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GMP Amendment c/o Superintendent  
Point Reyes National Seashore  
1 Bear Valley Road  
Point Reyes Station, CA 94956


September 23, 2019

RE: Draft Environmental Impact Statement for a General Management Plan Amendment, Point Reyes National Seashore and North District of Golden Gate National Recreation Area, Marin County, California

Dear Superintendent,

Western Watersheds Project, Resource Renewal Institute, Conservation Congress, Wilderness Watch, Sequoia ForestKeeper, ForElk, White Shark Video/Shame of Point Reyes, John Muir Project, Ban Single Use Plastics, Defense of Place, Ballona Institute, and the
undersigned individuals (“conservation organizations and individuals”) submit these comments on the General Management Plan Amendment Draft Environmental Impact Statement (“Draft EIS,” or “DEIS”) for Point Reyes National Seashore (“PRNS” or “National Seashore”) and Golden Gate National Recreation Area (“GGNRA”) (collectively, “the Parks”), which addresses the future of 28,000 acres of park lands currently leased for 18 beef cattle ranches and 6 dairies.

Western Watersheds Project is a non-profit conservation organization with more than 9,500 members and supporters, many of whom reside in California. Our mission is to protect and restore western watersheds and wildlife through education, public policy initiatives and legal advocacy. Western Watersheds Project and its staff and members use and enjoy the public lands and their wildlife, cultural and natural resources for health, recreational, scientific, spiritual, educational, aesthetic, and other purposes.

Since 1985, Resource Renewal Institute has facilitated the creation, development, and implementation of practical strategies to solve environmental problems in a comprehensive framework. With over fifty years of experience in business, government, and nonprofit sectors, RRI founder Huey D. Johnson favors a diverse focus on many environmental issues.

The Conservation Congress is a grassroots 501(c)3 nonprofit conservation organization incorporated in the state of California in 2004. We work to protect National Forest lands and native wildlife in northern California. The Conservation Congress is part of Voices for Public Lands (VPL), an informal coalition of public lands conservation groups united by a commitment to the values enumerated in VPL's Declaration of Principles for Public Lands. We believe these public lands that are owned by the American people and paid for with taxpayer dollars should have a strong public voice. Therefore, Conservation Congress especially provides a voice for the voiceless – the wildlife, trees, water and the interconnected ecosystems that cannot speak for themselves.

Wilderness Watch is the leading national organization whose sole focus is the preservation and proper stewardship of lands and rivers included in the National Wilderness Preservation System (NWPS). The organization grew out of the concern that while much emphasis is being placed on adding new areas to these systems, the conditions of existing Wilderness and rivers are largely being ignored. We believe that the stewardship of these remarkable wild places must be assured through independent citizen oversight, education, and the continual monitoring of federal management activities. Wilderness Watch is committed to citizen oversight, public education and when necessary, legal and legislative action, to protect America’s finest environmental legacy for present and future generations.

Sequoia ForestKeeper’s (SFK) mission is to protect and restore the ecosystems of the southern Sierra Nevada – including both Sequoia National Forest and the Giant Sequoia National Monument – through monitoring forest conditions, awareness of laws, education, and litigation. By acting as the eyes, ears, and voice of the forest, SFK seeks to improve land management practices, to promote land stewardship, to enforce existing laws and regulations, to implement public awareness programs, to offer assistance to local land management agencies, and to save natural forest ecosystems.
For Elk is a volunteer grassroots organization organizing to save the tule elk of Point Reyes national Seashore.

White Shark Video/Shame of Point Reyes is a documentary project on Point Reyes National Seashore by independent film-maker Skyler Thomas.

John Muir Project of Earth Island Institute is dedicated to the ecological management of our federal public forestlands. Our goal is to ensure that these lands are managed to provide optimal ecological conditions to support and restore the full complement of native biodiversity in these forest ecosystems, which have been severely degraded and damaged by decades of commercial logging and suppression of wildland fires.

Many individuals who value Point Reyes National Seashore, Golden Gate National Recreation Area, the tule elk, native wildlife, and our public lands, helped us with these comments by collecting information and photographs, and offering their expert advice.

I, Laura Cunningham, am a biologist specializing in historical ecology and native California grasslands, and so I have a keen interest in protecting and restoring the coastal prairies and other native plant communities in the planning area. I have made three extensive field visits to the ranching area in 2018 and 2019, so I have personal knowledge of the area. I participated in the previous steps in this planning process by sending in scoping comments to the EIS. I have read the entire DEIS, as well as other related documents such as the 2019 Grazing Plan and the 2019 Natural Resources Condition Assessment.

We would also point out that the manner in which public comments are allowed to be sent to NPS for this project are unusually restrictive in our experience with federal agency public lands projects. Form letter comments that include individual names and often also additional hand-written comments are not accepted, even when hand-written sentences are added to a form. Hundreds of public comments have thus been rejected.

In addition, the clunky comment form window removes formatting of comment documents and also deletes footnotes. Therefore, we are adding footnotes parenthetically into the main body of the text. NPS should accept emails with attachments, as well as accept and at least count form comments, in order to fully involve the public as required by the National Environmental Policy Act.

**These are the major items we will be covering in our comment letter:**


16 U.S. Code § 459c. Point Reyes National Seashore; purposes; authorization for establishment.

16 U.S. Code Subchapter LXXXVI—Golden Gate National Recreation Area Establishment.

NPS Management Policies.

National Historic Preservation Act

A. Ongoing Impairment of Native Coastal Prairies

B. Ongoing Impairment to Native Wildlife and Habitats.

II. The Preferred Alternative and the Draft EIS Violate the National Environmental Policy Act.

A. The Purpose and Need Is Impermissibly Narrow and Inconsistent With NPS Purposes and Goals.
B. The Draft EIS Is Too Broad and Vague In Its Analysis.
C. The Draft EIS Fails to Analyze and Disclose the Effects of Foreseeable Future Actions Because It Defers the Relevant Management Plans to an Unspecified Future Process.
D. The Draft EIS Fails to Take a Hard Look at the Issues with Manure Management and Fecal Contamination Leading to Impairment of Natural Resources.
E. The Draft EIS Contains an Inadequate Range of Alternatives.
F. The Draft EIS Fails to Take a Hard Look at the Ecological Benefits of Reintroduction of Native Predators.
G. The Draft EIS Fails to Adequately Assess and Disclose the Baseline Conditions of the Project Area.
H. The Draft EIS Fails to Take a Hard Look at the Impacts of Proposed Ranching Alternatives on Wildlife.
I. The DEIS fails to Take aHard Look at the Impacts of Proposed Ranching Alternatives on Mammals.
J. The DEIS fails to take a hard look at the Impacts of Proposed Ranching Alternatives on Birds.
K. The DEIS Fails to Take a Hard Look at Impacts of Proposed Ranching Alternatives on Amphibians.
L. The DEIS Fails to Take a Hard Look at Impacts of Proposed Ranching Alternatives on Salmonids.
M. The DEIS Fails to Take a Hard Look at Impacts of Proposed Ranching Alternatives on Invertebrates.
N. Significant Impacts to Water Quality and Water Bodies Are Not Fully Analyzed.
O. Important Proposed Policies Were Not Given Their Due ‘Hard Look’ Under NEPA.
P. The DEIS Fails to Take a Hard Look at Impacts to Public Recreation and Inspiration.
Q. The DEIS Fails to Take a Hard Look at Impacts to Wilderness.
III. The Definition of National Historic Places is Too Narrow Under NHPA.

IV. Conclusion.

We support Alternative F, including the permanent removal of beef and dairy ranching from Point Reyes National Seashore (PRNS), dismantling of all internal fences (including the Tomales Point enclosure fence), and allowing the natural expansion of free-ranging tule elk herds to fill all available habitat on PRNS and Golden Gate National Recreation Area (GGNRA). In addition, the General Management Plan should include restoration of native coastal prairie and other native vegetation types, and elimination of non-native weeds. Current management allows the planting of non-native vegetation (DEIS at 22), and this is unacceptable on a National Park Service (NPS) unit whether for silage production, site restoration, or any other purpose.

The ranches occupy nearly a quarter of the park lands, yet the intent behind the creation of the parks was never to support private ranching activities in perpetuity. In the 1960s and 70s, the federal government, through the American taxpayers, paid ranch owners over $57 million to purchase the ranches, for the benefit and enjoyment of the public and protection of natural resources. There is simply no proof Congress intended in 1962 that ranching would go on forever.

The 1978 amendment to the enabling legislation by Congress provided that the Secretary could lease for ranching where appropriate in his discretion, after the 25 years or life estate, as long as the ranches do not impair resources. The 1978 reservation language applied to ranchers and homeowners. But the 1978 language makes it very clear that any leasing to a rancher is conditional on there being no impairment of natural resources.

“Such lease shall be subject to restrictive covenants…” (16 U.S.C. Sec. 318b)

In our scoping comments of November 29, 2018 (attached hereto: Western Watersheds Project et al. 2018, Attachment 27), and as detailed in these comments to the Draft EIS, we have provided the Park Service with numerous examples of impairment, both in the past (from Freedom of Information Act documents), in the last few years, and ongoing. All of the filings from the complaint filed February 10, 2016 (Resource Renewal Institute, Center for Biological Diversity, and Western Watersheds Project v. National Park Service), which are in NPS’ possession already and should be part of the record for this plan. The ongoing grazing at Point Reyes National Seashore and Golden Gate National Recreation Area ranches violates any restrictive covenants and ranching is obviously not appropriate in National Park Service lands where impairment of natural resources, degradation of cultural resources, and even the health of visitors is put at risk by poor water quality. Therefore, the NPS must make Alternative F its management plan for the planning area in order to protect and restore these park resources.

We object to the preferred alternative for the following reasons:

**National Park Service Organic Act 16 U.S.C. § 1.**

All plans and management actions approved by the National Park Service (“Park Service” or “NPS”) must comply with the agency’s Organic Act, as amended. This legislation states,

[The National Park Service] shall promote and regulate the use of the Federal areas known as National Parks, monuments, and reservations hereinafter specified… by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life 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.


The Organic Act mandates that NPS provide the highest level of protection: to leave park resources unimpaired for future generations. 54 U.S.C. §100101 (originally codified at 16 U.S.C. § 1). This is distinctly different from the "multiple use" missions and mandates of other federal land management agencies,

Furthermore,

Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined in section 1c of this title, shall be consistent with and founded in the purpose established by section 1 of this title [the Organic Act provision quoted above], to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.

16 USC § 1a-1.

The NPS has a narrow mandate "...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." (1916 Organic Act, 16 USC 1).
In this National Park Service founding statute, it is made clear: "...no natural curiosities, wonders, or objects of interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public: Provided, however, That the Secretary of the Interior may, under such rules and regulations and on such terms as he may prescribe, grant the privilege to graze livestock within any National Park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created..." (1916 Organic Act, 16 USC 3. Emphasis added).

A significant amendment to the Organic Act is the 1978 Redwoods National Park Expansion Act. The Redwoods Act amendments, which expanded Redwood National Park to address the impacts of resources from logging outside the park, also amended the Organic Act. The amended provision states that all park management activities shall be:

[C]onducted in light of the high public value and integrity of the National Park System and not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.


This amendment reaffirms the mandate set forth in the Organic Act and directs the National Park Service to manage park lands in a manner that would not degrade park values.


16 U.S. Code § 459c. Point Reyes National Seashore; purposes; authorization for establishment

The legislation that established PRNS provides, in pertinent part, as follows:

§ 459c-6. Administration of property

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

Except as otherwise provided in sections 459c to 459c-7 . . . the property . . . shall be administered by the Secretary without impairment of its natural values, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with . . . the maximum protection, restoration, and preservation of the natural environment within the area . . . .


This makes clear that, like the Organic Act, the Park Service is required to manage the Seashore in such a way as to not cause “impairment of its natural values.” The law goes on to state that even traditional uses of national parks, such as “recreational, educational, historic preservation,
interpretation, and scientific research opportunities” are allowable [only] to the extent “consistent with . . . the maximum protection, restoration, and preservation of the natural environment within the area . . . ” (Id.). The highest priority is to not impair natural values. Recreation, education, historic preservation, etc. are all subject to that highest priority, not equal to it.

16 U.S. Code Subchapter LXXXVI—Golden Gate National Recreation Area Establishment.

The GGNRA legislation provides, in pertinent part, as follows:

§460bb – Establishment

In the management of the recreation area, the Secretary . . . shall utilize the resources in a manner which will provide for recreation and educational opportunities consistent with sound principles of land use planning and management. In carrying out the provisions of this subchapter, the Secretary shall preserve the recreation area, as far as possible, in its natural setting, and protect it from development and uses which would destroy the scenic beauty and natural character of the area.


NPS Management Policies.

NPS defines "impairment" as any authorized activity that "would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values." NPS Management Policies § 1.4.5 (2006, Attachment 21). To ensure that an authorized activity will not violate the non-impairment mandate, NPS must determine the activity will not impair park values or resources prior to authorizing the activity. See, e.g., Sierra Club v. Maiella, 459 F. Supp. 2d 76, 103 (D.D.C. 2006).

In 2006, NPS updated its nation-wide Management Policies and established a precautionary approach to ensure no impairment of park resources. Rather than merely prevent the impairment of park resources, the 2006 Management Policies require NPS to prohibit "uses that would cause unacceptable impacts." NPS Management Policies § 1.4.7.1 (2006). Under the Park Service's policies,

unacceptable impacts are impacts that, individually or cumulatively, would be inconsistent with a park's purposes or values, or impede the attainment of a park's desired future conditions for natural and cultural resources as identified through the park's planning process . . . or diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values . . . .

Id.
As an official interpretation of the Organic Act's non-impairment mandate, § 1.4 of the Park Service's Policies have been held to be enforceable against the agency. *Greater Yellowstone Coal. v. Kempthorne*, 577 F. Supp. 2d 183, n. 1 (D.D.C. 2008).

The NPS Management Policies further elucidate that the “Derogation” and “Impairment” standards, which NPS must not violate, are a single standard:

The Senate committee report stated that under the Redwood amendment, “The Secretary has an absolute duty, which is not to be compromised, to fulfill the mandate of the 1916 Act to take whatever actions and seek whatever relief as will safeguard the units of the National Park system.” So, although the Organic Act and the General Authorities Act, as amended by the Redwood amendment, use different wording (“unimpaired” and “derogation”) to describe what the National Park Service must avoid, they define a single standard for the management of the National Park system—not two different standards. For simplicity, Management Policies uses “impairment” (or a variation thereof), not both statutory phrases, to refer to that single standard.

NPS Management Policy § 1.4.2.

The non-impairment standard applies specifically to the purposes for which the park unit was created, and the resources it protects:

The fundamental purpose of the National Park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. This mandate is independent of the separate prohibition on impairment and applies all the time with respect to all park resources and values, even when there is no risk that any park resources or values may be impaired. NPS managers must always seek ways to avoid, or to minimize to the greatest extent practicable, adverse impacts on park resources and values. However, the laws do give the Service the management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impact does not constitute impairment of the affected resources and values.

NPS Management Policy § 1.4.3, emphasis added. NPS must fulfill the "fundamental purpose" of the National Park System, which is to "conserve park resources and value" and provide "for the enjoyment of park resources and values by the people of the United States." NPS Management Policies § 1.4.3 (2006).

See also Attachment 24 (Ross 2013).

The Park Service is directed to further distinguish between uses mandated in the enabling legislation for that Park unit, and those uses merely authorized:
In the administration of mandated uses, park managers must allow the use; however, they do have the authority to and must manage and regulate the use to ensure, to the extent possible, that impacts on park resources from that use are acceptable. In the administration of authorized uses, park managers have the discretionary authority to allow and manage the use, provided that the use will not cause impairment or unacceptable impacts. In determining whether or how to allow the use, park managers must consider the congressional or presidential interest, as expressed in the enabling legislation or proclamation, that the use or uses continue.

NPS Management Policy § 1.4.3.1.

Even when a park's enabling legislation mandates particular uses, NPS has "the authority to and must manage and regulate the use to ensure, to the extent possible, that impacts on park resources from that use are acceptable." Id. § 1.4.3.1.

