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**[The Myths of Point Reyes Part Four](https://public-api.wordpress.com/bar/?stat=groovemails-events&bin=wpcom_email_click&redirect_to=https%3A%2F%2Fwww.thewildlifenews.com%2F2023%2F01%2F10%2Fthe-myths-of-point-reyes-part-four%2F&sr=0&signature=02efebc0c96ab6917e2df5d33d225442&blog_id=23667551&user=28549a0a7cde57c0a7e65449450d13e9&_e=eyJlcnJvciI6bnVsbCwiYmxvZ19pZCI6MjM2Njc1NTEsImJsb2dfbGFuZyI6ImVuIiwic2l0ZV9pZF9sYWJlbCI6ImpldHBhY2siLCJoYXNfZmVhdHVyZWRfaW1hZ2UiOiIwIiwiX3VpIjoiMjg1NDlhMGE3Y2RlNTdjMGE3ZTY1NDQ5NDUwZDEzZTkiLCJfdXQiOiJhbm9uIiwiZW1haWxfZG9tYWluIjoic29uaWMubmV0IiwicG9zdF9pZCI6Mzk1ODAsImRhdGVfc2VudCI6IjIwMjMtMDEtMTEiLCJlbWFpbF9pZCI6IjRkNGZjZDQ5ZWMxNzRiYTI5NDg2MTY0YzU0OTQzOTQ5IiwiZW1haWxfbmFtZSI6Im5ldy1wb3N0IiwidGVtcGxhdGUiOiJuZXctcG9zdCIsImxpbmtfZGVzYyI6InBvc3QtdXJsIiwiYW5jaG9yX3RleHQiOiJUaGUgTXl0aHMgb2YgUG9pbnQgUmV5ZXMgUGFydFx1MDBhMEZvdXIiLCJfZHIiOm51bGwsIl9kbCI6IlwveG1scnBjLnBocD9zeW5jPTEmY29kZWM9ZGVmbGF0ZS1qc29uLWFycmF5JnRpbWVzdGFtcD0xNjczNDEwMTUyLjYyNTcmcXVldWU9c3luYyZjZD0wLjAwMTgmcGQ9MC4wMTY2JnF1ZXVlX3NpemU9NCZidWZmZXJfaWQ9NjNiZTM2Njg5NDQ4ZSZzeW5jX2Zsb3dfdHlwZT1kZWRpY2F0ZWQmdGltZW91dD0yMCZob21lPWh0dHBzJTNBJTJGJTJGd3d3LnRoZXdpbGRsaWZlbmV3cy5jb20mc2l0ZXVybD1odHRwcyUzQSUyRiUyRnd3dy50aGV3aWxkbGlmZW5ld3MuY29tJmlkYz0xJmZvcj1qZXRwYWNrJndwY29tX2Jsb2dfaWQ9MjM2Njc1NTEiLCJfZW4iOiJ3cGNvbV9lbWFpbF9jbGljayIsIl90cyI6MTY3MzQxMDIyMzQxNCwiYnJvd3Nlcl90eXBlIjoicGhwLWFnZW50IiwiX2F1YSI6IndwY29tLXRyYWNrcy1jbGllbnQtdjAuMyIsIl91bCI6bnVsbCwiYmxvZ190eiI6Ii03IiwidXNlcl9sYW5nIjpudWxsfQ=&_z=z) (10 Jan 2023)**

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| **The Myths of Point Reyes, Part 4***By Ken Bouley*Last June (2021), *the Wildlife News* published a series entitled “The Myths of Point Reyes,” a three-part paper analyzing the multifaceted, ongoing controversy over continued commercial ranching inside Point Reyes National Seashore, which lies just north of San Francisco, on the California Coast.Much has happened since that publication: the Park Service announced its final “Record of Decision” (ROD), capturing its go-forward plan for park management; soon after this, environmental groups sued the Park Service over those same plans; and citizen groups conducted and published water quality tests downstream of the ranches, capturing the attention of the California Coastal Commission (CCC) and the San Francisco regional Water Quality Board (SFRWQB).What follows is an update on these goings-on, some supplemental content to certain of the named Myths previously published, and one completely new myth, that of Continuity, resulting from research done since last summer.**The Record of Decision**On September 13, 2021, the NPS issued its final Record of Decision (ROD) regarding the future of ranching in Point Reyes National Seashore. They selected one of the previously elaborated plans, *Alternative B*, granting ranches new, 20-year leases, diversified livestock, new expanded commercial activities, and including a plan to cull native tule elk to avoid conflicts with ranches. The ROD included a few alterations to the draft version of B, which were minor enough in nature as to preclude the need for additional review and public comment. One example of the alterations was changing the number of elk to be tolerated in the Drakes Beach herd before culling from 120 to 140, a number just above the estimated population at the time of publication.The choice of Alternative B was justified based on three assertions: first, that continued ranching in the Seashore is consistent with congressional intent; second, that it fulfills the NPS’s charter to preserve cultural resources; and third, that the selected plan does not impair resources in the park.**Congressional Intent**There is a three-page section of the ROD covering “Congressional intent.” These pages contain a few non-sequiturs and thinly supported inferences regarding Congress’s alleged long-standing “interest” in ranching in Point Reyes. Several passages seem to assume that any observation of the role of ranching in the history of the area amounts to an implicit endorsement of its continuance.But there are two references to non-legally binding publications from Congress which contain unequivocal endorsements of continued ranching:* A 1978 House Report accompanying changes to the Point Reyes Enabling Legislation, which stated “the use of agricultural lease-backs is encouraged to the fullest extent in ensuring the perpetuation of this use.”
