

SIERRA CLUB COMMENT ON POINT REYES  
GENERAL MANAGEMENT PLAN EIS  
September 19, 2019

INTRODUCTION

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for a General Management Plan Amendment (GMPA) for the management of areas of Point Reyes National Seashore (PRNS) and Golden Gate National Recreation Area (GGNRA) now managed for dairy farming and beef cattle ranching and full-time residential use. The Sierra Club's position is that all the ranching alternatives involve the impairment of natural resources and that three NPS laws prohibit actions that will impair natural resources. Consequently, the Park Service should prepare a supplemental DEIS with ranching alternatives that comply with applicable laws requiring the protection of natural resources and it should then circulate that supplemental DEIS for public comment.

APPLICABLE LAWS

PRNS and GGNRA are units of the national park system and, as such, must be managed primarily to protect the natural resources of the parks. The three applicable laws in this regard are as follows:

The first is the 1916 NPS Organic Act which applies to all units of the national park system, including PRNS and GGNRA. The Organic Act provides as follows:

§ 100101 (a) In General-

The Secretary . . . shall promote and regulate the use of the National Park System by means and measures that

conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.<sup>54</sup> U.S.C. § 100101(a). (Emphasis added.) With respect to the Organic Act, the Ninth Circuit Court of Appeals has held (in a case in which the Sierra Club was an intervening defendant, alongside NPS) that the language quoted above means that "resource protection [is] the overarching concern" in the management of national park system units. *Bicycle Trails Council of Marin v. Babbitt*, 82 F.3d 1445, 1453 (9th Cir. 1996).

The other two laws are the PRNS and GGNRA statutes.

The PRNS legislation 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 . . . . 16 U.S.C. § 459c-6. (Emphasis added.)

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

§460bb - Establishment 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. 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.16 U.S.C. § 460bb.

#### RANCHING'S IMPACTS ON NATURAL RESOURCES REQUIRE A NEW SUPPLEMENTAL EIS

The DEIS makes it clear that continued cattle ranching as proposed in the current ranching alternatives will have detrimental environmental consequences on all natural resources, including soils, water quality, air quality, vegetation and wildlife (especially elk). Consequently, all the ranching alternatives violate the Park Service's duties under the three statutes and are therefore unlawful. Under these circumstances it makes no sense for the Park Service to go forward with a Final EIS.

In view of the above, the Park Service needs to develop new ranching alternatives that do not violate the three laws quoted above and recirculate a supplemental DEIS for public comment. It should provide that all ranching operations that are permitted to operate in the PRNS and GGNRA should be modified so that going forward there are no negative impacts on the water quality and that range condition improves to good or excellent condition throughout the entire pastoral zone.

In the new alternatives, the Sierra Club opposes any diversification in the pasture subzone. There is no reason to allow hay, haylage and silage, and chickens, sheep and goats outside the ranch core. Such activities will have detrimental environmental consequences and have no purpose other than to increase ranch revenue. The Sierra Club also opposes continued leasing of any ranches if the current lessee or family does not renew the lease.

The new alternatives must identify the source of funds to fully implement the alternative and the effects of any reduction in funding on any other existing programs must be described. The FEIS should assume no increase in overall funding for PORE to pay for the implementation of the selected alternative, since PORE funding in real dollars has been declining for some years.