Park “resources and values” subject to the “non-impairment” standard include “the park’s scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals…." NPS Management Policy § 1.4.6. Opportunities for the public to experience, enjoy, and be inspired by these resources and values is also key to the “non-impairment” standard.

The Park Superintendent has a legally-binding responsibility to determine (1) the extent to which activities and uses (in this case, both beef cattle and dairy cattle ranching) are either mandated or authorized for Point Reyes National Seashore, and the extent to which these uses and activities are causing impairment for the resources for which Point Reyes National Seashore was established, per its enabling legislation as amended.

The Park Service may issue regulations that allow the agency to “grant the privilege to graze livestock” within a System unit, such as Point Reyes, but only when the “use is not detrimental to the primary purpose for which” that System unit was created. 54 U.S.C. § 102101(a)(2) (previous version at 16 U.S.C. § 3). Subsequently, the Park Service issued regulations in 1983 that prohibit livestock grazing for agricultural purposes within System units, unless a) specifically authorized by Federal statute, b) required under a reservation of rights, or c) designated as a necessary and integral part of a recreational activity or as required to maintain a historic scene. 36 C.F.R. § 2.60(a). These exceptions do not apply on Point Reyes National Seashore.

Perhaps most germane to this planning process,
Before approving a proposed action that could lead to an impairment of park resources and values, an NPS decisionmaker must consider the impacts of the proposed action and determine, in writing, that the activity will not lead to an impairment of park resources and values. If there would be an impairment, the action must not be approved.

NPS Management Policy § 1.4.7.

This written determination is subject to Administrative Procedures Act prohibitions on decisions that are arbitrary, capricious, or otherwise an abuse of agency discretion. The Park Superintendent must connect the facts found with the decisions made. This section also specifies that agency decisionmakers must identify “unacceptable” impacts that may not rise to the level of “impairment,” and prevent these as well. Id. For the purposes of NPS policy, in relevant part, “unacceptable impacts are impacts that, individually or cumulatively, would

- be inconsistent with a park’s purposes or values, or
- impede the attainment of a park’s desired future conditions for natural and cultural resources as identified through the park’s planning process, or
- create an unsafe or unhealthful environment for visitors or employees

Id.

The Park Superintendent must also work to meet the non-discretionary standard for Improving Resource Conditions:

The Service will also strive to ensure that park resources and values are passed on to future generations in a condition that is as good as, or better than, the conditions that exist today. In particular, the Service will strive to restore the integrity of park resources that have been damaged or compromised in the past.

NPS Management Policy § 1.4.7.2.

Another regulation promulgated pursuant to agency authority under the Organic Act requires NPS to prohibit livestock use in National Park System units except:

1. As specifically authorized by Federal statutory law; or
2. As required under a reservation of rights arising from acquisition of a tract of land; or
3. As designated, when conducted as a necessary and integral part of a recreational activity or required in order to maintain a historic scene.

36 C.F.R. 2.60(a).

The Park Service’s 2006 Management Policies declare that the agency “will phase out the commercial grazing of livestock whenever possible.” NPS Management Polices § 4.4.4.1. These
policies explain that the agency will only allow commercial grazing where it “does not cause unacceptable impacts on park resources and values.” Id. at § 8.6.8.2.

The preferred alternative, and the continued livestock grazing operations within the PRNS and GGNRA violates the NPS Organic Act, the GGNRA legislation, and the Point Reyes legislation, Park Service policy and the agency’s “non-impairment” standard for a variety of park resources ranging from tule elk to water quality to native coastal grasslands. In the case of Point Reyes National Seashore, livestock operations have heavily impaired numerous park resources, and the Park Service has an affirmative obligation to restore the integrity of those resources that have been damaged.

The draft EIS indicates that neither the stated purposes of the two parks (Point Reyes National Seashore and Golden Gate National Recreation Area), or the stated desired conditions for the parks say anything about ranching in perpetuity. Point Reyes National Seashore was established in 1962 by Public Law 87-657, the Point Reyes National Seashore Act for "purposes of public recreation, benefit, and inspiration, a portion of the diminishing seashore of the United States that remains undeveloped." For GGNRA, “In order to preserve for public use and enjoyment certain areas of Marin and San Francisco Counties, California, possessing outstanding natural, historic, scenic, and recreational values, and in order to provide for the maintenance of needed recreational open space necessary to urban environment and planning, the Golden Gate National Recreation Area (hereinafter referred to as the "recreation area") is hereby established.” P.L. 92-589. The document (DEIS at 2) states Point Reyes National Seashore was established for public benefit and inspiration and was designated as a national seashore to protect a rugged and wild coastal peninsula and surrounding waters that connects native ecosystems, enduring human history and recreational, scientific, and educational opportunities. Ranching cannot be done in the planning area if there is impairment of natural resources. We have observed abundant examples of impairment, as detailed throughout this comment and supporting documents. The requirement to protect, restore and preserve the park resources are incompatible with ranching.

The stated purpose of Golden Gate National Recreation Area is to offer National Park experiences to all, including a large and diverse urban population, while preserving and interpreting the outstanding natural, historic, scenic, and recreational values of the park lands. The Draft EIS (at 2 and 3) lists desired conditions that include preservation of ecological function, preservation of native species, management of invasive, non-native species, preservation of cultural resources, and public use and enjoyment/visitor experience such as hiking and wildlife viewing. Desired conditions do not include perpetual ranching. The draft EIS (at 3) explains that in 1976, Congress amended Point Reyes’ legislation: NPS shall administer Point Reyes 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, and based upon, and supportive of the maximum protection, restoration, and preservation of the natural environment within the area” (16 U.S.C. § 459c-6). This further indicates park lands are to be managed with no impairment to their natural values.

Contrary to the park legislation, the Organic Act, and the intention of Congress, beef and dairy grazing and associated farming practices are permanently impairing the natural resources of the park. We provided photographs and descriptions of this impairment in our scoping
comment letter, attached. We adopt these comments and photographs by reference into these comments.

Further examples of impairment of park resources by ranching follow:

Figure 1. Invasive, European bull thistles (*Cirsium vulgare*) in the Point Reyes National Seashore ranch area, where coastal prairie would be. (Photo: Chance Cutrano)

Figure 2. I Ranch (McClure Dairy) on Point Reyes National Seashore by August is almost completely bare of vegetation and grazed down. This was formerly coastal prairie. (Photo: Chance Cutrano)
Figure 3. Confined Animal Feeding Operation (CAFO) on L Ranch, Point Reyes National Seashore, significantly impairing native plants, native coastal prairie, and tule elk. (Photo: Chance Cutrano)

Figure 4. Noxious weed Poison hemlock (*Conium maculatum*) from the Mediterranean region, on grazed land in Point Reyes National Seashore on a dairy, where formerly coastal prairie grew. (Photo: Laura Cunningham)
Figure 5. Dairy cow at L Ranch CAFO, Point Reyes National Seashore. Introduced alfalfa hay and silage is fed to supplement the cattle because the poor range quality of the pastures cannot sustain these large numbers of cattle. (Photo: Laura Cunningham)

Figure 6. Poor quality of the grazed range in the California annual grassland pastures on dairy ranches at Point Reyes National Seashore, formerly coastal prairie plant communities. The stocking rate is too high here, and lack of rest for grassland pastures contributes to impairment of park resources. (Photo: Laura Cunningham)
Figure 7. Industrial commercial dairy near Kehoe Creek, Point Reyes National Seashore. Alfalfa hay is stockpiled in the back of the buildings. The manure and introduced weedy plants are visible here. (Photo: Laura Cunningham)
Figure 8. Dairy operation next to Kehoe Creek in Point Reyes National Seashore, showing pastures infested with weedy poison hemlock, as well as manure trucks parked next to the liquefied dairy manure pond (on the left). This impairs park native plant communities, wildlife, and water quality. (Photo: Laura Cunningham)

Figure 9. Closer view of the liquefied dairy cow manure pond, which stores manure to be spread by truck onto fields and pastures. (Photo: Laura Cunningham)
Figure 10. Manure truck loading liquefied dairy cow manure from holding pond next to Kehoe Creek, Point Reyes National Seashore. (Photo: anonymous)

Figure 11. Dairy truck spreading liquefied cow manure on pastures and fields in Point Reyes National Seashore. Manure runs off land surfaces during winter storms and contributes to lowered water quality in streams, Pacific Ocean beaches, and Tomales Bay. (Photo: anonymous)
Figure 12. Dairy cow on L Ranch Road, Point Reyes National Seashore, causing trampling, heavy loads of manure deposition, and replacement of native deep-rooted coastal prairie bunchgrasses with shallow-rooted annual grasses from Eurasia. (Photo: Laura Cunningham)

Figure 13. Excess cattle manure from beef and dairy operations runs off pastures and into water bodies, causing nutrient loading. This in turn causes blooms of aquatic plants far above natural levels. Pond covered with excess aquatic plant growth, impairing water quality and habitat for amphibians. This should be open water. Point Reyes National Seashore. (Photo: Laura Cunningham)
C. Ongoing Impairment of Native Coastal Prairies

NPS has completely failed to address our scoping comments on our native coastal prairie baseline descriptions and observed impacts (we are incorporating our scoping comments by reference into this comment, as well as including our field notes—Cunningham 2018).

Beef and dairy ranching on Point Reyes National Seashore directly causes and maintains non-native weeds and foreign plant assemblages, particularly in areas with heavy cattle use. Invasive weeds, including but not limited to milk thistle, Italian thistle, poison hemlock, and Italian ryegrass, are present and even dominant across the vast majority of lands used for livestock pasture on Point Reyes. By contrast, native coastal prairie plant assemblages occur only in parts of the National Seashore that seldom if ever are accessed by livestock (see Attachment 7, Cunningham, Point Reyes National Seashore March 18, 2018 field notes). Non-native crops planted for silage, notably wild mustard and wild radish, are invasive weeds that not only destroy the native plant communities where silage is planted and harvested but also invade surrounding lands, and are spreading throughout the National Seashore. NPS’s impact analysis appears biased toward maintaining livestock, arguing that native plants would be harmed by removing livestock (see DEIS at 137), even though the cover of native plants is far greater, and non-native weeds are less prevalent, in the Tomales Point Elk Reserve, which has had no livestock grazing since 1980 and provides a foretaste of what the agricultural areas of Point Reyes would look like if allowed to return to nature. In addition, while NPS impacts analysis forecasts “complete conversion of coastal prairie to coyote brush” in 15-25 years as a possible outcome of livestock removal (DEIS at 139), it is instructive to note that this has not happened on Tomales Point after 40 years post-livestock-removal, where coastal prairie remains a dominant habitat type (see Attachment 7, Cunningham, Point Reyes National Seashore March 18, 2018 field notes). For current conditions, NPS states, “the same level of cattle grazing on approximately 27,000 acres would perpetuate altered vegetation structure, species composition, and biomass production.” DEIS at 125. On Tomales Point, grazed by elk only, native plants are slowly making a comeback from disturbed conditions propagated by Pierce Point Ranch operations, and the cover of native plants in this area is far greater than the cover of native plants on areas still used actively for beef or dairy cattle ranching.

Grazing is potentially harmful to rare native species of plants, and present harmful impacts would be mirrored under the agency’s preferred alternative (DEIS at 133). According to NPS, “Species that would continue to be adversely affected by cattle grazing or trampling include beach layia, coastal marsh milkvetch (Astragalus pycnostachyus), swamp harebell (Campanula californica), Point Reyes ceanothus (Ceanothus gloriosus), Marin checker lily (Fritillaria lanceolata var. tristulis), North Coast phacelia (Phacelia insularis var. continentis), and Point Reyes checkerbloom (Sidalcea calycosa ssp. Rhizomata).” DEIS at 129. Listed plants also are being negatively impacted by livestock:

The other 20% of beach layia occurrences are on remnant dune features in grazed pastures on the B, C, F, and AT&T Ranches, where cattle could directly affect plants through trampling, as well as indirectly via increased weeds associated with grazing disturbance…. Since 2004, the estimated beach layia population in the
park has declined 84% from an estimated 35,893 plants in 2004 to 5,689 plants in 2018 (NPS 2019f). Although beach layia occurrences have increased in areas where coastal dune restoration has occurred (NPS 2019f), those subject to grazing have declined in abundance since 2004 (NPS, Parsons, pers. comm. 2019b).

DEIS at 129. NPS also notes adverse effects from “heavy, poorly managed livestock grazing” on Sonoma alopecurus (DEIS at 130), yet argued that some grazing may be necessary to alleviate competition from native annual grasses. Were 2,000 tule elk, rather than almost 6,000 cattle, to provide the grazing pressure, we believe that the negative effects of livestock grazing would be alleviated, while providing a more modest (and ecologically adaptive) form of grazing to supply the positive benefits. Tidestrom’s lupine is known to be extirpated by livestock grazing, and 15% of the Park’s population is currently in grazed areas. DEIS at 131. Irrespective of whether USFWS makes a finding of jeopardy for listed species, NPS has a responsibility to prevent impairment, which it is not presently doing. These adverse effects of livestock noted above constitute impairment of plant communities.

Some alternatives would permit mowing of coyote brush to favor grasses and forbs. See, e.g., DEIS at 127. NPS should not be in the business of mechanical vegetation treatments to artificially influence the distribution of native species like coyote brush, particularly in cases where the vegetation poised to increase includes non-native weeds. Brush mowing, which is done to increase livestock forage, also kills small mammals. DEIS at 142. This practice violates NPS’s nonimpairment standard. Instead, vegetation treatments should be limited to prescribed fire, which better mimics pre-settlement conditions, when indigenous Miwok peoples set fires to influence vegetation dynamics (Keegan 2012, Attachment 17).

All alternatives except Alternative F will continue unacceptable levels of impact to riparian plant communities. According to NPS,

Cattle are attracted to the shade, green vegetation, and water provided in riparian zones and tend to concentrate in riparian areas; therefore, they would continue to cause direct and indirect damage to riparian vegetation in certain locations (Spiegal et al. 2016). Overuse by cattle can degrade riparian areas by reducing vegetative cover, affecting water quality, and damaging creek banks (Bush 2006).

DEIS at 113.

The present and future degradation of riparian plant communities, which are of elevated ecological importance because they are hotspots of biodiversity, violates the Park Service’s nonimpairment standards.

Concerning range management, the Park Service says:

Recently, NPS contracted with the UC Berkeley Range Ecology Lab to review existing ranch management practices and make recommendations that NPS could consider and incorporate as part of this planning process. Collectively, these guidelines set forth standards and best management practices (BMPs) for ranching operations with the
overall goal of administering the grazed rangelands in the park in a manner that provides for environmental protection and restoration, public recreation opportunities, and a visually aesthetic pastoral scene, while simultaneously permitting ranchers to continue traditional and viable agricultural operations. (EIS at 11)

The NPS is not required or mandated to provide for commercial, for-profit “viable agricultural operations” in a National Park unit. That goes against the legislation that formed PRNS and GGNRA, and Organic Act, as we detailed in our scoping comment.

Having reviewed the UC Berkeley Range Ecology Lab reports (Bartolome et al. 2015, Aoyama et al. 2018), we note that many of the recommendations are not being followed on the ranches, nor are management changes or enforcement mechanisms analyzed in this EIS that would move range conditions towards these recommendations. Plus, these academic recommendations are out-of-date with respect to the latest federal agency range management science.

The 1990 NPS Range Management Guidelines (Attachment 21) using such range measures as Residual Dry Matter (RDM), are considered outdated by other federal agencies such as Bureau of Land Management, and more up-to-date range management concepts and guidelines are used, such as indicators of rangeland health, natural range of variability, disturbance regimes, proper functioning condition, and landscape ecology approaches. Yet NPS is basing its proposed future range management on RDM, as detailed in the DEIS:

The Range Monitoring Handbook (NPS 1990b) outlines monitoring methods to ensure that the standards as set forth in the 1990 Range Management Guidelines are met and incorporated into ranch lease/permits. Specifically, it outlines the methodologies used to assess rangeland vegetation species composition (condition and trend) and conduct residual dry matter (RDM) monitoring. Monitoring is designed to determine range carrying capacities, evaluate the effectiveness of current grazing management in maintaining or improving range resources, and provide baseline data on range plant community successional dynamics. NPS established RDM and vegetation species composition monitoring locations in each ranch or pasture unit between 1986 and 1990, based on the concept of key areas, a widely used rangeland monitoring concept.

