

Shifting Sands

POINT REYES NATIONAL SEASHORE
Administrative History Update, 2001–2022



Paul Sadin and Jackie Gonzales
Historical Research Associates, Inc.

National Park Service, Point Reyes National Seashore
2024

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The authors obtained the primary source materials used in this history at the PRNS Archives, Bear Valley Headquarters administration building, and departmental files. In the absence of a park archivist, Paul and Alison were instrumental in helping us figure out where we could locate key documents. Sources cited in this history also include materials from a cache of electronic documents they uploaded to our company server.

Textual documents by no means represent all the sources tapped for this project, especially since this volume covers recent decades of national seashore administration. The authors conducted close to twenty oral history interviews with current and retired PRNS staff, and with members of outside organizations and the local community. Thanks to all the following who shared their time, their thoughts, and in some cases, their homes, during those interviews: Ben Becker, Christine Beekman, Gordon Bennett, David Brouillette, Carola (DeRooy) Davis, John Dell’Osso, David Evans, Melanie Gunn, Barbara Goodyear, Brannon Ketcham, Allison Kidder, Jolynn McClelland, Cecily Muldoon, Don Neubacher, Lorraine Parsons, Dave Press, Dennis Rodoni, Dave Schifsky, Amy Trainer, Dylan Voeller, and Gordon White. The interviews were transcribed and are now part of an oral history collection in the PRNS Archives. We also appreciate the individuals we talked with but who let us know they were not comfortable participating in a recorded interview because of the pending lawsuits.

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Paul Sadin
September 2024



Overview map of Point Reyes National Seashore and West Marin County, no date. Map produced by NPS.

Preface

Point Reyes National Seashore (PRNS), a unit of the National Park Service (NPS), covers approximately 71,000 acres of shoreline, forest, and grazing land of the Point Reyes Peninsula, located at the western edge of California’s Marin County. Congress created PRNS in September 1962, one of fourteen national seashores and lakeshores added to the national park system during the 1960s and 1970s. The PRNS headquarters at Bear Valley, the former site of Bear Valley Ranch and the main point of visitor entry, is a one- to two-hour drive from the San Francisco–Oakland metropolitan area. Proximity to this large urban population, combined with the unique qualities and aesthetic beauty of the peninsula, have resulted in an average visitation of more than two million per year.

The NPS contracted with Historical Research Associates, Inc. (HRA), in September 2021 to conduct research and write a twenty-year update to the existing administrative history of Point Reyes National Seashore. The stated goal of the update was “to document and examine the challenges that park managers have faced and the changes that they have implemented over the last twenty years.” This updated administrative history aims to provide current and future PRNS staff with information and analysis about how seashore administrators and staff addressed critical issues and made management decisions during the period from 2001 through 2022. The contract terms directed the authors to pay particular attention to and carefully document the relationship that existed between PRNS staff and the members and organizations of the seashore’s nearby communities over that span of time. The authors accomplished this via careful review of NPS internal and external communications (email, status reports, meeting minutes) and by conducting roughly twenty oral history interviews with current and former NPS employees, community leaders, and other key participating parties.

In 2006, HRA completed the first Point Reyes administrative history, *Managing a Land in Motion: An Administrative History of Point Reyes National Seashore*, which the Government Printing Office published in hard-copy and electronic format in 2007.¹ HRA

conducted the project research and wrote the draft narrative in 2004–2005, covering the history from the first proposals to create an NPS site at Point Reyes in the 1930s through events that transpired at PRNS in the early years of the new century. Thus it made sense to begin this history with events and management activities from 2001 onward. The original contract called for a twenty-year update, but because of the many important NPS decisions and controversies were still ongoing in the early 2020s, we extended the narrative to cover through the end of 2022. That seemed an appropriate place to finish, although by the time we were writing the draft, Resource Renewal Institute et al. had filed a second lawsuit that sought to revisit the status of ranching and elk management within the national seashore. That proceeding was still ongoing when we finished the final draft of this history.

Administrative histories of national park sites are intended to provide detailed descriptions of the operations, activities, and key events at a particular NPS unit. More importantly, administrative histories reveal the decision-making process of park managers and NPS officials in addressing the most challenging problems and most significant changes at their site. Finally, administrative histories place the decisions, controversies, and events at an individual site such as Point Reyes within the broader historical context of NPS-wide policies, national park history, and regional or national events. This was particularly relevant for this history, which aimed to reveal the historical roots of the most contentious issues and to shed light on the actions and decisions PRNS managers, community residents, and other parties made during the past two decades.

Finally, a note on sources. Historians strive to document, in footnote or endnote citations, the sources and locations for all pertinent information included in a historical narrative. Typically this includes citations describing the names, authors, dates, and locational information (accession numbers, box numbers, file names) of archival documents, government publications, and library holdings the authors relied upon. The authors followed this protocol for source materials we accessed at such repositories. However, because this narrative covers the recent past, over 90 percent of our sources did not come from archives, libraries, or other publicly accessible holdings. Instead, we relied heavily on internal administrative records and documents generated by staff in the various PRNS divisions (resource management, maintenance, etc.). Many were available only as electronic files, to which seashore staff gave us access. When citing these materials, we included whatever document information (title, author, date) was available and indicated that the source was either PORE Departmental Files or PORE Administrative Files. The authors also made extensive use of oral history interviews we conducted in 2022–2023. The audio recordings of these were transcribed (except for informal, unrecorded interviews) and will be accessioned into and available for use at the PRNS Archives at Bear Valley Headquarters.

Endnotes

- 1 Paul Sadin, *Managing a Land in Motion: An Administrative History of Point Reyes National Seashore* (Washington, DC: GPO, 2007). Electronic version can be found here: <https://irma.nps.gov/DataStore/DownloadFile/481186>.

CHAPTER 1:

Point Reyes: An Introduction

During flights in and out of San Francisco International Airport, window-seat passengers may get a spectacular birds-eye view of the Point Reyes Peninsula. Looking down, they notice the stark contrast between the peninsula and the adjacent mainland. Even from that altitude, the Point Reyes Peninsula appears out of place in comparison to the West Marin countryside to the east. Viewers see the line of the San Andreas Fault—a visually distinct northwest–southeast running fracture line between the peninsula and mainland, filled in by the waters of Tomales Bay to the north and Bolinas Lagoon to the south. Either side of the San Andreas Fault contains rocks of disparate origin that represent the boundary between the North American and Pacific Plates—with the Point Reyes Peninsula residing on the Pacific Plate, and the rest of Marin County being part of the North American Plate. Olema Valley and the submerged valleys flooded by Tomales Bay and Bolinas Lagoon are part of the San Andreas Rift Valley.

The difference in vegetation types on each side of the fault is noticeable too, as the drier grasslands of Marin give way to the mountainous spine of the peninsula, clad in the dark green of Bishop pine and Douglas-fir forests. Pacific Coast marine climatic patterns with the vertical topography of Inverness Ridge combine to influence the peninsula's biological and ecological makeup. The moisture from coastal storms and fog help produce abundant grasslands that have hosted large herds of grazing animals, both wild and domestic.

Our airline passenger can also see that the western reach of the peninsula juts farther out into the Pacific than any other landform viewed from 20,000 feet. That western arm of the peninsula—the “point” of Point Reyes—extends some twelve miles seaward from the mainline, which puts it in the migration paths of birds, whales, and other marine species that are found in abundance there. All these elements, and others more readily discernable once on the ground, combine to make this an exceptional place with diverse natural and cultural environments, which Congress preserved in 1962 as Point Reyes National Seashore (PRNS).

William Shook, former PRNS resource management chief, concluded that the “underlying story is geology, geography, tectonics and topography—that is the lynchpin that makes Point Reyes Peninsula such a rich biological area.” In addition, there is a mix “of different soils, different rocks producing variations in vegetation, plus the ocean. That’s the fascinating thing about it.”¹ The unique environment that is the product of these interacting forces is part of why Congress established one of the nation’s first national seashores there and explains what makes it a key element of the Golden Gate Biosphere Reserve, considered one of the most biodiverse places in the world. That designation simply reiterates what visitors and residents have long known: the Point Reyes Peninsula is a verdant, beautiful, and biologically bountiful place.

In addition to the tectonic and climatic forces that shaped Point Reyes, thousands of years of human land use also altered the landscape and biota of the peninsula. Human impacts—though not as abrupt or jarring as a fractured fault—constituted a continuous reshaping of the land. Point Reyes was part of the territorial homeland of the Coast Miwok Indians from time immemorial and remains at the heart of their Tribal identity. The Tribe is now federally recognized as the Federated Indians of Graton Rancheria. Indigenous Coast Miwok employed fire to foster growth of plant regimes and create optimal habitat (open patches of meadows) where herds of deer and elk could graze. When the chain of Spanish missions expanded into the Bay Area, the colonization patterns they imposed and the diseases they introduced gradually reduced and isolated portions of the Indigenous populations, but the remaining Coast Miwok retained a strong sense of place connection with Point Reyes. By the late eighteenth and early nineteenth centuries, Spanish Catholic missions put their stamp on the land, which included the introduction of new agricultural patterns while trying, unsuccessfully, to suppress Coast Miwok culture and abrogate Indigenous rights and lifeways. But the relationship that Indigenous peoples had to their traditional homeland was never lost. Recent research by anthropologist Tsim Schneider revealed how Coast Miwok peoples “created outlets within and beyond colonial settlements to resist and endure colonialism.”²

By the mid-1800s, a new agricultural regime—cattle grazing and dairy ranching—came to dominate the Point Reyes environment. It would continue to do so in varying forms for the next century. A segment of that ranching legacy is still present today.

Ranch operators—at first Mexican and then American—also began to create a new built landscape of ranches, fences, roads, and other agricultural infrastructure. Historical grazing practices also shaped the growth patterns and types of vegetation, producing “the largest influence on rangeland composition” and the distribution of plant species on Point Reyes.³ One can see patterns of historical ranching not only in historic structures (houses and barns) but also in cultural landscapes (spatial layout of buildings, roads, windbreaks, and pastures). Ranching society also transformed as Euroamerican immigrants from places such as Switzerland, Portugal, and elsewhere introduced residential and work

landscapes best suited to their operations. Point Reyes became historically significant as one of the early centers of large-scale agriculture in California; Point Reyes dairy production was one of the economic cogs of San Francisco's growth during the Gold Rush era. As a result, many of the remaining ranches are now part of two large historic districts, the Point Reyes Peninsula Dairy Ranches Historic District and Olema Valley Dairy Ranches Historic District, which the NPS listed in the National Register of Historic Places (NRHP) in 2018. Seashore staff work in conjunction with ranch operators and NPS cultural resources specialists to preserve and interpret this agricultural landscape.

The elements described above—geological, biological, cultural, and economic—combine to make Point Reyes a special place. The area now encompassed by the national seashore is remarkable for its variety of landscapes, rich ecosystems, and iconic views. The west side of the peninsula features uninterrupted stretches of wild, undeveloped beaches framed by cliffs, grassy bluffs, and dunes. Just inland are some of the largest marine estuaries on the California coast, food-rich waters that support an abundance of marine, terrestrial, and avian species. Moving farther east, Inverness Ridge, the mountain backbone of the peninsula, rises to 1,400 feet above the nearby coastline. The rapid transitions from tidal to meadow to upland ecological zones creates a diverse mix of habitats for native species; almost half of North American bird species can be found at Point Reyes, and roughly 18 percent of plant species native to California are found there. These characteristics, combined with a mid-century national agenda to preserve America's dwindling undeveloped shorelines and provide more space dedicated to public recreation, prompted the NPS to promote the preservation campaign that culminated in Congress establishing PRNS in September 1962.

