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JEAN E. WILLIAMS
Acting Assistant Attorney General
U.S. Department of Justice
DAVID L. NEGRI, Trial Attorney
Environment and Natural Resources Division
c/o U.S. Attorney’s Office
1290 West Myrtle Street, Suite 500
Boise, Idaho 83702
(208) 334-1936
Facsimile: (208) 334-1414
david.negri@usdoj.gov

BRIAN J. STRETCH (Cal. Bar No. 163973)
United States Attorney
SARA WINSLOW (DC Bar No. 457643)
Chief, Civil Division
MICHAEL T. PYLE (Cal. Bar No. 172954)
Assistant United States Attorney
150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5087
Facsimile: (408) 535-5081
Email: michael.t.pyle@usdoj.gov

Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

RESOURCE RENEWAL INSTITUTE,
CENTER FOR BIOLOGICAL
DIVERSITY, and WESTERN
WATERSHEDS PROJECT,

Plaintiffs,

v.

NATIONAL PARK SERVICE, a federal
agency, and CRAIG KENKEL, in his
official capacity as Superintendent of Point
Reyes National Seashore,

Defendants.

Case No. 4:16-cv-00688-SBA (KAW)

**MOTION FOR EXTENSION OF
DEADLINE**

1 Pursuant to Civil L. R. 6-3, the NATIONAL PARK SERVICE, a federal agency, and CRAIG
2 KENKEL, in his official capacity as Superintendent of Point Reyes National Seashore, Defendants,
3 through undersigned counsel, moves this Court for a 60-day extension to the deadline for the
4 Defendants to issue a Record of Decision for a partial amendment to the Point Reyes National
5 Seashore’s General Management Plan of 1980 (“GMP Amendment”)/EIS contained in paragraph 3 of
6 the Stipulated Settlement Agreement approved by this this Court on July 14, 2017 (ECF No. 143).

7 The following grounds are presented in support of this Motion.

8 1. Plaintiffs filed a lawsuit against Defendants on February 10, 2016, (ECF No. 1)
9 alleging that Defendants have unreasonably delayed a timely revision to the 1980 General
10 Management Plan (“GMP”) for Point Reyes National Seashore (“Point Reyes” or “Park”) and violated
11 the National Environmental Policy Act (“NEPA”), the National Park Service (“NPS”) Organic Act,
12 and the Point Reyes National Seashore Enabling Act, by authorizing year-round livestock ranching
13 and associated residential activities without preparing an environmental analysis of ranching’s impacts
14 on Point Reyes.

15 2. The Court entered an Order on July 22, 2016, referring the above-captioned
16 action for a mandatory settlement conference (the “Settlement Conference”) (ECF No. 55) with the
17 Honorable Magistrate-Judge Donna M. Ryu (ECF No. 67) on September 20, 2016 (ECF No. 72).

18 3. The Parties and representatives for the Lunny Ranchers, the Rossotti Ranchers,
19 and the County of Marin participated in a Settlement Conference on September 20, 2016, with Judge
20 Ryu and agreed to deadlines regarding next steps (ECF No. 112).

21 4. The Parties, with the assistance of Judge Ryu, reached an agreement to settle
22 and resolve this litigation and filed their Stipulated Settlement Agreement on July 12, 2017 (ECF No.
23 142-1).

24 5. On July 14, 2017, the Court approved the Stipulated Settlement Agreement.
25 (ECF No. 143).

26 6. Section 3 of the Stipulated Settlement Agreement requires that NPS issue a
27 Record of Decision for a partial amendment to the Point Reyes National Seashore’s General
28 Management Plan of 1980 (“GMP Amendment”)/EIS within four years from the date of approval of

1 this Agreement by the Court.

2 7. The National Park Service is seeking an additional 60 days to complete the
3 GMP Amendment. As with other high-profile matters, the National Park Service needs additional time
4 to brief the new administration on the plan and the feedback received through the public involvement
5 process. The National Park Service is committed to ensuring that its decision is responsive to formal
6 public comments, the Park's resources and needs, and legal requirements. *See* Declaration of Craig
7 Kenkel in Support of Defendant's Motion For Extension of Deadline, filed contemporaneously with
8 this Motion.

