

# The Myths of Point Reyes

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## Introduction - Agreeing on the Facts

British crime author and poet Dorothy L. Sayers is credited with saying, “Facts are like cows. If you look them in the face long enough, they generally run away.” It’s one of those quotes that suffers without context; what does she mean? Running away doesn’t really seem to be a habit of facts or cows. Maybe I haven’t spent enough time with either, but I prefer a different quote from politician and diplomat Daniel Patrick Moynihan, which emphasizes the obdurateness of facts: “You are entitled to your opinion. But you are not entitled to your own facts.”

There is no shortage of opinions on ranching in Point Reyes National Seashore (PRNS), 71,000 acres — two thirds of it profoundly beautiful — an hour away from San Francisco, the only National Seashore on the west coast, home to nearly half of North American bird species, 750 flora species, and over 50 species registered as threatened, rare or endangered at the state or federal level.<sup>1</sup> But there may be a shortage of unshy and durable facts. About a third of the seashore is dedicated to commercial ranches and dairies, whose future is being adjudicated right now, by the National Park Service (NPS) via an ostensibly public process. Should they stay or should they go? Some are passionately for perpetuating and some passionately for ending ranching in the park. There are those with a lot at stake personally and there are those who think the environment is at stake. There are ranchers and rangers, environmentalists and enthusiasts, tourists, reporters, lawyers, and politicians.

The NPS was sued in February of 2016, and in the settlement was compelled to produce an Environmental Impact Statement (EIS) and update its management plan for ranching at Point Reyes. The draft plan was released in August 2019, public comments collected, and a final plan published in September 2020. The EIS includes six management options, including *Alternative B* which extends 20-year leases to the ranches and expands and diversifies their permitted commercial activities, and *Alternative F*, which phases out all ranches and dairies over five years. Alternative B is identified as “preferred” by the NPS and is favored by the ranching community, whereas Alternative F is supported by various citizen and environmental groups. The final decision is due by July 14, 2021, per the court, and ahead of this, citizens and environmental groups are struggling to block or slow what by now seems inexorable.

It’s often said that reasonable people can reasonably disagree, but disagreements are fewer when a shared understanding of the facts is established. There are, of course, far too many relevant facts to even dream about collecting them in one place, but there are several persistent *misstatements* of fact or unsupported claims which one encounters when following the Point Reyes story. Below is a list of claims which are either false or are in the author’s judgement insufficiently substantiated to carry the burden of proof. The goal is to challenge the unsupported and disingenuous, disqualify stubborn, easily-repeated obfuscations, and to fish out red herrings from the waters of debate.

## Myth of Stewardship

It is frequently claimed that ranchers and dairymen in PRNS are good stewards of the land.

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<sup>1</sup> <https://www.nps.gov/pore/learn/index.htm>

However, the park's own EIS indicates otherwise.<sup>2</sup> It evaluated each of the proposed go-forward management alternatives for certain environmental impacts, namely effects on the air, soil, water, vegetation, and wildlife, and with a special subcategory for the Tule elk. The "preferred" Alternative B includes some new rules and standardized guidelines designed to mitigate impacts under continued ranching operations, as compared to current conditions, and yet the EIS makes it obvious that even mitigated impacts – should those mitigations be successfully implemented – are detrimental, especially compared with cessation of ranching (Alternative F). In other words, the following citations generally compare the removal of ranching not to the existing practices, but to a hypothetical improved situation, reflecting even less well on what has been happening until now.

#### **Air Quality:**

Ranching in the park generates the equivalent of 24,000 metric tons of CO<sub>2</sub>/year, six-and-a-half times the amount generated by all the car traffic of the over two million annual visitors. According to the EIS, under the preferred Alternative B, "activities associated with ranching would continue to emit criteria pollutants and greenhouse gases associated with cattle grazing, manure management on dairies, fugitive dust, and mobile source emissions," whereas Alternative F "...would phase out ranching, ending ranching-related emissions of criteria pollutants."

It is noteworthy that globally, the livestock sector requires a significant amount of natural resources and is responsible for about 14.5% of total anthropogenic greenhouse gas emissions.<sup>3</sup>

#### **Soil Quality:**

Regarding soil quality, again Alternative B would extend the known adverse effects of ranching. Under B, "... activities associated with beef and dairy ranching would continue to affect soils because of erosion, compaction, and alteration of soil fertility, primarily from livestock grazing, forage production, high intensity use areas, and manure spreading," whereas under Alternative F, "cessation of ranching would eliminate all impacts on soils associated with ranching activities."

Globally, soil health and biodiversity are in crisis, and the main causes of damage are "intensive agriculture, with excessive use of fertilizers, pesticides and antibiotics killing soil organisms and leaving it prone to erosion."<sup>4</sup>

#### **Water Quality:**

Spiking fecal coliform levels from livestock have resulted in human health hazards in seashore waters, and beach closures.<sup>5</sup> According to the EIS, "Alternative B would continue to contribute adverse impacts on water resources in the planning area from beef and dairy cattle ranching, Manure and Nutrient Management, and water consumption related to ranching activities," whereas under Alternative F, "...impacts on water quality would be noticeable, long-term, and beneficial because ranching activities would be phased out across the entire planning area."

Additionally, the over-five thousand cattle in PRNS use up to 78 million gallons of water per year, at a time of recurring drought in California, driven by the climate change which is exacerbated by the other impacts of those same cattle.

Nationally, the U.S. EPA determined in the 2000 National Water Quality Inventory that about 40 percent of rivers and streams are impaired, and the leading cause of pollution was agriculture, which is responsible for almost half of these compromised water sources.<sup>6</sup>

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<sup>2</sup> <https://parkplanning.nps.gov/document.cfm?parkID=333&projectID=74313&documentID=106632>

<sup>3</sup> <http://www.fao.org/news/story/en/item/197623/icode/>

<sup>4</sup> <https://www.theguardian.com/environment/2020/dec/04/global-soils-underpin-life-but-future-looks-bleak-warns-un-report>

<sup>5</sup> <https://irma.nps.gov/DataStore/Reference/Profile/2194043>

<sup>6</sup> [https://www.epa.gov/sites/production/files/2015-09/documents/2000\\_national\\_water\\_quality\\_inventory\\_report\\_to\\_congress.pdf](https://www.epa.gov/sites/production/files/2015-09/documents/2000_national_water_quality_inventory_report_to_congress.pdf)

More recently, Western Watersheds Project, one of the 2016 lawsuit plaintiffs, along with In Defense of Animals, conducted independent tests of water quality downstream from some of the ranches in PRNS, at popular public-accessed streams and beaches, including Kehoe Lagoon, which drains into the Pacific. NPS has not done water quality tests there since 2013, for reasons withheld, even though there were significant bacteria and other issues found at that time. The new results, published March 3, 2021, show 5X the safe human limit of coliform bacteria, 40X the safe limit for E. coli, and 300X the safe limit of enterococci. As of this writing, PRNS has acknowledged receipt of the study results but has not indicated any planned response, such as placing a sign to warn the public.<sup>7</sup> The County of Marin, posted signs, and then removed them, citing jurisdiction concerns. Even though sampling after rain is the standard way to gauge the amount of contaminants leaving a study area, NPS shrugged off the tests, saying that sampling shortly after rains is not a reliable way to measure overall water quality.<sup>8</sup> In fact, the Regional Water Quality Control Boards require dairies under its jurisdiction to take water quality measurements within 24 hours of the first three major storms each fall season.

### **Native Vegetation:**

The valleys, ridges, and coastal plains of Point Reyes National Seashore were once covered with lush coastal prairies consisting of deep-rooted native perennial grasses, wildflowers, mosses, lichens, and fungi. Historically, Tule elk herds roamed these grasslands and grazed them lightly before moving on. Many native grasses have been eliminated from the ranches and can now only be found on relict, ungrazed sites. European grasses, thistle, and other invasive are now prevalent in and around the ranches.

The EIS notes that “the total number of invasive plant species and the number of new introductions [is] high enough to warrant significant concern...livestock production has been implicated in the introduction of weeds... concentrated livestock use can increase exposed soil ...using herbicides and biocides on cultivated or rangeland areas for purposes of weed management would continue as necessary...and could potentially affect non-target species.”