* A 2019 “Joint Explanatory Statement,” authored by Rep. Huffman, stating that “multi-generational ranching and dairying is important both ecologically and economically” and is “fully consistent with Congress’s intent for the management of Point Reyes National Seashore.”

 Furthermore, the Point Reyes Enabling Legislation was modified in 1978 to allow (but not to mandate or even endorse) ranching leases at the discretion of the Interior Secretary.The ROD goes on to explain that “The NPS Management Policies 2006 (Section 1.4.3.1) direct park managers to consider Congressional interest, as expressed in enabling legislation, when deciding whether to allow a legislatively authorized use.” (Note the preceding references are not actually part of the Enabling Legislation.)Of course, the ROD makes no mention of the fact that “Congressional intent” in this case may be nothing more than a few, rare riders added by the local Congressperson, at the behest of those who stand to gain from it and who represent important stakeholders in a wider influential industry (in this case, agriculture). Representative Huffman and Senator Feinstein both receive significant campaign contribution from dairy and agriculture.Furthermore, all relevant and cited laws and explanatory statements from Congress predate the EIS. In other words, to the degree that Congress has in fact supported continued ranching in Point Reyes, the question of whether livestock operations impair resources was not informed by any systematic study, which did come about until the court-mandated EIS recently issued. The appropriateness of ranching in Point Reyes was declared by various boosters, including Representative Huffman, but before the EIS was published. In other words, Congress may have endorsed ranching in Point Reyes *presuming* it was ecologically benign, but Congress has yet to endorse ranching there *despite* its ecological impacts, because those were not established on the record until very recently.Overall, the claim that there is long standing congressional intent to keep ranching in Point Reyes is venturous at best. But let’s grant that a sufficient case can be made for it.**Preservation of Cultural Resources**Regarding the preservation of culture and history, the Myth of History material published previously argues that modern practices and an obliteration of Indigenous People’s imprint on the land counts against continued ranching on this basis. Note that in relevant legislation, culture and history are explicitly subordinate in priority to the preservation of nature. The related section from the Point Reyes Enabling Legislation is quoted here:* **459c–6. Administration of property**

*(a) Protection, restoration, and preservation of natural environment*… the property acquired by the Secretary … shall be administered by the Secretary without impairment of its natural values, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with, based upon, and supportive of the maximum protection, restoration, and preservation of the natural environment within the area… 16 U.S.C. § 459c-6. (Emphasis added.)So, NPS is required to preserve history but not at a cost to preserving nature. But again, let’s grant that this issue is complex and controversial enough to admit some subjective conclusion to the contrary, biased as it may be.