



November 26, 2014

Cicely A. Muldoon, Superintendent
National Park Service
Point Reyes National Seashore
1 Bear Valley Road
Point Reyes Station, CA 94956

RE: Point Reyes National Seashore Ranch Comprehensive Management
Plan/Environmental Assessment

SUBMITTED ONLINE AND BY MAIL POSTMARKED NOVEMBER 26, 2014.

Dear Superintendent Muldoon:

These comments are submitted on behalf of the Center for Biological Diversity (the “Center”) regarding the proposed Point Reyes National Seashore (“PRNS” or the “Seashore”) Ranch Comprehensive Management Plan (“CMP”) and associated Environmental Assessment (“EA”) scoping process.

The Center for Biological Diversity is a national, nonprofit organization with more than 800,000 members and activists dedicated to the protection of endangered species and wild places. Over 3,800 of our members and supporters reside in Marin County.

The National Park Service should prepare an environmental impact statement for the proposed CMP, not an environmental assessment.

The National Environmental Policy Act (“NEPA”) requires federal agencies to prepare an environmental impact statement (“EIS”) for every major Federal action that significantly affects the human environment, which includes the natural and physical environment and the relationship of people with the environment. (42 U.S. § 4332(2)(c); 40 C.F.R. § 1508.14.) The proposed CMP would cover 28,000 acres of National Park land and will significantly affect how the millions of PRNS visitors use their National Seashore, and will also affect the Seashore’s wildlife and wildlands including many species protected under the Endangered Species Act (“ESA”).

PRNS is home to over 50 plants species currently listed by the federal government, state government, or the California Native Plant Society as being rare, threatened, or endangered and over 50 animal species that are listed by the state or federal

government as threatened, rare, or endangered. (NPS 2014 Plants; NPS 2014 Animals.) The “pastoral zone” of PRNS is designated critical habitat for the California red-legged frog, western snowy plover, coho salmon, and steelhead. Given the extensive activities the proposed CMP contemplates through the proposed 20-year agricultural permits/leases, the current EA process is insufficient for addressing the significant impacts that the CMP will likely have on the listed species and their habitats. The NPS should prepare an EIS in accordance with NEPA in order to fully analyze and mitigate the negative effects that would result from implementing the proposed CMP on these listed and other protected species. While an EIS can follow an EA, it would be a poor use of resources to prepare an EA where there is no question that an EIS is required.

The preparation of an EIS at this stage will also assist in the coordination of NEPA and ESA Section 7 consultation with the U.S. Fish and Wildlife Service (“USFWS”) and National Marine Fisheries Service (“NMFS”) to address impacts on the numerous protected species found within the pastoral zone and in surrounding environments. While biological opinions were prepared by the USFWS in 2002 and NMFS in 2004 for a PRNS Grazing Permit Renewal Program, these opinions were for a different program than what NPS currently proposes. (USFWS 2002; NMFS 2004.) There have also been significant regulatory and land use changes at PRNS over the past decade that makes these opinions obsolete. For example, the old consultations did not address the impacts of the proposed “diversification” of agricultural activities beyond current uses and did not address impacts on steelhead critical habitat that was designated within PRNS in 2005. Both the USFWS and NMFS opinions instruct the NPS to initiate new consultations where circumstances have changed, as they have here.

Additionally, the NPS must prepare an EIS in order to serve its fundamental purpose to “*conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.*” (16 U.S.C. § 1.)

The proposed CMP needs to provide an option for the transfer of management of PRNS lands to NPS for conservation purposes.

The NPS’ authority to manage the pastoral zone leases to the narrow terms of 25 years or a life estate. (16 U.S.C. §§ 1; 459(c)-5(a).) The terms of the leases have been met and currently the NPS continues to allow ranching (for beef and dairy) via short-term permits/leases. In its scoping literature and at public meeting, the NPS has now proposed a range of “succession” options by which ranching would continue at PRNS even if no one within the families of current ranchers desires to obtain a lease to ranch on PRNS land or if a family is otherwise unwilling or unable to meet permit/lease requirements.