With the creation of the national seashore, the area saw a steady increase of visitors who came to Point Reyes for the very reasons that the NPS and Congress envisioned when they established the national seashore: beach recreation, hiking, sightseeing, photography, and peace and quiet. As changes occurred in the technologies and inclinations of outdoor recreationists, a new generation of visitors arrived to pursue activities legislators could not have foreseen, including trail running, backpacking, bicycling (particularly mountain biking), whale watching, and other outdoor recreation. They also came to simply enjoy the scenery, sights, and sounds, such as the Point Reyes Lighthouse, which quickly became an icon of the new NPS unit. Growth in visitation and the variety of activities people wished to pursue prompted new land-use patterns as the NPS built up the seashore's basic infrastructure and interpretive facilities.

The administrative overlay that consisted of NPS management, policies, and procedures likewise altered the socio-cultural landscape of the peninsula. Regardless of which attractions drew visitors there, PRNS staff were responsible for providing access, protection, and, when necessary, responding to urgent problems of visitors, sailors, or ranchers. The seashore's authorizing legislation and the Park Service Organic Act charged the staff with protecting the park's resources from visitor overuse or abuse, while also monitoring ranch operations to ensure they did not interfere with the seashore mission.

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What Is a National Seashore?

Debates about the appropriateness of various types of land use, recreational activities, and commercial operations at Point Reyes during the past several decades have often focused on the question of what was Congress and the other proponents of establishing the national seashore trying to accomplish? Several chapters of *Managing a Land in Motion*, the prior volume of PRNS administrative history, describe the historical background and legislative history underpinning the seashore's creation. But it is worth revisiting, briefly, why those issues matter and why there appear to be so many different claims made about them.

What did Congress and the NPS intend for PRNS and the other national seashores when they authorized them? There are two simple elements, often overlooked when vested parties, media, area residents, and the public make claims about the purposes, meanings, and original intent for Point Reyes. It is a seashore. And it is national. As unique as Point Reyes is in its geology, wildlife habitat, and history, PRNS is not unique when it comes to its origins. The creation of the national seashore was not an isolated event. It should be understood in the broader historical context as part of a nationwide movement and NPS campaign to preserve America's remaining undeveloped and outstanding stretches of seashores and lakeshores. Multiple members of Congress supported the NPS national seashore concept and eventually made it part of their legislative agendas. Local and regional conservation and citizen groups did indeed work to support and promote the PRNS legislation and helped convince Congress that Marin County residents and Californians wanted an NPS site at Point Reyes. But the creation of the national seashore was one part of the NPS

Elephant seal colony at Drakes Beach below the Chimney Rock, Point Reyes National Seashore. NPS Photo.



campaign that would eventually result in the establishment of ten different national seashore and four national lakeshore units around the country.⁴

NPS officials began building the seashore agenda in the 1930s with a series of studies and reports that recommended the creation of seashore parks on the Pacific, Atlantic, and Gulf Coasts. In 1936, for instance, Secretary of the Interior Harold Ickes described the Department of Interior's commitment to protect, whether through federal or state authority, the nation's remaining unspoiled shorelines:

When we look up and down the ocean fronts of America, we find that everywhere they are passing behind the fences of private ownership. The people can no longer get to the ocean. . . . I say it is the prerogative and the duty of the Federal and State Governments to step in and acquire, not a swimming beach here and there, but solid blocks of ocean front hundreds of miles in length. Call this ocean front a national park, or a national seashore, or a state park or anything you please—I say the people have a right to a fair share of it.⁵

When Congress took up the NPS-initiated cause of setting aside and preserving seashore lands in the late 1950s, Point Reyes was one of many such places singled out for protection. Members of Congress introduced as many as ten new national seashore or lakeshore bills in 1957–1958, and another dozen new bills in the following sessions in 1958–1959.⁶ One bill alone (S. 2460) sponsored by a group of senators in July 1959, proposed legislation that would establish ten new national seashore sites and appropriate fifty million dollars for studies and land acquisition at those sites.⁷ Senator Richard L. Neuberger of Oregon, sponsor of S. 2460 and several other national seashore bills, perhaps best summarized the purpose and the public need for national seashores. He wrote that the bills offered a means “to rescue from oblivion and destruction some of the beauty which exists where the shoreline meets the sea.”⁸ Neuberger saw the shoreline sites as complements to the existing mountain parks of the American West, observing that in setting aside the national parks, “the nation has neglected another realm which is equally alluring to the tourist and the seeker of outdoor recreation. This realm consists of the seacoasts and shorelines of the United States.”⁹ He lamented that until that point, beachfronts and their corresponding marine environments were largely ignored in the conservation movement, even though seacoasts served tourists and recreation seekers just as mountaintops did. Seashore supporters in Congress approached their task with a sense of urgency because they believed if they delayed, “steam shovels and bulldozers will have torn away many dunes and beaches, which can never be restored to their former grandeur and solitude.”¹⁰

The 1950s push to protect undeveloped seashore lands for their natural features, aesthetic beauty, and tranquil surroundings intersected with another national agenda at that time, which aimed to vastly expand the number and type of outdoor recreational opportunities available to all Americans. The national program targeted those places with high recreation potential that were also close to America's increasingly crowded and decaying urban centers. Growing economic prosperity and disposable incomes in postwar America helped fuel a tourism and outdoor recreation boom, to the extent that recreation seekers began to overtax the existing national, state, and county park systems. Trying to address the problem, Congress established the Outdoor Recreation Resources Review Commission in 1958 to promote the development of outdoor recreation spaces and facilities.

When California Representative Clem Miller and Senator Clair Engle introduced matching bills for the creation of Point Reyes National Seashore in July 1959, their stated purposes addressed both the seashore conservation agenda such as Neuberger described, as well as the need to reserve places well suited for public outdoor recreation. They wrote that the proposed seashore in Marin County would “save and preserve for the inspiration, benefit and use of the people of the United States certain unspoiled shoreline areas . . . which possess scenic, scientific, historic and recreational values of national significance.”¹¹ The Miller and Engle bills emphasized the peninsula’s diverse natural environment, which ranged from tidal estuaries to forested mountains and was also home to an equally varied range of animal and plant species that flourished in those environments. They also highlighted the outstanding scientific resources in the biological diversity and geologic record of the Point Reyes area. Miller and Engle added that Sir Francis Drake’s 1579 landing also made the Point Reyes shoreline a significant piece of America’s history. Finally, they urged their congressional colleagues to understand that unique seashore environments suited to family recreation such as Point Reyes “are a uniquely limited part of our natural-resource legacy. We have seen too many examples—particularly on the East Coast—of houses, resorts and other businesses crowded together to destroy or bar access to the very attractions most people go to the beach to enjoy and on which highest recreation values depend.”¹²

The multiple national seashore bills that Miller, Engle, Neuberger, and others sponsored during the late 1950s did not get enacted. But their efforts did succeed in “putting the seashore park on the legislative table.”¹³ The table was indeed set for the next set of national seashore bills—including the Point Reyes bill—introduced in the next Congress under a new administration.

When President John F. Kennedy took office in 1961, his administration put together a unified conservation agenda that specifically called for the establishment of three national seashores—Cape Cod, Point Reyes, and Padre Island—along with the creation of what would become the 1964 Wilderness Act. President Kennedy spelled out his new national conservation agenda in a February 1961 special message to Congress, which introduced two new conservation programs: the national seashores as new units within the national park system and the

creation of a nationwide wilderness protection measure. In order to “improve both the quality and quantity of public recreational opportunities,” Kennedy urged Congress “to enact legislation leading to the establishment of seashore and shoreline areas such as Cape Cod, Padre Island and Point Reyes for the use and enjoyment of the public.”¹⁴ In a 2006 oral history interview, former Secretary of the Interior Stewart Udall explained that the Kennedy administration’s political strategy for the sequencing of the national seashore bills would be to put forward the Cape Cod bill first, since Kennedy had previously introduced it as a Massachusetts senator. The introduction of new Miller/Engle bills for Point Reyes would follow, to present a balance between the Atlantic and Pacific Coasts. As President Kennedy signed the bill creating Cape Cod National Seashore in 1961, he stated his intention that Cape Cod would be but one of “a series of great seashore parks which will be for the use and benefit of all of our people.”¹⁵ Udall recalled that “passing Cape Cod sort of broke the mold, and that gave us momentum” for the authorization of Point Reyes

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and Padre Island; the three “became the center of our new program on seashores.”¹⁶

Point Reyes and Cape Cod National Seashores are cross-country counterparts of one another. Both are beautiful scenic areas with tremendous recreational potential located close to major metropolitan areas (San Francisco and Boston). Both peninsulas are distinctive landforms that extend far beyond the nearby coastlines into the open ocean, island-like in their geological and geographic separation from the mainland. They were two of the best remaining examples of unbroken, undeveloped beaches framed by sand dunes and tidal wetlands. Neither was a classically pristine wilderness, since Euroamerican settlement and agricultural activity first took place more than a hundred years prior at Point Reyes and close to four hundred years prior on Cape Cod. There were also important differences between the two locations. To cite one of the most significant differences, the fishing industries that were central to the Cape’s economy in prior eras were already well in decline by the late 1950s, while the dairy industry on Point Reyes was still active and economically viable.¹⁷ When Congress labored to create legislation to establish the two national seashores, they used similar strategies that incorporated preexisting land ownership within NPS boundaries, while reserving the rights of the property owners to continue operating and living on their land for their lifetimes. Commercial development pressures at both sites threatened to intrude on the near-pristine bluffs and beaches, although the residential/commercial expansion pressures were more acute at Cape Cod, since the lower portion of the Cape was already developed to a much greater extent than at Point Reyes.¹⁸

The language and land-acquisition strategies in the PRNS founding legislation likewise mirrored those in the Cape Cod founding act. This was most notable in Section 4 of the final Point Reyes bill that incorporated 26,000 acres of ranchland—what became known as the pastoral zone—within the boundaries of the NPS site, while allowing the ranch landowners to hold onto their property rights and continue their operations until such time that they were ready to sell, and Congress had appropriated enough money to purchase their lands. This topic is discussed in greater detail in Chapter 4. The founding act, Public Law 87-657, stated that the government could not acquire land in the pastoral zone without the consent of the owner, “so long as it remains in its natural state, or is used exclusively for ranching and dairying purposes.”¹⁹ The House and Senate committees that inserted the pastoral zone clause amendment to the original text explained in their committee reports that the pragmatic strategy served multiple purposes. It would (1) help defray the initial purchase price of creating the national seashore by delaying some of the land acquisition, while (2) protecting the property rights and livelihoods of the present ranchers, and (3) prevent unwanted development and preserve the beauty of the peninsula’s open space.²⁰ The committee members wrote that the protection of ranch operations “reaffirmed the views it expressed with regard to in-holdings when it reported on the Cape Cod National Bill.”²¹ In other words, the historical records suggest we should view PRNS not as an island or isolated case, but rather as one link in the necklace of national seashores circling our shores.

Managing Point Reyes in the Twenty-First Century: Controversy, Restoration, and Renewal

Administrative histories of national park sites are intended, first, to provide detailed descriptions of the operations, activities, and key events at a particular park unit. Second and often more importantly, administrative histories reveal the decision making of park

managers and NPS officials as they faced the park’s most challenging problems and most significant changes, and to place those decisions within the historical context of federal laws, Park Service policies, and regional or national events. This is particularly relevant in writing this updated administrative history of PRNS, given the many contentious issues and difficult decisions PRNS managers, peninsula residents, and other parties tackled during the period from 2001 to 2022.

