complaints are received. The result of that "hazing," an absurd management strategy on its own, can be seen in the pictures of trampled fence lines and wide game trails traversing the Spalettas' pastures.

In all, 11 leased, working ranches at the seashore are currently impacted by free ranging tule elk either from the Limantour or the "D" Ranch - including the A, B, C, D, E, H, M, N, and Home ranches. These impacted ranchers have found it virtually impossible to responsibly manage and maintain their pastures in the face of routine incursions from dozens of wayward elk. Further, there is a direct financial impact as well. The more grass eaten by the elk, the more supplemental feed must be purchased and fed to maintain a productive dairy or ensure adequate weight gain in beef cattle. Over the past year, seashore ranchers have paid an average of \$270 per ton of conventional hay and \$390 per ton for organic hay - essential to maintaining organic certification.

Ironically, the elk herd's consumption of leased pasture grass also puts the ranchers at risk of violating (through no fault of their own) the PRNS grazing standard of 1200lbs of residual dry matter left on pastures prior to the rainy season.

CONCLUSION AND RECOMMENDATIONS

Put simply, the situation at Point Reyes has become critical. Inconsistent management policies, indecision as to the purpose of the unit, and an unwillingness to deploy best management practices in the face of outside political pressure have all led to a climate that could mean the end of two centuries of historic ranching activity at PRNS.

Corrective action must be taken immediately to ensure preservation of the very cultural and historical resources that Congress intended when they created the Seashore in 1962. To that end, the following actions should be taken immediately, and further should require no administrative action on behalf of PRNS other than basic adherence to existing policy and precedent.

- 1) Remove all elk from the Pastoral Zone and return them to their designated range in the Phillip Burton Wilderness Area as prescribed in the existing 1998 Elk Management Plan.
- 2) Bolster fence lines separating the Wilderness from existing historic ranches to more effectively contain the elk and prevent future incursions.

Responsibly manage herds in the Tomales Point and Limantour Wilderness Areas to ensure that the elk do not attempt to leave in search of feed. Responsible management should include methods routinely used throughout the National Park System for controlling game populations, including culling. An examination of methods at other parks reveals the following:

• At Sleeping Bear Dunes National Lakeshore, NPS uses deer hunting (no bag limit, total of 3551 deer harvested between 1984-2011)

"In 1926 four male and five female deer were introduced to the island with the hope that they would multiply to a number large enough for hunting. Since then the deer population has grown significantly due to lack of predation and artificial winter feeding supported for many years by the previous island owners. By 1981 there were an estimated 2,000 deer on the island. The island vegetation could not sustain such a large herd, so many deer starved. The surviving deer over browsed the island, eating all of the Yew and young Maple trees. Through reduction of the deer herd by hunting, the vegetation has recovered to some extent. Hunts (by permit only) have occurred annually since 1985." (Source:

http://www.nps.gov/slbe/planyourvisit/nmihunting.htm)

• At Rock Creek Park, Washington, D.C. – NPS uses deer hunting, fencing, and vegetation restoration

"On May 1, 2012, the National Park Service approved the Record of Decision for the Rock Creek Park Final White-tailed Deer Management Plan/Final Environmental Impact Statement (FEIS).... The Record of Decision formally adopts Alternative D, the preferred alternative contained in the FEIS. Under this alternative, the NPS will continue current park deer management actions, including monitoring the deer population, protecting certain native plants and ornamental landscaping with fencing, and continuing educational activities to inform the public about deer ecology and park resource issues. The park also will use a combination of certain additional lethal and non-lethal actions to reduce the deer population. Since 1991, data gathered from the park's vegetation monitoring program clearly show that nearly all tree and shrub seedlings are being browsed by deer before they have a chance to grow. Protecting the park's native vegetation is a key objective of the FEIS... A variety of conservation tools are being used in plan implementation including fencing, vegetation restoration, and culling. Culling is the primary conservation tool that is being used for lethal reduction of the herd. In future years, the park, using adaptive management principles, could reevaluate opportunities to use elk redistribution, wolves, or fertility control as additional tools." (Source: http://www.nps.gov/rocr/naturescience/animals.htm)

• At Rocky Mountain National Park, Colorado – NPS uses elk hunting, fencing, vegetation restoration, and redistribution

"The EVMP [Elk and Vegetation Management Plan] calls for maintaining an elk population of 600 to 800 animals on the winter range within Rocky Mountain National Park. To achieve this objective, culling is the primary conservation tool that is being used for lethal reduction of the herd in the park. No elk were culled during the winter of 2011-2012 and a total of 130 female elk and 1 antlerless male elk were removed from the population during winters 2008-2009, 2009-2010, and 2010-2011 (33, 48 and 50 elk removed, respectively). A total of 52 of these elk were removed as part of park culling operations and 79 were removed in support of chronic wasting disease (CWD) and fertility control research." (Source:

• At Grand Teton National Park, Wyoming – NPS uses elk hunting

http://www.nps.gov/romo/parkmgmt/elkveg fact sheet.htm)

"In 1950 when Congress expanded the boundaries of Grand Teton National Park, they included a provision to manage the elk population through an annual elk reduction program. Elk management is complex. The 2007 Bison and Elk Management Plan calls for 5,000 elk to winter on the National Elk and a summer herd segment in Grand Teton National Park of 1,600. The Wyoming Game & Fish Department has set a target objective of 11,000 elk for the Jackson herd that includes the park herd segment. Hunters with a valid Wyoming elk hunting license and a park permit harvest elk during the annual elk reduction program." (Source: http://www.nps.gov/grte/planyourvisit/elkhunt.htm)

• Gettsyburg National Military Park, Pennsylvania – NPS uses deer hunting

"Pennsylvania is the home of eastern White-tailed Deer, a species that has flourished in the Commonwealth over the past 80 years. Hunted in state game lands and on private property outside of park boundaries, deer instinctively made the battlefield a permanent home, which resulted in extensive damage to the natural environment as well as crops and pastureland. The National Park Service has undertaken an extensive deer control program which has reduced the population of white-tailed deer within the park boundary

over the past ten years. Though the population of deer has been reduced in the park, there are still many of these hearty animals that can still be observed, usually around dusk when they come out to graze in meadows and tall grass." (Source: http://www.nps.gov/gett/naturescience/mammals.htm)

Should the National Park Service and the staff at Point Reyes National Seashore fail to comply with these already accepted and administratively permitted practices, it will only serve to strengthen the case that they are incapable of managing the agricultural resources at the Seashore. In that event, the logical conclusion is that a third party must be involved to ensure proper preservation and administration of the Pastoral Zone.

Examples of this type of arrangement exist throughout the National Park System, the closest residing just down the road in the Golden Gate National Recreation Area (GGNRA). In 1996, daily management and preservation of the natural, cultural, scenic, and recreational resources of the Presidio were given to a congressionally authorized entity called the Presidio Trust, an arrangement which ensures that the unique features there are overseen by competent staff well versed in their maintenance and care, while freeing the Park Service to oversee the rest of the park unit, which falls into a more appropriate NPS management structure.

Regardless of the path chosen at Point Reyes, failure to act swiftly could lead to the loss of this precious historic resource, and with it, perhaps the eventual loss of agriculture in Marin County at large.

* * * * *

<u>Acknowledgments</u>

This report would not have been possible without the efforts of countless individuals who have worked on this issue over the years. First and foremost, the ranchers of the Point Reyes Seashore Ranchers Association, who were exceedingly generous with their time, input, and perspective. Additionally, Laura Watt, who's comprehensive research and encyclopedic timeline proved invaluable in squaring differing versions of events throughout the history of PRNS. Thanks also to Stephanie Larson, Ph.D for her tireless work on behalf of the PRSRA, Melissa Cichantek for her constant support, and Phyllis Faber for serving as an ever present source of inspiration and perspective on the importance of agriculture in Marin County.

CURRENT MAP OF POINT REYES NATIONAL SEASHORE





Daniel Evans

H Ranch, Inverness & K Ranch

David Evans Rogers Ranch

Richard Gallagher

Richard Gallagher F Ranch

Dan Genazzi Genazzi Ranch

Bob Giacomini

Ralph Giacomini, Jr. Giacomini Ranch, Olema

Rich Grossi

Tomesty J. March

Rich Grossi M Ranch

Timothy J. Kehoe J Ranch Joseph a. & Jun Lung

Joseph A. & Joan Lunny and family G Ranch

Kevin Lunny

Drakes Bay Oyster Company

Chrie Kerry Martinelli

JAMES MCFASJEN

Leroy Martinelli

Martinelli Ranch

Robert J. McClure I Ranch, Inverness

James McFadden McFadden Ranch

Ted McIsaac

Bert Ranch GGNRA

Jolynn & Robert McClelland

L Ranch

good Mody

Jarod Mendoza B Ranch

Joey Mendoza
B & L Ranches

anne Meur les

Anne G. Murphy Home Ranch

Nicolette Hahn Niman

all & The

Betty hunes

Fredrice Verges

William Niman

Betty Nunes A, E & D Ranches

Fred Rogers

Rogers Ranch, Olema

Nichola Spaletta & Family

Nichola Spaletta & Family

C & D Ranches