**Non-Impairment**So, with the first two justification reluctantly granted, the question boils down to the third claim, that of non-impairment. The ROD itself comes to the same conclusion:*In establishing Point Reyes and Golden Gate as units of the national park system, Congress envisioned that lands within the parks would be administered to support recreation, inspiration, education, historic preservation, interpretation, and natural and scenic values, and that park resources would be managed in accordance with the high standard of the National Park Service Organic Act, as amended and supplemented. In addition, the legislative record reflects decades of Congressional support for beef and dairy ranching on lands in the planning area, as well as a recognition of the linkage between ranching and maintenance of the park’s scenic and pastoral qualities. This history together with the recent reaffirmation of Congressional support for ranching confirm that ranching remains an appropriate use of park lands today. In accordance with NPS Management Policies Section 1.4.3.1, the NPS has determined that ranching may continue provided that it does not cause impairment or unacceptable impacts to park resources.*So, does ranching impair resources? The conclusion of the ROD states, **“**In the best professional judgment of the NPS staff involved with the EIS, no impairment of the park’s resources or values will result from the implementation of the selected action.” This follows a step-by-step treatment of expected impacts to soils, water, vegetation, wildlife, including elk, cultural landscapes and the like, and air. Excepting cultural landscapes, each section claims that planned mitigations and improvements, bolstered by biological opinions from various commenting agencies (such as the United States Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) etc.) will result in resources improving, or at least not worsening.Bearing in mind that no impairments to any resource type are to be tolerated, it is remarkable that in each dimension, Alternative B is somehow found to be innocuous. One could argue that these expectations are speculative and optimistic, especially given the lack of budget and poor record in the park regarding enforcement and compliance. The previously published Myth of Stewardship section catalogs the documented impacts of ranching in Point Reyes. Additionally, there are numerous and continuing episodes of ranchers flouting lease agreements and the law.Examples:1. Many concerned citizens are still waiting to hear if there will be *any consequences whatsoever* for the ranch leaseholder who was found to have illegally bulldozed a 900-foot path through native vegetation and into a creek supporting endangered species, in clear violation of his existing lease. This incident occurred in the Coastal Zone, meaning it is under the jurisdiction of the California Coastal Commission (see below.) Note it was the leaseholder himself who admitted to running the bulldozer and not, for example, a new employee who might not have known better. Note the incident was discovered by a member of the public, not by the Park Service. Note the very creek involved in the incident is referenced in the Park Service’s water quality study as standing to improve via future management practices.

 1. Similarly, as far the author is aware, there has been no public notification of the consequences, clean-up, or related costs regarding the discovery (again by a private citizen, not by the Park Service) of a toxic dump on E Ranch in the Seashore. The dump site is in the Coastal Zone. The Park Service signaled surprise — “While it is common for ranch operations to have a small area of material storage, the nature and scale of this accumulated debris is concerning,” said Melanie Gunn, a spokeswoman for the park.” But the site had been there for decades according to satellite imagery, so it’s not clear which reflects worse on NPS, that they were aware of the dumps and did nothing about them, or that they somehow did not know.

 1. In April of 2022, it emerged, again discovered by a member of the public and not the ostensible governing agency — the National Park Service — that several ranch building in PRNS had nonfunctional *or entirely absent* septic systems. In some cases, raw human sewage was being dumped into open pastures. In another case, the lease holder could not find the septic system for one of the residences. The maintenance of septic systems and associated costs are the responsibility of the leaseholders under the terms of the leases. The public has still not been made aware of what consequences, if any, there may be for these remarkable derelictions.