Ever since President John F. Kennedy signed into law the establishment of PRNS on September 13, 1962, park administrators and other NPS officials have had to manage diverse and complex issues that included everything from land acquisition to endangered species protection to mountain biking to dairy farming. During the past twenty years, the complexity has only increased, as the NPS devoted greater attention and problem solving to some of the longstanding problems related to environmental protection, leasing arrangements, and visitor overcrowding, while also working to understand new issues—such as the ubiquitous nature of electronic/social media, new legislation, and the impact that a changing climate has upon fire regimes at Point Reyes.

Managing PRNS during the last two decades also included balancing the wide interests of park users and facilitating key interagency agreements and relationships with communities outside the park boundaries. Those include the national seashore’s connections to the Marin County Board of Supervisors, Marin County Agricultural Trust, the towns of Point Reyes Station, Inverness, and Bolinas, Golden Gate National Recreation Area, Samuel Taylor and Tomales Bay State Parks, commercial operators within the seashore’s boundaries, the peninsula’s ranching community, and numerous scientific and environmental organizations with close ties to the park. The work that seashore managers

and NPS officials (beyond PRNS) did to improve these relationships during the twenty-first century has had an abundant share of challenges, conflicts, and rewards. Collaboration with many of these parties was an essential element of seashore management, especially when they forged new or more cohesive connections. One of the most important connections was the very recent (August 9, 2021) agreement to establish “Government-to-Government Partnership” between the national seashore, NPS, and Federated Indians of Graton Rancheria.

Natural and cultural resources protection are key mandates for every NPS unit, but the specific habitats and species to protect are unique to each park. At PRNS, for instance, staff responsibilities include arranging area closures for wildlife (such as snowy plover nesting grounds or the elephant seals’ favorite parking lot) under the terms of the federal Endangered Species Act of 1973 and the state’s Marine Life Protection Act of 1999, while also helping educate the public regarding the pur-

pose of the closures. Among the most controversial natural resource issue during recent decades was the seashore’s management of the Point Reyes tule elk herds that were reintroduced to the peninsula from the San Luis Reservation in 1978. After first being restricted to a location at the far end of Tomales Point, PRNS managers opened new range in other areas of the seashore, including the Limantour Wilderness Area, as the population continued to grow. Over the past twenty years or more, wandering elk established themselves on some of the seashore’s ranches, a development that according to many ranchers has severely

“Call this ocean front
a national park, or
a national seashore, or
a state park or anything
you please—I say the
people have a right to
a fair share of it.”

—*Harold Ickes,*
Secretary of the Interior (1962)



Tule elk in grassland, Point Reyes National Seashore, no date. NPS Photo.

impacted their grazing operations. Attempts by seashore staff to ameliorate the problem, and periodic die offs within the herd in the late 2010s, provoked an avalanche of harsh criticism and protests from environmentalists, animal-rights organizations, and some residents and visitors who cherished the opportunity to view the wild elk.

NPS decision making regarding some aspects of PRNS operations, such elk management, ranch planning, and most of all the decision to close a longstanding oyster farm facility on Drakes Estero, placed seashore staff and NPS officials in often-uncomfortable public and media spotlights. In addition, lawsuits, federal investigations, and intense public debate during the 2001–2022 period on these high-profile issues—particularly those involving the Drakes Bay Oyster Farm, tule elk management, and the future of dairy farming in the park—required immense amounts of PRNS staff time and energy while they also attended to their “regular” duties assisting visitors, maintaining seashore infrastructure, and protecting natural and cultural resources.

A case in point was the process of developing, debating, and shepherding the national seashore’s new General Management Plan Amendment (GMPA) and accompanying environmental impact statement (EIS) that lays out goals and objectives for management, during the next several decades, of the dairy ranches operating under PRNS agricultural leases and of the tule elk herds that roam the northern portion of the Point Reyes Peninsula. The final Record of Decision on these plans, issued in September 2021, required national seashore staff, NPS officials, and other vested parties to devote an immense amount of time and labor to compile information required to write the plan and engage in public outreach to educate local communities and organizations, commercial interests, and environmental groups about the need for the amendment. Once those steps were completed, the NPS then prepared the GMPA proposed alternatives and preliminary EIS for

In setting aside the national parks, “the nation has neglected another realm which is equally alluring to the tourist and the seeker of outdoor recreation. This realm consists of the seacoasts and shorelines of the United States”

—Senator Richard L. Neuberger of Oregon (1959)

review and public comment (steps required by federal law), revised the plan, and issued a document with preferred alternatives for additional public comment. They did so while responding to lawsuits attempting to block the plan and while under intense public and media scrutiny that drew the attention of the national press, an outpouring of thousands of public comments, and the involvement of some of California’s legislators.

When Harold Gilliam wrote and the Sierra Club published the book *Island in Time* in 1962 to help promote the creation of the national seashore, the title phrase was an apt metaphor to capture the Point Reyes Peninsula’s unique geology, natural landscapes, and human history. As time went on, particularly as the national seashore entered the twenty-first century, the metaphor still fit for the park’s geology and landscape but was perhaps misleading in other regards. In terms of almost every aspect of PRNS management, the national seashore is no longer an island: activities and decisions that park managers make are directly tied to or influenced by Park Service-wide policies, country-wide economic patterns, state and federal legislation, social and cultural changes, and global phenomenon including climate change and the COVID-19 pandemic.

Endnotes

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- 3 Robert J. Steers, “Twenty Years of Rangeland Monitoring in Point Reyes National Seashore,” presentation at the San Francisco Bay Area Science and Learning Science Symposium of 2012, quoted in John Battles, Anne Eschtruth, John Sanders, and James Bartolome, eds., “A Natural Resource Condition Assessment for Point Reyes National Seashore,” NPS/PORE/NRR—2019/1895, prepared for the NPS by the University of California-Berkeley Cooperative Ecosystem Studies Unit, March 2019, 117.
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- 5 Harold L. Ickes, quoted in House Committee on Interior and Insular Affairs, “Point Reyes National Seashore, California: Report to Accompany S. 476,” H. Rept. 1628, 87th Cong., 2d Sess. (1962), 1.
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- 8 Richard L. Neuberger, “Plan for Shoreline Parks: U. S. Senate Bills Would Set Aside Recreational Areas on Seacoasts and in the Great Lakes Region,” *New York Times*, August 30, 1959.
- 9 Neuberger, “Plan for Shoreline Parks.”
- 10 Neuberger, “Plan for Shoreline Parks.”

- 11 “The Proposed Point Reyes National Seashore,” joint statement of Senator Clair Engle and Representative Clem Miller, July 23, 1959, Box 2, Point Reyes National Seashore Foundation Records [hereafter NSFR], Bancroft Library, Manuscripts Division, University of California, Berkeley. This joint statement introduced the partner bills S. 2428 and H.R. 8358 to Congress.
- 12 Engle and Miller, “The Proposed Point Reyes National Seashore,” 2.
- 13 Quote by historian Theodore J. Karamanski in *A Nationalized Lakeshore: The Creation and Administration of Sleeping Bear Dunes National Lakeshore* (Washington, DC: National Park Service, 2000), 1.
- 14 John F. Kennedy, “Special Message to the Congress on Natural Resources,” February 23, 1961, University of California-Santa Barbara’s The American Presidency Project, <https://www.presidency.ucsb.edu/node/235685>.
- 15 Kennedy quoted in Francis P. Burling, *The Birth of Cape Cod National Seashore*, rev. ed. (n.p.: Eastern National, 2000), 54. Kennedy signed the Cape Cod National Seashore Bill into law on August 7, 1961.
- 16 Stewart L. Udall, oral history interview by Paul Sadin, Santa Fe, New Mexico, February 3, 2005, transcript, PRNSA, 5.
- 17 Charles H. W. Foster, *The Cape Cod National Seashore: A Landmark Alliance* (Hanover, NH: University Press of New England, 1985), 64.
- 18 Laura Watt, in her excellent *The Paradox of Preservation: Wilderness and Working Landscapes at Point Reyes National Seashore* (Berkeley: University of California Press, 2017), suggested that the threat of residential and vacation housing development on the peninsula in the late 1950s and early 1960s may not have been as imminent as the bill’s supporters claimed. But that likely would have changed little in the overall objective to establish a national seashore unit, because as noted, creation of national seashores was a unified, national agenda to preserve America’s dwindling undeveloped shorelines. Whether development threats were in the near or far distant future, NPS officials and a large segment of Congress believed the threat was real and it was the time to act.
- 19 An Act to Establish the Point Reyes National Seashore in the State of California, P.L. 657, 87th Cong., 2d Sess. (September 13, 1962); 16 U.S.C. 459c (1962).
- 20 House Committee on Interior and Insular Affairs, H. Rept. 1628, 87th Cong., 2d Sess. (April 19, 1962); *Congressional Record (Cong. Rec.)* 104 (June 23, 1958): 11963.
- 21 H. Rept. 1628, 7.

CHAPTER 2:

Restoration and Renewal

Since the turn of the new century, PRNS administrators, resource managers, and collaborating scientists have put great emphasis on understanding, preserving, and restoring the seashore’s ecological systems. PRNS managers during this time understood that preservation of natural, cultural, and human resources in a national park unit did not mean keeping an environment static, nor did it aim to recapture a fixed point in the past. Park Service planners had moved beyond an older NPS resource management model that attempted, as described in the 1963 Leopold Report, to restore national park lands to recreate “the ecological scene as viewed by the first European visitors.”¹ It was, from the start, a romanticized notion that was both culturally biased and ecologically unsustainable. Point Reyes resource managers have benefitted from advances in environmental sciences to prioritize projects (and project funding) aimed at restoring, renewing, and replenishing landscapes, ecological systems, and relationships.

For some of the projects, the terms renewal or enhancement are perhaps more fitting than “restoration.” The concept of renewal is particularly applicable to the efforts of the Indigenous Coast Miwok peoples, and their Tribe, the Federated Indians of the Graton Rancheria, to support and bolster their connection to the Point Reyes Peninsula as a significant part of their ancestral territory. Although that relationship of Indigenous peoples

to their traditional homeland was never lost, seashore managers and staff worked to better recognize and support that connection by building an improved working relationship with the Tribe and increasing the NPS commitment to understanding and protecting Coast Miwok cultural sites.

From 2001 through the early 2020s, PRNS has launched or completed many dozens of critical resource restoration projects that have helped enhance the look, feel, and use of many parts of the seashore—so many, in fact, that they cannot all be covered here. Most have turned out to be great successes, though not without challenges and doubts along the way. The results of others remain to be determined. To highlight these efforts and the changes they introduced, the following chapter focuses on restoration work in four areas: (1) renewal of the Coast Miwok Tribes’ connection to Point Reyes; (2) cultural resources restoration projects; (3) wetlands restoration projects highlighted by the Giacomini Wetlands; and (4) coastal habitat restoration.

Restoring Connections with the Federated Indians of Graton Rancheria

Over roughly the past twenty-five years, Coast Miwok peoples have renewed and reinforced their connection to their ancestral homeland, the Point Reyes Peninsula, through several actions that encompassed changes in legal status, organizational capacities, individual relationships, and historical reference points. Of all these changes, one of the biggest was the restoration of the Coast Miwok’s status as a federally recognized Tribe, the Federated Indians of Graton Rancheria (FIGR). In 2000, Congress passed the Graton Rancheria Restoration Act, Public Law 106-568, which restored federal recognition to the Tribe. The Tribe thus became a sovereign nation with inherent powers of self-government, and thereafter PRNS collaboration and interactions with the Tribe were part of a government-to-government relationship.

