Initial Scoping Comments on the Point Reyes RCMP/EA

These are the scoping comments of the Center for Biological Diversity and Turtle Island Restoration Network on the Ranch Comprehensive Management Plan (“RCMP”) at Point Reyes National Seashore.

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 775,000 members and supporters dedicated to the protection of endangered species and wild places. Nearly 3,000 of our members and supporters reside in Marin County. The Center has worked to protect and restore endangered species and their habitats in the Bay Area since 1998.

Turtle Island Restoration Network is a nonprofit corporation headquartered in Marin County, California that engages citizens around the globe to study, restore and take action to protect disappearing marine and freshwater ecosystems and the endangered wildlife that inhabit them. Turtle Island has 7,200 active members, including members in the United States and abroad, and more than 138,000 online activists and supporters who follow and take action on its campaigns.

The Point Reyes National Seashore (“PRNS”) has special national and regional significance as public lands that are intended to be managed for public enjoyment and protection of natural and cultural resources. The primary mission of the National Park Service (“NPS”) is to preserve “unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations.”

We believe the unique inclusion of active ranch operations inside PRNS can co-exist with the primary mission of the NPS if science-based regulations are promulgated and enforced. These operations have the potential to adversely impact native wildlife species listed under the Endangered Species Act (ESA), and thus it is especially important that science-based regulations are promulgated and enforced.
Our organizations suggest the following issues should be addressed in the CRMP:

**Protect endangered species habitats**

A priority on our national parkland should be protection of native ecosystems and wildlife. The RCMP should provide maximum protection for wildlife and plants listed under the federal and state Endangered Species Acts as endangered, threatened or a “species of special concern.”

The NPS should identify and map all habitats for protected species at PRNS, as well as protective buffers needed to maintain ecological function for their suitable habitat, and provide maximum protection for these habitats. These protections should include: removing important habitat areas from the designated pastoral zone if needed, exclusionary fencing to protect sensitive habitats from livestock, reduced stocking levels of livestock in overgrazed areas, and removal and control of invasive species.

Any commercial uses not compatible with protecting and recovering state and federally listed species, including livestock grazing, agricultural cultivation, and spread or maintenance of invasive species, should be removed.

Any area designated as “critical habitat” for a federally listed species should be evaluated for removal from the pastoral zone, unless there is site-specific data showing that carefully managed livestock grazing is compatible with the protection and recovery of the species.

**Protect creeks, wetlands and water quality**

Creeks, riparian areas and wetlands should be off-limits to livestock. Wildlife-friendly exclusionary cattle fencing should be used to protect these resources and buffer areas to maintain ecological function.

Restoration of creek banks and riparian zones negatively impacted by former or current ranch operations should be identified and restoration plans with timelines should be developed and implemented.

Science-based setbacks from riparian habitat and streams should be established to ensure the ecological functions provided by these habitats. Habitat supporting ESA listed species should be considered for enlarged and protected buffers. Current and former structures within these buffers should be identified and plans with timelines should be developed and implemented to remove or mitigate for any negative impacts.

Commercial lease/permit holders should be prohibited from impairing downstream water quality and required to control livestock waste discharge and
runoff. Lease/permit conditions should set livestock stocking levels that are maximally protective of creeks, wetlands and water quality.

Lease/permit conditions should require installation and maintenance of exclusionary cattle fencing where needed to protect sensitive resources. The CRMP could include a program to help offset costs of fencing. The NPS should actually enforce minimal Residual Dry Matter requirements in lease/permits. The CRMP should also adjust and update the definition of animal unit months at PRNS to help prevent overgrazing and erosion. See the attached information from Western Watersheds Project on review and update of current livestock weights and forage consumption rates.

Ranch fencing no longer in use should be identified and the NPS should move forward with an implementation plan with a timeline for derelict fence removal to improve movement of wildlife.

Livestock ponds should be surveyed for endangered species and invasive species. Implementation plans with timelines should be developed to remove and control invasive species and enhance habitat for ESA listed species.

Water quality standards should be set for stock ponds. Ponds should be regularly monitored for water quality, and implementation plans with timelines should be developed to ensure adequate water quality.

Livestock ponds no longer in use should be identified and implementation plans for their removal should be developed.

Roads are a known source of sediment and other water pollutants. Currently used ranch roads should be monitored for pollutants and erosion. Implementation plans with timelines should be developed for maintenance, repair and improvements of ranch roads to reduce impacts. Ranch roads no longer in use should be identified and implementation plans with timelines should be developed for decommissioning.

Pesticides and pharmaceuticals used for livestock or rangeland management should be identified and monitored. Integrated pesticide management plans should be created that eliminate, reduce and/or replace harmful chemicals that can escape into the environment. Livestock health management plans should be created that eliminate and reduce and/or replace harmful chemicals that can escape into the environment.

A management plan for storage of chemicals including gasoline, diesel, pesticides, antibiotics, etc. should be developed to ensure these chemicals are not released into the environment. These plans should be comprehensive and include measures that are adequate to prevent their release in the event of accidents or natural disasters such as fires, earthquakes, etc.
Reasonable duration and terms of commercial livestock leases

The former Secretary of the Interior authorized the NPS to pursue long term lease/permits of up to 20 years for beef ranching and dairy operations at PRNS. However, longer lease/permit periods are not mandated by the Secretary nor do lease/permit holders have an inherent right to permanent or long-term use within National Park Service system units, unless it is for the explicit purpose of furthering the establishment goals of the National Park Service system.

The NPS bought all of the private in-holdings within the designated boundary of PRNS on behalf of the public, with agreements between the former landowners and the NPS that allowed for the temporary lease/permit of certain pastoral lands within PRNS for livestock grazing and dairy operations. All the original lease/permits have expired and now most are being extended on a short-term basis.