Another example of the shaky nature of the non-impairment prognosis of the ROD is its reliance on a NPS water quality study in predicting improvements in that area. Water quality may be the most stubborn hurdle regarding aspirations of non-impairment. See the Water Quality section below for more detail on this topic.So how can it be that the EIS indicates removing ranching would benefit the air, water, soil, wildlife, and vegetation, but the ROD concludes that perpetuating ranching does not impair them? The reason is because the baseline of the plan is taken as the current conditions. Existing conditions as a baseline for analysis was explicitly requested by the Point Reyes Seashore Ranching Association in a 2014 letter to NPS, which in the relevant section concluded, “The environmental baseline for this [environmental assessment] should include all of the ranching, farming, interpretive, visitor serving and retail activities that exist today, without tule elk.”In other words, the Park Service does not claim that after the plan is implemented, resources in the park won’t (still) be impaired in any absolute sense; they merely claim that, if all goes well regarding predicted improvements, compliance, and governance, at least things won’t get worse. But this is not what the law says in plain English — status quo is not “restoration” — nor is it what the public is demanding. Nor is it a stance that has served us and the Earth well. “First, do no harm,” does not make sense when applied locally in a national park against a backdrop of impending global environmental disasters.**Legal Response**In response to this decision, a lawsuit was filed by environmental groups in January 2022 challenging the ROD’s Alternative B on the basis of the Point Reyes Enabling Legislation, the Organic Act (which established and governs the entire national park system), the National Environmental Policy Act, and the Clean Water Act. As of this writing, the case is still in court.Another lawsuit was filed by the Harvard Law Clinic in June 2021 against NPS “for its negligence in allowing tule elk to die slow and preventable deaths as a result of starvation and dehydration” in the Tomales Point Elk Reserve.**Supplemental Information**Following are sundry additions to the previously published Myths material. This section may be better understood in context after reading the original Myths publications on each associated topic.**Supplemental to the Myth of Stewardship**The ecological richness and value of Point Reyes should be noted. It is the only National Seashore on the West Coast, surrounded by the Greater Farallones National Marine Sanctuary, and contains an impressive roster of habitats: ancient conifer and mixed forests, coastal prairie, wind-swept coastal scrub, verdant canyons, riparian corridors, sandy and rocky beaches, fresh and saltwater estuaries, marshes, mudflats, intertidal zones, dunes, and lagoons. Flora includes 750 species, including ~20% of all California natives. Unsurprisingly, these habitats support diverse wildlife: mountain lions, coyotes, bobcats, badgers, mountain beaver, two species of weasel, river and sea otters, fox, deer, elk and others. The Park is along the Pacific Flyway and almost half of all North American bird species, nearly 500 in all, are recorded there. There are over 100 species registered as threatened, rare, or endangered at the state or federal level.One defense of continued ranching heard occasionally regarding Point Reyes is that grazing mitigates against wildfire danger. There is some debate about whether this is true, but the claim usually does not include any recognition even if it were true, native grazers like tule elk could, if allowed, provide the same benefit with vastly less impact on the land. In other words, one cannot simultaneously hold that it is unfortunately necessary to restrict the tule elk population through lethal means, and that cattle are necessary to mitigate fire danger via the grazing service they provide. Regardless, the Tomales Point Elk Reserve, which has not seen cattle since 1978, has not had any wildfires and does not appear to be overloaded with fuel. Nor does the claim usually acknowledge that the dense fuel banks that can pop up in the ranchlands are comprised of invasive plant species brought in by the ranches and spread by the cattle in the first place, and contrast starkly with deeper routed, drought-tolerant native plants that evolved in the area. Neither does the argument acknowledge that if the Point Reyes lands currently impacted by ranching were managed as wildlands, various other efforts could be employed to mitigate fire dangers (if any) which do not have the associated impacts as described here. Neither does the argument usually recognize that globally superabundant