For most of the twentieth century, anthropologists and archeologists who wrote about central California Indigenous groups hewed to the view that the final chapter of these Indigenous peoples’ story was one of “indoctrination and wholesale cultural destruction.”² They suggested that as a result of the combined destructive impacts of colonial mission enculturation, disease, and Euroamerican population growth, Indigenous groups had essentially disappeared. In the words of a well-known University of California anthropologist, the Coast Miwok had “gone extinct so far as all practical purposes are concerned.”³ Anthropologist Isabel Kelly, author of the chapter on Coast Miwok in the widely referenced *Handbook of North American Indians* series, stated that although there were, by the late twentieth century, individuals with some degree of Coast Miwok blood, they had “apparently no knowledge of native culture and no interest in it.” Thus, in her mind, “effectively people and culture had disappeared.”⁴ Such perspectives gave all the power to White colonizers, ignoring the ongoing lifeways and experiences of Coast Miwok peoples that they did not study or acknowledge. Anthropologists promulgated these views through publications of the respected Smithsonian Institution, giving their opinions the impress of official declarations. Accordingly, when in the late 1950s and early 1960s, the NPS and Congress took up the cause of establishing the Point Reyes National Seashore, they emphasized that Point Reyes held national significance because of its recreational, scientific, historical, and purely aesthetic values, but not because it was the traditional homeland of the Coast Miwok peoples.

Anthropologist and FIGR Tribal member Tsim Schneider wrote that despite the depredations and destruction of mission colonialism and epidemic disease, Coast Miwok peoples “created outlets within and beyond colonial settlements to resist and endure colonialism.”⁵ Indigenous peoples living in the Bay Area still had agency, whether residing within or outside of the missions. While more than half the population succumbed to disease, thousands (roughly 25 percent) of Coast Miwok were still living, working, and connecting to traditional resources and lifeways in the San Francisco Bay–Marin County region. Schneider and others want to introduce a “broader context for Colonialism” in which the narrative is “illustrative of the resilience of Coast Miwok people.”⁶ He explained, in his 2021 publication *The Archeology of Refuge and Recourse*, that his goal was to reconsider “the story of California’s colonial period” and to “reorient conventional narratives about Indigenous-colonial encounters in the San Francisco Bay Area to foreground Native American landscapes.”⁷

Some may wonder how archeologists and anthropologists could possibly miss the continued presence of the Indigenous experience. One simple explanation is that the archeologists were enacting the story of the person who dropped their keys at one end of a street but was found searching for them at the other end because “the light is better over here.” That is, in trying to understand California colonial history, they searched at and studied the places that were most visible, easily accessible, and aesthetically pleasing: the mission churches and grounds. This tunnel focus, Schneider explains, reinforced “a false spatial logic that eschews Indigenous concepts of place in favor of a readily identifiable built landscape” of the well-known mission churches and mission compounds.⁸

Just as the archeologists and anthropologists have (slowly) shifted their perspective on Coast Miwok and the Indigenous experience in Marin County and the Bay Area, PRNS staff also steadily worked to improve their understanding of Tribal culture and relationships with the FIGR. PRNS staff had a working relationship with Tribal members well before the restoration of the Tribe’s federal recognition status.⁹ However, many of the laws, regulations, and policies requiring federal agencies to consult with and coordinate their actions with Tribes applied only to those with federal recognition status. Consequently, coordination with the Tribal community prior to the restoration of their federal recognition status was inconsistent. For example, archeological surveys and studies conducted prior to 2000 often did not include consultation with the Tribal community because PRNS and the Tribe lacked a framework for Tribal consultation for management of archeological sites. That had to change once the park began to work closely with FIGR, which thereafter would be directly involved with any planning, projects, or studies affecting resources of importance to the Tribe.

Federal recognition meant the NPS had to approach their work with the Tribe in a different, more accountable, fashion. Former PRNS curator Carola (DeRooy) Davis started her job, which primarily focused on organizing and preserving the seashore’s museum collections and archives, the same year the Tribe gained federal recognition. She recalled, “working with the Tribe in the early years was very difficult for me personally because I didn’t have a very good understanding of their feelings and thought processes as a Tribe and as Native Americans.”¹⁰ After her first meetings with the Tribe, Davis realized, “Although I’d studied a lot of Native American history, the personal interactions at these meetings were often really contentious and volatile.”¹¹ Over time, Davis said, “I started to understand that . . . they really felt that all the objects they created or made have sacredness to them. And they really felt that they didn’t belong in a building, necessarily.”¹² The Native

American Graves Protection and Repatriation Act (NAGPRA) of 1990 required federal agencies to recognize that “human remains and other cultural items removed from Federal or Tribal lands belong, in the first instance, to lineal descendants, Indian Tribes, and Native Hawaiian organizations.”¹³

Short-term task agreements in the early 2000s and a subsequent 2007 cooperative agreement between PRNS and the Tribe aimed to improve the process of conducting archeological research in the park, protect sacred sites, and provide the FIGR with more authority regarding all Indigenous cultural sites on the peninsula.¹⁴ The objectives emphasized collaboration in “cultural and natural resource management activities; Native American related research, interpretation and education projects; and in actions to facilitate compliance with the Native American Graves Protection and Repatriation Act of 1990.”¹⁵ Because the Point Reyes Peninsula was part of the Coast Miwok traditional homeland, the FIGR asserted (as part of the cooperative agreement) that it has interests in PRNS resource management and the national seashore’s “educational, interpretive, archaeological, ethnographic, historical and other studies and programs” related to Coast Miwok lifeways. Terms of the agreement also reiterated accepted NPS policy by which a collaborative relationship of a national park unit with an Indigenous Tribe was intended “to help them maintain their cultural and spiritual practices, to enhance our understanding of the history and significance of sites and resources in the parks, and to maintain a government-to-government relationship with federally recognized tribal government.”¹⁶

Some of the initial collaboration in the new relationship between the NPS and FIGR involved identification, protection, and emergency excavation of Coast Miwok cultural sites recently exposed by erosion of coastal bluffs and cliffs. In 2003–2004, PRNS began a new assessment of Indigenous archeological sites to document the current site conditions and provide recommendations for protective measures.¹⁷ The completed archeological assessment report recommended the park develop measures to prevent grazing cattle from disturbing sites that were in acute danger of eroding. This would halt trampling and allow revegetation of sites. In addition, the report recommended that the NPS needed to protect sites from additional wind and water erosion with appropriate measures such as straw cover, geo-webbing, and fencing. The Tribe’s Sacred Sites Protection Committee oversaw the cooperative and task agreements with NPS.¹⁸

Collaborative NPS-FIGR work on site monitoring and site stabilization continued thereafter, with assistance from field crews from Sonoma State University.¹⁹ In 2004, Sonoma State, FIGR, and PRNS entered into a project agreement that provided training in methods of archeological site stabilization for NPS staff and Tribal members. The project included using “non-destructive” stabilization at several locations threatened by erosion and careful excavation of cultural artifacts from an eroding coastal bluff.²⁰

To ensure better cooperation between seashore staff and the Tribe for any newly acquired collections, Davis instituted PRNS protocols for processing the artifact collections and developed a formal process for dealing with instances when staff, visitors, or outside researchers collected cultural artifacts, whether obtained lawfully or illicitly.²¹ For Coast Miwok artifacts, the Tribe and seashore staff collaborated to ensure the appropriate treatment and handling of all items, especially for cultural materials subject to NAGPRA. If subject to NAGPRA regulations, NPS cultural resources staff worked with the Tribe regarding repatriation and reburial, the latter in instances when the Tribe sought to rebury the materials within PRNS boundaries.²²

As the FIGR organization grew and expanded in its capacity to serve the well-being of

Tribal citizens, it established an Environmental and Cultural Preservation Department. The Tribal Environmental Coordinator position within the newly established department became the primary point of contact for Cooperative Agreements and communications. In addition, the Tribe insisted that the NPS broaden the scope of project work within the seashore beyond the work of the Tribe's Sacred Sites Protection Committee. In 2014, FIGR designated a Tribal Historic Preservation Officer who would then serve as the primary contact for the park regarding historic preservation matters.

The Tribe also requested that the NPS and FIGR collaborate to rethink the meaning and interpretation of the Kule Loklo village interpretive site. Tribal representatives wanted to develop site interpretation that would emphasize how the FIGR understood and defined Coast Miwok identity.²³ Kule Loklo represented an existing connection between the NPS and Coast Miwok peoples prior to the Tribe regaining federal recognition. It also became a popular and heavily visited interpretive site for the park. That combination was also what made the site problematic for the FIGR as it began to fully exercise its rights as a sovereign nation.

The Kule Loklo exhibit has its roots in the NPS-wide push to establish living history programs throughout the national park system to enliven park interpretive programming. Living history, which the NPS began to push in the 1960s as a fix-all solution to inadequate interpretive programming in the national parks, encompassed several different interpretive methods, including costumed demonstration, living history exhibits, and first-person living history. Living history exhibits that became ubiquitous at NPS historical sites in the 1970s featured ranger staff or volunteers in period dress performing traditional trades and crafts, acting “as if” they had stepped out of some ambiguous past.²⁴ In the late 1960s, the NPS Western Regional office singled out Point Reyes as an excellent site to implement a living history program centered on an operational historical farm. This was, oddly, how the Morgan Horse Farm came into existence, even though a horse farm was not especially representative of Point Reyes history.²⁵ This was an example of what NPS historian Robert M. Utley feared about the NPS exuberance in launching living history programs. He wrote that the NPS had “let the public’s enthusiasm for living history push us from interpretation of [a] park’s features and values into productions that, however entertaining, do not directly support the central park themes.”²⁶ Regardless, the Morgan Horse Farm quickly became one of the most popular sites at PRNS.

In contrast to the horse farm, the second living history concept launched at Point Reyes—a Coast Miwok village—meshed well with the timeless history of Indigenous life and culture on the peninsula. Development of the demonstration village and interpretive activities began in 1976, through a joint effort of the NPS bicentennial program, Point Reyes staff, and the Miwok Archaeological Preserve of Marin (MAPOM). They obtained funding from the federal bicentennial project grant program that, among other things, emphasized development of “American Heritage” sites.²⁷ To the credit of the PRNS staff spearheading the project, they used the scientific and historical data available to them at the time and the help of knowledgeable volunteers to try to produce an accurate replica of a Coast Miwok village. The location, however, did not correspond to a specific Coast Miwok village site; planners chose a spot that provided easy visitor access, staff participation, and security, while avoiding damage to any existing archeological sites.²⁸

The first phase of the replica village construction was completed by the end of 1976, but staff and volunteers continued to build additional structures and exhibitry over the course of the next fifteen years. Kule Loklo immediately gained popularity; in 1977, the first full season of interpretive activities, the site drew 44,000 visitors.²⁹ The extent of

interpretive activities and staffing at the replica waxed and waned with each boost or short-fall in funding. But the site remained a popular attraction. Over time, some Coast Miwok and Pomo individuals appropriated the village as a place to celebrate their present as well as their past. And yet, Kule Loklo served as a prime example of the problems inherent in living history exhibits within the Park Service.

Living history exhibits, reconstructions, or replicas—no matter how well researched or executed—risk misleading visitors about the historical Indigenous past and present status of a Tribe. Even the best of such sites will have a difficult time conveying enough of the historic context to visitors.³⁰ In the case of Kule Loklo, there was no way to show the varied lifeways of the precontact Coast Miwok peoples. The well-intended but unsophisticated visual presentation of the mock village likely clouded visitors' perceptions of past Coast Miwok life on the peninsula, where they enjoyed a standard of living higher than a seashore visitor might infer from the interpretive site. Regardless of the perceived authenticity and historical accuracy of replicas and interpretive activities, living history cannot rectify this problem.