DEIS at 11.

For instance, Pellant et al. (2018 at 11, Attachment 23) describe the modernization of range management in the last 20 years:

The science of assessing rangelands changes as concepts and protocols evolve. In 1994 the National Research Council presented the concept of rangeland health as an alternative to range condition…

Rangeland health refers to a suite of soil, vegetation, water, air parameters, and ecological processes, that need to be balanced and sustained. It is important to note that NPS rated 31% of the planning area as having severe to very severe erosion hazard, 58% of soils as having low resistance to soil compaction, and 95% of the planning area as moderate to highly
susceptible to wind erosion. DEIS at 65, 66. Yet NPS persists in using old-fashioned simple parameters such as RDM to permit cattle on ranches.

Even if RDM is used as a measure of rangeland health, NPS is still impairing natural resources by violating range standards. In Bartolome et al. (2015), Figure A.2 shows the residual dry matter data for the grazing leases and most violate the minimum RDM standard for the fall period. Several ranches violate the standard for all, or almost all, years in the 2000-2016 period. It seems that the NPS is not enforcing the policy to limit grazing on ranches that violate their lease-permit conditions.

In its Natural Resource Condition Assessment for Point Reyes National Seashore (NPS 2019, Attachment 21), the Park Service admits that current ranching practices have a significant impact on native plant species and coastal prairie communities:

One current conceptualization of the probable controls over plant species distribution in the coastal prairie of Pt. Reyes is that “[h]istoric and current ranching practices have the largest influence on rangeland composition.” This was a major conclusion of a study conducted by Robert J. Steers, 20 Years of Rangeland Monitoring in Point Reyes National Seashore, presented at the San Francisco Bay Area Science and Learning Science Symposium of 2012. Our analysis evaluates the utility of augmenting such current conceptualizations of the Point Reyes grassland landscape with ecological site concepts.

Coastal Grassland Condition Summary

Coastal grasslands form a major landscape component at Point Reyes, are the primary resource for sustaining Point Reyes’ authorized pastoral activities, and are of high conservation interest and value. Exotic plants have extensively invaded and occupied Point Reyes’ coastal grassland, especially ryegrass \(\text{Festuca perennis (Lolium multiflorum)}\) and common velvet grass \(\text{Holcus lanatus}\). The prospects for significantly reducing common exotic annuals are poor. In addition, the native shrub, coyote brush \(\text{Baccharis pilularis}\), has encroached into Point Reyes’ coastal grasslands. An important coastal prairie native grass, California oatgrass \(\text{Danthonia californica}\), declined significantly at Point Reyes between 1988 and 2011, decreasing on 24 of the 37 transects on which it occurred . . . .

NPS has failed to meet its statutory duty to preserve, restore and protect the coastal prairie by allowing overstocked pastures in both the beef and dairy ranches in the park units.

Ground disturbance is the number one factor in eliminating coastal prairie—whether from bulldozers and development/urbanization, or trampling/grazing by heavy cattle. Another major
stressor to native coastal prairie communities are invasive weeds, which are maintained and increase because of livestock grazing disturbance, as we detailed in our scoping comment.

The park describes a minimum level of current livestock management on PRNS and GGNRA:

Beef cattle are generally allowed to graze on open grassland year-round. Ranchers in the park typically provide fall/winter feed to cattle in upland areas because of winter access constraints and limited forage growth during those seasons. Mineral supplements such as salt licks or molasses are also placed in certain pastures. (EIS at 10)

Forage constraints of the California annual grassland are made quite obvious with the additional hay and supplements needed. The Park Service has still not addressed the apparent over-stocked condition of the range, nor mandated better practices such as rest-rotation grazing instead of year-long grazing, in its Preferred Alternative.

Further, the EIS says:

The dry cows are typically kept and fed in outdoor paddocks and small pastures. Heifers are fed regularly and generally graze in pastures similar to beef cattle. Current minimum organic production standards require dairy cattle to remain on pasture for a minimum of 120 days per year, and animals older than 6 months of age must get at least 30% of their dry matter intake from pasture during the grazing season…(id.)

The small pastures and paddocks where dry cows are kept are largely sacrifice zones, devoid of vegetation or harboring invasive weeds. These concentrated animal pastures act as source populations for weeds and noxious plant species that then invade native plant communities further away from the dairy core areas. The significant impacts of these small paddocks and pastures is unaddressed in the EIS.

All of this impairment caused by livestock grazing is occurring in violation of the Organic Act, PRNS and GGNRA legislation, and Park Service policy, and therefore the preferred alternative to maintain and expand livestock use is unlawful.

Mitigation measures in the DEIS Appendix D for Vegetation management, at D-14, describe “Range planting”:

**Range Planting (550).** The Range Planting practice involves the establishment of adapted vegetation on grazing land. The practice applies to rangeland, native or naturalized pastures, grazed forest, or other suitable areas where the principal method of vegetation management is grazing. Range planting is commonly used where existing stands of vegetation are inadequate for natural reseeding to occur and can be used to increase carbon sequestration. Plantings commonly include grasses, forbs, legumes, shrubs, and trees that are selected based on site-specific characteristics, erosion control and water quality improvement goals, wildlife values, carbon sequestration goals, and other management objectives such as restoration of a plant community similar to the
Ecological Site Description reference state for the site or the desired plant community, or to provide or improve forage for livestock. Seeded species would be approved by NPS. Successful establishment of seeded species may require rest from grazing. Other practices, such as Herbaceous Weed Control, may be used to ensure successful planting.

We are concerned that non-native forage plants will be used to mitigate overgrazed ranges, instead of a better mitigation measure of reducing livestock numbers, restricting seasons of use, or other better range practices. NPS does not show how planting forage species would help to “sequester carbon.” This needs a much more thorough review. Erosion control would be better achieved by reducing stocking rates or resting pastures for several years, rather than attempting to plant cattle forage species that may not be native.

Mowing, mechanical treatment of brush (such as native coyote brush), and “prescribed grazing,” are also summarized in this mitigation table (DEIS Appendix D), which all pertain to cattle ranching and range management. No mitigation measures strive for restoration of native coastal prairie plant communities, which does not follow the park mandate to “restore” the Seashore.

Targeted grazing is a proposed mitigation measure for weed control (DEIS Appendix D at D-40), yet targeted grazing only compacts soils more, and is not an appropriate method for control of invasive species.
Figure 14. Native coastal prairie bunchgrass community along L Ranch Road, Point Reyes National Seashore, on the ungrazed edges of a dairy pasture. This diverse community has Idaho fescue (*Festuca idahoensis*), red fescue (*F. rubra*), blue wildrye (*Elymus cinereus*), California buttercups (*Ranunculus californica*), and other native grasses, sedges, rushes, forbs, and shrubs. April 2019. This old-growth coastal prairie type was not analyzed in the DEIS, nor were our comments on this rare native plant community addressed, from our scoping comments (Western Watersheds Project et al. 2018 at 20, Attachment 27). Nor was our suggested Alternative to restore more of the planning area to this native coastal prairie. (Photo: Laura Cunningham)
Figure 15. Ungrazed native coastal prairie plants on a fenceline in a dairy ranch edge, Point Reyes National Seashore, near the Marshall Beach trailhead. Idaho fescue and Tolmie star-tulip (*Calochortus tolmiei*) were not seen on our field trip in April 2019 in cattle-grazed pastures in the planning area. (Photo: Laura Cunningham)

Figure 16. Harlequin lotus (*Hosackia gracilis*) native wildflower in the ungrazed coastal prairie remnant on L Ranch Road. April 2019. (Photo: Laura Cunningham)
Figure 17. Native coast clover (*Trifolium wormskiioldii*) on the ungrazed coastal prairie remnant on L Ranch Road. April 2019. (Photo: Laura Cunningham)

Figure 18. Ungrazed native coastal prairie with deep-rooted perennial bunchgrasses, such as Idaho fescue, in the relict patch near Marshall Beach, Point Reyes National Seashore. Idaho fescue has deep roots, and the grassland knits together to hold the soil together. No erosion happens here. The coastal prairie is a sponge to rainwater. The DEIS fails to address this rare native plant community. April 2019. (Photo: Laura Cunningham)
Figure 19. By contrast, in the adjacent dairy ranch pasture within a quarter mile of the relict coastal prairie patch, coastal prairie has been eliminated, and the ground is churned to mud by cow hooves concentrated in fenced pastures, feed lots, and watering facilities. Bare ground, mud, invasive weeds, and annual grass and forbs from Europe are the only plant species in evidence. L ranch Road, Point Reyes National Seashore. (Photo: Laura Cunningham)

Figure 20. Introduced European annual grasses and forbs, such as hare barley (*Hordeum murinum* var. *leporinum*) and milk thistle (*Silybum marianum*) pictured here on a roadside south of Olema, dominate the grassy hills and valleys of Golden Gate National Recreation Area where beef cattle graze. Coastal prairies have largely been eliminated. April 2019. (Photo: Laura Cunningham)
D. Ongoing Impairment to Native Wildlife and Habitats.

The tule elk is a genetically-restricted, rare, and endemic California subspecies of elk. Free-ranging herds occur at only a few places, including Point Reyes National Seashore. Most of the elk here are confined behind an enclosure fence, on lands that lack adequate water and dietary nutrients to sustain elk in a healthy condition.

Alternatives A, B, C, and D would artificially limit the size and range of the elk herds on PRNS. This is unacceptable. In the absence of cattle and ranching operations, the elk herd would be permitted to expand (as under Alternative F) to 2,000 animals. NPS states, in the context of current management, “Competition with grazing livestock would not limit elk population size or affect the overall health of the herds.” DEIS at 162. Furthermore, “Overall, continuation of elk management actions under alternative A would not result in adverse impacts at the herd or population level.” Id. These are ridiculously misleading statements. In fact, ranching (and NPS hazing and lethal control), together with competition with cattle for forage, is what is presently suppressing the elk population well below this 2,000-animal threshold, at approximately 700 animals. Furthermore, the elk population at Tomales Point is cordoned off from the rest of Point Reyes by an 8-foot-tall fence, specifically to block these elk from accessing Park Service lands where ranchers presently run their cattle. These outcomes represent a major impairment to Park wildlife resources, in derogation of the agency’s legal mandates.

At the end of 2018, the confined Tomales Point herd had 432 animals, the free-ranging Drakes Beach herd consisted of an estimated 124 animals, and the free-ranging Limantour herd had an estimated 174 animals. According to the California Department of Fish and Wildlife, as of 2018, there were approximately 5,700 tule elk present in 22 herds across California. This is up from a total of three tule elk present in California in 1870. Prior to non-indigenous settlement, it is estimated the elk population (three different species) in California was more than 500,000 animals. Failure to adequately protect and restore tule elk on Point Reyes National Seashore and Golden Gate National Recreation Area may contribute to the need to list this subspecies under the Endangered Species Act.

Tule elk numbers were severely reduced in the mid-1800s, primarily due to uncontrolled market hunting and displacement by cattle. Tule elk once inhabited the grasslands of the Point Reyes peninsula, the Olema Valley, and other grasslands in Marin County. They were the dominant grazers on these lands until they were hunted out of existence in the 1850s.

As of 2018, there were approximately 5,700 tule elk present in 22 herds across California. By comparison, as of February 2019, there are approximately 650,000 beef cows on about 11,000 different ranches in California. In addition, there are 1.8 million dairy cows in California. All told, there are currently 5.15 million cattle of all types in California (https://www.nass.usda.gov/Quick_Stats/Ag_Overview/stateOverview.php?state=CALIFORNIA).

The NPS purports to be proud of its tule elk reintroduction program, yet is willing to sacrifice elk every year for the benefit of ranchers. Point Reyes National Seashore’s website states:
Reintroduction of tule elk to the National Seashore and the further establishment of the free-ranging herd has been an important component of the restoration of the natural systems historically found in this unique and treasured place. (https://www.nps.gov/pore/learn/nature/tule_elk.htm)

Point Reyes is the only National Park unit where tule elk occur.

The majestic animals you see as you travel through the park embody the restoration of the dominant native herbivore to the California coastal ecosystem. They shape the landscape around them as they did for centuries before they were extirpated by humans. They symbolize the conservation of native species and ecosystem processes, one of the primary missions of the National Park Service. (id.)

Tule elk are treasured by visitors, photographers, naturalists, and locals alike. Their image has been expressed in the local folk art, numerous local and nationally published photographs, and even on the local trade/barter currency where they are depicted alongside coho salmon and local produce as being emblematic of the community.

NPS currently hazes tule elk away from agricultural lands within PRNS. DEIS at 24, 25, 82. This constitutes harassment of wildlife, and Park Service personnel and ranchers alike should not be permitted under any conditions to engage in this activity. Hazing impairs the ability of elk to access habitats within PRNS that they require to complete their life history requirements.

Lethal removal of elk is permitted under current management (DEIS at 25), and NPS’s Preferred Alternative B will include shooting elk every year to keep elk numbers down to a specified level. Instead of using the term “lethal control” the draft EIS should be more direct and say NPS will be shooting the elk. This killing of tule elk for the benefit of ranchers runs contrary to everything the National Park Service represents.

The Preferred Alternative would suppress the natural recovery of free-ranging tule elk by imposing an artificial “population threshold” (DEIS at 25) that is unnatural and violates the non-impairment standards with which NPS must comply. Tule elk breeding and population and range expansion are natural processes that NPS must allow to proceed without interference. Population sizes specified for the Preferred Alternative (120 animals for the Drakes Beach Herd, DEIS at 41) are less than minimum viable population thresholds. Lacava and Hughes (1984) (Attachment 18), calculated Minimum Viable Population for elk and determined that minimum viable size is 214 animals. Meanwhile, with the removal of cattle from PRNS, the elk population could expand to its natural carrying capacity, estimated by NPS at 2,000 animals (DEIS at 48). The prevention of elk herd growth to this level constitutes an impairment of the natural wildlife resources on PRNS.

This Preferred Alternative would continue, and even expand cattle and diversified agriculture on 28,700 acres of the proposed “Ranching Zone” on national seashore lands. This proposed action would allow approximately 2,400 animal units (AUs) of beef cattle and 3,130 dairy cattle in Point Reyes National Seashore and the northern district of Golden Gate National Seashore. DEIS at 13.
In contrast, numbers of native free-roaming tule elk herds are miniscule. The Drake’s Beach tule elk herd consists of 124 animals and the Limantour herd has 174. Yet the park is proposing to shoot these elk if they cross over barbed-wired fences into the cattle pastures, and their meat donated to charities or tribal groups. Elk would also be “hazed” out of the cattle pastures, chased back into the wilderness area. This is unacceptable in a National Park unit.

We are concerned that ranchers are actively harassing wildlife, particularly tule elk, during the course of daily ranching operations. Ranchers have been caught harassing tule elk with vehicles and with dogs (see Attachements 9 and 10, FOIA 2 and FOIA 3.

This goes against the goals of the 1998 Tule Elk Management Plan to maintain viable populations of a free-range elk herd in Point Reyes and to manage with minimal intrusion to regulate population size, where possible, as part of natural ecosystem processes.

Tule elk on Point Reyes National Seashore have been infected with Johne’s disease, a livestock wasting disease spread by dairy and beef cattle. NPS has, from time to time, tested tule elk for Johne’s disease, often entailing lethal removal. This activity would continue under all alternatives in the GMP. DEIS at 57. Yet the agency has failed to test domestic livestock for this disease which livestock are transmitting to elk. If any livestock are allowed to remain on PRNS, they should be comprehensively tested for Johne’s disease, and infected animals should be slaughtered to prevent transmission of the disease to wildlife on PRNS or anywhere else in the State of California. It appears that no alternative requires the testing and removal of infected livestock. In addition, we are concerned that Johne’s disease carried and transmitted by livestock on PRNS presents a public health risk to human visitors. Spreading livestock diseases to National Seashore visitors constitutes a significant impairment of public health and safety, in conflict with NPS’s legal responsibilities.

