

BACKGROUND and FAQs **Point Reyes National Seashore Lawsuit**

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- The Point Reyes National Seashore is located in Marin County, California, approximately 30 miles northwest of San Francisco. It is among the most majestic and ecologically significant stretches of public land along the west coast of the United States. The Seashore contains breathtaking headlands, coastal cliffs, sandy and rocky beaches, rolling grasslands, large forests, meandering streams, bays and inlets.
- The National Seashore was created in 1962, when President John F. Kennedy signed the Point Reyes Act in order to “save and preserve, for purposes of public recreation, benefit, and inspiration, a portion of the diminishing seashore of the United States that remains undeveloped.” 16 U.S.C. § 459c.
- As a part of the National Park system, the Point Reyes National Seashore is managed by the National Park Service, an agency within the Department of Interior, under the overriding legal mandate that its wildlife and natural resources be left “unimpaired for the enjoyment of future generations.” 54 U.S.C. § 100101(a).
- In 1976, Congress designated more than 33,000 acres, or nearly half of the Seashore, as wilderness and potential wilderness. This legislation also required the Park Service to manage the entire Seashore in a manner that does not impair natural values and is consistent with “the maximum protection, restoration, and preservation of the natural environment.” 16 U.S.C. § 459c-6(a) (emphasis added). The wilderness encompasses forests, grasslands, beaches and coastline at the Seashore and includes over 100 miles of trails.
- The Seashore has garnered special designations and recognition from international, national, and local governments and organizations, such as UNESCO, which designated the Seashore as part of the California Coast Biosphere Reserve.
- Dozens of wildlife species inhabit the Seashore. For example, over 490 resident and migratory bird species use the Seashore, which constitutes over 45% of all bird species found in North America and is among the highest diversity of bird species found in any U.S. National Park. It is also home to imperiled fish, butterflies, plants and other species protected under the federal Endangered Species Act. (list of species provided on web page, <http://www.rri.org/>)
- The Seashore provides excellent recreational and educational opportunities for visitors, who make approximately two millions trips to the park every year. Visitors engage in a variety of recreational activities such as hiking, camping, backpacking, wildlife viewing, kayaking, cycling, picnicking, swimming, and surfing at the Seashore.

Ranching Impacts the National Seashore

- The Point Reyes Act authorized the Secretary of the Interior to acquire existing private ranch properties within the National Seashore, with the consent of the owners and paying fair market value. The federal government paid about \$20 million—the equivalent of \$70 million today—to acquire private properties within the National Seashore, and now owns all the historic ranching properties within the boundaries of the Point Reyes National Seashore.
- The Point Reyes Act allowed private owners the option of continuing to occupy and use the private lands for a period of 25 years or the life of the owner and spouse (whichever was longer). For most of the existing ranches within the Seashore, those periods have now expired.
- Under amendments to the Act, the Park Service has discretion to issue leases for continued use of the ranching properties, but under the strict legal mandate that it do so “without impairment of [the Seashore’s] natural values, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with, based upon, and supportive of the maximum protection, restoration, and preservation of the natural environment within the area.” 16 U.S.C. § 459c-5, 6(a).
- Currently, there appear to be no valid long-term leases for ranching on the National Seashore. The Park Service has used informal lease extensions to continue allowing ranching on the Seashore, without any public or environmental review process.
- According to documents from the Park Service and other federal agencies, ranching is currently causing many harmful impacts to the natural resources, wildlife, and recreational opportunities at the Seashore. Ranches are a primary threat to water quality, a medium to high stressor of coastal resources, a source of harm to imperiled wildlife, and a contributor of higher levels of invasive species.
- The Park Service has also identified ranches as the source of the majority of greenhouse gas emissions at the Seashore, which contribute to substantial threats to the resources within the park from climate change.
- Although the public has the right to recreate on and throughout ranchlands within the Seashore, ranches deter the public from recreating in these areas and prevent the establishment of additional hiking trails, camping spots and biking areas. Ranchers have posted signs and locked gates to discourage recreational uses of the Point Reyes National Seashore, contrary to the legal rights of the public.
- The Park Service’s reintroduction of Tule elk to Point Reyes after their extirpation in the nineteenth century has been a major wildlife restoration victory. Tule elk are now a focal

point of wildlife viewing that draws visitors to the Seashore and an important part of the ecosystem and community in the area.

- Point Reyes Seashore now contains the only Tule elk herd within a national park, but this population is threatened by existing ranching operations and practices. The Park Service is aware that fences on ranchlands kill and seriously injure elk that are snagged or trapped by these fences. The agency also acknowledges that recent drought conditions contributed to the deaths of approximately 250 elk that are restricted to a small portion of the park at Tomales Point by fencing.