The EIS further notes that “Alternative F would eliminate adverse impacts on vegetation from the ranching activities across the entire planning area...currently unprotected riparian areas and those wetlands that are heavily grazed may also benefit from the removal of livestock grazing...beneficial impacts of terminating ranching include a possible initial increase in abundance of native perennial forbs and a reduction in bare ground and livestock fecal pats that serve as weed germination sites.”

### **Native Wildlife:**

Setting aside the direct habitat loss associated with utilizing potential wilderness for pasture and silage, the EIS makes it clear that Alternative B perpetuates additional harm on the native fauna, stating that under F, “...impacts on wildlife related to dairy and beef ranching would cease, including disturbance, trampling, erosion, and nutrient inputs” and that Alternative F “would eliminate impacts [on native wildlife] of forage production, manure spreading, and diversification and would reduce high-intensity-use areas compared to existing conditions.”

According to the United Nations, thanks to human pressures, one million species may be pushed to extinction in the next few years, with serious consequences for human beings as well as the rest of life on Earth.<sup>9</sup>

### **Tule elk:**

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<sup>7</sup> <https://pacificsun.com/breaking-news-fecal-bacteria-poisons-point-reyes-beaches/>

<sup>8</sup> <https://pacificsun.com/marin-county-posts-then-removes-bacteria-warning-signs-at-point-reyes-beaches/>

<sup>9</sup> <https://www.un.org/sustainabledevelopment/blog/2019/05/nature-decline-unprecedented-report/#:~:text=from%20GlobalGoalsUN&text=The%20Report%20finds%20that%20around,20%25%2C%20mostly%20since%201900.>

In 1978, a small herd of Tule elk, a California endemic species once thought extinct, was brought to Point Reyes to establish a preserve inside the park on Tomales Point, behind an eight-foot fence stretching from the Pacific to Tomales Bay. Two free-ranging herds have since been established outside of the fenced reserve, in the southern part of the park. These animals, once numbering around 500,000, were reduced to only a dozen or so animals during the Gold Rush, when hunters decimated their population.

Alternative B would allow, “adverse impacts from fencing and hazing, consistent with existing conditions...while limiting the size of the Drakes Beach herd to 120 individuals through lethal removal,” whereas Alternative F “would eliminate impacts on elk related to hazing and fencing and would allow for the free-range population to expand across the planning area.” (The southern herds are currently well above 120 animals, meaning operationalizing Alternative B would result immediately in culling dozens of animals.)

Setting future management aside, in other words setting aside the plan to continually cull a native species in a national park on behalf of private interests, note that the fence is there in the first place to keep elk off cattle pasture, and that the fence is the cause of repeated die-offs and significant suffering. During the drought of 2013-2015, over 250 elk, roughly half the confined herd, died in the fenced preserve, whereas the free ranging herds grew over that time. In 2019 and 2020, the number of elk behind the fence fell from 445 to 293, meaning another third died, whereas the free-roaming herds were about stable over the same period.<sup>10 11 12</sup> The park service had steadfastly maintained that these die-offs are “natural and predictable,” although recently under increased public pressure, they finally brought water to some of the confined herds.<sup>13</sup> At this time, it’s unclear if they will continue to do so, or if they will also provide needed forage, or what, if any, policy changes triggered the intervention and will govern future management actions.

PRNS is the only national park with Tule elk. Currently there are approximately 500-600 elk in total (with a die-off in progress) in PRNS and about 5,500 cows, and there are about as many cows in PRNS as there are Tule elk in existence. A lawsuit was filed by the Harvard Law Clinic in June 2021 over the NPS’s treatment of the elk.<sup>14</sup>

### **Stewardship Conclusion:**

Some of the impacts listed above are practically unavoidable for beef and dairy ranches (or nearly so, especially for already-subsidized operations in economically suffering market segments – see the Myths of Economy section). Many people have romantic takes on the associated professions, booted ranchers and overalled dairymen, and prefer pastures over housing developments and strip malls. Sometimes you hear, “without the ranches, we wouldn’t have any park” (of course, arguably without the park, we wouldn’t have any ranches – again, see the Myths of Economy section.) But none of these sentiments and caveats keep methane out of the air, E. coli out of the creeks, invasive species out of the fields, or bullets out of the elk. Given the above, it’s hard to accede to casual claims of stewardship.

### Myth of Perpetuity

It is often claimed that legislators and other influencers to the formation of PRNS intended ranching to remain forever. The truth is the 1962 Legislation (PUBLIC LAW 87-657-SEPT. 13, 1962), also called the “founding” legislation makes no mention of this, nor, as far as the author is aware, is there any written evidence cited from the relevant timeframe (from “back then”).

One possible source of confusion is that the original 1962 legislation does say, “No parcel ... shall be acquired without the consent of the owner so long as it remains in its natural state, or is used exclusively for ranching and

<sup>10</sup> [https://www.nps.gov/pore/learn/nature/tule\\_elk.htm](https://www.nps.gov/pore/learn/nature/tule_elk.htm)

<sup>11</sup> <https://www.nbcbayarea.com/news/local/250-native-elk-die-inside-fenced-area-at-point-reyes-national-seashore/70252/>

<sup>12</sup> <https://www.marini.com/2021/03/31/point-reyes-elk-dying-as-dry-period-persists/>

<sup>13</sup> <https://www.pressdemocrat.com/article/news/point-reyes-national-seashore-providing-drinking-water-to-tomales-point-tul/>

<sup>14</sup> <https://animal.law.harvard.edu/news-article/nps-fail-to-protect-tule-elk/>

dairying purposes including housing directly incident thereto.” But this is explicitly about lands not brought into the park, and whether landowners might be forced to sell (say through eminent domain). It is not about what would be permitted on the land if it were to be bought by the government and made part of the national park.

Another possible source of confusion is that the founding legislation, which allows the Secretary to purchase private, residential parcels but not ranching properties (Sec. 6), was amended in 1978 with language that allows for the issuance of ranch leases:

“Where appropriate in the discretion of the Secretary, he or she may lease federally owned land (or any interest therein) which has been acquired by the Secretary under this Act, and which was agricultural land prior to its acquisition. Such lease shall be subject to such restrictive covenants as may be necessary to carry out the purposes of this Act.” PUBLIC LAW 95-625—NOV. 10, 1978

But this came later, merely permits leases, and does not mandate or even recommend them. The same Amendment has verbiage about retention of use and occupancy, but this is explicitly time-boxed:

The owner of improved property or of agricultural occupancy rights, property on the date of its acquisition by the Secretary under this act may, as a condition of such acquisition, retain for himself and his or her heirs and assigns a right of use and occupancy for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the death of his or her spouse, whichever is later.” PUBLIC LAW 95-625—NOV. 10, 1978

U.S. Representative Jared Huffman, in whose district the seashore lies, refers to “congress’s longstanding intent” on the matter, but it’s not clear how long he means by longstanding nor is it clear on what this claim is based. U.S. Senator Diane Feinstein is also an advocate of continued ranching in PRNS and has made similar claims. Early in 2019, Rep. Huffman included a “joint explanatory statement” in a House spending bill <sup>15</sup> which asserted Congress’s desire for ranching to continue. But when Rep. Huffman and Senator Feinstein refer to Congress’s intent, surely, they can’t be referring only to themselves.

In the absence of any recorded evidence regarding use in perpetuity, it is reasonable to put the burden of proof of those making the positive claim (i.e., it was intended from the inception that ranching should carry on in perpetuity). Land use, leases, property rights and the like are not normally left as gentlemen’s agreements, and Congress is not normally shy about writing things down.

Furthermore, in *Managing a Land in Motion: An Administrative History of Point Reyes National Seashore*, prepared for the NPS in 2007, author Paul Sadin summarizes as follows:

Legislators paid close attention to property owners’ rights, but the ranches and dairies were not elements that the NPS, park supporters, or legislators sought to protect as part of the larger national seashore idea.” Sadin, p 89.