We are concerned that fences on Point Reyes National Seashore represent wildlife movement obstacles and/or barriers. According to NPS, “Fences in the planning area can affect the movement of deer and other large mammals and cause injury.” DEIS at 78, and see 142. The livestock fences on Point Reyes are considerably taller than standard barbed-wire fencing for cattle, and we are concerned that ranchers deliberately build their fences this way to obstruct the movements of elk. Woven-wire fencing prevents smaller wildlife from crawling under the fencing. All fences on Point Reyes National Seashore should be removed, as they impair the movements of native wildlife. To the extent that fences are not removed, they should be replaced by wildlife-friendly fencing, at the expense of the entity seeking to continue the fence in place, consisting of three strands of wire, with the top strand no more than 36 inches above the ground, the bottom strand at least 16 inches above the ground and of smooth wire, the middle wire at least 12 inches below the top wire, and woven-wire fencing should be prohibited.

NPS’s proposed management of Tule elk is inconsistent with the agency’s substantive duties under the Organic Act, and the PRNS and GGNRA legislation described above. Further, under Public Law 94-389, Congress has specifically recognized the importance of tule elk restoration and preservation on public lands in California and thus directed the Department of
Interior to make federal lands under its jurisdiction available “for the preservation and grazing” of tule elk. NPS’s proposed management of tule elk is inconsistent with this duty as well.

II. The Preferred Alternative and the Draft EIS Violate the National Environmental Policy Act

The National Environmental Policy Act (NEPA) is the "basic national charter for protection of the environment." 40 C.F.R. § 1500.1(a). Congress enacted NEPA with the objectives of "encouraging productive and enjoyable harmony between man and his environment" while "promoting efforts which will prevent or eliminate damage to the environment and biosphere stimulating the health and welfare of man; and enriching the understanding of the ecological systems and natural resources important to the Nation . . . ." 42 U.S.C. § 4321.

In an EA or EIS, an agency must fully analyze all direct, indirect, and cumulative impacts from a proposed action in its environmental analysis. See id. § 1502.16. "Direct effects" include those "which are caused by the action and occur at the same time and place." Id. § 1508.8(a). "Indirect effects" include those "which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Id. § 1508.8(b). "Cumulative impacts" result from the "incremental impact of the action" on the environment "when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions." 40 C.F.R. § 1508.7. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Id. Cumulative impact analyses include private, state, and federal action. Id. § 1508.7.

NEPA requires that the information an agency uses in conducting its environmental review must be "of high quality," and agencies "must insure the professional integrity, including scientific integrity," of their discussions and analyses, and "shall identify any methodologies used" and "scientific and other sources relied upon for their conclusions. Id. §§ 1500.1(b) and 1502.24. "Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA.” Id. § 1500.1(b).

Underlying all of NEPA's procedural requirements is the mandate that agencies take a "hard look" at all environmental impacts and risks of a proposed action. See Natural Res. Def. Council v. Morton, 458 F.2d 827, 383 (D.C. Cir. 1972). This review cannot be superficial, but rather agencies must take this "hard look" in light of comments submitted by the public as well as high-quality scientific information. This "hard look" standard ensures the agency gathers the needed factual information and provides sufficient information to support its conclusions.

The Draft EIS fails NEPA for the following reasons:

A. The Purpose and Need Is Impermissibly Narrow and Inconsistent With NPS Purposes and Goals.
The purpose of the EIS is to establish guidance for the preservation of natural and cultural resources and the management of infrastructure and visitor use in the planning area. (EIS at 1)

Cultural resources must be managed so as not to impair natural resources. A cultural landscape without working cattle ranches or agricultural operations would fulfill the needs of a cultural landscape and historic properties. Indeed, the historic Pierce Point Ranch, which is abandoned is the ranch that best fulfills cultural and historic obligations due to its accessibility by the public and its historic structures, which contrast markedly with many of the modern, prefabricated or industrial agricultural structures present at many Point Reyes ranches, which actively detract from the historic setting of the area. Modern ranching paraphernalia and structures actively detract from the historic setting and features of contributing structures. In order to maximize the historic value to National Seashore visitors, the ranches must be closed, noncontributing and detracting structures and features removed, and full public access be provided, as it is at Pierce Point Ranch.

The Organic Act and the two park statutes prohibit actions that permanently impair park resources unless a law directly and specifically allows for such actions. An action constitutes an impairment when its impacts “harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources and values.” NPS Management Policies 1.4.3.

Congressional policy set forth by the National Historic Preservation Act of 1966, as amended (NHPA) (16 USC 470 et. sequential) includes preserving “the historical and cultural foundations of the Nation” and preserving irreplaceable examples important to our national heritage to maintain “cultural, educational, aesthetic, inspirational, economic and energy benefits.”

In contrast, the proposed General Management Plan amendment for Point Reyes National Seashore and the northern district Golden Gate National Recreation Area is unbalanced toward untenable commercial ranching operations within what should be Historic Districts that are open for the education and enjoyment of the public.

The EIS at 1 says that 28,000 acres of leased grazing land is the highest priority issue in park planning. But the EIS fails to analyze the extent to which degraded and sometimes dangerous water quality persists, severe erosion on salmon streams occurs, and several threatened, endangered, and sensitive species are not being protected and restored due to livestock grazing. The EIS also fails to analyze and disclose the rationale for the needs of millions of park visitors to be regarded as less of a priority than a two dozen or so commercial operators who have impaired park natural resources and thus violated their covenants.

The park purpose includes a basis in the Point Reyes National Seashore foundation statement, which was only very recently made available to the public (August 9, 2019). The preferred alternative of expanding ranching and agricultural activities, and culling native tule elk is inconsistent with the purposes and other items outlined in the foundation documents.
The EIS at 1-2 lays out the purpose statements identifying the specific reasons why Point Reyes National Seashore was established and what is most important about the park. The purpose statement for Point Reyes is as follows:

Established for public benefit and inspiration, the Point Reyes National Seashore protects a rugged and wild coastal peninsula and surrounding waters, connecting native ecosystems, enduring human history and recreational, scientific, and educational opportunities.

The purpose statement for Golden Gate National Recreation Area is (NPS 2014a):

The purpose of Golden Gate National Recreation Area is to offer national park experiences to all, including a large and diverse urban population, while preserving and interpreting the outstanding natural, historic, scenic, and recreational values of the park lands.

Preserving waters, ecosystems, natural values, and historic values is again inconsistent with expanding commercial private agricultural production on National Park lands. Will facilities need to be modernized to keep up with economic production and profitable business models, such as modern factory-farmed dairies, potential cheese-production facilities, row crop agriculture, and diversification? The large modern loafing barns, other facilities, and silage fields in the planning area are already distractions to the visual resources and natural vistas of Point Reyes, as well as intruding on the historic district and cultural landscape (see Figure 21.).

Figure 21. Modern dairy buildings and silage fields of a commercial dairy in the planning area are not historic (Photo: still frame from video by Skyler Thomas, White Shark Video/Shame of Point Reyes, 2019).
Within the planning area, the Draft EIS at 2 points out that Desired Conditions must be achieved, consistent with NPS Management Policies 2006, as follows.

Desired conditions for preservation of ecological function:
- Ecological function, connectivity, and processes persist and thrive in communities, including wetland, grassland, forest, scrub, and dunes.
- Sources of air, water, noise, and light pollution are limited.

Desired conditions for preservation of native species, including threatened and endangered species:
- Habitats and populations of threatened and endangered species, special-status, and rare species persist and are improved.
- Native plant and animal communities persist and thrive.

Desired conditions for management of invasive, non-native species:
- Populations and extent of invasive, non-native species are limited such that they do not, or only minimally, affect ecosystem processes and/or functions.

Desired conditions for preservation of cultural resources:
- National Register of Historic Places (National Register) historic districts, including contributing landscapes and structures, are preserved in a manner that maintains their integrity.
- Historic and prehistoric archeological sites and ethnographic resources are preserved and maintained.

Desired conditions for public use and enjoyment/visitor experience:
- Visitors have opportunities for diverse educational and learning experiences.
- Visitors have opportunities to enjoy expanded connections and greater access to diverse recreation including, but not limited to, hiking and wildlife viewing.

We maintain that these desired conditions are not being achieved, as detailed in our scoping letter and in this comment letter on the Draft EIS. In addition, our concerns about these points remain unaddressed by the park.

Desired conditions to preserve ecological function of coastal prairies, meadows, and other native plant communities are not being met, and in our observation many native grassland and wetland communities have been seriously degraded or eliminated within the planning area. Water pollution is severe in the dairy areas such as at Kehoe Creek, and not mitigated or prevented. This creek feeds into a major public beach, posing a serious public health hazard. We detailed these concerns in our November 18, 2018 scoping comment letter. Most of our concerns have not been addressed.

Desired conditions have not been achieved to preserve native species, including rare, Threatened and Endangered species, as we describe in our November 18, 2018 letter. Conditions for coho salmon, California freshwater shrimp, tricolored blackbird, Myrtles silverspot butterfly, California red-legged frog, Western snowy plover, and numerous rare plant species are not
improving, and may not persist under the conditions of high stocking rates of cattle. Native tule elk are proposed to be culled inside the park for reasons other than carrying capacity, but instead for reasons that seem to favor private ranch operations and cattle. Native coastal prairies are on the edge of extirpation within the planning area due to heavy livestock grazing rates and yearlong seasons of use, and are not thriving.

Populations of non-native and invasive plants are uncontrolled in the park, and dominate the vegetation in grassland zones. Noxious weeds are continuing to be spread by livestock with no hint of planning for reduction so that these invasive species do not affect the processes and function of native ecosystems. NPS concedes that non-native weeds are a major problem in the planning area. DEIS at 76. There is even a program wherein NPS is spending taxpayer dollars on a program to eradicate invasive weeds (DEIS at 102), even as livestock and silage operations continue to propagate them. The process of continual heavy grazing and trampling with high cattle stocking rates holds these grasslands at an early seral state which favors nonnative weeds, and does not allow the formation of native coastal prairie and valley grassland within the planning area.

The construction of modern dairy facilities, trucking in of alfalfa hay, harvesting of modern silage seed mixes, and proposal for agricultural diversification flies in the face of preserving the integrity of historic structures and cultural landscapes. Furthermore, existing and additional chicken operations adversely affects soils through excessive nutrient inputs and heavy metals content (DEIS at 106); this constitutes impairment of Park resources.

The presence of fenced, gated ranches that appear private (but are in fact publicly-owned) conflicts with and impairs visitor enjoyment and public use. See, e.g. Attachment 6 (Coda Declaration August 12, 2016). Hiking and wildlife viewing, in particular, are restricted in the planning area. Cattle have replaced native wildlife in the planning area—particularly, the tule elk. The preferred alternative would exclude tule elk further from the planning area, which does not allow for wildlife viewing opportunities to expand within this National Park unit.

The enabling legislation, quoted above, remains strong and clear on the original intent of the Park, to preserve and restore natural resources, and ensure historical interpretation for visitor benefit. Regarding the EIS claim at 3, that a Congressional conference report (House Rep. 116-9 at 720-21 (Feb. 13, 2019)) that accompanied the Consolidated Appropriations Act, 2019, somehow authorizes continuing ranching at Point Reyes National Seashore under 20-year lease/permits, this is simply a wish-list by a few congressmen. This language claiming to authorize 20-year leases was not in the House Joint Resolution 31, Consolidated Appropriations Act of 2019 (https://www.congress.gov/bill/116th-congress/house-joint-resolution/31/text), and therefore is not law.

This language was included in the report at the request of Senator Feinstein (D-CA). However, report language is not law and is not binding. It only conveys the opinion of a particular subset of Congress. The NPS cannot rely on report language except to say that it supports their decision in a rhetorical sense. It is not a legal basis to justify the decision.
The report language itself is flawed in several ways, and does not represent the true intent of Congress in designating Point Reyes National Seashore. The report language says in full:

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. (House Rep. 116-9 at 720-21 (Feb. 13, 2019) (https://www.congress.gov/congressional-report/116th-congress/house-report/9/1?overview=closed)

Dairying and beef ranching are principally ecologically impactful because cattle degrade plant communities, water quality, rare species habitat, and native plants and animals. There is absolutely no support for dairy farming contributing to the healthy functioning of native ecosystems. The Park Service cannot justify the continuation of livestock grazing on PRNS on ecological grounds.

As we have detailed in our scoping letter and in this letter, cattle ranching and dairying are not consistent with Congress’s publicly-supported intent for the management of Point Reyes National Seashore. No amount of private interest lobbying can change the original public intent that Congress followed, to form a National Seashore that would conserve wild natural resources for the enjoyment of the public.

B. The Draft EIS Is Too Broad and Vague In Its Analysis.

The Draft EIS follows a “programmatic” model of NEPA, with too many details subsumed in a broad, high-level, vague outline. Programmatic NEPA reviews often defer important analyses into the distant future, resulting in less public involvement and a lack of detailed site-specific review. We request, for instance, that each proposed new Ranch Operational Plan be analyzed as an Environmental Assessment in the future, rather than be tiered off of this proposed “programmatic” General Management Plan which purports to cover numerous individual ranch plans, each of which has unique and significant impacts on the environment. A vague, general analysis such as this Draft EIS cannot cover the needed detailed public review of each ranch’s individual impacts to the environment.

For example, on our field visits to different ranch units in the parks, we observed very different plant communities, stages of grazing pressure, native and introduced species, and impacts from cattle (or no cattle). Next to the town of Bolinas in far-southern Point Reyes
National Seashore is the Commonweal/Niman Ranch, mapped in Alternative B in the DEIS Appendix on page A-23 (Figure 22).

We made a field visit to the southernmost section of this ranch unit on April 14, 2019, from popular social trails on the “Mesa” of Bolinas next to the park boundary. This section was ungrazed, and appeared to be ungrazed by cattle for a very long time. The grasses and rushes were tall, and the old pasture was dominated by reed fescue (*Festuca arundinacea*), a European introduced livestock forage grass (Figure 23). Yet as we hiked in the ranch zone, we found native coastal prairie species: California oatgrass (*Danthonia californica*) (Figure 24), and some native sedges and rushes.

The EIS fails to make clear what the future management on this area will be. It does not analyze or disclose whether the ranch operations will impair currently ungrazed grassland, or if these coastal prairie relicts will be protected or restored. The DEIS fails to analyze whether beef cattle will be introduced into this recovering grassland and degrade the native species, or whether popular hiking trails will be cut off by ranch operations expanding into this ungrazed popular Bolinas mesa area.

Equally troubling are the generalized activities and mitigation measures proposed in the DEIS Appendix D, which are not specific to ranches or locations. NPS is proposing non-public meetings with ranchers annually: “The park would work with ranchers during annual meetings to identify projects and consolidate and coordinate review of ranch projects to complete compliance and authorize implementation,” (DEIS Appendix D at D-3). These projects would include potentially new fences to “control the movement of animals and people (id.),” potentially new or moved water facility infrastructure such as pipes, trenches, and spring development (at D-4). Mowing, prescribed grazing, manure storage facilities, and many other activities described in the Appendix D are vague and non-localized. NPS should develop detailed maps and geographic locations of proposed new fences, trenches, manure storage ponds of facilities, and other ranching activities. The public has no ability to analyze or comment on such vague geographic locations of new fences, manure storage areas, and other activities, and their impacts on natural and cultural resources. A Supplemental EIS should be drafted by NPS to detail these proposed activities ranch by ranch, with maps of each ranch showing locations, miles of fencing, and locations of manure storage areas.
Figure 22. Alternative B map proposal of zoning of the Commonweal Ranch/Niman Ranch next to Bolinas.
Figure 23. View from the southern section of the Commonweal Ranch/Niman unit in the mapped planning area, southern Point Reyes National Seashore, next to Bolinas. Looking north. We observed ungrazed grasslands consisting of European reed fescue (*Festuca arundinacea*) pictured here, ungrazed for several years with old overgrown livestock water facilities. What are the specific NPS proposals to ensure this recovering coastal grassland will remain unimpaired into the future as coastal prairie is passively restored without beef cattle? Beef cattle in the ranch unit to the north of the canyon are visible in this photo, within the Seashore. (Photo: Laura Cunningham)
Figure 24. We found a few native coastal prairie bunchgrasses such as this California oatgrass (*Danthonia californica*) in the southern section of the Commonweal Ranch/Niman unit near Bolinas, in the vicinity of the photo taken in Figure 3. above, along social trails. How will NPS ensure these native grasses will be protected from beef cattle grazing if this is proposed in this unit. This ranch needs more specific and detailed management proposals, not a generalized treatment tiered off the vague DEIS. Again, we would be willing to take NPS personnel to these localities to survey these natural resources. Our offers in our scoping comment went unaddressed with no response from the National Park Service. (Photo: Laura Cunningham)

C. The Draft EIS Fails to Analyze and Disclose the Effects of Foreseeable Future Actions Because It Defers the Relevant Management Plans to an Unspecified Future Process.