The Park Service is Inadequately Managing the Seashore

- The Park Service manages the Seashore based on a General Management Plan adopted in 1980. This plan is legally required to include measures to preserve park resources, but is so outdated and inadequate that it fails to do so.
- The National Park Service Act requires the agency to revise its General Management Plan in a timely manner to reflect current conditions. The agency has determined updates should generally occur every 10-15 years. However, the Park Service has never completed an updated General Management Plan. It manages the Seashore under a plan that is now 35 years old.
- Since 1997, the Park Service has repeatedly announced its intention to update the General Management Plan for Point Reyes to provide management guidance for the following twenty years. In 2003, the Park Service proposed five different management concepts for the future of the Seashore, three of which included reducing or phasing out ranching at the Seashore. In 2008, the agency announced it would finalize the plan in 2009. But the agency never followed through on its promises to revise the Plan and has apparently abandoned its intentions of doing so.
- The Park Service authorizes and manages ranching through an opaque process that excludes and shields relevant information from the public. The Park Service has never analyzed the cumulative environmental impacts of ranching on the Seashore. Nevertheless, the Department of the Interior and the Park Service continue to authorize ranching at the Seashore; and former Interior Secretary Ken Salazar directed in 2012 that the Park Service consider extending the length of such authorizations to 20-year terms.
- The Park Service says it is now developing a “Ranch Comprehensive Management Plan” (RCMP) with an Environmental Assessment to authorize the new 20-year ranching permits. The agency anticipates a draft Ranch Plan will be released for public review in 2016.
- If the Park Service proceeds with its proposed RCMP without having first updated its General Management Plan for the Point Reyes National Seashore, it will lock in ranching activities that are harming environmental and recreational uses for at least two decades to come.

FAQs about the RRI Lawsuit

Does federal law require the Park Service to allow ranchers to operate at the Seashore?

- No. The Point Reyes Act does not establish ranching as a purpose of the Seashore or mandate that ranching continue. *See* 16 U.S.C. § 459c. Rather, the Act allowed ranching to continue through reservations of use and occupancy by private landowners who sold land to the federal government for either a term of 25-years or the life of the owner or his spouse. 16 U.S.C. § 459c-5. All but one of these reservations have expired, so the Park Service now has the discretion to authorize ranching through agricultural leases and special use permits under the Point Reyes Act and the National Park Service Act and the agency’s implementing regulations.
- Importantly, the Park Service may only authorize ranching under leases that must include “such restrictive covenants as may be necessary to carry out the purposes” of the Act. 16 U.S.C. § 459c-5. These purposes include preserving and saving the area for public benefit, recreation, and inspiration and managing the land “without impairment of its natural values” and in accordance with the “maximum protection, restoration and preservation of the natural environment”. 16 U.S.C. § 459c, 459c-6. Most importantly, the Park Service’s authorization of ranching is subject to the agency’s overarching mandate—to keep the scenery, natural and historic resources and wildlife “unimpaired for the enjoyment of future generations.” 54 U.S.C. § 100101(a) (formerly codified as part of the Organic Act at 16 U.S.C. § 1).

Will the Park Service’s proposed Ranch Plan process solve problems with ranching?

- No. The RCMP is premised on the assumption that ranching will continue at the Seashore. The agency’s primary objectives are to serve the interests of ranchers by creating 20-year permits and by addressing impacts of Tule elk on ranchlands through means that may include relocating, sterilizing or killing the elk. These biased objectives will prevent the agency from considering whether ranches are an appropriate use of the Seashore and, if so, can operate without impairment of the Seashore’s resources under current conditions.

Are lease terms and best management practices adequate to protect the resources of the Seashore?

- No. Numerous reports and information released by the Park Service, other agencies and third parties collectively reveal that existing practices have not been adequate to protect natural resources and values, wildlife and recreation. For example, ranching is the primary threat to water quality, harms imperiled wildlife species and impedes recreational experiences.
- Because the Park Service has never taken a comprehensive look at the impacts of ranching on the environment, the agency cannot know what those impacts are and what actions are necessary to protect resources from these impacts in the future.

What relief are plaintiffs seeking through this lawsuit?

- We are asking the Court to require the Park Service to follow procedures required by federal law to authorize ranching, including the National Park Service Act, the National Environmental Policy Act and the Point Reyes Act. We are asking the agency to prepare an Environmental Impact Statement that assesses the impacts of ranching on the Seashore and ensures that ranching does not impair the natural resources, values and recreational opportunities at the Seashore.
- We are also requesting that the Park Service prepare an updated General Management Plan to provide for the preservation and use of the Seashore based on current conditions *before* issuing a Ranch Plan and 20-year permits. Such a General Management Plan revision is mandated under the National Park Service Act; in contrast, the Ranch Comprehensive Management Plan is not legally required, but is designed to serve the ranchers rather than the Seashore and the public as a whole. The process of revising the General Plan will allow the agency to comprehensively assess the state of the Seashore and its resources in order to them from impacts resulting from all uses, including recreational and educational opportunities and ranching. Such a comprehensive analysis will allow the agency to determine whether and how *all* uses should be authorized so that ranching objectives are not elevated above those of the public.
- We are not currently seeking injunctive relief to halt ranching while the case is pending before the court.

Is the public allowed to recreate on ranchlands?

- Yes. The Seashore is public, not private land, even in areas where ranching continues. The public has a right to access and hike throughout ranchlands, which are public property from which ranchers cannot exclude members of the public. Signs on ranch roads or areas that are designed to prevent recreation or access are illegal and violate the ranching authorizations.

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