cattle are a large part of what’s warming the planet in the first place. It is a dubious argument, indeed, which proposes as a solution the actual cause of the problem.Another argument you hear frequently is that livestock grazing keeps back invasive plants and thereby benefits certain rare, native plants such as the endangered Sonoma spineflower (Chorizanthe valida). This plant species, however, once thought to be extinct, was discovered at Abbott’s Lagoon, outside the ranch area. Another rare plant, supple daisy (Erigeron supplex), was recently (2017) discovered at Pierce Point, which, as mentioned, has not seen cattle since 1978. In general, this argument appears to be a classic red herring; it may appear true in selected particulars, but no one makes a case that native plants benefit in net from cattle in the Seashore.A study by NPS found that over a third of the rangelands in PRNS were overgrazed between 2012 and 2015. The EIS further states that “grazing in the planning area [has] negatively affected fish habitat as a result of sedimentation, loss of habitat complexity, and diminished riparian ecosystem function” and that “agricultural activities contribute to habitat degradation and reduced water quality and quantity for fishes.”More generally on this topic, there is an ongoing debate regarding the promise of “regenerative ranching.” A September 2021 article in the New Republic, *The Myth of Regenerative Ranching*, calls this a “branding exercise,” and points out Point Reyes specifically as “a microcosm of a much broader anti-wildlife bent in American ranching, regenerative and otherwise.”Straus Creamery, which enjoys a good reputation with the public and purchases milk from two dairies in PRNS,  brazenly projects the headline “carbon neutral farming” in adverts on social media. If you click through, though, what you learn is, they are not actually doing it; they are working on a plan to create a model for doing it, on their own farm only (not in Point Reyes), by the end of 2023.Meanwhile, a recent report from Springer Nature and Oregon State University underscores the importance of removing commercial grazing from federal lands as part of the uphill battle against climate change.**Supplemental to the Myth of Stewardship – tule elk**In 1993, the Report of the Scientific Advisory Panel on Control of Tule Elk on Point Reyes National Seashore concluded, “The long-range goal of elk management at PRNS should be the re-establishment of free-ranging elk throughout the seashore and associated public lands. This would involve elimination of exotic cervids and removal of the fence across Tomales Point. [The National Park Service] and [California Department of Fish and Game] should develop a long-range management plan with the goal of achieving a large, healthy, free-ranging elk population subjected to a minimum of management intervention.”NPS eventually supplied minerals and water to the fenced herd at Tomales Point. Whether they will continue to do so is unknown, since it’s unclear why they decided to change or violate their own policy to do so in the first place. The obvious ostensible reason is immense public outcry over their mounting deaths. These actions may also violate the Wilderness Act, which restricts activities in designated wilderness areas and directs that “each agency administering any area designated as wilderness shall be responsible for preserving [its] wilderness character.”A 2015 New York Times story quoted a prominent ranch family member on the absurdity of the captive elk. “’How can the National Park Service trap and contain animals and not have them get water?’ asked Gary Giacomini, a former Marin County supervisor who worked to protect Point Reyes from development. ‘It strikes me as absolutely preposterous, if not criminal, that the Park Service would let half the elk herd die by depriving them of water. Imagine if the ranchers did that to their cows — they’d all be indicted.’”**Supplemental to the Myth of Special Jurisdiction**The previously published Myth of Special Jurisdiction section examined the common claim that since Point Reyes is a national seashore, not a national park, management standards are lesser. Despite the fact that the Park Service has diligently insisted on the “Seashore” moniker, they did acknowledged in their ROD that there is no meaningful difference between the two with respect to policy:[As of 1976,] “the NPS used a three-tiered management approach for lands under its jurisdiction based on the classification of each unit. Areas classified as national seashores and national recreation areas were managed with less emphasis on natural resource protection than areas classified as national parks. The intent of the 1976 amendment was to direct NPS to manage Point Reyes under the higher standard then used for national parks. H. Rep. 94-1680, at 3–4 (1976). The NPS abandoned the three-tiered management approach in the 1980s and thereafter managed all park units, regardless of classification, to the same high standard mandated by the National Park Service Organic Act, as amended and supplemented."