Parts of the EIS propose deferred action, give no specific information and no public review:

Application of animal manure and compost generated in the planning area would be allowed with an approved nutrient management plan… (EIS at 39).

The DEIS Appendix D on ranch activities and mitigation measures has numerous deferred plans which the public will not be able to see or comment on, such as this proposed mitigation measure to protect water and wildlife:
Prepare and implement a spill prevention and clean-up plan, Stormwater Pollution Prevention Plan, or similar document for all construction projects to address polluted runoff and spill prevention policies, erosion control materials required to be available on site in case of rain or a spill (e.g., straw bales, silt fencing), clean-up and reporting procedures, and locations of refueling and minor maintenance areas (DEIS Appendix D at D-24).

Also deferred are such important park management activities such as silage planting: “Planted species would be approved by NPS and not contain species considered noxious or weeds,” DEIS Appendix D at D-22.

NPS should not have delayed additional management provisions but rather fully evaluated and disclosed the impacts of these activities in the DEIS. Without fully accounting at this stage, NPS is improperly segmenting its decisions under NEPA and failing to ensure its decisions comply with its substantive mandates under the Organic Act, the PRNS and GGNRA legislation, and other laws.

D. The Draft EIS Fails to Take a Hard Look at the Issues with Manure Management and Fecal Contamination Leading to Impairment of Natural Resources.

According to the DEIS, “Compared to beef cattle operations, dairies produce large quantities of concentrated manure waste because of the need to keep dairy cows close to dairy headquarters for milking twice a day.” DEIS at 10, and see 113. The enormous scale of manure creation results in the harmful practice of manure spreading on National Seashore lands. According to NPS, “dairies manage animal manure by accumulating it in storage ponds and then spreading the liquid or slurry on fields by means of trucks or pumping through pipes that drain waste out onto fields.” DEIS at 23. The EIS (id.) says, “[t]ypical beef operations do not require manure management systems because cattle are regularly distributed across the landscape.” Yet manure is still deposited by beef cattle on pastures, and potentially in streams and water bodies. See DEIS at 112. According to NPS, “manure spreading increases soil nutrients, which increases forage species production but may have adverse impacts on native grassland plant species, some of which are less abundant in fertilized soils (Weiss 1999; Gea-Izquierdo, Gennet, and Bartolome 2007).” DEIS at 126. Conversely, removal of manure spreading will alleviate to some extent the invasive weed problem in cattle pastures. DEIS at 137. Stormwater runoff will still create water quality problems, and this is unaddressed. Irrespective of waivers issued by the state, this water quality degradation violates NPS nonimpairment requirements.

Concerning dairies, the Park Service says, “[d]airies are high intensity operations that require extensive milking, feeding, and waste management infrastructure to meet current production and water quality management standards.” DEIS at 23. According to NPS, “The main sources of water quality degradation in the planning area are potentially pathogenic bacteria and nutrient loading from nonpoint sources associated with ranches, dairies, septic systems, and stormwater runoff (NPS 2013a; Pawley and Lay 2013).” DEIS at 67. Regarding current activities on PRNS, NPS states, “Alternative A would continue to contribute adverse impacts on water
resources in the planning area from beef and dairy cattle ranching, nutrient management, and water use consumption related to ranching activities.” DEIS at 117. For the Preferred Alternative,

The impacts from past, present, and reasonably foreseeable actions would be the same as those described for alternative A. Alternative B would continue to contribute adverse impacts on water resources in the planning area from beef and dairy cattle ranching, nutrient management, and water use consumption related to ranching activities.

DEIS at 120.

In other words, impairment of Park resources. Uniquely Alternative F would improve water quality and quality on lands currently dedicated to livestock production. DEIS at 124. These high-intensity industrial agriculture practices have no place in a National Park unit, especially one with such sensitive biological resources as PRNS.

The production of excess manure by the dairies is apparent in this description from the DEIS:

Compared to beef cattle operations, dairies produce large quantities of concentrated manure waste because of the need to keep dairy cows close to dairy headquarters for milking twice a day. Waste management is required for manure produced in the heavy-use, high-impact areas of cattle concentration, including feeding and loafing areas, the milking parlor, and corrals. Many dairy operations include loafing barns that allow the operator to keep the milking string indoors through much of the winter, which is important for both manure management and cow health. Loafing barns are covered areas where cows can shelter, particularly during inclement weather. The barns have concrete floors and drainage systems that ensure appropriate containment and management of liquid manure. These barns also make it easier for dairy ranchers to manage manure in these confined areas. Regular manure management includes scraping and storing manure in a manure management system. These areas are managed to avoid pollution of nearby streams. The barns, milking parlors, and travel lanes between the structures are cleaned by scraping or washing manure into ponds, where the manure slurry is stored. Small pastures where cows are held between milking are typically scraped by a tractor, and the manure is stockpiled. Generally, liquid manure is sprayed or spread on pastures through a pump and irrigation system. Large trucks also spread slurry and solids by driving over pasture lands and distributing manure. These activities are conducted outside the rainy season or during dry periods. (EIS at 10-11)

This is unacceptable in a National Park unit. Yet we also have seen that this manure has not been adequately contained or managed. Not all dairy ranches have loafing barns, and the few that do, may have conflicts with National Historic District standards since at least one loafing barn is a modern industrial facility built within the last 10 years. We have seen trucks taking up liquid manure from a containment pond next to Kehoe Creek during the rainy season, apparently to be spread on pastures. We provided photo-documentation of this in our scoping comment. Therefore, we do not believe that the Park is able to restrict manure management to the dry season, and we see no stricter management controls in the Preferred Alternative that would protect water quality. While NPS notes measures that have been implemented to reduce pollution

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from dairies in to Kehoe Creek (DEIS at 69), there is no claim that federal Clean Water Act or state water board compliance has been achieved, and indeed in recent face-to-face meetings between NPS and WWP personnel, the NPS represented that these problems have yet to be solved. Indeed, water quality in places such as Kehoe Creek remain dangerously poor, and waivers given to dairies with no ranch manure mitigation plans in evidence. NPS should have disclosed these problems and that further ranching will likely be inconsistent with the Clean Water Act.

The spreading of manure on the hilltops of the National Seashore not only represents a biohazard and safety issue for members of the public, but it also results in an offensive smell that represents an unacceptable impairment to the environment for recreational visitors. PRNS is by law supposed to be managed primarily for public recreation and inspiration. **How are members of the public supposed to find inspiration here, when the National Seashore, quite literally, smells like shit?** This degradation of the scent-scape of Point Reyes represents an unacceptable impairment of Park resources. And because dairy operations would cause even greater contamination problems were the manure not liquified and spread on dry areas, it becomes obvious that the present and future operation of dairies on PRNS is impossible without violations of federal law.

We also remain concerned about the contribution to contamination of Tomales Bay posed by manure and runoff from ranches in the planning area. Some 7% of the watershed draining into Tomales Bay is occupied by ranches in the NPS planning area. DEIS at 67. Tomales Bay is currently considered impaired for nutrients and pathogens, and livestock operations are documented as a source of these contaminants. DEIS at 68. We are concerned not only about fecal coliform poisoning, which is a significant risk, but also about the possibility that Johne’s disease could be transmitted to members of the public. NPS concedes that 7% of the fecal coliform samples in Lagunitas Creek exceeded the single sample contact recreation objective. DEIS at 68. The DEIS seems to be written to suggest that serious contamination problems are only an issue during periods of low water. Does this mean that NPS finds it acceptable that visitors might be sickened, or even die, from livestock-related contamination whenever low water conditions occur? Because that sounds negligent to us. Any measure greater than zero constitutes significant impairment from a public safety standpoint. Members of the public recreating on PRNS may come into contact with estuarine waters of Tomales Bay, and to the extent that contaminated runoff from PRNS ranches either is directly responsible for or contributing to dangerous levels of estuary contamination, NPS is violating its own nonimpairment standards.

NPS should carry out a cumulative analysis of all polluters into Tomales Bay, including ranches on park lands.

### E. The Draft EIS Contains an Inadequate Range of Alternatives.

The DEIS at 59 lists as an Alternative that is “considered but dismissed from further analysis”:
Management of All Park Lands for the Protection, Restoration, and Preservation of Natural Resources

Commenters suggested NPS should manage all park lands solely for the protection, restoration, and preservation of natural resources. In addition to managing park lands for the protection of natural resources, NPS also must manage cultural resources and provide for visitor use and enjoyment in a manner consistent with applicable legal requirements. As a result, management decisions cannot solely be based on impacts to natural resources. This approach was dismissed from further analysis because it would not address impacts on other NPS resources and values that NPS is mandated to consider.

Moreover, the action alternatives in this EIS that include ranching would implement activities and mitigation measures to minimize impacts on natural and cultural resources while also protecting them. Additionally, the no ranching alternative would be similar in nature to an alternative focused on the protection, restoration, and preservation of natural resources on all NPS lands.

EIS, page 59 (emphasis added).

This is not simply an alternative, but is the law that must be followed by the National Park Service.

The statutory obligation to avoid impairment and to protect, restore and preserve natural resources was never proposed as an alternative. It is the law and it must therefore be followed for all the alternatives. Furthermore, protection of natural resources trumps historic preservation, recreation, etc. as clearly stated in the enabling legislation as provided below:

§459c–6. Administration of property

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

Except as otherwise provided in sections 459c to 459c–7 of this title, the property acquired by the Secretary under such sections shall be administered by the Secretary without impairment of its natural values, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with, based upon, and supportive of the maximum protection, restoration, and preservation of the natural environment within the area . . . .

(Emphasis added.)

The 1916 Organic Act has similar language providing natural resource protection a higher priority.

The range of alternatives does not include an alternative that would allow tule elk to expand into Golden Gate National Recreation Area. This violates NEPA. Even under Alternative
F, which would phase out ranching on PRNS, “NPS would not allow elk to expand into Golden Gate or lands outside park boundaries.” DEIS at 48. Tule elk are native to GGNRA. Who is the NPS to block a native species from restoring its original populations on Park Service lands that are supposed to be managed for recreational and aesthetic purposes? The exclusion of tule elk from one administrative unit (GGNRA) while permitting their persistence on another (PRNS) is arbitrary and capricious and an abuse of discretion. Furthermore, NPS has statutory duties to permit native wildlife, particularly rare and charismatic ones like tule elk, to restore themselves to natural population levels in areas where they are ecologically suited. The entire planning area encompassed by this EIS is suitable tule elk habitat, and tule elk should be permitted to expand to fulfill their natural ecological role throughout both PRNS and GGNRA, without restrictions or impediments of any kind.

Finally, the park has never adequately protected, restored and preserved the planning area in the past. There is no reason to believe it will under the Preferred Alternative now.

The Appendices reveal that the park will be following non-binding Marin County and National Resource Conservation Service standards with respect to soil, water and vegetation actions. We do not see any mention of the three protection statutes, quoted above, that apply to the two parks as higher priorities to follow.

The management activities as described below are analyzed in the draft environmental impact statement (EIS) for a general management plan amendment for Point Reyes National Seashore (Point Reyes) and the north district of Golden Gate National Recreation Area (collectively referred to as the park). These management activities are grouped into broad categories referred to as *activity types*, for example, *road upgrade and decommissioning* (table D-1). This appendix was adapted from numerous compliance documents, including the Marin Resource Conservation District Permit Coordination Program (which was established to streamline permitting for many of the activity types listed herein), as well as previous National Park Service (NPS) National Environmental Policy Act compliance for projects, and previous Biological Opinions from US Fish and Wildlife Service and National Marine Fisheries Service. Wherever possible, activity types are also associated with one or more established US Department of Agriculture (USDA), Natural Resources Conservation Services (NRCS), Conservation Practice Standards—technical guidelines for the conservation of soil, water, air, and related plant and animal resources when implementing activities (referred in this document as practices).

Appendix, D-1 (emphasis added).

In short, the National Park Service will be following USDA farming standards. The EIS goes on for many pages listing possible actions and what USDA National Resource Conservation Service standards apply. They cover “soil, water, air, and related plant and animal resources when implementing activities (referred in this document as practices).” The County’s standards were not written with the Organic Act and the two park two statutes as controlling. Instead, the Park should be developing its own standards and best management practices that prioritize the
preservation and restoration of natural values, sensitive species, and historic interpretation for the public.

Mitigation measures allow an agency to comply with NEPA to reduce potentially significant impacts to less than significant. But this abbreviated DEIS, with mitigated measures quickly summarized in tables in the DEIS Appendix D are too generalized and do not address each ranch’s specific and unique natural resources that may be impaired. These tables do not address each Alternative or the park’s Preferred Alternative, and do not provide the public with inadequate information on NPS plans.

NEPA requires NPS to consider appropriate mitigation measures and disclose the impacts of such measures. But the Draft EIS fails to do so because NPS is relying on measures that are non-binding and thus uncertain to occur. Further, NPS does not disclose how it will fund such mitigation, or whether ranchers have funding or the ability to fully implement these measures. This does not satisfy NEPA’s mandate, and does not ensure that impacts are mitigated to below the impairment threshold under NPS’s substantive duties.

The DEIS contains contradictory language as to how the park will mitigate significant impacts to resources. For example:

To ensure protection of natural and cultural resources, the NPS would streamline the permitting process for typical ranch maintenance activities and would provide consistent guidance to ranchers by using a management zoning framework of Resource Protection, Range, Pasture, and Ranch Core subzones.

DEIS, Appendix D, D-1 (emphasis ours).

“Ensuring protection” of park resources is incompatible with “streamlining” the permitting process for cattle grazing activities, as streamlining typically lessens public involvement, shortcuts important environment reviews, makes agency analysis insufficient, jeopardizes public land access, reduces scientific input, and compresses public comment periods arbitrarily.

F. The Draft EIS Fails to Take a Hard Look at the Ecological Benefits of Reintroduction of Native Predators.

NPS dismissed alternatives that considered alternative elk management strategies other than lethal control, such as reintroducing natural predators and restoring more complete food webs. The Park incorrectly states that gray wolves were never native to Point Reyes (EIS at 61). Historical ecological studies (such as CDFW 2012—Attachment 3, Schmidt 1991—Attachment 25) summarize historical accounts, early surveys, museum specimens, and anecdotal accounts that suggest wolves were present across California from coastal areas around San Francisco Bay to the Sierra Nevada before the Gold Rush, and quickly were eliminated from the state with the influx of Euro-Americans during the settlement and market hunting phases of the late 1800s and early 1900s.
Fitzgerald et al. (2013, Attachment 8) give more detail on possible gray wolf historic range in California:

The gray wolf historically occurred across most of North America, from as far north as the Arctic tundra, south through the high mountains and plateaus of Mexico, and from the maritime provinces of Canada, west to the Pacific. Wolves are habitat generalists, occupying diverse habitat types based largely on the abundance of prey, availability of den sites, ease of travel, and topography that gray wolves occupied a variety of habitats in California, where there was sufficient ungulate prey. In part, because of the extirpation or near extirpation of prey species such as the bison, Tule elk (*Cervus canadensis nannodes*), and pronghorn, it will always be difficult to precisely determine the historic range of wolves in the State.