Later Sadin elaborates:

The authorizing act did not mandate the ranch owners, or the NPS, to keep the land in agricultural use; they did want to maintain undeveloped open space, the pastoral scene, and rights of the original property owners. Many NPS officials and members of Congress assumed that once the government purchased the land in the pastoral zone, it would eventually be allowed to return to its natural state, as that term was then understood. When the government purchased from ranch owners the land needed to create the national seashore, the NPS granted reservations of use and occupancy (ROPs), or in some cases, life estates, to landholders

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<sup>15</sup> <https://www.congress.gov/congressional-report/116th-congress/house-report/9/1?overview=closed> ; Full text is in references section.

who wanted to continue their dairy or cattle grazing businesses. The ROPs gave the ranchers and their descendants, generally for a period of twenty-five years, the right to continue living and working on their former properties, as long as they continued their traditional agricultural operations. By the early 1990s, the terms of the ROPs began to expire, leaving park administration to determine how to proceed. (Sadin, p177)

Ranchers and politicians often refer to the park statutes, as amended up to the present, as the “enabling” legislation (as opposed to the “founding” legislation which is the original 1962 law.) This is a legally correct usage but is easily confused with the founding legislation. Enabling statutes are published with all amendments included and it is difficult to sort out the dates for each provision. In this way, the advocates of ranching create the false impression that the founding statute allowed leasing. It did not.

Indeed, if anecdote is admissible, the Berkeley-based environmental writer Ken Brower, who as a teenager read in draft the 1962 legislation for his father, David Brower, the first Executive Director of the Sierra Club who was instrumental in forming the park, insists that ranching was known to be temporary, and that what allowances there were for retention of use and leases were transitional, part of the deal struck between the government and the ranches to form the park in the first place. This agrees with the Sadin account and is not contradicted by any law.

## Myth of Creation

Some go as far as saying the original Point Reyes ranching families were the driving force behind the creation of PRNS. But the administrative history and congressional record shows that developers and speculators were showing increased interest in the peninsula. In fact, some land was already purchased by developers and buildings already constructed. These parcels and structures were acquired by the federal government along with the ranchlands to comprise the seashore. Twelve ranchers, including Joseph Mendoza and Alfred Grossi, whose decedents still hold leases in the park (see the Myth of Poverty section), testified against the park’s formation to Congress in 1961, the year before the park was formally authorized. Letters protesting the park were submitted by “Nunes and Mendoza,” Waldo Giacomini, and Margaret, David, John, and James McClure.<sup>16</sup> The administrative history credits only non-ranchers as park supporters:

The key individuals who helped propel the seashore bill from its introduction in 1959 to enactment in 1962 included Congressman Clem Miller, Senators Clair Engle and Thomas H. Kuchel, legislative assistants William “Bill” Duddleson and Philip Dickinson, field representative William “Bill” Grader, NPS administrators Conrad Wirth and George L. Collins, Secretary of the Interior Stewart L. Udall, journalist and author Harold Gilliam, Sierra Club leader Edgar Wayburn, and such local citizen-activists as Barbara Eastman, Richard and Doris Leonard, and Bertram and Verna Dunshee, to name just a few.<sup>17</sup>

Secretary Udall bestowed credit on David Brower, Executive Director of the Sierra Club at the time.

“We called it the Third Wave, and the older I get, the more I believe it was a powerful third wave of the conservation movement. But it also wrapped in the environmental ecological concerns raised by Rachel Carson...There were two giant figures out at the grass roots – David Brower and Rachel Carson were very influential.”<sup>18</sup>

Brower’s contribution is further elaborated:

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<sup>16</sup> [https://www.worldcat.org/title/point-reyes-national-seashore-hearings-before-the-united-states-house-committee-on-interior-and-insular-affairs-subcommittee-on-national-parks-eighty-seventh-congress-first-session-on-mar-24-july-6-aug-11-1961/oclc/853203414&referer=brief\\_results](https://www.worldcat.org/title/point-reyes-national-seashore-hearings-before-the-united-states-house-committee-on-interior-and-insular-affairs-subcommittee-on-national-parks-eighty-seventh-congress-first-session-on-mar-24-july-6-aug-11-1961/oclc/853203414&referer=brief_results)

<sup>17</sup> Managing a Land in Motion: An Administrative History of Point Reyes National Seashore, prepared for the NPS in 2007; Paul Sadin, p72.

<sup>18</sup> Managing a Land in Motion: An Administrative History of Point Reyes National Seashore, prepared for the NPS in 2007; Paul Sadin, p 87.

Another Sierra Club publication, Gilliam's 1962 *Island in Time*, made an even greater impact in the struggle to create a national seashore at Point Reyes. The book came about when Sierra Club Executive Director Dave Brower, having had read many of Gilliam's conservation-minded articles in the *San Francisco Chronicle* and having contracted with Gilliam to write an article for the *Sierra Club Bulletin*, asked him to do a book on Point Reyes using the "island in time" phrase as the title. The book's objective was to help bring publicity to the authorization campaign and to give people (especially legislators) who could not travel there a glimpse of the peninsula's rugged beauty. Brower, as with most of his preservation work, threw himself wholly into the publication effort. He designed it, recruited Secretary of the Interior Stewart Udall to write the foreword, and wrote a poetic epigraph of his own without attaching his byline.<sup>19</sup>

## Myth of Legality

Somewhat related to the myth of perpetuity is the myth of legality. When the federal government bought the ranchlands in the 60's and 70's to form the park, the land deals included Rights of Use and Occupancy (ROPs), generally for 25 years or life of the owner or spouse. The assertion is that, regardless of the squishier claims around who intended what and when, the fact of the matter is the ranches are legally warranted beyond the ROP durations under the same language cited above (repeated here):

"Where appropriate in the discretion of the Secretary, he or she may lease federally owned land (or any interest therein) which has been acquired by the Secretary under this Act, and which was agricultural land prior to its acquisition. Such lease shall be subject to such restrictive covenants as may be necessary to carry out the purposes of this Act." PUBLIC LAW 95-625—NOV. 10, 1978

So, legality appears nominally extant. And of course, whether something is legal or not is a matter for lawyers and a court, not to be settled in an essay by an unbarred layman. However, a plain language reading of the above may highlight the words *where appropriate*. What does that mean? There is a case to be made — and there's a decent chance it will be made — that *appropriateness* is to be judged considering the other laws governing all park units and PRNS in particular.

One such law is the 1916 NPS Organic Act, which created the NPS and instructed it how to manage all national park units (including seashores and recreation areas). It says:

### **§100101. Promotion and regulation**

(a) In General.

The Secretary, acting through the Director of the National Park service, shall promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wildlife in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations... 54 U.S.C. § 100101. (Emphasis added.)

Another such law is a provision that was added to the PRNS legislation in 1976, which says:

### **§459c–6. Administration of property**

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<sup>19</sup> Managing a Land in Motion: An Administrative History of Point Reyes National Seashore, prepared for the NPS in 2007; Paul Sadin, p 62.

(a) *Protection, restoration, and preservation of natural environment*

... the property acquired by the Secretary ... shall be administered by the Secretary without impairment of its natural values, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with, based upon, and supportive of the maximum protection, restoration, and preservation of the natural environment within the area... 16 U.S.C. § 459c-6. (Emphasis added.)

So, the Secretary is authorized to lease certain lands, but he/she is not required to do so. Furthermore, the leases shall be conditioned to support the requirements of the Enabling Act. Every action taken by the Secretary must conform with all laws controlling the Park Service, as well as the Department of Interior. If you consider the documented impacts from these operations (discussed in the previous section) and combine that with the earlier, more foundational laws, there is an evident contradiction. What was understood by “unimpaired” in 1916 and what was understood by “maximum protection, restoration, and preservation” in 1976 might not be satisfied considering the recent EIS, and given what we now know about climate change, ocean acidification, species extinction, and more/worse. Other laws may be brought into the argument to press this point, such as the Endangered Species Act, the Clean Air Act, et al.

Sometimes in legal discussions, you see reference to the letter from then Secretary of the Interior Kenneth Salazar to the Director of the NPS in November 2012, which directs the NPS to shut down the Drakes Bay Oyster Company operating in the park, but also says, “Because of the importance of sustainable agriculture on the pastoral lands within Point Reyes, I direct that you pursue extending permits for the ranchers within those pastoral lands to 20-year terms.” This is not legally binding beyond Salazar’s term in office.

Note, the Secretary of the Interior has the power to terminate any lease at any time:

A right retained pursuant to this section shall be subject to termination by the Secretary upon his or her determination that it is being exercised in a manner inconsistent with the purposes of sections 459c to 459c-7 of this title. 16 U.S.C. § 459c-5.