If the CRMP is going to extend commercial lease/permits for up to 20 years, then there should be conditions on these commercial operations to ensure they are compatible with the mission of the park. In no way should the CRMP make lease/permits within PRNS permanent. Lease/permits should automatically terminate upon their expiration, unless the NPS can demonstrate that a specific individual lease/permit is an essential and positive addition to the natural resources of PRNS.

The privilege of extended grazing lease/permit periods on our public lands should require actual compliance with lease/permit agreements and come with increased environmental protections and co-existence with native wildlife in PRNS. Any current lease/permit holder that has a record of failing to meet the conditions of any of their existing PRNS lease/permits should not be allowed to renew or extend their lease/permit.

The CRMP should maintain the original intent of the PRNS founding principles: Current and succeeding lease/permit holders must have a direct blood-line connection to the owner of the assigned ranch at the time of the founding of PRNS in the year 1962. Lease/permits should not be transferrable beyond immediate family members. Lease/permit parcels must include a residence for the exclusive use of the leasee/permittee. The leasee/permittee must live in this residence on a full time basis, as their official residence. Failure of any leasee/permittee to comply with any of these conditions should terminate the associated lease/permit.

Lease/permits that are terminated should be retired from commercial ranching or dairy operations and the land should revert to wildlife habitat and public access. The CRMP should also provide a mechanism for the NPS and the public to buy
out willing lease and permit holders that decide they no longer want to ranch, to return the land to wildlife habitat and public access.

**Lease conditions should be enforceable**

There is a strong need to control continual trespass cattle, illegal overstocking of cattle, and ranching of animals not allowed in lease/permits at PRNS. This is a chronic problem with some ranches. The NPS should actually enforce minimal Residual Dry Matter requirements in lease/permits to prevent overgrazing. The CRMP should also provide a mechanism to monitor and repair fencing to keep cattle out of non-pastoral and sensitive resource areas.

Lease/permit holders who violate their leases or special use permits should be penalized. There should be a process for quickly terminating leases for continual violators.

**Co-existence of livestock with tule elk**

Tule elk have been grazing at PRNS for about 10,000 years, except during a brief period in the 1800s and 1900s, when ranchers and market hunters eliminated them from most of California. Fortunately, tule elk have taken well to reintroduction and the PRNS tule elk herd is one of the largest of the 22 herds in California.

The NPS has and should continue to prioritize recovery of elk and other native wildlife in PRNS. Despite lobbying by a vocal minority to remove or cull the free-ranging elk herd at PRNS, the NPS should facilitate a peaceful co-existence between wildlife and the commercial lease/permit holders. The public which owns the land at PRNS does not support the removal from the pastoral zone or any cull of the free-ranging elk herd.

Removing tule elk from the 28,000 acre pastoral zone (more than one-third of PRNS) or any other part of PRNS, would have an adverse and negative impact on the environment and natural resources of PRNS, for the benefit of private commercial interests. Likewise, any culling, sterilization or fencing that prevents elk movement would be a significant effect under NEPA, and contrary to the NPS mission and the public benefit purpose of PRNS.

The founding documents of PRNS do not identify a pastoral zone or mandate that commercial cattle operations were to be a permanent fixture at PRNS. The pastoral zone was first mapped and incorporated into the 1998 PRNS Management Plan, allowing for specific regulated commercial cattle operations within the pastoral zone. The 1998 management plan did not exclude native wildlife from the pastoral zone.
The new CRMP must specify that the pastoral zone is not for the exclusive use of private commercial cattle operations, and that lease/permit operations must co-exist with and be complimentary to the natural resources of PRNS, including tule elk. The pastoral zone should be defined as “The designated mapped area within PRNS where, if commercial cattle grazing is to take place, it can take place only within this zone alongside native wildlife.”

Despite vocal complaints from ranchers, trespass cattle outside of the pastoral zone is a much bigger problem at PRNS than elk grazing inside the pastoral zone. The CRMP should make it explicit that the low AUM rents paid by lease/permit holders ($7-9 inside PRNS compared to $15-20 outside) already compensates ranchers for any wildlife impacts.

The free-ranging tule elk at PRNS have migrated to preferred areas optimal for elk. The CRMP should adjust the boundaries of the pastoral zone and lease/permit boundaries to minimize conflicts between ranchers and elk. Areas where the tule elk are not generally congregating and there are no other sensitive natural resources can be incorporated into lease/permit areas; and areas of preferential elk use can be removed from the pastoral zone, maintaining the acres under lease/permit and the forage quality.

There are management options for PRNS to minimize rancher conflicts with elk, including fencing that allows for free movement of elk while containing cattle. Appropriate fencing will allow free-ranging elk to move without knocking down fencing, also preventing trespass cattle from leaving the pastoral zone. The CRMP should develop a program to help lease/permit holders to install, monitor and maintain fencing.

CRMP based on science

Any management actions and commercial leases decisions and terms at PRNS should be based on science and the mission of the National Park Service to preserve “unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations.” The CRMP should not be based on political pressure, nor should it relax environmental protections or allow violations of lease terms simply because vocal and politically connected ranchers have harassed the NPS over wilderness protection and tule elk. PRNS lands and resources are for the public, not for the exclusive use and benefit of lease/permit holders. The majority of the public in Marin County, the Bay Area, and the country want PRNS to be managed for its natural attributes, not for private commercial gain.

In this vein, the NPS should refrain from involvement in rangeland carbon sequestration schemes until such time as there is scientific evidence to support its value.
Sincerely,

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