Former PRNS Superintendent Cicely Muldoon explained, “Kule Loklo was one of those places that was kind of in limbo. [An] interesting sort of fake village, but of some use to the tribe, of some use to other tribes. So that was something we were kind of trying to work through with them, and sort of went back and forth over the years.”³¹ Former Chief of Interpretation John Dell’Osso noted that the PRNS interpretive division had worked closely with Coast Miwok representatives on developing appropriate Coast Miwok interpretive programs and projects, as well as cultural resources projects, “long before they got their federal recognition.”³²

Although the Tribe continued to try and work with the NPS within the existing constraints of the Kule Loklo village interpretive site, the Tribal Council frequently expressed their desire to collaborate with the NPS on interpretive activities that would reflect “a more contemporary orientation.” In fact, in one of the initial meetings between the NPS and Tribal leaders after obtaining federal recognition, FIGR Tribal Chair Greg Sarris requested that the park make a quick transition away from the prior interpretation and activities at Kule Loklo. According to Mark Rudo, the PRNS liaison with the Tribe at that time, Sarris spoke about wanting Kule Loklo to be managed more as a cultural site for the Coast Miwok than as an interpretive display for PRNS visitors. He also wanted the Tribe rather than the NPS to be the host for future Coast Miwok events at the site.³³

Gordon White noted that during his years as cultural resources chief, seashore staff had consulted with the Tribe about the interpretive activities at Kule Loklo to make sure park personnel and volunteers could learn how best to talk about the Tribe and Tribal history with visitors. He reflected that it was appropriate to now see a shift happening away from the Park Service doing the interpretation of Tribal cultural activities in parks to the point where Tribes are saying, “‘We’re still here, and we can do this,’ which is a much better

“The NPS therefore is committed to working in partnership and collaboration with the Tribe in areas of cultural stewardship, traditional ecological knowledge, education, research, revitalization of community and tradition, and the overall stewardship of Park lands and places.”

—2021 *Government-to-Government Partnership Agreement*

place to be.”³⁴ In 2019, Superintendent Muldoon informed the Tribal Council that the NPS was “looking forward to the opportunity to collaborate with you and the Federated Indians of Graton Rancheria community on a new vision for Kule Loklo.”³⁵ That included plans to “deconstruct” the rapidly deteriorating replica roundhouse and sweathouse structures as the initial step in that direction. Muldoon requested input and any guidance from the Tribe regarding the most “appropriate and respectful” means of dismantling the Kule Loklo structures.

In 2021, PRNS staff and FIGR representatives worked out an agreement for the Tribe to take on rebuilding the Kule Loklo village interpretive site. In addition to conducting a site survey and structural repair of the roundhouse roof and other buildings, the Tribe intended to pursue “interpretive and educational updates to better reflect the present.”³⁶ At a ceremony celebrating the renewal of Kule Loklo, FIGR leaders indicated they changed their planning for the village exhibit because they learned how important the site was “for many people for so many years.” Noting that Coast Miwok society had traditionally embraced adjusting to changing life circumstances, it was in that spirit that the Tribe decided to collaborate with PRNS staff to repair and more appropriately interpret the village exhibit. The celebration emphasized that the renewal of Kule Loklo would honor it as a place for Coast Miwok and other Tribal groups to be together and dance together.³⁷

Two decades of collaborative work and open communications between the NPS and Tribe became the groundwork for a milestone partnership agreement. On Monday, August 9, 2021, the NPS and FIGR signed a “General Agreement for a Government-to-Government Partnership” covering lands within PRNS and the North District of Golden Gate National Recreation Area (GGNRA) under the administration of PRNS.³⁸ The partnership agreement provides for the following:

The NPS therefore is committed to working in partnership and collaboration with the Tribe in areas of cultural stewardship, traditional ecological knowledge, education, research, revitalization of community and tradition, and the overall stewardship of Park lands and places. The partnership between the NPS and the Tribe in the management of Park lands is an essential strategy for the stewardship of these portions of the Tribe’s ancestral territory and the heritage resources therein. The following items represent the domains in which the Parties intend to partner and focus on consultation, collaboration, and participation consistent with the objectives of this Agreement.³⁹

Under the terms of the agreement, the NPS will partner with the Tribe to “provide access to Park resources and places that are essential for the continuation of traditional cultural or religious practices,” allow “access to cultural and natural resources for activities related to traditional and ceremonial uses, and NAGPRA related activities such as repatriation and reburial,” reach agreements regarding traditional plant gathering, and consult on special use permits.⁴⁰

The government-to-government partnership agreement between the FIGR and PRNS was very much in keeping with NPS-wide Policy Memorandum 22:03, prepared in response to the Secretary of the Interior’s *Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters* announced in November 2021.⁴¹ The policy memorandum directed NPS administrators to ensure that Tribes and other Indigenous communities “play an integral role in decision making related to the

management of Federal lands and waters through consultation, capacity building, and other means consistent with applicable authorities.”⁴² Of significance for the day-to-day management of PRNS, the policy mandated that park personnel will include—early in the planning process or decision making for any new project affecting Tribal resources or places—consideration of a Tribe’s reserved rights and agreements before proceeding. Doing so should help “ensure that NPS actions are consistent with constitutional, treaty, reserved, and statutory rights.”⁴³

As of this writing, we have not received comments from the FIGR about how they view the government-to-government partnership agreement now that it is in place. But several seashore staff involved in working toward the partnership as official PRNS policy have felt it greatly benefits their interactions with the Tribe. Brannon Ketcham, PRNS management assistant, described his reaction to working with FIGR staff on the agreement: “I feel honored to be able to have conversations now with members of the Tribe, and really hear and understand and reflect” about their lives and culture.⁴⁴ But work to improve collaboration and communication continue; it is people, rather than paper, that make it a valid partnership. As Muldoon reflected, “You can always do consultation better and more deeply. I think like many tribes, and appropriately so, they don’t want consultation just to be like a rubber stamp of the projects we’re already going to do.” For PRNS staff, that meant “trying to get consultation going on earlier in the process.”⁴⁵

Restoring and Respecting Cultural Resources

The belated response to recognize and protect Indigenous archeological and cultural resources at PRNS prior to the later 1990s also reflected the absence of a full-fledged cultural resources program at PRNS. The NPS did not conduct archeological surveys or field work at Coast Miwok sites from the early 1970s to the late 1990s; what research did occur was accomplished by university archeology programs such as that at Sonoma State. While important research, reporting, and nominating of several PRNS historic sites did occur in the 1980s and 1990s, historians from the NPS regional office in San Francisco (later Oakland) accomplished these tasks. They completed several valuable historic site studies, but there was a “one and done” element to them because seashore managers did not have a program or staff to integrate these projects within a comprehensive cultural resources management (CRM) mission. In fact, a cultural resources division essentially did not exist at Point Reyes until Superintendent Don Neubacher hired the first department head in 2001. When Neubacher arrived at PRNS, goals for his superintendency included bringing in “as much as we can for cultural and natural science-based management.”⁴⁶

Prior to 2000, the seashore’s cultural resource work was dispersed into several NPS divisions: the collections storage and interpretive activities involving the Coast Miwok was under the care of the interpretive division, cultural landscapes—primarily the historic ranches—were managed by the ranger division, and historic structures were the responsibility of the maintenance division.⁴⁷ Park management made some strides toward a greater commitment to cultural resources in the 1990s with the hiring of cultural landscape architect Rick Dorrance and historian Douglas “Dewey” Livingston, whose work enhanced the understanding of the value of the Point Reyes ranches as cultural landscapes. Livingston’s 1995 history of cattle and dairy ranching and Dorrance’s completion of the seashore’s first cultural landscape inventory were key contributions in this regard.⁴⁸

But a full-fledged cultural resources program did not begin until Neubacher hired

Gordon White as the head of a nascent cultural resources department in 1999. Neubacher made natural and cultural resources management a priority during his superintendency and made sure managers in those divisions had a major voice in planning and operations. White was quickly able to find and develop substantial funding sources, not only successfully arguing for a sizeable base fund for the department but also obtaining a portion of ranching fees and grants for CRM projects at the park.⁴⁹ The program expanded rapidly and successfully, with important milestones such as the creation of a desperately needed curatorial facility in the restored Red Barn housing the park's museum collections and archives, the completion of a cultural landscape inventory and report, and the documentation and restoration of several of the seashore's most important and iconic historic features.

White began building the CRM division by hiring Carola (DeRooy) Davis to manage the museum and archives collections and guide the transition to a brand-new curatorial facility inside the restored 1870s Red Barn at Bear Valley Headquarters. The facility that opened in 2002 included a research library, reference room, collection processing lab, staff offices, and modern shelving and storage for the seashore's over half a million artifacts and archives.⁵⁰ The move dramatically improved the conditions for collections storage and protection and also provided seashore staff, Tribal members, academic researchers, and the general public improved access to the resources held there. Moreover, the new facility signaled that PRNS was making a greater commitment to managing and protecting cultural resources. This became even more important as the NPS and FIGR worked together to repatriate sensitive cultural materials (under the terms of NAGPRA) to the Tribe, a key step in improving the PRNS-Tribal relationship.

Notably, objects held in the collection included archeological items brought to American shores by British and Spanish ships (sometimes as result of shipwrecks) that the Coast Miwok adapted to their own use. The archeological record indicates numerous instances of Coast Miwok peoples obtaining these materials and modifying them into things that were useful for them. Identifying first-encounter types of cultural material is extremely rare. Much of it is porcelain that Indigenous Tribes adapted to their use as scrapers and other sharp-edged implements. The collection was a valuable source for the Tamál-Húye Archeological Project, an NPS-sponsored 2008 research endeavor that studied "intercultural interactions and processes of culture change and continuity in sixteenth-century northern California resulting from the shipwreck of the Manila galleon *San Agustín*, which occurred in tamál-húye, the Coast Miwok name for present-day Drakes Bay, in 1595."⁵¹ Investigators attempted to discern whether the European objects introduced as result of the shipwreck became a source of cultural adaptation for the Coast Miwok in the seventeenth century. The study examined "evidence for indigenous salvage and reuse of the ship's cargo and resulting changes to local Coast Miwok cultural practices, as well as changes in regional interaction between California Indian groups."⁵²

Opening the new museum was an important milestone in the development of the CRM program but still made only a dent in the immense backlog of needed cultural resources maintenance, repairs, restorations, and research. By 2004, the division was making progress on the overdue work. From 2001 to 2004, PRNS spent nearly four million dollars on forty-five different projects preserving and restoring the seashore's historic structures. Major rehabilitation projects completed by contractors included the Murphy (Home) Ranch main house and the Hagmaier House in Olema Valley, which was badly damaged by fire and subsequently became the University of California-Berkeley (UC Berkeley) Point

Reyes Field Station. In addition, large projects were underway at the Pierce Ranch repairing storm damage and at the Wilkins Ranch replacing the water and septic systems and installing new roofing.

To complete all these projects, PRNS created a specialized Historic Preservation Team. This team opened a workshop at the Teixeira Ranch from which they employ their skills both in the craft of working on old buildings, especially timber-framed structures, and in the repair-rather-than-replace ethic of historic structure preservation. On some projects, the crew has extended this partnership further by training NPS staff, interns, and ranch workers in shingle roofing and other skills. At the Wilkins Ranch, in addition to work completed by the crew and seashore contractors, the park hosted the University of Oregon's Historic Preservation Field School, which provided training in preservation philosophy and craft to professionals, students, and others interested in historic preservation.