## Myth of Special Jurisdiction

The NPS has been careful to correct anyone who calls Point Reyes National *Seashore*, Point Reyes National *Park*. Harping on that last word would be merely pedantic, except for the fact that the Point Reyes ranchers have long implied that seashores fall under different laws and policy than parks, presumably in an attempt to inoculate themselves against charges regarding their legal and ecological status. For example, a July 22, 2020, op-ed in the *Marin Independent Journal* from Point Reyes rancher Kevin Lunny claims, “PRNS is not a national park. Where parks are created for quieter, contemplative uses, national seashores are for public activities, recreation and historic cultural uses.”<sup>20</sup> Additionally, a 2014 scoping letter from the Point Reyes Seashore Ranchers Association (PRSRA) to the park says, “... PRNS is a “National Seashore,” not a “National Park.” PRSRA asks that all [Environmental Assessment] documents, publications and communications be corrected...this error, if not corrected, could cause the public and consultants to apply the wrong standards to this environmental review.”<sup>21</sup>

Whereas you can be sure that the Ranchers Association was not worried about the operative standard being too low, there simply *is no such distinction*; “seashores” and “parks” are both “national park units” and are subject to the same laws, for example the Organic Act of 1916, which requires the NPS to “manage park resources and values in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”<sup>22</sup> In

<sup>20</sup> <https://www.marinij.com/author/kevin-lunny/>

<sup>21</sup> <https://www.rri.org/Lawsuit/Ranchers%20Association%20CRMP%20Scoping%20Comments.pdf>

<sup>22</sup> The 1916 Organic Act –

<https://www.nps.gov/foun/learn/management/upload/1916%20ACT%20TO%20ESTABLISH%20A%20NATIONAL%20PARK%20SERVICE-5.pdf>



addition, the PRNS enabling legislation, specific to this park/seashore/unit requires the land to be administered “supportive of the maximum protection, restoration, and preservation of the natural environment within the area...”<sup>23</sup>

## Myth of History

The claim is that perpetuating ranching in PRNS is part of the NPS mandate to preserve history. It is true that the PRNS specific legislation mentions “historic preservation” and the broader Organic Act stipulates that among the purposes of the national park system is “to conserve the scenery, natural and historic objects.” In both cases, as mentioned above, these goals are explicitly subordinate to the preservation of the natural environment.

Regardless, the preferred Alternative B for the ranches inside the park proposes several changes to the operations there, including row crops, diversification of livestock (and associated guard animals), bed-and-breakfasts, retail shops, mobile abattoirs, and more. It’s hard to see how carrying on a practice but changing it so much is simultaneously preserving history. This is like a consumer product that is labeled “new and improved” -- well, which is it? Is ranching in the park being modernized, for the sake of the environment and economic viability, or is it being frozen in time, for the sake of historical preservation? Indeed, even before any new management plan is implemented, the operations in PRNS have already been modernized, with dry scrape loafing barns, mechanized milking, and other technology intended to increase efficiency.

The EIS, meanwhile, says removing ranching from Point Reyes altogether, “would eliminate a unique experience for visitors to experience the role of ranching in California.” But approximately 50% of land space in Marin County is farms or ranches,<sup>24</sup> and there are tours available in private ranches around Marin and Sonoma. One must drive through hundreds of acres of rangeland to reach the national park in the first place. To suggest that people do so to see more of it, rather than wilderness and wildlife, is dubious.

It’s understandable that honoring ranching’s history is at odds with preserving the environment unimpaired, given ranching is inherently impactful. Neither do we honor the history of foresting or mining with commercial-scaled operations in national parks. What would genuinely preserve history is a modest, interpretive dairy or small acreage beef ranch, funded by the park system, open to the public, including docents and interpretive materials, etc., operated at a scale that doesn’t violate the NPS’s main charter, harm the environment, or inhibit public access. This approach is already implemented at Piece Point Ranch, in the elk preserve.

Lastly on this topic, there remains an awkward question: whose history is being preserved? Is it the Shafter-era, white Colonial one, when we were at the height of our damaging extractive powers, in the darkness of our pre-scientific ignorance regarding their consequences, and the depths of our cultural exceptionalism? Why isn’t it the Coast Miwok history, thousands of years longer and, though not passive, balanced and truly sustainable? It is frequently said when arguing for continued ranching that it arrived in the mid and late 19<sup>th</sup> century, as if that counts in their favor. What is not frequently added is that this is also when settlers extirpated elk, vanquished grizzlies to the California State flag, deforested, mined, and perpetrated now-acknowledged genocides against the area’s traditional inhabitants<sup>25</sup>. (See more on Miwok exclusion in the Myth of Process section.)

## Myths of Economy

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<sup>23</sup> 1976 Amendment: <https://www.govtrack.us/congress/bills/94/hr8002/text>

<sup>24</sup> Facts About Marin County Agriculture <http://cemarin.ucanr.edu/files/225389.pdf>

<sup>25</sup> Genocide: ‘It’s called a genocide’: Gavin Newsom apologizes to California’s Native Americans” <https://www.sfchronicle.com/politics/article/It-s-called-a-genocide-Gavin-Newsom-14016400.php>

## Myth of Viability

Ranching in PRNS is sometimes described as economically viable, but it is heavily subsidized. The park spends an average of over \$1 million a year in ranch related costs and collects approximately half that in lease fees.<sup>26</sup> The leases themselves are set at a third to a half of fair market rates outside the park.<sup>27</sup> Generally, the former landholders were not charged anything like rent for the land over the 25-year reservations of use.

Beef and milk are overproduced in California and across the U.S. and are heavily subsidized (even when operating on private property.) Between 1950 and 2000, the number of dairies in California shrunk from 18,000 to 2,000 and in Marin from 200 to 22.<sup>28</sup> Neither ranching nor dairying is generally profitable, and small operations stand to suffer more as they compete with large outfits inland. Both are subject to further automation and associated declines in production costs. Both are subject to the reputation problems around health concerns, environmental concerns, and animal rights. And both are subject to growing market pressures from alternatives like oat milk, Impossible Burger, etc. Furthermore, California state air quality regulations will likely make dairying yet more expensive, to control methane emissions associated with livestock. Increasingly strict State water quality rules also will make dairies and cattle ranches more costly to operate (due to erosion controls and manure management) — unless of course, the rules are not applied.

The park's EIS shows that about a third of leased fields are overgrazed. Making matters worse, average rainfall has dropped by over 20% in the park since 2005 and climate change is forecast to make rainfall more variable year-to-year in coastal Northern California. These changes will reduce grass production, increase erosion, and make grazing more costly. Moreover, California recently adopted a \$15/hr. minimum wage for 2023 plus overtime pay and this will raise dairy costs.

None of this bodes well for Point Reyes operations. Of course, ranching in Point Reyes is economically sustainable if the public subsidizes as necessary and indefinitely.

With respect to ecological sustainability, the environmental impacts of ranching in Point Reyes are described in the Myth of Stewardship section. One regarded measure of sustainability is whether the system is closed or relies on inputs and outputs at a distance. Hay trucks are frequently seen bringing food from off-site to Point Reyes livestock (without invasive species inspection or certification), and water trucks as well. The McClure Dairy alone uses 20,000 of water a day.<sup>29</sup> Rep. Huffman makes the case that local food is more sustainable because it minimizes distribution impacts ("food miles"). But two of the biggest producers operating in the park, Niman Ranch<sup>30</sup> and Mindful Meats<sup>31</sup> (formerly Marin Sun Farms), are sold through Amazon, and are available in high end restaurants far and wide. Straus products are similarly available at considerable distances, including as far as the American south and mid-west.<sup>32</sup> It's possible that if Straus moved its milk production to the California Central Valley, it would actually reduce food-miles. As far as the author is aware, there is no analysis available of the likely net effect of closing Point Reyes ranches with respect to food-miles.