Nevertheless, there is some consensus that gray wolves were present in the northern part of California and the Sierra Nevada mountains (Young and Goldman 1944, Hall 1981, Nowak 1995, (1987, 1991) reviewed the historical record of gray wolves in California back to the 1750s and determined that wolves likely were present in the Coastal range, the Central Valley, and the western slope of the Sierra Nevada at the time of European and Weckerly (2007) compared four early accounts of wolf distribution throughout the West to identify where wolves likely had occurred. These records indicate that wolves were likely to have occupied significant portions of California, including the Sierra Nevada mountains, the Modoc plateau and other mountainous areas of California north of San Francisco and Sacramento. The CDFW report on the historic distribution of gray wolves in California indicates that wolves were present in the northern portion of the State, and potentially as far south as the Santa Monica Mountains, north of present-day Los Angeles.

Several authors discuss spatially-explicit population models as a tool for addressing appropriate recovery goals and strategies for the gray wolf in the western U.S., depending on public lands largely. Studies have concluded that significant areas of potentially suitable wolf habitat occur in California. In the process of evaluating the status of the gray wolf in the Pacific Northwest, the US Fish and Wildlife Service overlaid predictions from three habitat models. Extensive areas in the regions described above are identified as suitable habitat by at least 2 of the 3 models. Point Reyes National Seashore and Golden Gate National Recreation Area are included in one model of potentially viable wolf habitat (see Figures 25 and 26 below).

NPS failed to analyze this reasonable alternative that has been studied by US Fish and Wildlife Service (USFWS), and supported by conservation biologists.
Figure 25. USFWS model of potential wolf habitat (in Fitzgerald et al. 2013).
Figure 26. Detail of map in Figure 2., showing one model delineating portions of Point Reyes National Seashore and Golden Gate National Recreation Area as potential wolf recolonization habitat.

G. The Draft EIS Fails to Adequately Assess and Disclose the Baseline Conditions of the Project Area.

Long-term trend data are essential in a Draft EIS as part of the affected environment discussion as a baseline against which to measure changes (impacts), and are necessary to identify alternatives, which are intended to remedy those past problems, and are necessary for the NPS to set standards for each environmental indicator that mitigation measures must then meet.

Yet the Draft EIS is wholly inadequate in describing baseline conditions for areas such as native plant communities in the planning area.

NPS statutes include those on resource inventory and management:
Subchapter I—System Resource Inventory and Management

100704. Inventory and monitoring program

The Secretary shall undertake a program of inventory and monitoring of System resources to establish baseline information and to provide information on the long-term trends in condition of System resources. The monitoring program shall be developed in cooperation with other Federal monitoring and information collection efforts to ensure a cost-effective approach.

And,

§ 100706. Integration of study results into management decisions

The Secretary shall take such measures as are necessary to ensure the full and proper utilization of the results of scientific study for System unit management decisions. In each case in which an action undertaken by the Service may cause a significant adverse effect on a System unit resource, the administrative record shall reflect the manner in which System unit resource studies have been considered. The trend in the condition of resources of the System shall be a significant factor in the annual performance evaluation of each superintendent of a System unit.


A common method for establishing baseline conditions for an inventory and monitoring program are to use the “Affected Environment” portion of an EIS. “Affected Environment” is a description of the environment as it exists today. The Affected Environment is essentially a snapshot in time, but also can include descriptions of ongoing trends. Yet NPS has failed to field-survey a large part of the current environment at PRNS/GGNRA, and many of these areas were missed in older surveys, therefore not taking into account important native plant communities such as ungrazed coastal prairies that we photographed and described in our scoping comments, but that NPS failed to analyze (see Attachment 7, Cunningham 2018 Field Notes). The park did not respond to our scoping comments about these unsurveyed parts of the park within the planning area, where we summarized our field notes and professional observations.

NPS did not sufficiently establish baseline data for the EIS and thus is not considering all relevant factors before determining that the actions will have no significant impact. Baseline conditions are necessary to “determine what effect the project will have on the environment” and thus to comply with the requirements of NEPA. Great Basin Res. Watch, 844 F.3d at 1101.

Baseline conditions must provide a reasonable basis for determining the effect of the activities authorized by the agency, using the best available scientific information. The Draft EIS is already inadequate.
The Natural Resource Condition Assessment (Attachment 21, NPS 2019) concludes that the Park Service at Point Reyes National Seashore has a lot of catching up to do with simply having a current baseline vegetation map that can be used for future monitoring of trends:

The ecological communities discussed in this assessment included coastal dunes, forests, and grasslands. Assessment of these communities, as well as focal resources such as rare plants, would benefit from an updated vegetation map for the park. The detailed vegetation map for PORE is an indispensable tool for management and research. However, it is more than two decades old. Given that we are experiencing an era of accelerated ecological dynamics, the vegetation map needs to be updated as often as possible to understand ongoing shifts in the vegetation.

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And again:

[Point Reyes National Seashore] faces some significant challenges in the coming decades including climate change, exotic pests and pathogens, the presence of non-native species, and habitat loss due to human activity. In addition, although park staff have gathered a considerable amount of information regarding natural resources, there are still many significant gaps in the existing data for natural resources and stressors. NPS resource managers need to establish and continue comprehensive monitoring projects in order to ensure that management strategies can be implemented in a timely and effective manner, so that these challenges do not result in the degradation of these valuable natural resources.

Id. (emphasis added).

The Park needs to establish baseline conditions in order to understand how ranching and livestock grazing is impacting sensitive resources. This has not been done yet and equates to a serious and significant gap in the EIS.

Accurate and up-to-date monitoring is fundamental to ensuring the effectiveness of monitoring commitments, meeting legal and permitting requirements, and identifying trends. Under NEPA a federal agency has a continuing duty to ensure that new information about the environmental impact of its proposed actions is taken into account (40 CFR § 1502.9(c), requiring supplementation of an EIS where there is substantial new information or circumstances relevant to the environmental effects of the proposed action). The Park failed to analyze the significant impacts of cattle ranching and other proposed actions on a degraded landscape, and does not have a proper baseline to carry out an accurate monitoring program to ensure that decisions do not further harm the environment.

In our scoping comment, we recommended that NPS use Ecological Site Descriptions (ESDs) for monitoring plant communities and range conditions in the planning area, yet this remains unanalyzed in the Draft EIS. The UC Berkeley Range Ecology Lab, in its Natural
Resource Conditions Assessment (Attachment 21, NPS 2019), also recommended the park use ESDs, for instance:

Developing more detailed Ecological Site Descriptions with associated state-and-transition models will require more widely distributed transects and better small-scale soils information.

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Yet this recommendation failed to be taken into account so far during this public review, and the NPS has failed to respond to our comment on this subject.

Furthermore, the UC Berkeley Range Ecology Lab notes that there are large data gaps in the park’s baseline information about the coastal prairies that form the rangeland base for livestock grazing in the planning area. In Table 3.2.2 on p. 30 (Attachment 21, NPS 2019), reference sites for coastal grasslands were listed as "not available." So the park has no basis for assessing trends or management of coastal prairie, having no baseline. In our scoping comments we offered to show the park the reference sites we found. This was not addressed in the summary of comments provided by the park.

NPS admitted this in its EIS:

Point Reyes’ recent Natural Resources Condition Assessment (NRCA) includes an analysis of 51 plots in Point Reyes grazed coastal grassland from 1988 through 2013. Coyote brush occurred in about half of the plots. It increased in cover on 10 plots, 6 of them to a major degree, and decreased in cover on 8, although in some plots, cattle grazing had ceased. The plots did not capture the full range of sites and vegetation (NPS 2019a).

Page 73 (emphasis added).

These uncaptured vegetation types include native coastal prairie species that are particularly sensitive to the stresses of livestock grazing and trampling, yet would actually be the type of original vegetation that once covered much of the planning area. These native coastal prairie and meadow species include such grasses as red fescue (*Festuca rubra*), Idaho fescue (*F. idahoensis*), blue wildrye (*Elymus glaucus*), pacific reedgrass (*Calamagrostis nutkaensis*), and tufted hairgrass (*Deschampsia cespitosa*) (see Cunningham 2018 Field Notes). The EIS does nothing to analyze these relict native grassland vegetation types, and protect them from significant impacts of the Park’s proposed large-scale agricultural activities.

The existing transects used for baseline conditions of grasslands (Figure 4.5.1, p. 113, NPS 2019) seem to be non-randomly distributed in the middle of pastures and vegetation types. This completely misses the rare relict intact ungrazed coastal prairie sites outside of pasture fences, on roadsides, and on ungrazed far pasture corners such as along L Ranch Rd, with native grasses and forbs not even mentioned in this report — because the old survey sites completely miss them. We pointed these reference sites out to the park in our scoping comments and offered to show park staff these locations.
There are so many data gaps with coastal grassland baseline information that we cannot see how the park can justify any management alternative scientifically, in their Draft EIS.

Concerning monitoring to discover trends from any baseline, the NPS is committing itself to a very large amount of monitoring work to ensure ranchers are complying with mitigation measures. The park needs to indicate how it plans to budget for all of the wide variety of actions and monitoring work, in order to ensure proper long-term monitoring is accomplished and publicly reported. If the Park Service cannot provide the requisite baseline information in the context of an EIS, then how can the public be expected to believe that this level of field monitoring will actually take place during monitoring and mitigation?

Using Page 27 Table 2 of the EIS: *Strategies for the preservation of area resources* as an example. In the first box in the table alone, the NPS claims it will do the following on all lands:

- Identify community types, ecological sites, their extent and distribution.
- Periodically evaluate for large-scale changes.
- Research and evaluate connectivity of ecosystems and flexibility of species niches.
- Conduct management actions that promote habitat heterogeneity, connectivity, and species considered ecosystem engineers.
- Identify previously damaged or degraded natural systems and restore where possible.
- Identify and implement practices that protect soil health and minimize soil erosion.
- Continue to seek funding and partnerships to restore structure and process to habitat types such as creeks, wetlands, and coastal dunes.
- Implement the Point Reyes National Seashore *Fire Management Plan*, and update the plan as necessary, consistent with federal law and departmental management policies.
- Locate and design visitor use improvements to minimize impacts to ecological function.

Based on our experience with NPS management of our public lands, this would cost millions of dollars to accomplish just these tasks. The Draft EIS should fully explain finding sources that would assure the public that their National Park units would be fully funded in order to meet the management needs of this high-value Seashore and National Recreation Area.

Claiming the Park Service will “[i]dentify previously damaged or degraded natural systems and restore where possible” is very misleading; clearly “where possible” depends on funding and staff capacity.
On page 29 of the draft EIS, at the top right, “NPS would expect increased effort in management, early detection, and likely different IPM strategies for many areas where ranching is no longer occurring.” There is no commitment here to do anything concrete, using the words “expect” and “likely.”

In Appendix D, Table D-11 in the draft EIS, the Park does not indicate who is responsible for monitoring or what the consequences are of non-compliance. The public should not have to rely on the ranchers monitoring themselves. Proper oversight and management of the ranches will not be possible under current budgets and meager staffing. NPS needs to better explain how monitoring and compliance of its Preferred Alternative actions will be funded and undertaken. This is inconsistent with NPS’s duty under NEPA, as explained above, to evaluate mitigation measures and their impacts in detail, and disclose whether their uncertainty will prevent them from being effective. Further, ineffective and uncertain mitigation measures will not fulfill NPS’s substantive duties under the other legal requirements listed above.

**H. The Draft EIS Fails to Take a Hard Look at the Impacts of Proposed Ranching Alternatives on Wildlife.**

The UC Berkeley Range Ecology Lab reports (Attachment 21, NPS 2019; Attachment 1, Aoyama et al. 2018; Attachment 2, Bartolome et al. 2015) observe that many ranches regularly violate the Residual Dry Matter (RDM) minimum required in the fall, intended to prevent erosion. Fencing cattle away from creeks also seems to be insufficient to protect water quality; removal of cattle solves water quality problems without the added ecological impacts of fencing.

Described as “routine activities” on the ranches that would be allowed to continue under the Preferred Alternative, the park describes driving, discing, and harvesting practices on National Park unit lands at the Seashore:

Ranchers drive vehicles and small equipment across pastures for routine ranch operations. Such operations include checking on and moving cattle, repairing fences, and distributing hay as supplemental cattle feed. In areas where silage production is authorized, tilling or discing and seeding may be conducted in the late summer, and silage harvest with mowers and harvest equipment is conducted in the late spring while the cut silage is still green. (EIS at 11)

Park visitors are told not to drive their personal vehicles across natural areas, yet private ranchers are given a pass to do this. Off-road vehicle use has a slew of significant impacts, including erosion, soil compaction, crushing of any remaining native plant species, and unintended mortality of native animal species. The Park Service has failed to take a hard look at the impacts of off-road vehicle use by ranchers, in violation of NEPA.

We are concerned that trespass grazing and/or exceedences of permitted livestock numbers has been prevalent in the past (see Attachments 11, 12, 13, 14, 15, 16: FOIA 5, FOIA 6, FOIA 8, FOIA 10, FOIA 11, FOIA 12), indicating that NPS is ineffective at managing livestock operations on PRNS.
Silage planting and mowing has very large significant impacts, such as causing mortality to nesting birds—and potentially the state endangered tricolored blackbird—and also to small mammals and the young of deer and elk. See DEIS at 143. Yet the EIS fails to quantify the magnitude and significance of these impacts in its analysis.

The park is apparently proposing in its Preferred Alternative to increase silage production in a modified “Pasture subzone”, in order to maintain the same stocking rates of dairy cattle, and make up for excluding a few areas from grazing, such as riparian areas and threatened/endangered species habitats.

**Pasture Subzone.** The Pasture subzone is identified as lands where no sensitive resources are known to occur; therefore, a suite of vegetation management activities, including seeding and mowing, may be conducted in addition to grazing. The Pasture subzone includes grazed lands that are outside the Range subzone where introduced or domesticated native forage species exist and would be used primarily for the production of livestock. Approximately 9,000 acres (nearly 34%) of the area under lease/permit would be identified as Pasture subzone. Nutrient management on dairies would be authorized in the Pasture subzone. Under alternative B, some diversification activities would be authorized in the Pasture subzone as described in the “Diversification” section, below. Forage production would be authorized individually as described in alternative A; however, areas of forage production already occur in the proposed Pasture subzone.

DEIS at 35-36.

Current and future conversion of coastal grassland to silage fields planted with invasive weeds (European mustard, wild radish) that then escape into surrounding habitats and propagate themselves to the detriment of native plants constitutes an impairment of Park vegetation resources that is legally unacceptable. Net impacts on greenhouse gases should also be discussed. The NPS is also required to evaluate the visual and noise impacts of all of its activities.

I. The DEIS fails to Take a Hard Look at the Impacts of Proposed Ranching Alternatives of Mammals.

According to the Draft EIS, at least 40 native mammal species occur in the planning area, including black-tailed deer, coyote, gray fox, American badger, bobcat, brush rabbit, black-tailed jackrabbit, raccoon, striped skunk, and several species of bats, rodents, and shrews, and that most of those species could be affected by ranching through disturbance, competition for resources, and habitat alteration. The document states ranching *could affect* small mammals such as California meadow voles, black-tailed jackrabbits, Botta’s pocket gophers, and western harvest mice. “Could affect” is not accurate—the wording should be “will most likely kill.” Fences in the planning area *do affect* the movement of deer and other large mammals and cause injury. The wording here should read “does interfere with the movement….”

The draft EIS states: “Mammals also include the limited number of animals that ranches are authorized to keep for personal noncommercial use (e.g., pets or guard animals), consisting
of non-native species such as horses, cats, and dogs. Domestic cats are a major predator of birds and small mammals. At the very least, domestic cats kept on park lands should be required to be indoor cats only, and dogs must always be kept on leash. This is the requirement for resident employees of other National Park units, ranchers should not be exempt. And if they require “guard animals,” this is another strong indication that the presence of livestock is totally inappropriate on park lands.

The draft EIS states: The planning area is adjacent to beaches used by elephant seals throughout the year and occasionally other marine mammals. Although infrequent impacts to marine mammals could occur if livestock were to escape pasture fences onto beaches, it is unlikely they would affect marine mammals. What about impacts to water quality that would affect marine life? Thus, impacts on marine mammals are not analyzed further. Impacts on marine mammals should be further analyzed.

J. The DEIS fails to take a hard look at the Impacts of Proposed Ranching Alternatives on Birds.

Point Reyes hosts the greatest avian diversity of any National Park unit in the United States and nearly half of the bird species of North America, with around 490 species recorded from approximately 60 bird families. Many birds use the planning area for a portion, or all of their life history, particularly during spring migration and summer nesting.