**Supplemental to the Myth of Value**The claim that ranching in PRNS costs significant taxpayer money was verified by NPS in their final ROD: “A 2018 analysis of park investment in the management of the range program was on average 1.5 times more than rental income derived from the ranch permits. In fiscal year 2017, the full cost of ranch management was in excess of $1.3 million, when ranch lease payments were less than $500,000.”Park staff assessed the number of residents and employees on ranches in the Seashore in spring 2019, and found that operations support 63 direct full-time jobs. In total, 188 full-time residents live on ranches in the park. This includes full- and part-time employees, ranchers, and their families.There is evidence that some of these workers are undocumented and tolerate unjust terms of employment and unsafe and unsanitary living and working conditions. A September 2021 letter from the Resource Renewal Institute to Interior Secretary Deborah Haaland says “We now know that the Park Service is turning a blind eye not only to ranchers’ environmental abuses but to their outrageous labor practices that pay poverty-level wages, rent out unsafe housing and provide no workers’ benefits or rights.” There was no reply from the Secretary.Local businesswoman Miyoko Schinner of Miyoko’s Vegan Creamery has offered jobs to any and all of the 63 ranch employees, should they lose their jobs to ranch shutdowns and restoration efforts.Per the NPS, the economic value attributed to tourism in the Seashore in 2017 was ~$132 million, dwarfing that of the dairies and ranches. This number is a measure of the total estimated value of the production of goods and services supported by NPS visitor spending. That figure is corroborated by the *National Park Service Visitor Spending Effects Report*, which relays that in 2018, nearly 2.5 million people visited the Seashore and spent $107 million in gateway communities near the park. Visitor spending has remained steady in the four-year period ending in 2018, ranging from an estimated $106 million to $108 million per year. Per the report, in 2018, visitor spending supported 1,150 jobs in the local area and had an aggregate benefit to the local economy of $134 million. Most park visitor spending was for hotels (28.2%), followed by restaurants (22.4%), gasoline (14.9%), groceries (14.6%), retail (7.9%), and recreation industries (6.93%).**Additional Myth — the Myth of Continuity**Whereas an impression is given that the Point Reyes ranching families have deep roots in the land (not relative to the Coast Miwok, of course), in many cases the families operating certain ranches are relatively new to them:* D Ranch was bought by NPS from Alice Hall in November 1971 and is now leased by Betty Nunes and Ernie Spaletta, who never owned the land.
* G Ranch was bought from Radio Corporation of America by the Trust for Public Land in January 1977 and transferred to the Park the following year. It is now leased by Kevin Lunny whose, family never owned the land.
* Home Ranch changed hands after the crash of 1929, was bought by a real estate agent named Leland Stanford Murphy, who sold out to the park in 1968, and is now leased by the McDonald-Lucchesi family.
* K Ranch was purchased in 1939 by a group of people, one of whom, James Lundgren, became the sole owner in 1960. Today it is leased by Dan, Dolores and David Evans and Julie Evans- Rossotti (who also lease H Ranch, AT&T Ranch, and D. Rogers Ranch).
* N Ranch was the first sold to the Park Service, in 1963 by its owners Edward and Hildegarde Heims. Today it is leased to the McDonald family, who also lease Home Ranch.
* AT&T Ranch, originally part of F Ranch, was leased by the John J. Gallagher whose family bought it in 1919. Today it is leased by Dave Evans, a nephew by marriage of the original owner’s son, but not a direct heir.
* Radio Corporation of America (RCA) sold the 1,049-acre property in the southern end of PRNS, to the Trust For Public Land in 1976 who sold it to NPS in 1979. Today its former facilities and their grounds are leased by Commonweal. The surrounding rangeland is leased by the Niman Ranch, a large network of U.S. family farmers and ranchers and subsidiary of Perdue Farms, whose operators never owned the land.
* There are three additional ranches in the Golden Gate Recreation Area (GGNRA) , McFadden Ranch, Edwin Gallagher Ranch, and the R. Giacomini Ranch, which today are leased by operators who never owned the land.