## Myth of Value

Sometimes it is claimed that without the Point Reyes ranches, the infrastructure to support the food production in the surrounding area would collapse. An op-ed in the Point Reyes Light in July of 2020 claimed the loss of Point

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<sup>26</sup> <https://www.thewildlifeneeds.com/2020/09/30/welcome-to-point-reyes-national-cattle-ranch/>

<sup>27</sup> <https://restoreptreyesseashore.org/by-the-numbers/>

<sup>28</sup> <https://www.marinij.com/2020/01/12/marin-historians-aim-to-document-every-local-dairy-ever/>

<sup>29</sup> <https://www.ptreyeslight.com/article/mcclure-dairy-shuts-down>

<sup>30</sup> <https://www.nimanranch.com/blog/finest-tasting-meat/niman-ranch-expands-nationwide-with-online-distribution/>

<sup>31</sup> <https://www.businessinsider.com/they-finally-figured-out-what-to-do-with-old-dairy-cows-2015-6>

<sup>32</sup> <https://www.strausfamilycreamery.com/simple-faqs/where-can-i-buy-your-products/>

Reyes ranching “would undermine, if not destroy, the supporting economic and information infrastructure that depends on a critical mass of regional agricultural activity for its continued viability.”<sup>33</sup>

This might or might not be true. But given the environmental impacts and public costs of subsidy, as well as the public’s pronounced preference to remove ranching from Point Reyes (see the Myth of Popularity section) it should be studied and argued, not just claimed. For example, it could on the contrary be argued that since many of the leaseholders in the park have substantial ranch holdings elsewhere in Marin County (see below) these operations could be moved within the county, with no net-loss of commercial production. And it could be argued that since sufficient infrastructure is nearby in Sonoma County, the elimination of local subsidized competition from the park would benefit Marin beef and dairy operations outside the park.

Maybe these counter arguments are not definitively refuting, but the burden of proof should clearly lie with the party wanting to perpetuate environmental impacts as an exceptional commercial activity in a publicly owned open space and against the public’s wishes.

The author asked the Marin Agricultural Land Trust (MALT), which supports ranches and dairies in PRNS explicitly based on the local-critical-mass argument, to defend this line of reasoning. MALT pointed me to a University of California Cooperative Extension paper from 2009, *The Changing Role of Agriculture in Point Reyes National Seashore*, which when gauging the importance of PRNS agriculture, not only includes economic output from the now defunct Drakes Bay Oyster Company, but which also explicitly omits adjacent Sonoma County from consideration, without any justification. (So, for example, in 2005 the total value of PRNS agriculture and aquiculture was 17% of the overall Marin number, but only .09% of the Sonoma-Marín total.)<sup>34</sup> In fact, the well-known Straus Creamery just moved its production from Marin to Sonoma, with many benefits to the company, including a steep decline in employee travel time and associated emissions.<sup>35</sup> The common argument that if PRNS operations close, production will move to more environmentally impactful central valley operations, has little basis; it could move elsewhere in Marin (where many of the same operators already have ranches), or it could move to Sonoma.

In 2017, dairies in Marin contributed \$34.2 million to the local economies, and those inside PRNS accounted for \$7.5 million (22%), or just 7.5% of the overall \$100 million agricultural output in the County. Nearby Sonoma, to where much agriculture and supporting infrastructure has migrated in recent decades, has an agricultural output 8.5 times that of Marin.<sup>36</sup> The more recent EIS number indicate ranching “contributes 0.03% of total regional employment and 0.01% of gross regional product in the study area.”

The economic value attributed to tourism at PRNS in 2017 was ~\$132 million,<sup>37</sup> dwarfing that of the dairies and ranches. This number is a measure of the total estimated value of the production of goods and services supported by NPS visitor spending, and doesn’t include the more recently studied value of mental health benefits attributable to open space experiences of visitors, associated with fewer suicides, less substance abuse, domestic abuse, etc. A study in Australia<sup>38</sup> found an average benefit of approximately \$500 per visit and \$9,000 per visitor, extrapolated to Point Reyes is at least \$1.2 billion. Having a third of the park degraded and practically inaccessible certainly diminishes this large economic social benefit.

The public subsidies are not small. In the 10 years leading up to 2009, the NPS reports spending over \$3 million on capital improvements specifically for the ranches. The ranches also enjoy a per-animal unit lease rate of between a third and a half of the fair market rate outside the park.<sup>39</sup>

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<sup>33</sup> <https://www.ptreyeslight.com/article/point-reyes-national-seashore-new-vision-or-enduring-myth>

<sup>34</sup> *The Changing Role of Agriculture in Point Reyes National Seashore*. <http://www.ucanr.org/sites/uccemarin/files/31000.pdf>

<sup>35</sup> <https://www.sfgate.com/food/article/Straus-Family-Creamery-heads-to-Sonoma-County-16231590.php>

<sup>36</sup> *Amazing But True Facts About Marin County Agriculture*. <http://cemarin.ucanr.edu/files/225389.pdf>

<sup>37</sup> National Park Service. (2018). *2017 National Park Visitor Spending Effects Economic Contributions to Local Communities, States, and the Nation*. National Park Service, Fort Collins, Colorado.

<sup>38</sup> <https://www.nature.com/articles/s41467-019-12631-6>

<sup>39</sup> [https://www.nps.gov/pore/learn/management/upload/planning\\_ag\\_report\\_response\\_090724.pdf](https://www.nps.gov/pore/learn/management/upload/planning_ag_report_response_090724.pdf)

Over the course of the Covid-19 pandemic, ranching in PRNS was sometimes credited as bolstering food security. But “food security is a measure of the availability of food *and individuals' ability to access it.*”<sup>40</sup> The italicized clause surely eliminates the high-end, boutique products that come out of Point Reyes, unless what’s being said is that these operations will donate food to those in need when necessary. I am not aware of any price breaks for Covid relief. Besides, any serious conversation about food security would begin by acknowledging that beef and dairy are the wrong place to look in the first place, as beef infamously turns food into less food.<sup>41</sup>

Lastly regarding value, and oddly, sometimes you hear the idea that the ranches are necessary to protect the land as open space. It may be some people are conflating issues regarding easements, land trusts, and zoning restrictions outside the park with the park itself. National parks (including national seashores) are the highest designation of protected lands in the world. They do not need commercial operations to offer protection from development; they are in fact supposed to offer protections from commercial operations.

## Myth of Poverty

Of course, people’s personal finances are generally their own business. But if public sentiment in support of ranching in the park is to be bolstered by the claim that the operators are just eking by, certain countervailing publicly available facts become relevant.

Joseph H. Mendoza, who testified to Congress against the formation of the park in 1961, sold A, B, and L ranches to the government in 1971 for \$8,000,000,<sup>42</sup> (over \$53 million adjusted) and in 1972 purchased five parcels elsewhere in Marin totaling 1,631 acres.<sup>43</sup> All five parcels were immediately put into a Williamson Act contract to reduce property taxes. Today, all five are owned by Linda Mendoza, Joseph’s daughter, who leases B and L Ranch, the sales of which appears to have directly funded the acquisition of her land holdings in Marin. In 1973, Mr. Mendoza purchased an additional 787 acres in Marin, which are now owned by his granddaughter, Karen Taylor. In 2018, the Marin Agricultural Land Trust (MALT) purchased an easement over 704 acres of this land for \$3,594,000, using \$1,817,950 in Measure A money.

Alfred Grossi, who also testified against the park in those same 1961 hearings, sold H Ranch in 1971 for \$909,800<sup>44</sup> (over \$6 million adjusted). In 1973 he purchased two parcels in Marin covering 998 acres.<sup>45</sup> Both parcels were immediately put into a Williamson Act contract to reduce property taxes. Today the parcels are owned by his daughter, Dolores Evans, who leases H Ranch, the sale of which appears to have directly funded the acquisition of her land holdings in Marin. Dolores Evans also leases K Ranch and AT&T Ranch. Her son, David, leases D. Rogers Ranch and owns Marin Sun Farms which in 2017 had 12 million dollars in gross sales.<sup>46</sup> In that same year of 2017, MALT purchased an easement over the two parcels for \$3,285,000, using a Measure A grant of \$1,662,012.<sup>47</sup> Dolores’s late sister, Darlene Giacomini, co-owned the land, called the Evans-Giacomini Ranch. Darlene’s husband was Richard Louis Giacomini, member of another prominent Point Reyes ranching family, which sold 550 acres to the NPS in 2000 for \$5.75 million (and a 7-year lease-back) to create the Giacomini Wetland.<sup>48 49</sup>

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<sup>40</sup> [https://en.wikipedia.org/wiki/Food\\_security](https://en.wikipedia.org/wiki/Food_security)

<sup>41</sup> <https://www.idtechex.com/en/research-article/the-meat-industry-is-unsustainable/20231>

<sup>42</sup> [https://www.biologicaldiversity.org/campaigns/protecting\\_Point\\_Reyes\\_elk/pdfs/KeeganPt%20ReyesBook.pdf](https://www.biologicaldiversity.org/campaigns/protecting_Point_Reyes_elk/pdfs/KeeganPt%20ReyesBook.pdf)

<sup>43</sup> Marin County Recorder’s Office.