Ground-nesting species, such as California horned lark, savannah sparrow, grasshopper sparrow, song sparrow, western meadowlark, California quail, and northern harrier could be susceptible to impacts from cattle grazing and vegetation management (e.g., plowing and harvesting). The DEIS fails to discuss impacts of silage mowing to these bird species.

Agricultural activities that affect songbird populations could also affect the foraging of American peregrine falcons and merlins. Several other special-status raptors rely on grassland habitats, including the burrowing owl, white-tailed kite, and ferruginous hawk, and could be affected by habitat alteration from livestock grazing and vegetation management. The draft EIS should analyze actual mortality impacts to bird populations from ranching activities, and word the EIS to reflect how “affected” impacts may actually mean population impacts and declines.

Agricultural activities in the planning area attract and concentrate birds that would not be there in such abundance otherwise, including common ravens, brown-headed cowbirds, European starlings. Nest parasitism by brown-headed cowbirds or competition with non-native European starlings for cavity nesting sites negatively affects native birds. Ravens are nest predators of the federally threatened western snowy plover, which nests on beaches adjacent to the planning area. NPS has documented ranching operations directly subsidizing concentrations of ravens in close proximity to nesting snowy plovers (See Attachment 11, FOIA 5; Attachment 5, Coates et al 2016), and DEIS at 102, 143). Furthermore, “Ongoing dairy ranching activities would continue to promote an unnatural abundance of corvids, European starlings, and brown-headed cowbirds that compete with, prey upon, and parasitize nests of native birds, resulting in continued impacts to birds over the long term.” DEIS at 144. NPS admits the significant impact
on this listed species: “USFWS (2002a) found that because of the indirect impacts associated with increased raven numbers, renewal of permits for ranches in the planning area ‘may affect, is likely to adversely affect’ the western snowy plover.” DEIS at 143. This statement is an admission that impairment of Park resources is ongoing as a result of continued livestock operations on PRNS.

Mitigation measures to protect nesting birds are inadequate. The DEIS only mentions this mitigation measure:

Activities (e.g., harvesting, mowing, shrub management, and seeding) would not occur during rainy or saturated soil conditions.

DEIS, Appendix D, D-2.

No mention is made of halting the harvesting, mowing, shrub removal, or other plant-disturbing activities during the bird nesting season in plant communities in Point Reyes National Seashore, which goes against the Migratory Bird Treaty Act of purposeful take of nesting birds. NPS has tracked nesting birds in the Seashore and knows that nesting birds are a risk in silage fields using eBird (D. Press PRNS biologist, personal comm. 2018). The U.S. Fish and Wildlife Service recommends:

The Service recommends conducting activities outside the bird nesting season to avoid the need for active nest relocation or destruction, when appropriate. This is because (1) successful reproduction is essential to healthy bird populations; (2) measures can often be taken in advance to prevent nesting where it will create a problem; (3) inactive nests and nests under construction may be proactively destroyed without a permit; and (4) most bird species have short nesting cycles, and it can be practicable to delay an activity until the nestlings have fledged. (https://www.fws.gov/migratorybirds/pdf/policies-and-regulations/Nestdestructionfaq.PDF)

Native bird species are at continuing risk of direct mortality from silage mowing activities, and other ranch management activities, without adequate mitigation. As we detailed in our scoping comments, the state endangered Tricolored blackbird has nested in Point Reyes National Seashore silage fields in the past, and has been observed numerous times in the Seashore. This fully state-protected bird could be at risk of direct mortality by silage mowing, yet we see no mitigation measures to lessen this significant impact.
The park should consider Alternative F as the best way to reduce the impacts of ravens subsidized by ranch waste, instead of these minimal mitigation measures such as these:

- feed livestock in a manner that discourages or precludes raven access to feed (e.g., use covered feed bunks);
- control access to carcasses, grain, and ranch-related and household trash/waste to reduce attracting wildlife, including ravens (DEIS Appendix D at D-38).
NPS has failed to take hard look at the impacts to birds and mammals such as deer, from silage harvesting and the extensive mowing of grasslands and pastures to eliminate native shrubs such as coyote brush (*Baccharis pilularis*). This is done simply to increase cattle forage and has no benefit towards restoring or protecting native plant communities. Mitigation measures such as this do little to ensure nesting birds and wildlife are protected:

As appropriate, attach flushing bars to the mower to help to flush birds and mammals (especially deer and rabbit) before the mower reaches them and mow from the middle to the outside to minimize impacts (DEIS Appendix D at D-37).

NPS should evaluate a non-mowing alternative as the best way to halt these ongoing resource impacts to native birds and wildlife.

K. The DEIS Fails to Take a Hard Look at Impacts of Proposed Ranching Alternatives on Amphibians.

A dozen species of reptiles could occur in the planning area. This implies more data are needed to really understand the impacts of ranching on reptiles.

The western pond turtle, a California species of special concern, uses freshwater ponds and backwater areas of large streams in the planning area. Four lizard species occur in almost every habitat, except the dampest, most interior forests and tidal salt marshes, and eight snake species could occur in the planning area.

Amphibians in the planning area, found in and near streams and ponds, include six species of salamanders and four species of frogs and toads, including the non-native bullfrog. Although extirpated or greatly reduced throughout its range in California, the federally threatened California red-legged frog is still locally abundant in the planning area. Several populations inhabit the park, and the NPS has recorded 136 known occurrences in the park,
primarily associated with stock ponds. Also, the coast range newt, a subspecies of the California newt, is a special-status species found in the planning area.

The Draft EIS states (at 146): Agricultural activities could affect habitat suitability and water quality for reptiles and amphibians. This is far too vague and the potential impacts on reptiles and amphibians should be described in much more detail.

L. The DEIS Fails to Take a Hard Look at Impacts of Proposed Ranching Alternatives on Salmonids.

Three federally threatened anadromous fish that could occur include coho salmon, steelhead (an anadromous rainbow trout), and Chinook salmon. The Lagunitas Creek watershed supports one of the largest remaining spawning populations of the Central California Coast coho salmon evolutionarily significant unit. Steelhead from the Central California Coast distinct population segment occur in the planning area in the Lagunitas and Olema Creek watersheds and in tributaries to Drakes Estero. Chinook salmon from the California Coastal evolutionarily significant unit are sporadic visitors to the Lagunitas Creek watershed; only a few adults have been observed in 12 of 17 years. Sediment and pollutants from livestock operations adversely affect salmon and steelhead and their spawning habitats. DEIS at 144. This constitutes an impairment of Park resources.

Other special-status fish in the planning area could include the Pacific lamprey, western river lamprey, and the riffle sculpin.

Historical logging, development, and grazing in the planning area have negatively affected fish habitat as a result of sedimentation, loss of habitat complexity, and diminished riparian ecosystem function. Major perennial streams and tributaries that are habitat for federally listed fish in the Tomales Bay watershed (Lagunitas and Olema Creeks) have agricultural activities contributing to habitat degradation and reduced water quality and quantity for fishes. The EIS should detail which reaches of these streams and their tributaries are fenced from direct cattle access. Our observations in 2019 show that cattle are still actively eroding salmonid streams directly, with ineffective mitigation.

Table 2 in the Opinion shows that cattle have access to about 3% of Lagunitas Creek that is bordered by grazing lands, about a quarter of Olema Creek bordered by grazing, and a third of Drakes Estero similarly. The average for all creeks was 16%. NMFS staff observed bare soils in pastures adjacent to creeks. Another problem documented is lack of shade plants near to the creeks. We documented similar observations of bare ground and erosion in 2019.
Figure 30. Photo taken April 15, 2019, near Five Brooks Trailhead in the Olema Creek watershed, of extreme erosion due to beef cattle along a stream in Golden Gate National Recreation Area, and failed mitigation measures such as planting grain grass and using hay rolls. The photo was full of cattle tracks still accessing this stream, and eroding the banks. Coho salmon and steelhead trout habitat here is very degraded due to beef cattle erosion. Photo by L. Cunningham.
M. The DEIS Fails to Take a Hard Look at Impacts of Proposed Ranching Alternatives on Invertebrates.

Thousands of aquatic and terrestrial invertebrates inhabit the planning area. Limited information about the diversity and distribution of these species is available.
Numerous flying insects are important pollinators of native plants, which could be affected by livestock grazing and vegetation management activities. Other aquatic invertebrates, including numerous insects, are important indicators of water quality and support aquatic food webs that could be affected by runoff from agricultural activities.

Two federally endangered invertebrates are known to occur in the planning area, the Myrtle’s silverspot butterfly and California freshwater shrimp. Surveys done in 2004 for Myrtle’s silverspot butterflies showed occurrences on 13 ranches, all of which support livestock operations. California freshwater shrimp are found in Lagunitas Creek and lower Olema Creek. Impacts of this species from ranching activities are ongoing. DEIS at 147. These impacts constitute an impairment of Park resources.

We discussed these concerns in our scoping comment, but these went unaddressed in the draft EIS.

**N. Significant Impacts to Water Quality and Water Bodies Are Not Fully Analyzed.**

Impacts of livestock grazing on wetland, meadows, coastal prairie, riparian areas, as well as the significant impacts of erosion, sediment input to waterways, nitrogen and phosphorus input, and coliform levels in creeks, Tomales Bay, and Drakes Estuary, and other waterways need better and more detailed analysis to comply with NEPA’s hard look requirements. Again, NPS should have disclosed these problems and that further ranching will likely be inconsistent with the Clean Water Act.

Tomales Bay is in non-attainment for fecal coliform, nitrogen, and sediment, all of which come primarily from ranching and dairying operations. The Northern District of the Golden Gate National Recreation Area grazing lands drain into Olema and Lagunitas Creeks, which deliver fecal coliform, sediments, and nitrogen into Tomales Bay. To what degree are ranches on Point Reyes National Seashore contributing to this contamination problem? This is not adequately analyzed.

Entirely missing from any environmental impact analysis are the National Marine Sanctuaries. Point Reyes National Seashore is surrounded by National Marine Sanctuaries managed by NOAA. Cordell Banks and Greater Farallones National Marine Sanctuaries protect marine resources and provide opportunities for research and birdwatching and wildlife viewing. The EIS fails to analyze the pollution levels and threats coming from beef and dairy cattle ranches where large levels of manure wash into the ocean during large rain storms. We detailed this threat in our scoping comments, but this has not been addressed. The NMFS (2004) Biological Opinion (Attachment 19) for the NPS livestock grazing program in Point Reyes National Seashore says that grazing in the Seashore and related GGNRA leases in Olema Valley damages (incidentally takes) the coho and chinook salmon and steelhead threatened species, but are not likely to jeopardize their continued existence. This Opinion says that residual dry plant material is measured in the fall and where the standard is not met, "the duration of grazing or the allowed number of cattle is reduced" (at 3). As noted above, the RDM data seem to show that the NPS does not require the lessees to reduce herd size and/or grazing duration, to improve vegetation. The NPS is said to have committed to monitoring water quality and managing
permits accordingly. The NPS "will incorporate" specific salmonid protection measures such as improving stream buffers and reducing excessive sedimentation from roads. The NPS "proposes" to undertake several mitigation measures focusing on grazing damage to Olema Creek, Schooner Creek, and Home Ranch Creek. In our scoping comments we showed in photographs taken in 2019 that these creeks are still in a state of extreme erosion and cattle trampling.

In its Appendix C, the DEIS dismisses from further analysis marine resources surrounding the park units:

Marine Resources

Generally, the actions proposed in the EIS would not affect marine resources because they would occur outside the planning area. In cases where a particular resource may be affected, it is included for analysis under other resource topics (i.e., salt marshes are covered under vegetation). Therefore, marine resources as a stand-alone topic was dismissed from detailed analysis in the EIS.

DEIS, Appendix C, C-2.

The marine resources are not outside of the planning area, and would indeed be significantly impacted by ranches because of manure runoff during winter storms, which contributes to high fecal coliform levels and poor water quality in beaches along the Pacific Ocean of Point Reyes National Seashore, and Tomales Bay.

Tomales Bay is a Wetland of International Importance under the Ramsar convention. It is in the UNESCO Golden Gate Biosphere Reserve and is a California Critical Coastal Area. It is within the Gulf of the Farallones National Marine Sanctuary. It is a critical resting and feeding area for several species of shore birds during migration periods. The Tomales Bay Wetlands Restoration (2007-2012) report by the State Water Resources Control Board (2013), Attachment 26, found no downward trends (improvements) in fecal coliform, Nitrogen, or sediment, which are some of the standards violated there. Indeed, the aquaculture operators are not allowed to sell their shellfish for 60-100 days per year, due to fecal coliform pulses after winter rainstorms that wash manure spread on dairies into waterways and neighboring bays and the Pacific Ocean.

The San Francisco Bay Regional Water Quality Control Board (Attachment 4) found that in 2018 dairies and cattle ranches contributed to fecal coliform, Nitrogen, and sediment loading in the Bay. The Regional Water Quality Control Boards discharge permit waivers for the dairies and ranches in this watershed have increased the regulation of manure, especially for the dairies, steadily over the past 30 years, but water quality has not improved on a widespread basis for these pollutants. Waivers are given contingent on proper mitigating ranch management plans that ranches must undertake to lessen the impacts of manure on water quality. We do not see an adequate analysis of this in the Draft EIS.

To fail to even mention the basic facts about these important receiving waters below some of the grazing permits being evaluated seriously hampers the publics ability to understand the problems with current grazing leases and to propose alternatives to improve the situation.
Since this history must be included in the Affected Environment section of the DEIS, the NPS should have provided this information, all of which the staff possesses, to give explanation of these problems and so facilitate better commenting on the current EIS.

Manure management, and fertilizer application plans are not detailed or specific as to location. For instance, mitigation measures are deferred into the future: “Develop a nutrient budget that considers all sources of nutrients,” (DEIS Appendix D at D-43). A Nutrient Management Plan is proposed to be developed by each ranch (id. At D-44), and mitigation measures are listed such as:

Apply solid or liquid waste discharges to land at rates that are reasonable for crop, soil, climate, special local situations, management system, and type of manure: Apply manure and wastewater discharges to land during non-rainy or non-saturated conditions, ensuring that discharges do not result in runoff to surface waters and that discharges infiltrate completely within 72 hours after application; do not spread compost, manure, or fertilizer when the top 2 inches of soil are saturated or when enough precipitation to cause runoff is forecast (id.).

Other than record-keeping by each rancher, no system of park monitoring protocol is discussed, so that the public can be assured that manure management will not impede water quality in the future. Nutrient Management Plans should be analyzed now for each ranch, and not deferred into the future after the Record of Decision.

Figure 32. Dairy cows accessing ponds and streams in Point Reyes National Seashore directly contribute to elevated fecal coliform levels and impaired water quality. (Photo: Skyler Thomas, White Shark Video/Shame of Point Reyes, 2019, still from video)
O. Important Proposed Policies Were Not Given Their Due ‘Hard Look’ Under NEPA.

A draft Succession Policy is found on the Point Reyes National Seashore website, yet this was not analyzed as part of the draft Environmental Impact Statement (EIS).

Ranch succession is only mentioned a few times in the DEIS, such as:

It also allows NPS to consider agricultural diversification, increased operational flexibility, promotion of sustainable operational practices, succession planning, and similar ranch management practices as part of any action alternative except the no ranching alternative. (DEIS at page i)

Succession policy is mentioned in passing under Alternatives, such as:

[Alternative A, No Action] Succession. In the rare instances where a ranch family has relinquished a lease/permit, NPS has offered the relinquished land to neighboring ranchers, removed portions of the lease from ranching for natural resource purposes, or in the case of RUO expiration, initiated a lease/permit with the longstanding grazing operator. This approach would continue under alternative A. (DEIS at 13)
[Alternative B, the Preferred Alternative] Succession. In the event an existing rancher decides to discontinue ranching, NPS would implement succession planning that is consistent with maintaining multi-generational ranching in the planning area. (EIS at 37)

Vaguely stating that succession planning would occur, and failing to mention the draft Succession Policy in this public review, does not give this significant management action its due hard look under NEPA. The draft Succession Policy proposes to continue commercial livestock ranching indefinitely, by finding outside operators in the case that a ranch lessee decides to retire the permit. No mention is made of permanently retiring these lease-permits and closing the ranch to livestock, for conservation values. This is a large significant impact that the GMP could have that is unanalyzed. Any draft Succession Policy needs to be included as part of the public review process, and its impacts on park resources analyzed.