9 8. Counsel for Plaintiffs RESOURCE RENEWAL INSTITUTE, CENTER FOR
10 BIOLOGICAL DIVERSITY, and WESTERN WATERSHEDS PROJECT have informed undersigned
11 counsel that they do not oppose the requested 60 day extension.

12 9. Counsel for COUNTY OF MARIN has informed undersigned counsel that it
13 does not oppose the requested 60 day extension.

14 10. Counsel for the ROSOTTI RANCHERS and the LUNNY RANCHERS have
15 informed undersigned counsel that their position is as follows:

16 a. On July 7th, 2021, the federal government first advised counsel for the rancher
17 signatories that they would be unable to meet the four-year deadline of July 14, 2021,
18 as originally outlined in the settlement agreement signed on July 14, 2017. Dkt. No.
19 143. The federal government then requested a 60-day extension, while also advising
20 counsel for the ranchers that this was a "best guess" extension – i.e., that the federal
21 government was not sure whether additional time beyond the initial 60 days would be
22 needed, and if so, how much additional time would be requested.

23 b. This case involves a multi-year settlement and an underlying planning process
24 spanning multiple administrations. During that time, the National Park Service has
25 provided consistent updates to the ranchers, all indicating that the planning process had
26 been largely completed (public notice and comment, consultation, etc.) and that the
27 settlement deadline would be met. Now, just a few days before the deadline, the
28 federal government is asking for more time. In the meantime, some ranchers have

1 relied to their detriment on the Park Service’s representations regarding finalization of
2 the planning process – e.g., by engaging in efforts to finalize Natural Resources
3 Conservation Service cost agreements that depend on the long-term leases outlined in
4 the settlement.

5 c. As such, the rancher signatories cannot agree to the federal government’s open-
6 ended “best guess” and surprising last-minute extension of 60 days.

7 d. The settlement agreement does set forth a process by which to address the
8 situation where the federal government fails to meet the deadlines set forth in the
9 settlement agreement (see Settlement Agreement at Section F, ¶¶ 17-20). In a good
10 faith effort, the rancher signatories, however, do stipulate to a 21-day extension to
11 allow for completion of briefing notes and other similar administrative tasks.

12 e. If the Court is inclined to grant the 60-day extension, the rancher signatories
13 request: (1) that the Court require the federal government to file a status report, within
14 30 days of the Court’s order extending the deadline, outlining the government’s
15 progress to date and any remaining work to be completed, and (2) that the 60-day
16 extension be the only one allowed, absent extenuating circumstances.

17 11. As indicated in the Declaration of Superintendent Kenkel, the Department of the
18 Interior’s newly appointed Assistant Secretary for Fish Wildlife and Parks has asked for additional
19 briefings on the GMPA. In order to respond to these questions, the NPS needs time to review matters
20 addressed in the GMPA and prepare additional briefing materials. Once the briefing process is
21 complete, the NPS will also need time to prepare the Record of Decision and other documents that
22 support a final decision on the GMPA.

23 12. There have been no previous modifications to this deadline, and extending the
24 deadline as requested would extend the retained jurisdiction of the Court until one year after issuance
25 of the Record of Decision, as provided by paragraph 17 of the Stipulated Settlement Agreement. No
26 schedule is otherwise set for this case.

27 Defendants therefore respectfully request that the Court approve the 60-day extension to the
28 deadline contained in paragraph 3 of the Stipulated Settlement Agreement for Defendants to issue a

1 Record of Decision for a partial amendment to the Point Reyes National Seashore’s General
2 Management Plan of 1980 (“GMP Amendment”)/EIS, extending such deadline until September 12,
3 2021.

4 Dated this 13th day of July, 2021.

5 JEAN E. WILLIAMS
6 United States Department of Justice
7 Acting Assistant Attorney General

8 David L. Negri
9 DAVID L. NEGRI, Trial Attorney
10 Environment and Natural Resources Division
11 c/o U.S. Attorney’s Office
12 1290 West Myrtle Street, Suite 500
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