PRNS staff and contractors completed work on ten ranches in 2003–2004, including B Ranch, C Ranch, D Ranch, H Ranch, I Ranch, M Ranch, Home Ranch, and the Giacomini Ranch in Olema Valley. The projects ranged from roof and timber repairs on the hay barn and replacing the foundation of the Spaletta family house at C Ranch, to repairing a collapsing garage at the Mendoza's on B Ranch, to roofing and leveling a portion of the Giacomini house.

In 2006, plans and approximately \$1.3 million in funding came through for the complete reconstruction of the historic U.S. Coast Guard Lifeboat Station Marine Railway and Pier at Chimney Rock, part of the Point Reyes Headlands. In 1990, the lifeboat station was designated a national historic landmark (NHL), the highest level of historical recognition and the only one at the national seashore until the designation of the Drakes Bay Historic and Archeological District in 2012.⁵³ The landmark consists of the 1927 barracks and boat-house, the latter of which houses one of the last operating U.S. Coast Guard thirty-six-foot-long motor lifeboats, and attached loading wharf, dock, and marine railway. The site also includes a commanding officer's residence, operations support structures, landscaped grounds, and a nearby cemetery (at G Ranch) for Lifesaving Service crews who died while in service. In 2016, NPS landscape architect consultants MIG, Inc., of Portland, Oregon, completed a cultural landscape report (CLR) documenting the full scope, significance, and current condition of the historic landmark site. The report was an important step in continuing to properly maintain and preserve this valuable historic site and visitor destination.⁵⁴ By carefully documenting (with photographs, drawings, and engineering reports) the site details and current conditions, the CLR will help future current and future cultural resources managers prepare preservation strategies for landscape elements and features that are deteriorating and develop "planning principles and guidelines that both preserve the site's historic character and support and enhance its current and future use and function, especially in terms of increasing the accessibility of experiences to all."⁵⁵

Point Reyes Lighthouse Rehabilitation

Of all the cultural resources restoration projects undertaken since 2001, the most complicated and significant was the work completed on the 1870 Point Reyes Lighthouse. The former U.S. Coast Guard lighthouse, at its stunning cliff-edge location at one of the westernmost points of the continental United States, is the most recognizable icon of the Point Reyes Peninsula and one of the most heavily visited PRNS tourist attractions. If visitors

take away only one image of a visit to Point Reyes, it will be the scene of the winding, cast-in-place concrete staircase leading down to the lighthouse with the open expanse of the Pacific Ocean stretching to the horizon. Often heavily windswept (with some of the strongest non-hurricane winds recorded there) with waves crashing at the base of the cliff, the lighthouse site is both scenic and exhilarating. Amateur historians and lighthouse connoisseurs (which is a sizeable visitor group) appreciate it as one of the best examples of iron plate lighthouses in the country, with its sixteen-sided pyramidal tower and original first-order Fresnel lens powered by a brass clockwork mechanism. The property is listed in the NRHP. It has been lauded as “one of the most pristine and beautiful lighthouses along the California coast,” a spot so spectacular, “It is worth the visit to the park just to see the lighthouse.”⁵⁶

Many of these elements that make the lighthouse site so spectacular—sea, sky, wind, and isolation—also make it a maintenance nightmare for the NPS. When the Coast Guard turned over ownership to the Park Service in 1974, the structure and support facilities were already more than one hundred years old and continually subjected to some of the harshest climatic conditions in the United States.

Most visitors enjoyed simply going to the lighthouse overlook, where they could drink in dramatic vistas, view stunning wildflower displays, and watch for migrating whales. When the park opened the structures for visitor use, the trip to the lighthouse became more popular than ever. In its first full year open to the public, 181,000 people traveled to the lighthouse area, with 53,000 of them making the steep descent and ascent to and from the lighthouse itself.⁵⁷ Visitor travel to the lighthouse has subsided very little since then, even though its location withstands the worst of Pacific storms that can generate winds of more than one hundred miles per hour.

Many of these elements that make the lighthouse site so spectacular—sea, sky, wind, and isolation—also make it a maintenance nightmare for the NPS. When the Coast Guard turned over ownership to the Park Service in 1974, the structure and support facilities were already more than one hundred years old and continually subjected to some of the harshest climatic conditions in the United States. Maintenance crews did some initial work repairing and stabilizing the buildings when the NPS acquired the site, and then PRNS did additional repair and restoration work in the early 1980s, all of which were insufficient to forestall the savages of time and weather. The PRNS first CRM plan in 1987 identified rehabilitation and preservation of the Point Reyes Lighthouse as the number one priority for the park.⁵⁸ As a result, NPS staff and contractors were able to perform extensive rehabilitation work at the lighthouse in 1989.⁵⁹

Nevertheless, wear from rain, cliff erosion, and the tremendous winds common to the site meant the lighthouse continued to require frequent maintenance after the 1989 repairs. By the

2010s, the light station, visitor center, and access stairway needed complete overhaul and renovation, work that was some twenty years overdue. Facilities staff had repeatedly requested funding for the work, but the cost (about five million dollars for a full renovation) was so high the requests went unfilled, during which time the condition of the lighthouse and adjacent facilities continued to worsen.

Although the physical repair and restoration of the historic Point Reyes Lighthouse had been in the project planning schedule for years, the restoration project did not begin

in earnest until it received funding from the NPS Centennial Challenge Projects program created in the runup to the 2016 NPS Centennial. PRNS submitted a challenge program grant request for roughly \$1.8 million for the restoration that noted the project would “repair damaged structural elements, correct life safety and structural deficiencies threatening the historic Point Reyes Lighthouse, related historic structures and landscape features.”⁶⁰ Once PRNS obtained the first, and then additional, funding, the immense restoration project could get underway. Seashore management was able to use recommendations in the 2016 CLR prepared by consultants MIG, Inc. (who also prepared the Lifeboat Station CLR), to identify the most important elements to address and the optimal methods to achieve them. The report recommended “focusing on the areas of most intense use and with the highest concentration of character-defining features, particularly the areas located along the main spine of the site that are frequented by visitors.”⁶¹

The lighthouse restoration was an immense project. As part of the five-million-dollar rehabilitation, the two-story, cast-iron light tower was “literally taken down to the ground level and reassembled.”⁶² While work was ongoing, the lighthouse was encapsulated in a waterproof membrane. Crews disassembled the Fresnel lens and clockwork and moved it to an offsite location for careful repair and conservation treatment. Conservators took the lens apart, “piece by piece, glass by glass,” to restore and then reassembled it with the same care.⁶³ The entire upper portion of the lighthouse (roof, windows, and framing) was also disassembled so new metal could be fabricated and the windows replaced. The solid iron plates that make up the lighthouse walls were stripped, coated, and painted. Crews also made exterior and interior improvements to the foghorn equipment building (next to the lighthouse). They also performed rehabilitation work on the remaining historic structures so as to eliminate “significant deferred maintenance,” as well as removing several non-contributing (non-historic) features at the site.⁶⁴

In addition to preservation of the historic structures and landscape, another goal of the project was to enhance physical accessibility. The project included moving the “accessible” parking area closer to the current employee housing area, regrading the pathways to the visitor center, and renovating the restrooms and overlook to meet Architectural Barriers Act Accessibility Standards (ABAAS) standards. PRNS was not, however, able to provide accessible access to the lighthouse itself due to the long and precipitous stairway that is the only means of reaching the light tower.⁶⁵

David Brouillette, the head facilities manager at PRNS from 2010 to 2017, explained some of the challenges seashore staff and work crews faced—due to the lighthouse’s isolation and precipitous location—in performing the extensive rehabilitation tasks:

It was a pretty brutal place to work. The weather out there is—you never knew what the weather’s going to be like. It could be sunny and warm at headquarters and it’s cold and windy and foggy out there. [It’s] Hard to pick a date when you’re going to paint something. We were flying in materials with helicopters . . . because to get down those couple hundred steps [to the lighthouse] bringing some pretty heavy supplies and materials and equipment down there, we had to use the helicopter to get some of the equipment back and forth. But that was a pretty significant project that was long overdue.⁶⁶

Funding for the lighthouse rehabilitation also included renovating the interior of the small lighthouse visitor center located on the bluffs above the lighthouse and installing

new interpretive exhibits. The NPS finished the fifteen-month rehabilitation project in fall 2019, and the historic icon reopened to the public on November 8, 2019. In addition, the Federal Lands Access Program funded the final key improvement: the repaving of Sir Francis Drake Boulevard, the only road visitors and staff could take to the lighthouse. PRNS collaborated with the state highway department for funding the road project. Staff have called it “an amazing infrastructure improvement” because the road was in such terrible condition for such a long time that it was a frequent source of visitor and local resident complaints.

Despite the many successes in restoration of historic sites, Indigenous archeological site protection, cultural landscape surveys, and establishment of a stellar curation and archives facility, the CRM program witnessed a steep decline in staffing, funding, and operations in the late 2010s. After more than a decade of building up the new division and tackling much needed restoration and preservation work, by 2020, the division had only a skeleton staff remaining. Former curator Davis, who retired in 2017, recalled,

The whole cultural resource staff, including the chief, went to another park. The cultural landscape person went to another park. The historic structures supervisor retired. So all of the main positions that were funded GS-12 or higher left. And none of those positions have been rehired, as far as I know. . . . And the archeologist is really the only cultural resource person.⁶⁷

Archeologist Paul Engel, who has served as acting head of the program since 2018, carried a multitude of responsibilities previously divided among several GS-11 and GS-12

Scaffolding surrounds the lighthouse and equipment building during Point Reyes Lighthouse Restoration Project, October 5, 2018. NPS Photo.



personnel. He has faced the task of ensuring that funding continues to funnel to cultural resources even in the absence of needed staffing. Nevertheless, the collections facility continues its important functions for FIGR and outside researchers, collaboration with the Tribe continues to improve, and other (smaller) restoration projects are underway. In addition, as PRNS part-time historian Alison Steiner put it, all the efforts put in by CRM staff since the early 2000s helped alter management and staff perspectives, so cultural resources “now occupy a more prominent place in the compliance and project development process than they did twenty years ago.”⁶⁸

Wetland and Watershed Restoration

For hundreds of years of American history, landowners treated swamps, marshes, and bogs as useless acreage waiting to be drained, filled, and made productive, whether as farmland or for commercial and industrial development. Farmers and ranchers viewed marshlands as an inexpensive means to increase their acreage of cropland or grazing land. When scientific understanding of the important ecological role that wetlands played in tidal and riparian environments advanced, federal agencies began to prevent their destruction and, more recently, attempt to restore lost or damaged wetland parcels.

PRNS staff embarked on several watershed restoration projects in the 2000s to restore wetlands, remove barriers to natural hydrological systems, and support habitat for endangered species. NPS management policies supported restoration of wetlands and stated the long-term goal of “net gain of wetlands across the national park system through restoration of previously degraded or destroyed wetlands,” restoring the functions of floodplains, and protecting watersheds by “allowing natural fluvial processes to proceed unimpeded.”⁶⁹ Brannon Ketcham, who was a PRNS hydrologist when some of these projects started in the early 2000s (but had become the seashore management assistant by the time we interviewed him in 2022), explained that perhaps “restoration” was a misleading term because “it’s not putting it back to what it was. It’s putting it in a place where it can function naturally moving forward.”⁷⁰ The objective was to remove the barriers (whether dams, levees, or culverts) that kept hydrologic processes from functioning effectively and, once the barriers were removed and habitats enhanced, to allow them to continue functioning without intervention.