P. The DEIS Fails to Take a Hard Look at Impacts to Public Recreation and Inspiration.

NPS has failed to take a credible ‘hard look’ at the impacts of the various alternatives on public recreation and enjoyment, and on visitor carrying capacity. NPS admits that once ranches are gone, the lands they currently occupy become available for trail systems, public recreation, car camping sites, and enjoyment of historical structures. Under present management (and Alternative B, which extends present management), recreational use, enjoyment, and visitor carrying capacity are constrained by the presence of the ranches, which discourage public access and recreation. According to NPS, under a continuation of present management, “Visitor opportunities related to experiencing natural sights and sounds would continue to be affected by the machinery, structures, odors, and noise associated with operating ranches. For these visitors, ranching operations in the planning area would result in continued direct, adverse impacts on their use and experience.” DEIS at 166. NPS argues that “Alternative B would also authorize diversification activities such as ranch tours that would result in additional beneficial impacts by creating new opportunities for visitors to observe and learn about ranch operations.” The treatment of public observation of ranching operations as a recreational opportunity is a joke, because visitors’ opportunity to observe active ranching at Point Reyes is neither better nor even different that their opportunity to engage in exactly the same activity while passing through private ranchlands on the way to the National Seashore. The one exception is the Peirce Ranch, where the recreational opportunity is improved by being able to enter the ranch grounds and examine the buildings, all of which is only possible because Pierce Point Ranch is abandoned, and no longer a working ranch.

Furthermore, the removal of ranches allows the expansion of the elk herd to 2,000 animals, according to NPS estimates. Because tule elk are a major recreational draw for the wildlife-viewing public, this means, by itself, that Alternative F offers substantially more recreational opportunity than all the other alternatives. Yet NPS asserts that “[c]ontinued management of elk would not affect visitor experience because elk viewing opportunities of the Drakes Beach and Limantour herds would continue unchanged” (DEIS at 167), ignoring the indisputable fact that the prevention of elk from expanding their range and numbers, and their exclusion from actively-ranched lands along Sir Francis Drake Road (the main thoroughfare for public access) means that fewer visitors will have the opportunity to view any elk at all. And for
“public use and enjoyment” and “visitor carrying capacity,” NPS’s impact analysis erroneously lists the environmental impact of Alternative F as “Same as Alternative B” with some additional caveats. DEIS at 50. These are mis-statements of environmental impacts among alternatives. Indeed, under Alternative F, “The potential expansion of the elk population in Point Reyes would result in long-term, beneficial impacts on visitor use and experience for visitors who enjoy observing elk in their natural and historical habitat.” DEIS at 171. The suppression of elk populations and the curtailment of their range on PRNS therefore is an impairment to public recreation and inspiration on the National Seashore.

As even the Park Service concedes in the Draft EIS, ranching operations diminish the visitor experience. Visitors encounter cattle on trails and roadways in the park, and have noted concerns regarding electric fencing, interactions with cattle, and manure management. Fencing interferes with visitor access as does the presence of occupied homes and ranches. The dairies in particular are unsightly and they stink.

Recreational activities are greatly curtailed in the Pastoral Zone, with fences and gates, and lack of visitor facilities, trails, and interpretive signs and displays. This is inconsistent with the purpose of the Seashore, which is for public benefit and enjoyment, not private commercial profits.

The proposal by the NPS to retain and expand ranching activities on park lands is purely political. A few very recent developments affecting the planning area illustrate this point. First, the Olema Valley Dairy Ranches Historic District was listed in the National Register on April 9, 2018, and the Point Reyes Peninsula Dairy Ranching Historic District was listed on October 29, 2018. Why didn’t these listings happen earlier? Because the listings were done to try to more firmly anchor ranching into the parks. Second, Congressman Jared Huffman sponsored a bill that directed the Secretary of the Interior “to manage agricultural properties consistent with Congress’ longstanding intent that working ranches and dairies continue to be authorized to operate on agricultural property within the Point Reyes National Seashore and Golden Gate National Recreation Area” and authorized issuance of leases or special use permits of 20 years. The bill was passed by the United States House of Representatives, but fortunately the bill died in session. There are fears that even if the NPS decided to adopt Alternative E and phase out the ranches, that certain politicians would quickly try to end run the agency yet again.

On the other hand, Alternative F uniquely implements the organic legislation’s direction to manage PRNS for public recreation and inspiration by expanding and improving recreational opportunities. This alternative entails “trail linkages that connect new visitor opportunities in former ranch complexes.” DEIS at 46. Furthermore, “all ranch complexes would become available for adaptive reuse to support visitor opportunities.” DEIS at 47. “The change in land use could create additional opportunities such as a string of lodging or camping sites connected by trails.” Id. Opportunities for preservation and enjoyment of historic features would also expand under this alternative, as “NPS would use a wider range of techniques to interpret the history of ranching in the park, potentially including exhibits in historic structures that are no longer actively used for ranching.” Id. Thus, Alternative F uniquely among the alternatives manages the National Seashore to prioritize public recreation and inspiration. All other
alternatives dedicate substantial acreage to commercial livestock production, to the detriment, and often exclusion, of public recreation.

Figure 34. Industrial agricultural equipment on park roads causing traffic and recreation hazards is incompatible with park purposes. Near Abbott’s Lagoon, Point Reyes National Seashore. (Photo: Jim Coda)
Q. The DEIS Fails to Take a Hard Look at Impacts to Wilderness.

Wilderness Areas are mentioned in the DEIS, such as where free-roaming tule elk herds dwell: “The range of the Limantour herd includes designated wilderness areas…” (DEIS at 80). Yet the DEIS fails to analyze the impacts of the Alternatives on wilderness, especially where hazing and lethal elk removal may encroach on to or impact wilderness.

Our scoping comments on impacts to wilderness (Western Watersheds Project et al. 2018 at 86-89, Attachment 27) are unaddressed in the DEIS.

III. The Definition of National Historic Districts is Too Narrow Under the National Historic Preservation Act.

It is not clear that the Park Service fulfilled its duties under the National Historic Preservation Act (NHPA) to analyze the impact to cultural resources, such as to the native
Miwok and other tribes, and to properly consult with all tribes. Further, the listing of the ranching district under the NHPA imposes a new host of duties on the Park to analyze, and that authorizing modern dairies and ranches, particularly when diversification is added, is inconsistent with the agency’s duties under the statute.

Cultural resources and infrastructure do not imply the need for the park to manage human residence and private commercial operations inside a park unit. Cultural resources can be managed for interpretive and historical needs, without working ranches or livestock being present.

Ranches and associated facilities can be managed under Alternative F perfectly well within NHPA mandates, to “administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations” (16 U.S.C. 470-1a).

The historic and uninhabited Pierce Point Ranch in Tomales Point fulfills the need for a cultural landscape management zone and historic property. This type of management would allow for maximum protection of natural resources and restoration of such resources in the surrounding areas—here, the tule elk and coastal prairie. To fulfill the management needs for a cultural landscape, working ranch operations are not required, and in no manner are needed to educate the public and provide inspirational and aesthetic visitor experiences.

The NPS manages the Pierce Point Ranch as a non-working historic ranch, open to visitors, as described on the Point Reyes National Seashore website:

The Pierce Ranch ceased operations in 1973. Beginning in 1980, the National Park Service invested in the rehabilitation of the ranch core, citing it as the best example of a west Marin dairy ranch from the 1800s. Among the many ranches of the Point Reyes peninsula and of the nearby Olema Valley, Pierce Ranch is the one with the greatest degree of integrity of early buildings in its physical complex. Pierce Ranch is probably the least altered, least modernized, physical complex of ranch buildings in the area. Part of the ranch's main house dates to 1856, making it the oldest surviving ranch house in the Point Reyes region, if not in the whole coastal section of Marin County. Pierce Point Ranch was added to the National Register of Historic Places in 1985, and was subsequently opened to the public as an interpretive site.

Visitors are welcome to walk through the ranch complex, where interpretive signs describe the history and function of the various buildings. Historic features include the main house, a schoolhouse, a blacksmith shop, barns, dairy houses, and many other structures. (https://www.nps.gov/pore/planyourvisit/tomales_point.htm)

NPS should describe a more complete history of this property. Pierce Point Ranch may have operated until about 1980, and Johne’s disease may have spread from cattle there to the elk. This history should be detailed.

The many other historic ranches in the Pastoral Zone could equally be made into educational, historic, and interpretive areas, which would fulfill the area’s recent addition to the
National Register of Historic Places in 2019. To fulfill this need, we emphasize that working ranches are not necessary, and the presence of cattle are not required.

There are recent precedents where the National Park Service has managed formerly working cattle ranches as cultural landscapes and historic properties that are uninhabited, and non-working. One example is the Tassi Ranch Site within Grand Canyon-Parashant National Monument. The February 2019 approved Environmental Assessment detailed a management plan that fulfilled the need to “maintain viable habitat for the special status riparian and aquatic species in the project area, and provide sustainable visitor use. The need for the proposed action is to protect the integrity of the cultural landscape, including historic structures, modern visitor infrastructure and historically appropriate vegetation” (NPS and BLM 2019 at 2, Attachment 22).

This presents a balance of sustaining both natural and cultural landscapes, along with visitor benefits, and without commercial livestock and agricultural operations. The management plan for the Tassi Ranch Site ranch structures and historic landscapes conforms with the Grand Canyon-Parashant National Monument General Management Plan/Resource Management Plan in that conservation treatments are planned for structures; the cultural landscape will be maintained without working livestock commercial operations, and only certain irrigation structures will be maintained for rare amphibian conservation at springs. In balance with maintaining these historic structures, the park here will also undertake rare species conservation, restoration of springs for ecological benefits, and interpretation of the biological, hydrologic, and cultural features of the area (id.).

WiFi satellite dishes (small-scale telecommunications installations, EIS at 29) do not fit into the definition of a historic cultural landscape, and should not be allowed. Modern loafing barns and sheds do not fit within the definition of a historic cultural landscape, and should be dismantled. Plastic calf crates do not fit within the definition of a historic cultural landscape, and should be removed. Mobile homes and other prefabricated structures do not fit within the definition of a historic cultural landscape, and should be dismantled. Structures such as these impair the integrity of the two historic districts.

Cheese-processing should be a living history exhibit from the early 1900s, with interpretive staff and volunteers in period dress. The park is proposing modern industrial state-of-the-art cheese processing facilities.
Figure 36. Modern dairy loafing barn on ranch in Point Reyes National Seashore is not historic, but built within the last few decades. (Photo: Laura Cunningham)
IV. Conclusion.

The Draft EIS violates at least four laws: the National Environmental Policy Act (NEPA), the 1916 NPS Organic Act which requires the protection of natural resources, and the PRNS and GGNRA laws which also require the protection of natural resources.

The National Environmental Policy Act provides that agencies may analyze and evaluate alternatives that are beyond the agency’s authority to implement. However, an agency may not adopt an alternative that violates federal law, regulation, or agency policy.

The NPS has for decades turned a blind eye to the adverse environmental impacts of the ranches. Leases have been renewed repeatedly, and the NPS did not take serious steps to address the issue of the ranches until they were forced to do so because of litigation and a multi-party
Settlement Agreement. Natural resources are greatly impaired in these park units, violating protective laws, conditions, and covenants that consider renewal of leasing of ranches. Ranch lease-permits are so out of bounds for protecting natural resources from impairment that the only realistic Alternative is F, to end ranching.

It is important to note that ranching on Point Reyes is insignificant in terms of the regional economy. Removal of all ranching would eliminate the production of $16 million, which sounds like a lot of money, but is only 0.01% of the gross regional product of the study area. DEIS at ix. Conversion of dairy cattle to beef cattle results in elimination of $14.4 million, almost the same as eliminating all livestock entirely. This demonstrates that conversion to beef cattle eliminates most of the economic inputs of the livestock industry, while retaining most of its impacts to wildlife, the land, and waters. Current visitor direct contributions to the local economy, by contrast, were $108.5 million in 2017. It is equally important to note that NPS has failed to assess the positive economic impacts of removing livestock from PRNS on public recreation. The agency provides economic losses from elimination of the livestock industry, but fails to account for economic gains from expanded public recreation (see DEIS at vi), even though the agency concedes that recreation will indeed expand as a result of removing livestock from the National Seashore.

Now, by selecting Alternative B, the NPS continues to ignore the adverse impacts of ranching on park lands; opting for the “business as usual” model. This will allow the same numbers of cows that presently occur (more than 5,500), plus includes the even more egregious step of allowing “diversification” on the ranches—permitting pigs, chickens, sheep, and goats; horse boarding; row crops; processing of dairy products, and providing public farm stays and tours. All of these additional animals and uses will increase impacts to the environment, both on and off the ranches (direct and indirect impacts to park resources). This alternative would manage a paltry 2,600 acres as a Resource Protection zone, where no grazing would be authorized, yet limited prescribed grazing by livestock might still occur. DEIS at 35. This is absurd given that the agency has an obligation to protect resources across 100% of PRNS and GGNRA. Some 9,000 acres would be managed as the Pasture subzone, where “no sensitive resources are known to occur,” and seeding and mowing would be permitted. DEIS at 35. Again, this is a nonsequitur, as there are no acres on PRNS that qualify on the basis of “no sensitive resources are known to occur.” Native coastal prairie is a sensitive resource, for example, and species from this assemblage occur throughout the National Seashore.

Based on the PRNS and GGNRA legislation, as well as the stated purposes and desired conditions of lands in the planning area, the only legally acceptable alternative presented in the Draft EIS is Alternative F.

Language in the Draft EIS itself supports the adoption of Alternative F, not Alternative B. Alternative F would benefit soils, water quality, air quality, elk, and the experience of park visitors. DEIS at 111. Impacts of Alternative F on vegetation and soils cannot be easily summarized, but if the NPS would commit to habitat restoration after the cows are removed, both vegetation and wildlife would benefit overall from cessation of ranching. The same cannot be said about any of the other alternatives. The answer is clear: adopt Alternative F.
According to the Draft EIS, under Alternative F:

--cessation of ranching would eliminate all impacts on soils associated with ranching activities (i.e., beneficial to soils)

--impacts on water quality would be noticeable, long term, and beneficial (i.e., beneficial to water quality)

--ranching-related emissions of criteria air pollutants would end (i.e., beneficial to air quality)

--would eliminate impacts on elk related to hazing and fencing would be eliminated and the free-range population would be allowed to expand across the planning area (i.e., beneficial to tule elk)

--visitor opportunities related to experiencing natural sights and sounds would be expanded, and there could be additional recreational trail linkages and public opportunities through the adaptive reuse of ranch complexes no longer used for active ranching, resulting in beneficial impacts for visitors seeking these experiences (i.e., beneficial to visitor experience)

--the potential expansion of the elk population would result in long-term, beneficial impacts for visitor use and experience related to observing elk in their native habitat (i.e., beneficial to visitor experience)

The Conservation organizations and individuals signed on to this letter support Alternative F, namely, the termination of all dairy and beef cattle ranching and commercial agricultural production on Point Reyes National Seashore and the northern district of Golden Gate National Recreation Area, and the full restoration of tule elk, coastal prairie, and other native animal and plant communities to these important and unique National Park units for full public enjoyment.

Thank you,

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Attachment 9. Freedom of Information Act (FOIA) 2, email “elk stuff this week.”

Attachment 10. - FOIA document 3, email “Elk on Rogers Ranch, 1/24/12.”


Attachment 13. – FOIA document 8, Memo to File, Subject: Cow count 02/12/2013.


Attachment 15. – FOIA document 11, letter to PRNS from Sierra Club, date April 8, 2008.


Attachment 17. - Keegan, Bruce. 2012. The California Coastal Prairie of Point Reyes National Seashore: From Prehistory to Ranching—And Beyond. (Self-published.)