 Related to this topic is the succession policy maintained by the NPS pertaining to ranch leases in the Seashore. The succession policy is just that — mere policy rather than law — and is determined by the park superintendent. The current version as of this writing was published September 2021 and indicates that if a leaseholder should not wish to continue his or her lease, that lease will be first offered to the current lessee’s immediate family, then to holders of other leases in the park, and then to “long-term” (not defined) employees from other operations in the park. Lastly, the park will consider an “operator” identified by the Federated Indians of Graton Rancheria (FIGR), the federally recognized Native American group which contains some Coast Miwok descendants (and which operators a casino in nearby Rohnert Park.) Notice that there are no conditions which explicitly trigger a restoration of lands associated with a surrendered ranching lease.Incidentally, there are no leaseholders who are people of color, nor, as far as the author is aware, has there ever been.**Water quality**The Seashore in 2020 published a study suggesting that best management practices, or BMPs, improved water quality in four ranch-impacted watersheds between 2000 and 2013 and boasted on their website that “water samples met regulatory criteria six times more often” after implementation. Omitted was the fact that before the new practices, regulatorily compliant measurements were found just 6 percent of the time, and afterwards only 38 percent of the time. So, the park’s headline, “BMPs Improve Water Quality on the Point Reyes Peninsula,” could have more honestly been given as “Expensive Best Practices Make Small Dent in Ongoing Pollution.”Also omitted was the fact that the improvements, such as they were, were theoretical; in other words, they were not found in the actual measures, but were the rain-adjusted outputs of analytic models run as part of the research. The problem with this is, the governing agencies *do not accommodate any such adjustments* – they care about the absolute measured values solely. The Park Service is therefore misrepresenting its own already dubious results to the agencies, the media, and the public.Lastly, the NPS interpretation of their own paper implies that spiked bacteria outflow after rains is somehow normal and should be discounted. However, freshwater stream outflows after rains are known to trigger the return of anadromous fish such as endangered coho salmon and steelhead. In other words, the stream flows after rains bring in the fish and simultaneously bring out massive amounts of bacteria.The ROD over-ambitiously states, “Implementation of the selected action … will result in continued improvements in water quality in the planning area, consistent with trends that have been documented through long-term monitoring (Lewis et. al. 2019 and Voeller et. al. 2021).” But the cited papers make no such claims. They claim only that certain BMPs in certain watersheds did, in fact, make certain, mostly-modest, improvements.The Voeller study also had data errors, uncontrolled variables, and various other problems. A complete critique can be found in the author’s comments to the California Coastal Commission’s September 2022 meeting.Furthermore, both papers’ authors and in fact the field at large are aware that there are steeply diminishing returns expected from ongoing efforts to curb manure pollution in the waterways. The leap from “we saw certain limited improvements when we performed the obvious and easiest mitigations” (which itself is a dubious claim) to “we will get more of the same across the planning area in the future and reach satisfactory overall water quality” is entirely unsubstantiated.In September 2022, an additional, more comprehensive independent water quality study was released by the Turtle Island Restoration Network. This study was conducted between October 2021 through late January 2022, and showed additional alarmingly poor water quality, including E. coli rates up to 170 times greater than legal standards.**California Coastal Commission**The California Coastal Commission (CCC) is charged with overseeing compliance of the California Coastal Act, which states, “the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate, to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow.”As of this writing, the CCC has had three significant meetings regarding Point Reyes National Seashore.1. In April of 2021, the Coastal Commission, at the end of a 12-hour meeting, eventually rendered a determination of “compliance with conditions” via a 5-4 vote, where at least four commissioners received *ex parte* communications from Representative Huffman, staunch supporter of ranching in Point Reyes.