<sup>44</sup> [https://www.biologicaldiversity.org/campaigns/protecting\\_Point\\_Reyes\\_elk/pdfs/KeeganPt%20ReyesBook.pdf](https://www.biologicaldiversity.org/campaigns/protecting_Point_Reyes_elk/pdfs/KeeganPt%20ReyesBook.pdf)

<sup>45</sup> Marin County Recorder’s Office.

<sup>46</sup> <https://www.sfchronicle.com/food/article/Point-Reyes-couple-s-merger-brings-local-meat-10918456.php>

<sup>47</sup> [https://malt.org/press\\_releases/marin-agricultural-land-trust-protects-998-acre-nicasio-ranch/](https://malt.org/press_releases/marin-agricultural-land-trust-protects-998-acre-nicasio-ranch/)

<sup>48</sup> <https://www.ptreyeslight.com/article/giacomini-wetlands-10-years-sees-quick-rebirth>

<sup>49</sup> [https://www.nps.gov/pore/learn/management/planning\\_giacomini\\_wrp.htm](https://www.nps.gov/pore/learn/management/planning_giacomini_wrp.htm)

The leaseholder of C Ranch, Jim Spaletta, belongs to yet another prominent ranching family, whose 772-acre West Petaluma property was brought into easement by MALT for \$2.5 million in 2009,<sup>50</sup> but which is currently for sale for \$6.3 million. The leaseholder of G Ranch, Kevin Lunny, also owns a locally well-known paving company. So, the leaseholders of many of the ranches we know about seem to be doing alright. But the leaseholder of I Ranch, Robert McClure, recently announced he would close his dairy in the park. It may be that certain of the PRNS ranch operators are, nonetheless, struggling. If so, given the subsidies and services provided by the NPS, the question arises as to how much help the taxpayer will continue to give failing businesses.

## Myth of Popularity

It is a common claim that the public, who owns the national seashore, likes the ranches there. Rep. Huffman described Point Reyes as “a unique mosaic which most people love pretty much the way it is,”<sup>51</sup> and frequently casually repeats the assertion, without proffering any data.

But we do have data. As part of the scoping process for the GMPA, the park Service was legally obliged under NEPA to accept public comments on the Plan. More than 7,600 comments were received in August and September of 2019. They are available online from the NPS.<sup>52</sup> An analysis of the comments done by the Resource Renewal Institute<sup>53</sup> showed that over 91% (6,969) of the 7,627 respondents opposed the preferred plan (Alternative B) on various grounds. Of all public comments which endorsed any specific plan explicitly (1,859), over 94% (1,751) endorsed the plan that removes ranching altogether (Alternative F). The report also notes that the comments convey a strong sense of betrayal and cynicism regarding the perceived misuse of public lands, cruelty to wildlife, allegiance to commerce and politics over commonwealth, and shortsightedness with respect to climate change and endangered species.

Additional data exists in the form of the public comments received by the California Coastal Commission (CCC), which on April 22, 2021, after 12 hours of debate, voted 5-4 to conditionally approve the aforementioned Alternative B.<sup>54</sup> Ahead of this meeting, the Commission received about 45,000 comments, 99% of which were against Alternative B. (If you omit form letters, it is 95%, but then if you remove letters of support from the ranches themselves, it's 98% again.)

Lastly, when the Argus-Courier, a weekly newspaper in Petaluma, the epicenter of local livestock, asked whether cows belong in Point Reyes, 80% said no.

In a meeting with In Defense of Animals held on October 20, 2020, Congressman Huffman again claimed people like the ranches in Point Reyes, saying, “I know my constituents.” It may be that the Representative spends more time with those in his district tied to ranching and dependent commerce. Or it may just simply be that he needs to update his assessment. The public comments submitted in the scoping process and to the Coastal Commission are especially significant because, as of this writing, they uniquely represent a large body of data regarding public opinion that has emerged *since the publication* of the court-mandated Environmental Impact Statement – in fact, in reaction to it.

In that same meeting, Rep. Huffman indicated he did not doubt the numerical findings of the comments analysis (which is publicly available for critique). He further indicated that, since PRNS is a national park, he did not feel that local opinions should count more than any American's submission (though note there is no geographical analysis

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<sup>50</sup> <https://www.marinij.com/2009/08/15/25-million-deal-by-malt-preserves-petaluma-dairy-ranch/>

<sup>51</sup> Facebook, September 12, 2019

<sup>52</sup> [https://www.nps.gov/pore/getinvolved/planning\\_gmp\\_amendment\\_deis\\_public\\_comments.htm](https://www.nps.gov/pore/getinvolved/planning_gmp_amendment_deis_public_comments.htm)

<sup>53</sup> <https://restoreptreyesseashore.org/comments-to-draft-plan/>

<sup>54</sup> <https://www.marinij.com/2021/04/22/california-coastal-commission-endorses-point-reyes-ranch-elk-plan/>

available to support the claim that local people have any different views than that of the American public at large.) These are two dubious objections to the study's findings that are sometimes expressed.

He did, however, indicate he thought the dataset suffered from self-selection bias, giving the example that whereas he receives hundreds of communications every year asking him to oppose abortion, he receives few or none asking him to support abortion rights. But this is a flawed comparison. Firstly, the entire public was *solicited* for comments in the scoping process, and the mechanism of solicitation contained no perceptible bias (it wasn't communicated in a way that might bias the results.) Secondly, the public was commenting on a way-forward that was explicitly undetermined and *under review* (unlike Huffman's position on abortion). Thirdly, there was just published a *new, systematic relevant publication* (the EIS) that represents *new information* on the issue under review.

It's not surprising to learn that people don't typically write the Congressman and say, "keep up the good work on reproductive rights." But the truly analogous situation would be if he acknowledged a recent study on the societal impacts of abortion, indicated he was in the process of re-examining his position, and asked people to comment. In that case, of course, his received correspondence would have very different contents.

Lastly, it's not clear why Rep. Huffman and other influencers wouldn't amplify the results of the comments analysis, under the understanding that the respondents feel more strongly about it (since they bothered to answer) and on average have more current knowledge about this issue (assuming more of them on-average read the publication on which they were commenting than non-respondents).

In summary, there is finally *new data* available, *everybody* was asked to comment, and everybody had the same *opportunity* to comment. There is no reason to suspect self-selection bias at play. We have significant data regarding the public's view on the proper way forward and the overwhelming majority want ranching ended in PRNS. Especially in the absence of any countervailing data whatsoever, the landslide results should be taken at face value.

## Myth of Local Authority

When the near-monolithic public opposition to ranching in PRNS is cited, one often encounters the retort that the local people actually favor its continuation. Point Reyes is a small community and many of the locals are ranchers themselves or their business associates or long-standing friends and neighbors. But many locals favor its ouster, some publicly and some quietly. The community was painfully divided over the aforementioned closure of Drakes Bay Oyster Company, whose operator is a current rancher in PRNS, and few are eager to sacrifice more social ties and have another fight. The author lives literally adjacent to the park, and I have read angry dismissals of "meddlesome" "urban outsiders" on social media from people whose houses I can literally see through my window. I've been told to move back to Rhode Island, which, while a charming day-dream, would be inconvenient.

Rep. Huffman, for his part, concurs with the populist view on this aspect: it's a *national* park, and therefore it doesn't matter where you live; *any* citizen has the same right to weigh in on the use or misuse of *any* national park, from Denali to Acadia to the Everglades to Joshua Tree.

If what's being said is the local people, especially the local ranchers, know best how to take care of the land, then this is just an appeal to authority, and "a wise man proportions his beliefs to the evidence."