PRNS began a wetland mapping and inventory project in 2000, as part of a park-wide emphasis on baseline data collection, to better understand the status of wetlands in the park. The idea, like other baseline data collection at the time, was to use that data to determine the extent that historical land-use practices had degraded these wetland systems and then prioritize how to accomplish effective restoration.⁷¹ It also demonstrated how a renewed emphasis at PRNS on following well-established scientific methodology—such as global baseline data collection—could benefit this and many subsequent restoration projects.⁷²

The transformation of the Giacomini Wetlands from farm pasture to functioning hydrologic system highlighted the importance and complexity of PRNS watershed restoration projects. Giacomini became the seashore’s biggest habitat restoration project in terms of acreage, public visibility, and the number of challenges the park faced to get it accomplished. Planning and executing the transformation of the former ranchland touched on several issues beyond just land acquisition and hydrology. Some of the same park-wide “hot-button” issues that PRNS managers had to address during that time—conflicts among different recreational user groups and NPS restrictions on public access—made the

reclamation project more difficult. That made the successful completion of the project all the more satisfying. In the end, the project was successful due to the comprehensive planning by park staff and by what Marin County Supervisor Dennis Rodoni called “the unique collaboration opportunity that brought that all together and made it happen. A partnership with the Point Reyes National Seashore Association that helped move that project to completion and implement the restoration.”⁷³

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—Brannon Ketcham, PRNS
Management Assistant (2022)

The project area was so named for the Giacomini family, who operated a ranch at this northern fringe of the Olema Valley where the valley meets the southern end of Tomales Bay. In the early 1800s, the bay’s waters likely reached farther south than they do today. That portion of the bay began to fill in as more and more sediment sloughed off the hillsides that historical logging operations and agricultural development had left denuded and exposed. With no trees and shrubs left to anchor the soil, erosion accelerated.⁷⁴

Around 1944, the Giacomini family acquired the farm parcel at the northerly edge of the Olema Valley.⁷⁵ By 1946, they had completed construction of a levee that formed a dike around a large section of saltwater marshland to convert it to pasture for grazing cattle. They eventually “reclaimed,” in the vernacular of that time, about 560 acres of former saltmarsh to pasture, and apparently also scattered seeds of grasses and herbs that would provide good forage for their cows.⁷⁶ In 1950, the Marin Municipal Water District also built some dams upstream of the marsh.⁷⁷

The Giacomini family continued ranching for several decades, during which they maintained the levees as needed for their business. When Congress passed 1980 legislation that added eighteen parcels (a total of approximately 1,100 acres) of land to the boundary of GGNRA, it included the Giacomini family’s ranch.⁷⁸ The legislation authorized the NPS to acquire these parcels if they found willing sellers and congressional appropriations became available.⁷⁹

The Giacomini parcel’s proximity to the bay made it attractive to the NPS as a potential site to restore to a saltmarsh ecosystem. However, for many years, the NPS did not have funds to purchase the land.⁸⁰ Negotiations stalled in the 1990s, when the Giacominis were willing to sell, but the NPS had difficulty lining up funding in time for the sale of the ranch. That changed late in the decade. The California Department of Transportation (Cal Trans) was required to perform mitigation for wetland losses

that occurred during repairs to Highway 1 after the Lone Tree slide. Mitigation was at first going to occur at Big Lagoon in Muir Beach. However, for hydrological reasons, the NPS and Cal Trans determined that the money would be better used elsewhere.⁸¹

The NPS, Cal Trans, and the California Coastal Commission (CCC) signed a Memorandum of Understanding (MOU) in 1997 in which “Park Service agreed to assume mitigation obligations (3.6 acres) for wetland losses caused by a road repair on Highway 1 in Marin County, California. In exchange, the Park Service received funds from the

California Department of Transportation with the understanding that monies would be used for purchasing and restoring wetlands at the Giacomini Ranch.”⁸² The NPS completed the purchase of the 563-acre Giacomini Ranch with a combination of Cal Trans funding and congressional appropriations in 2000.⁸³ Waldo Giacomini passed away in 2002. His son, Rich Giacomini, remained involved throughout the project.

The agreement with Cal Trans required only 3.6 acres of wetland mitigation, but the NPS had an opportunity with the Giacomini Ranch to rehabilitate a much greater portion of the 563-acre area that had once been saltmarsh.⁸⁴ The acreage of wetlands to be restored was incredibly significant—NPS materials noted that “The Giacomini Ranch and Olema Marsh represent approximately 12 percent of the total wetlands present along the outer central California coast, excluding San Francisco Bay.”⁸⁵

Several state and federal designations elevated the Giacomini Wetlands Restoration project to a level of importance that justified significant private, state, and federal funding. Species of concern in the wetland area included “state threatened California black rail, federally and state endangered California clapper rail, federally endangered central California coast Coho salmon, federally threatened central California coastal steelhead salmon, federally endangered tidewater goby, and other species of concern such as the saltmarsh common yellowthroat and the southwestern river otter.”⁸⁶ Seals, sharks, and bat rays also used the brackish waters of the estuary as nursing grounds. Tomales Bay was nominated a wetland of international importance under the Convention on Wetlands international treaty in 2002 and is part of the Golden Gate Biosphere Reserve. The San Francisco Regional Water Quality Control Board (RWQCB) declared the bay and several tributary creeks as impaired (for reasons relating to sediment, nutrients, pathogens, and mercury) under Section 303(d) of the Clean Water Act.⁸⁷ The 303(d) designation was an important factor in justifying state and federal funding for the restoration.

Cal Trans funding paid for the purchase of the tract, but it was not sufficient for the complex work needed to remove levees and restore the saltmarsh or the significant compliance documentation that would need to occur alongside of the work. Additional NPS money came from private grants. Point Reyes National Seashore Association (PRNSA) fundraised heavily for the project and was successful in securing significant non-governmental funding to see the project through. PRNSA Executive Director Gary Knoblock and Board President Dennis Rodoni led a fundraising initiative that brought in nearly six million dollars in non-NPS funds.⁸⁸ The largest private grant came from the Gordon and Betty Moore Foundation (\$2.54 million), which supported “outcome-based . . . initiatives” focused in the areas of “environmental conservation, science, and the San Francisco Bay Area.”⁸⁹

While PRNSA fundraised, NPS staff wrote grants. PRNS received a one-million-dollar grant from the National Coastal Wetlands Program (administered by the U.S. Fish and Wildlife Service [USFWS]) and a \$420,000 grant from the State of California Wildlife Conservation Board (WCB), the latter of which was specifically geared toward floodplain and riparian restoration along Lagunitas Creek. Other funding for the project came from the North American Wetlands Conservation Act funds (administered by the USFWS), Watershed Council of the State of California Water Control Board (Prop 50 Funding for Public Water System), California State Coastal Conservancy, and National Fish and Wildlife Foundation (Northern California Restoration Grant).⁹⁰ By 2007, the project was so popular that raising funds to meet unexpectedly high costs became almost easy: PRNSA’s Interim Director Sally Bolger raised one million dollars in a week at one point toward the end of the project.⁹¹

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After the NPS purchased the land, NPS management at PRNS realized that the park needed more staff to run the project. The NPS hired Lorraine Parsons, a wetland ecologist who had worked for county agencies and private firms doing wetland restoration, as project manager in 2001. Parsons managed the overall Giacomini Wetlands Restoration project, completed a wetland delineation of the area, wrote the EIS/environmental impact report (EIR) for the project, and led all other environmental compliance and monitoring efforts. She was assisted by Leslie Allen and two other staff members who had previously worked under Dave Schirokauer during the wetlands mapping project.⁹²

One of the first steps in the restoration was to hire hydrologists (Kamman Hydrologists) and specialists to conduct baseline studies of populations likely to be impacted positively or negatively (surveys of birds, fish, other animals, plants, cultural resources, etc.).⁹³ During these surveys, fish specialists identified the tidewater goby, a fish that spends its entire life in the estuary and that had not been seen in the watershed since the 1950s. The baseline studies also identified species of concern in the Giacomini family's former pasture; the dikes had kept the saltwater out, but it remained very wet pasture, to the extent that it still qualified technically as a wetland in many areas. Some of the listed species in that freshwater wetland that the dikes had created included the California red-legged frog (federally threatened) and the California black rail (state threatened). Parsons recalled that one of the major challenges of the project was "trying to create new habitat when you have listed species there."⁹⁴ The NPS also completed all legally required permitting with state and federal agencies (such as the U.S. Army Corps of Engineers, San Francisco RWQCB, USFWS, National Marine Fisheries Service, CCS, and others).⁹⁵

After the conclusion of environmental and cultural resources compliance, PRNSA took the lead on contracting out the construction work. A contractor from Santa Rosa (Argonaut) removed agricultural infrastructure in 2007. This included dairy barns (except for one barn that qualified as possibly historic), pipelines, and fencing. Argonaut also began excavating the pasture area and constructing a small freshwater marsh to retain habitat for the California red-legged frog, the Tomasini Triangle Marsh.⁹⁶ That fall, PRNSA and the NPS engaged volunteers from the community to plant "thousands of saltwater and freshwater grasses, herbs, sedges, rushes and shrubs" at two discrete areas that had been restored.⁹⁷

For the heavy earth-moving components—removing the levee material, which began in 2008—PRNSA contracted with Hanford ARC, a firm well known for their restoration work.⁹⁸ Winzler & Kelly, an engineering and environmental services firm out of Santa Rosa, managed construction. Parsons coordinated between the construction firms and NPS, with PRNSA's role primarily administrative. Parsons and other NPS staff performed environmental monitoring as the project continued.⁹⁹

Overall, the NPS aimed to remove barriers and let natural systems do their work. As Parsons explained it, "we deliberately under-designed the creeks so that they could evolve

on their own.”¹⁰⁰ The public was generally very supportive of this project. One of the only sticking points was the possibility of a recreational trail across the wetlands. The idea was ultimately scrapped since it would either involve a dike—which would defeat the purpose of removing hydrological impediments—or it would need to be a massive structure due to the seismological requirements of building something over the San Andreas Fault. As plans showed the infeasibility of either option, support for the idea eventually fizzled.¹⁰¹

Staff from PRNS, PRNSA, and the Pacific Coast Science and Learning Center (PCSLC) held ceremonies, tours, interpretive walks, public scoping and alternative development meetings and workshops, field seminars, and more to engage the public with the project.¹⁰² At one point, a levee breached during a high tide in July before the second year of construction started. Bat rays and leopard sharks swam into the pasture and needed to be re-released into the bay, and the levee ironically needed to be repaired before its later planned removal that fall. Hanford repaired it while NPS staff coordinated a hand-rescue of all of the animals back into the estuary. Throughout the project, this sort of hands-on teamwork was common. NPS staff carefully removed tidewater gobies from drainage ditches and watched wildlife flock to the construction zone for easy pickings, as heavy earth-moving equipment dug up mud and flushed ground-dwelling species such as voles.¹⁰³

On October 26, 2008, Hanford’s excavator sunk its claws into the final levee while crowds of people watched. John Dell’Osso, the park’s Public Information Officer (PIO) at the time, recalled,

And I remember standing by the dam wall. We had media everywhere—had people up on a hillside here in Tomales Bay, looking down. And here’s this excavator. And I’m telling the media who stand around, I go, “It’s going to be a trickle of water. Don’t be too uninspired by it, but this is a really cool project. And the excavator pulls out this dam wall, and the water came rushing in like, you know, parting of the seas. Like, oh my God.”¹⁰⁴