The conditions were that NPS return to the commission in one year with a water quality strategy and a climate plan. The four dissenters in the conditional approval were passionate and at times exasperated during the hearing, especially Commissioner Dayna Bochco, who called the treatment of the tule elk under the proposed plan “cruel.”1. Another CCC meeting was held in April of 2022, where the Commission weighed in on the water quality strategy which the park had submitted. The Commission unanimously panned the strategy. Commissioner Mark Gold said, “the water quality plan is just not adequate.” Commissioner Aminzadeh went further and said, “I think it’s an embarrassment where we are today.”

It one point in this tense meeting, Superintendent Kenkel asked the Commission, “If conditions are so tragic at the seashore, why are the visitors still coming?” It may have subsequently been explained to the Superintendent offline that visitation is not necessarily related to environmental health and that, furthermore, E. coli is microscopic. It may also have been suggested to him that high visitation rates should be taken as more motivation to improve water quality, rather than evidence that it’s not needed. At any rate, Superintendent Kenkel was not available for the third meeting, but was replaced by Assistant Superintendent Anne Altman.1. Point Reyes and Alternative B once again were on the CCC agenda in September of 2022. The revised water quality strategy, in the face of intense public and expert scrutiny, was deemed acceptable by the CCC staff, whose job it is to evaluate such submissions and make recommendations to the commissioners. This time, the Commission voted 6-5 to accept the plan, again with conditions.

A featured topic of this most recent meeting was the matter of jurisdiction. It was discussed that NPS could continue with its management plans regardless of the CCC’s consistency ruling. Commission staff said, “The Park Service could at any time walk away from that process and the commission would have no authority to require compliance with its recommendations...the commission does have the option of filing a lawsuit." A lawsuit, of course, would involve a long, costly process and would reflect poorly on both agencies.As a result, even some of the majority six commissioners who ruled in favor of approval indicated they were doing so solely to keep the Commission involved in water quality oversight ongoing. Commissioner Roberto Uranga said, ‘I don’t believe we can just walk away,” before voting for approval. Commissioner Steve Padilla said “The fact of the matter is, we have limited authority here…again I want to echo my own frustration…no, we shouldn’t have these types of uses in the coastal zone…and we shouldn’t be tolerating the kind of water quality impacts that are resulting…” before also voting for approval. Commissioner Bochco, who voted against approval, said, “There isn’t a person who has the ability to think straight who thinks this [plan] is a good idea. **Looking Forward**In March 2022, NPS announced plans to update the management plan for elk area behind the fence on Tomales Point. The plan drew immediate criticism from environmental groups, including the Public Lands Conservancy and the Coalition to Protect America’s National Parks, because, among numerous other objections, such a divide and conquer strategy is irresponsible and likely illegal. In other words, park administrators appear to be planning to follow the controversial management plan amendment for park lands south of the fence with a similarly contentious exercise for the area north of the fence, without considering the problem as a whole and without considering doing what experts told them to do 30 years ago: take down the fence.In the short term, even though the tenuous ROD says “NPS will continue to work closely with local agricultural organizations, state agencies, natural resource conservation experts, and stakeholder groups to share information and discuss issues related to ranching,” Seashore Superintendent Kenkel has, in fact, refused to meet with a coalition of environmental groups and concerned citizens, citing the ongoing lawsuits. The process has bound those concerned in a Catch-22, where lawsuits were the unfortunate last resort, but which also provide a ready-made excuse for NPS to completely disengage with the concerned public (who own the land, by the way.)**Conclusion Repeated**What was written 18 months ago is still true: the science, public opinion, the law, and any unbiased assessment of social justice all require that ranching end in the Point Reyes National Seashore and the park become what a national park is meant to be: a refuge for beleaguered wildlife, a recognition of genuine traditional stewardship, a retreat for citizens whose daily experience is otherwise bereft of nature, and a small respite against the seemingly inexorable collapse of our once-healthy planet.Are we stakeholders? Are you a stakeholder? We don’t know what will emerge from the lawsuits. Concerned citizens are encouraged to follow with interest and reach out to Interior Secretary Haaland (Deb\_Haaland@ios.doi.gov) and Rep. Huffman (415 258-9657), and implore them to intervene on behalf of wilderness. |

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