## Myth of Process

This one hasn't been around long enough to earn the stamp "myth" — let's call it a curious claim. In a March 2021 interview with EnviroNews, Rep. Huffman lauded the "incredibly open process" surrounding the GMP update. He

is presumably aware that over 95% of the public comment received by the NPS and California Coastal Commission were against the proposed plan and/or in favor of ending ranching in PRNS. The Coastal Commission, at the end of a 12-hour meeting, eventually rendered a determination of “compliance with conditions” via a 5-4 vote, where all five of the majority reported having received *ex parte* communications from the Representative. The four dissenters were passionate and at times exasperated during the hearing, especially Commissioner Dayna Bochco, who called the treatment of the Tule elk under the proposed plan “cruel.”<sup>55</sup>

In fact, Alternative B bears a striking resemblance to a letter written on June 2, 2014, by the Point Reyes Seashore Ranchers Association, delivered to then-Superintendent Cecily Muldoon and copied California Senators Feinstein and Boxer, Representative Huffman, and certain influential, local politicians.<sup>56</sup> The letter specifies what should be used as the environmental baseline (current day operations), what Park Unit elsewhere should be used as a model (Cuyahoga Valley National Park in Ohio), how long lease renewals should be (20 years) what should become of the lease succession policy (less restrictive), and what activities should be expanded or newly allowed (poultry, sheep and goats, including guard animals, row crops, retail shops and farm stands, tours, B&Bs, onsite butchering, food-processing, including from produce brought in from elsewhere, cheese-making, et al.) It also characterizes the native Tule elk as an invasive nuisance and implies that “overpopulated elk” may transfer Johnne’s disease to cattle, when it is well known that the domestic livestock are from where the elk contracted the disease originally. The disease in the elk, incidentally, makes their relocation difficult and strengthens the case for culling them over any more humane or ecologically sound ways forward.<sup>57</sup>

In response to that letter, the NPS not only obediently translated all of these brazen requests into elements of the “preferred” Alternative B, but in January of 2021, dutifully installed a new Superintendent of PRNS, Craig Kenkel, the former Superintendent of Cuyahoga Valley National Park, another on the short list of national park units which incorporates for-profit, private use of public lands and which utilized federal sharpshooters to cull deer populations, which is the likely fate awaiting scores of Tule elk in PRNS. Superintendent Kenkel was named last November by scandal-ridden extraction and agriculture lobbyist-cum-Trump Interior Secretary David Bernhardt and appears to be handpicked in the background by the ranchers.

This letter also asked NPS to nominate the ranches in PRNS for registry in the National Register of Historic Places, which they did in 2017, (it was approved in 2018) after first withdrawing a similar application for the same for an indigenous archaeological district related to the Miwok history and sites in the park. That application was originally made in 2008 but for some reason never got approved.<sup>58</sup>

On the other side of the issue, the public, including three membership-funded environmental groups, had to sue the federal government into doing any sort of process whatsoever in the first place.<sup>59</sup> They then wrote tens of thousands of critical comments and objections to the relevant administrators, have staged multiple rallies and demonstrations, including in the park itself and at Rep. Huffman’s San Rafael office, and now are petitioning Interior Secretary Haaland to intervene. Rep. Huffman pre-screens questions at his town hall meetings, and Superintendent Kenkel met once with a concerned-citizens’ coalition but has since reneged on a promise to meet again with the group, saying he does not have time until after the decision is finalized.

Lastly on this topic, the Coast Miwok Tribal Council of Marin, who represents the traditional inhabitants of the Point Reyes area, sent a letter to Interior Secretary Deb Haaland on June 3, 2021, calling the preferred plan a travesty and pointing out that in 2015, the NPS withdrew a 2008 proposal to add PRNS to the National Historic Register as an Indigenous Archeological District and replaced it with a proposal to instead add a Historic Dairy Ranching District. The former proposal would have honored the 10,000+ year sustainable practices of the Miwok people and was allowed to languish for 7 years until withdrawn. The latter proposal honors the 170-year

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<sup>55</sup> <https://www.northbaybusinessjournal.com/article/article/california-coastal-commission-approves-point-reyes-park-cattle-grazing-elk/>

<sup>56</sup> <https://www.rri.org/Lawsuit/Ranchers%20Association%20CRMP%20Scoping%20Comments.pdf>

<sup>57</sup> <https://www.pointreyeswild.org/tule-elk>

<sup>58</sup> <https://www.ptreyeslight.com/article/tribal-council-seeks-protection-miwok-sites>

<sup>59</sup> [https://www.biologicaldiversity.org/news/press\\_releases/2016/point-reyes-02-10-2016.html](https://www.biologicaldiversity.org/news/press_releases/2016/point-reyes-02-10-2016.html)

legacy of extractive European Colonial practices and was approved in October 2018, after the NPS was sued to update its ranching general management plan and before publication of the draft plan, which coincidentally stressed the historic and cultural value of the cattle operations.<sup>60 61 62</sup>

Rather than participating in a democratic, “incredibly open” process, concerned citizens, environmental groups, animal rights activists and Native American Tribes — in other words, the people — are being “participated.”

## Current Situation

The final decision is due by July 14, 2021. NPS has given no indication that it will be anything but the “preferred” Alternative B. As mentioned, the oldest and largest dairy in PRNS has recently announced it is shutting down. But the leaseholder is renegotiating his lease and has indicated he will keep some number of cattle there even without an operational dairy. This means the NPS’s succession policy, which indicates offering unrenewed leases to other ranch operators, and if no takers, only then convening a public process for a way forward, remains dormant, blocking anything like a restoration on the highly impacted acreage.

Local environmental groups nonetheless plan to propose rewilding projects for the 1,076 acre I Ranch. Such an effort could be a dry run for the many similar restorations that inevitably lie ahead, a pilot under which participants could develop an equitable, democratic, science-based and repeatable process for future efforts, and could frame and begin to answer questions such as how best to rehabilitate the soil post-cattle, how the indigenous Tule elk might function to renew native flora, how traditional Miwok land management practices could regulate fire fuel, how a financial model for restoration might repurpose the current ranch subsidies for public good, and more generally which interventions and to what extent they are necessary to successfully rewild a defunct ranch in this biome. The pilot could identify other questions that are not now apparent and put them on the docket.

What stands in the way? Photographer Ansel Adams said, “It is horrifying that we have to fight our own government to save the environment.” Livestock agriculture is undeniably exacerbating the climate and extinction crises while dairy is dying all over the headlines. The death throes of the industry begin to harmonize with the death throes of the planet. Adams’s cohort David Brower, the first executive director of the Sierra Club and one of the driving forces behind the formation of the seashore, said, “Polite conversationalists leave no mark save the scars upon the Earth that could have been prevented had they stood their ground.” Our job now is to contact Interior Secretary Haaland ( [Deb\\_Haaland@ios.doi.gov](mailto:Deb_Haaland@ios.doi.gov)) and Rep. Huffman (415-258-9657), and implore them to intervene on behalf of wilderness. Otherwise, the fate of Point Reyes is likely with the courts.

## Conclusion

Jawaharlal Nehru, the first Prime Minister of India, had no reason to apologize to Dorothy L. Sayers (who said facts run away like cows) when he said, “Facts are facts and will not disappear on account of your likes.”

None of the claims treated above has been supported and all of them may be unsupportable; they are myths or at best bald assertions. Those with money at stake should probably be recused from the debate, or at least should bear a commensurate burden of proof and have their arguments appropriately scrutinized (ditto for in-tow politicians).

As we all know from personal experience and from introspection, people are loath to change their minds. In other words, one *could* cling to the myth of stewardship despite the plain indictments of the EIS (and notwithstanding

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<sup>60</sup> <https://biologicaldiversity.org/w/news/press-releases/coast-miwok-tribe-objects-to-point-reyes-ranching-elk-killing-plan-2021-06-15/?fbclid=IwAR2IvU5UnOkcpojeswcakTMrdxloFCNzw7200I-aGi52dZ9VUiiIGR5zqAU>

<sup>61</sup> <https://pacificsun.com/tamal-huye-coast-miwoks-fight-for-recognition-of-point-reyes-indigenous-history/>

<sup>62</sup> [https://www.nps.gov/pore/learn/news/newsreleases\\_20181113\\_ranches\\_national\\_register\\_of\\_historic\\_places.htm](https://www.nps.gov/pore/learn/news/newsreleases_20181113_ranches_national_register_of_historic_places.htm)



the climate and extinction crises). One *could* preserve the myth of perpetuity based on unsubstantiated assertions and post-hoc revisions of Congress' intent. Further, it's easy enough to assume that NPS's habit of renewing leases entails their legality (and not lose sleep over what this precedent may mean for other national parks). And maybe it passes unnoticed to some when we privilege recent, white history over those of the displaced and marginalized. Et cetera.