Conspicuously absent from this proposal is an option to return such land to its natural state to be managed by the NPS for conservation purposes. This option is supported by the PRNS’ Enabling Act to preserve PRNS for “public recreation, benefit,

and inspiration” and for the “public interest” (16 U.S.C. § 459(c)), and for administration of the pastoral zone to be “consistent with, based upon, and supportive of the maximum protection, restoration, and preservation of the natural environment within the area.” (16 U.S.C. §§ 1; 459(c)-6(a).) Administration of the pastoral zone must also comply with the conservation purpose of Section 1 of the Organic Act of the NPS (16 U.S.C. §§ 1; 459(c)-6(a)). The proposed CMP needs to include plans to return such land to NPS management for conservation purposes.

The proposed CMP should not contemplate options for “diversification” on PRNS.

The scoping documents propose the permitting of new kinds of livestock, row crops, dairy processing, hotel operations, and other commercial activities within PRNS. The proposed CMP should instead expressly disallow such “diversification.” The new uses proposed in the scoping documents would expand the commercialized use of Seashore lands beyond what has been historically permitted. Such activities will result in many new and cumulative environmental impacts that the NPS has not addressed or even acknowledged in its publications on the proposed CMP or public meeting presentations. Additionally, lessees can only use and/or occupy these lands for the “sole purpose of noncommercial residential use and occupancy.” (16 U.S.C. § 459(c)-5(b).)

The proposed CMP should complement free-range management of tule elk throughout PRNS.

The Center does not support any of the options the scoping documents provide regarding tule elk management in PRNS. The long-range objectives for the NPS include making resource management decisions based on adequate scholarly and scientific information. (DOI 2004.) The NPS has not demonstrated scientific information providing that the options are appropriate or necessary for tule elk management in PRNS or within the pastoral zone.

To protect wildlife and other PRNS natural resources, cattle exclusion fencing should be required, but fencing that would harm or exclude tule elk and other wildlife should not be a part of the proposed CMP. The PRNS Tule elk are historically and ecologically important to the Seashore, and these native species should be allowed to access the entire PRNS and should not be subject to any actions that will harm or kill individuals or population groups.

The NPS has not engaged in a sufficient scoping process and instead has acted to favor public participation and input from a select group of stakeholders.

Former Secretary Salazar’s letter from November 29, 2012 letter simply directs the NPS to pursue a 20-year lease/permit extension and is not legally binding. (Secretary of the Interior 2012.) Indeed, the November 2014 CMP Update regarding the proposed CMP states that the Secretary’s memorandum merely “demonstrates” the support of the

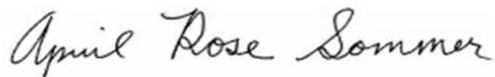
NPS and the Department of the Interior for continued dairy and beef ranching operations within PRNS. (NPS 2014 Update.)

As described above, the NPS has proposed a range of “options” crafted through extensive meeting with ranchers (NPS 2014 Update) and has presented these as the only options in the NPS’ publications and at public meeting. The NPS has not engaged other stakeholders in any sort of equivalent process and, as a result, the presented options do not reflect the concerns of other stakeholder groups, including those of the Center. In conducting an unbalanced scoping process the NPS had framed the current proposals as a “done deal” thereby wrongly foreclosing meaningful public participation.

Moving forward, the NPS should provide a genuine public participation process whereby the NPS proactively solicits meaningful contribution from the full range of stakeholders. This should result in a range of proposed options consistent with the statutory purposes of PRNS. Furthermore, the NPS must comply with NEPA and other federal law as it continues the CMP planning process.

PRNS is a national icon that is both ecologically diverse and fragile. The Center is extremely concerned about the future of PRNS and the direction the NPS has taken in the scoping phase of the proposed CMP. The Center requests, on behalf of its members and the general public, that the NPS facilitate meetings with PRNS staff and conservation and community stakeholders to address the proposed CMP, as you have done over fifty times with the ranching community. (NPS 2014 Update.) Thank you for your attention on this matter, and feel free to contact us if you have any questions or concerns.

Sincerely,



April Rose Sommer
Staff Attorney, Urban Wildlands Program



Chelsea Tu
Staff Attorney, Urban Wildlands Program

REFERENCES

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