But if we're honest and attentive, we'll admit that eight or ten failed defenses do not add up to even one successful one. None of these justifications sticks to the wall of public outrage. The science, public opinion, the law, and any unbiased assessment of social justice all require that ranching end in PRNS and the park become what a national park is meant to be: a refuge for beleaguered wildlife, a recognition of traditional stewardship, a retreat for citizens whose daily experience is otherwise bereft of nature, and a small respite against the seemingly inexorable collapse of our once-healthy planet.

## Additional References

- The 1916 Organic Act – <https://www.nps.gov/foun/learn/management/upload/1916%20ACT%20TO%20ESTABLISH%20A%20NATIONAL%20PARK%20SERVICE-5.pdf>
- 1962 Founding Legislation: <https://www.govtrack.us/congress/bills/87/s476/text>
- 1976 Amendment: <https://www.govtrack.us/congress/bills/94/hr8002/text>
- 1978 Amendment: <https://www.govtrack.us/congress/bills/95/s791/text>
- The regenerative ranching racket. <https://theecologist.org/2021/jun/14/regenerative-ranching-racket-0>
- Close to Home: A land grab at Point Reyes. <https://www.pressdemocrat.com/article/opinion/close-to-home-a-land-grab-at-point-reyes/>
- Managing a Land in Motion: An Administrative History of Point Reyes National Seashore [https://www.nps.gov/parkhistory/online\\_books/pore/admin.pdf](https://www.nps.gov/parkhistory/online_books/pore/admin.pdf)
- [Ranching on the Point Reyes Peninsula. A History of the Dairy and Beef Ranches Within Point Reyes National Seashore. Author Dewey Livingston.](https://www.nps.gov/parkhistory/online_books/pore/ranching.pdf) [https://www.nps.gov/pore/getinvolved/planning\\_gmp\\_amendment\\_feis.htm](https://www.nps.gov/parkhistory/online_books/pore/ranching.pdf)
- General Management Plan Amendment: Final Environmental Impact Statement: [https://www.nps.gov/pore/getinvolved/planning\\_gmp\\_amendment\\_feis.htm](https://www.nps.gov/pore/getinvolved/planning_gmp_amendment_feis.htm)
- General Management Plan Amendment: Draft Environmental Impact Statement: Public Comments: [https://www.nps.gov/pore/getinvolved/planning\\_gmp\\_amendment\\_deis\\_public\\_comments.htm](https://www.nps.gov/pore/getinvolved/planning_gmp_amendment_deis_public_comments.htm)
- Restore Point Reyes National Seashore. Public Comments Analysis Overview <https://restoreptreyesseashore.org/comments-to-draft-plan/>
- Restore Point Reyes National Seashore. Facts and Myths: <https://restoreptreyesseashore.org/facts-vs-myths/>
- Restore Point Reyes National Seashore. Ranching by the Numbers at Point Reyes National Seashore; A Review of Public Lands Ranching Managed by Point Reyes National Seashore: <https://restoreptreyesseashore.org/by-the-numbers/>
- Huffman To Park Service: Provide Needed Flexibility to Point Reyes Agriculture: <https://huffman.house.gov/media-center/press-releases/huffman-to-park-service-provide-needed-flexibility-to-point-reyes-agriculture>
- House Approves Huffman Bill On Sustainable Management of the Point Reyes National Seashore: <https://huffman.house.gov/media-center/press-releases/house-approves-huffman-bill-on-sustainable-management-of-the-point-reyes-national-seashore>

- Drakes Bay Oyster Company Special Use Permit Environmental Impact Statement: [https://www.nps.gov/pore/learn/management/planning\\_dboc\\_sup.htm](https://www.nps.gov/pore/learn/management/planning_dboc_sup.htm)
- Ranch Comprehensive Management Plan: Ranching and Dairying Lease/Permits: [https://www.nps.gov/pore/getinvolved/planning\\_ranch\\_cmp\\_leases\\_permits.htm](https://www.nps.gov/pore/getinvolved/planning_ranch_cmp_leases_permits.htm)
- <https://www.restoreptreyeseashore.org/ptreyes-pdfs/2001-07-12-Biological%20Assessment%20for%20for%20Grazing%20Permits.pdf>
- Tamál Húye: Coast Miwoks Fight for Recognition of Point Reyes' Indigenous History. Author Peter Byrne. [https://pacificsun.com/tamal-huye-coast-miwoks-fight-for-recognition-of-point-reyes-indigenous-history/?fbclid=IwAR1k5b3PUFBpCZ069tkAzkF\\_DQZgEsw5OB0nlfqQQpYIIO-pjB2B1z4Z3ig](https://pacificsun.com/tamal-huye-coast-miwoks-fight-for-recognition-of-point-reyes-indigenous-history/?fbclid=IwAR1k5b3PUFBpCZ069tkAzkF_DQZgEsw5OB0nlfqQQpYIIO-pjB2B1z4Z3ig)
- Apocalypse Cow: The Future of Life at Point Reyes National Park. Author Peter Byrne. <https://www.counterpunch.org/2020/12/11/apocalypse-cow-the-future-of-life-at-point-reyes-national-park/>
- Park Service Pushes Back on 'Apocalypse Cow:' [https://bohemian.com/park-service-pushes-back-on-apocalypse-cow/?fbclid=IwAR2cYX3U2E5BdGPFuAfuJGF2\\_wvQ8ZO1d4r1s-RqHB6dQ9zIpyChN7-FeCU](https://bohemian.com/park-service-pushes-back-on-apocalypse-cow/?fbclid=IwAR2cYX3U2E5BdGPFuAfuJGF2_wvQ8ZO1d4r1s-RqHB6dQ9zIpyChN7-FeCU)
- "Apocalypse Cow:" Point Reyes National Seashore Launches a Propaganda War Targeting Independent Journalism. Author Erik Molvar. <https://www.counterpunch.org/2021/02/22/apocalypse-cow-point-reyes-national-seashore-launches-a-propaganda-war-targeting-independent-journalism/>
- Point Reyes: Planning or Performance. Author Ken Bouley. <https://baynature.org/2021/01/07/point-reyes-planning-or-performance/>
- Point Reyes National Something-or-Other. Author Ken Bouley. <https://www.thewildlifeneeds.com/2021/03/18/point-reyes-national-something-or-other/>
- Trump's fix is in on Point Reyes. Author Erik Molvar. <https://www.thewildlifeneeds.com/2019/10/31/trumps-fix-is-in-on-point-reyes/>
- 250 Native Elk Die Inside Fenced-in Area at Point Reyes National Seashore. Author Jeff Miller. [https://www.biologicaldiversity.org/news/press\\_releases/2015/tule-elk-04-16-2015.html](https://www.biologicaldiversity.org/news/press_releases/2015/tule-elk-04-16-2015.html)
- H. Rept. 116-9 - Making Further Continuing Appropriations for the Department of Homeland Security for Fiscal Year 2019, and for Other Purposes. <https://www.congress.gov/congressional-report/116th-congress/house-report/9/1?overview=closed>.

Relevant quote: "Point Reyes National Seashore.--The Conferees note that multi-generational ranching and dairying is important both ecologically and economically for the Point Reyes National Seashore and the surrounding community. These historic activities are also fully consistent with Congress's intent for the management of Point Reyes National Seashore. The Conferees are aware that the Service is conducting a public process to comply with a multi-party settlement agreement that includes the preparation of an environmental impact statement to study the effects of dairying and ranching on the park. The Conferees strongly support the inclusion of alternatives that continue ranching and dairying, including the Service's Initial Proposal to allow existing ranch families to continue ranching and dairying operations under agricultural lease/permits with 20-year terms, and expect the Service to make every effort to finalize a General Management Plan Amendment that continues these historic activities."