The event was emotional for park staff and the community alike. Dennis Rodoni, the board president of PRNSA who had grown up in Olema, and whose aunt used to talk about this area being saltmarsh again someday, remembered the significance of the event:

And so, then they had the grand opening. I remember the day that hundreds of people were out watching the last piece of dirt being pulled out of, which was inhibiting the saltwater from entering back in. And I happened to be on the ridge above, watching the people below. And there were news people and people recording it. And that piece of dirt was removed. And everyone on the ridge, twenty or thirty people, we’re looking at each other and we’re all crying. It was so—I’m still emotional today.¹⁰⁵

Parsons recalled the importance of teamwork in getting it accomplished:

what I often say is what makes a project successful is having a really dedicated team. . . . everybody was very invested in it, and they have remained invested. . . . A lot of people in PRNSA have moved on since then, but they’re still very invested in the project. Even, like I said, the construction management team, everybody—it was just like a great group of people that worked great together that were very committed. And I think that’s where, when you get a team like that where everybody can work pretty seamlessly together, it’s kind of a recipe for success.¹⁰⁶

Monitoring of ecological indicators in the wetland continued for many years, according to a program designed and overseen by Parsons. Monitoring helped to show the progress based on ecological indicators that, in aggregate, showed how much the health of the watershed was improving. Ecological indicators have shown tremendous improvement in the health of the watershed and species living within it.¹⁰⁷ In 2022, Parsons won a national award related to her research and restoration work at Giacomini and other projects.¹⁰⁸

According to Ketcham, who started at PRNS as a hydrologist and worked on the Giacomini project, the chief objectives of that and other watershed restoration work were simply “getting the barrier out of the way to allow it [the watercourse] to function. The biggest thing that we always talked about here on the habitat side was what does a levee or what does a dam [do] . . . It’s a barrier to fish passage. But it’s also a barrier, it creates a distinct change in habitat.”¹⁰⁹ Restoring meant helping a habitat function in an optimal way, but not necessarily “returning” it to some former status.

Non-Native Deer

At Point Reyes, two species of non-native deer, fallow and axis, had been introduced to the Point Reyes Peninsula by a local resident in the 1940s, who obtained those original animals from the San Francisco Zoo.¹¹⁰ For several decades, the population of these deer remained in check through licensed hunting. But after the seashore’s creation, new hunting regulations (introduced by the NPS in 1967) led to an explosion of the deer population. The NPS embarked on various culling campaigns throughout the 1970s and 1980s, in partnership with the California Department of Fish and Game. Populations only ever held steady, however. Then, in 1994, amid threats of legal action by animal-rights groups, the NPS ceased its culling operation and initiated the process of drafting a non-native deer management plan.¹¹¹

With no check on the herds during planning, numbers of fallow and axis deer exploded. A winter 2003 census “yielded minimum park-wide estimates of 250 axis deer and 860 fallow deer,” numbers that likely underrepresented total deer populations. Fallow deer were living in such high densities that they were beginning to expand their range beyond the seashore. This concerned California Fish and Game, who requested that the NPS keep the non-native deer from spreading outside of Marin County.¹¹² Their increasing density along riparian corridors negatively impacted soil, vegetation, and water quality, which affected threatened species like the California red-legged frog, Coho salmon, and steel-head trout.¹¹³

The issue divided the local community. Public scoping for the environmental review process began in mid-2002.¹¹⁴ Natalie Gates was the park’s wildlife biologist and led this effort.¹¹⁵ The NPS received a total of 1,980 pieces of correspondence, 57 percent of which were form letters. The most common comments either opposed lethal removal on animal welfare grounds or favored lethal removal out of concern for “the cost and experimental nature of wildlife contraception.”¹¹⁶

Supporters of lethal removal included many state, federal, and local government agencies (National Marine Fisheries Service, California Department of Fish and Game, California Department of Parks and Recreation, CCC, Marin Municipal Water District, and Marin County Open Space); conservation and environmental organizations (Marin Conservation League, National Parks Conservation Association, and the Sierra Club); and local ranchers and state cattle ranchers’ associations. Those opposed to lethal removal

included animal-rights organizations (Marin Humane Society, the Humane Society of the United States, In Defense of Animals, the National Humane Education Society, and Wild-Care), as well as local community members. The *Marin Independent Journal* and the *San Francisco Chronicle* editorialized in support of NPS control of non-native deer populations, and the Point Reyes National Seashore Citizen's Advisory Commission was also supportive of the initiative before its sunset in 2002.¹¹⁷

NPS staff released the Final Draft Management Plan and EIS in 2006, and a Record of Decision (ROD) was signed in October 2006. The selected preferred alternative was a "deliberate, long-term strategy targeting eradication of all fallow and axis deer from the Seashore by 2021" using a combination of lethal removal and fertility control.¹¹⁸ White Buffalo, Inc., a non-profit company based in Connecticut specializing in wildlife control, won the contract to shoot and give contraceptives to the deer. By 2008, they had killed over 600 fallow and 200 axis deer. The NPS donated most of the meat to charities, Indigenous nations, and condor recovery programs.¹¹⁹

Public pressure from animal-rights activists increased after culling began. Staff were the target of public smear campaigns; activists posted "wanted" posters with photographs of individual NPS and White Buffalo employees on them. Organizers also created a "wailing wall" as a symbol of protest at park headquarters.¹²⁰ From the other side, hunters criticized birth control use.¹²¹

Neubacher recalled the amount of tension for all involved: "that was a tough time. I mean, I'll never forget, we would go into town and there were our pictures with targets over them. So that was a rough time for, I think, everybody."¹²² Gordon Bennett, at the time a Sierra Club-affiliated environmental activist and a former member of the PRNS-GGNRA Citizens Advisory Commission, said it was the only issue he ever received a death threat on ("... and several of the animal rights activists said, 'We're against the park killing deer. And if you're not with us, we're going to kill you.'"¹²³).

Amid significant public pressure campaigns by animal-rights activists, the Humane Society of the United States published a report investigating ways to protect the deer by designating them as cultural resources.¹²⁴ Senators Barbara Boxer and Dianne Feinstein; Congressional Representatives Nancy Pelosi, Lynn Carol Woolsey, and Anna Eshoo; and other elected officials sent Superintendent Neubacher an accompanying letter requesting that the NPS review the report.¹²⁵ PRNS natural and cultural resources managers reviewed the Humane Society's report and concluded, "The proposal to designate non-native deer as 'cultural and historic' resources has neither a historic nor a cultural rationale and is inconsistent with the principles for which Point Reyes National Seashore was established."¹²⁶ Culling of deer continued, but now California's congressional delegation was involved.

In 2009, California congressional representatives inserted language in the 2009 Omnibus Bill that stated, "None of the funds in this Act may be used to further reduce the number of Axis or Fallow deer at Point Reyes National Seashore below the number as of the date of enactment of this Act."¹²⁷ Identical language was included in the 2010 Interior Appropriations Bill.¹²⁸ In accordance with this legislation, the NPS halted shooting but continued minor fertility management.¹²⁹ By 2013, estimated total population of non-native deer was about sixty to seventy animals.¹³⁰ The eradication program eliminated all axis deer during the initial effort. Small groups of fallow deer remained scattered in isolated locations within the national seashore and possibly on some non-NPS property.¹³¹

Funding Natural Resource Management

PRNS received significant boosts to natural resource management funding in the late 1990s. Two different factors, one local and one national, accounted for the funding increase. On the national level, the NPS began an agency-wide push to professionalize, standardize, and quantify the science of natural resource management. Beginning in 1999, the NPS called this initiative the Natural Resource Challenge. Several smaller programs comprised the larger initiative, and together, they transformed the agency's approach to natural resource management. Resource management grants and appropriations poured into natural and cultural resources programs in the aftermath of the 1995 Mount Vision Fire at Point Reyes. The unusual size and intensity of the fire drove new research into the peninsula fire ecology, vegetation patterns, and climate impacts, and also prompted the national seashore to establish new fire management policies and fire response protocols.

The 1993 Government Performance and Results Act provided the impetus behind the National Resource Challenge. The Act required all government agencies to set goals, measure progress, and report results. Applying this to natural resources, NPS leaders recognized that the agency had unclear understandings of resource conditions and therefore could not easily track improvement or declines in ecosystem management goals. They concluded, "The lack of information about park plants, animals, ecosystems, and their interrelationships is profound. If we are to protect these resources into the far future, we must know more."¹³² The NPS therefore pushed to conduct research that established baseline data points in natural resource management.¹³³

The NPS's action plan called for "substantially increasing the role of science in decision-making, revitalizing and expanding natural resource programs, gathering baseline data on resource conditions, strengthening partnerships with the scientific community, and sharing knowledge with educational institutions and the public."¹³⁴ It also set targets to strategically approach these goals. Don Neubacher co-chaired the national Natural Resource Challenge program while serving as superintendent of PRNS.

The program transformed the way the NPS managed natural resources, channeling sixty to eighty million dollars to parks for research and monitoring programs.¹³⁵ It called for three main needs: expand scientific management of natural resources, partner with outside scientists in ways that allowed parks to be used as laboratories, and share with the public the knowledge gained from this research.¹³⁶ Programs funded as part of the Natural Resource Challenge included the Inventory and Monitoring (I&M) Program (monitoring to establish baseline data and then ongoing tracking of information in specific datasets), the Natural Resource Preservation Program (NRPP) (watershed or endangered species restoration), the Native and Exotic Species Management Program (funding teams to manage non-native species), and Research Learning Centers (RLCs).¹³⁷ Over the next decade, staff created partnership programs with scientists and universities to encourage use of parks as classrooms and laboratories.¹³⁸

Expanding inventory programs was central to this push.¹³⁹ One of the first significant funding sources to implement these goals was a twenty-million-dollar base increase in NPS funding to help parks "complete natural resource inventories so that park managers have critical baseline data available for informed decision making," which would then inform future park decision making. Armed with data, NPS managers would be better able to prioritize the restoration of natural resources. "Future budget requests will increase park base-funding, expand the air quality monitoring network, establish water quality

monitoring stations in 75 park units, and enhance NPS capability to prevent and prosecute resource crimes such as poaching.”¹⁴⁰

The Natural Resource Challenge represented base increases in funding for the hiring of these natural resource specialists, which meant it permanently expanded the natural resource management capacity of PRNS staff.¹⁴¹ At PRNS, Natural Resource Challenge funding established several regional initiatives: the PCSLC (the first research learning center in the nation to be established), the San Francisco Bay Area I&M Network, and a regional Exotic Plant Management Team.¹⁴²

These initiatives meant that there was significant funding for natural resource programs for the first time in the park’s history. Ben Becker recalled that when he started at PRNS, it was “a super optimistic time” for natural resource management and research.¹⁴³ Becker started in 2001, hired by Neubacher and Sarah Allen as a research coordinator to run the PCSLC. The PCSLC serves the San Francisco Bay Area Network of Parks (SFBAN) that includes PRNS, GGNRA, Pinnacles National Monument and the John Muir, Eugene O’Neil, Port Chicago, and Rosie the Riveter National Historic Sites (NHSs). Becker worked mostly with PRNS issues, but he helped with writing grants and sending interns to SFBAN parks. By 2004, the PCSLC partnered with the NPS and over fifty outside researchers to increase scientific understanding of the seashore’s natural resources. Becker worked to cultivate relationships with researchers who then would repeatedly return to the park and understood its systems well. This meant the NPS could do more with less: rather than pay for many scientists, it could hire Becker as a coordinator and gain new scientific insights through the research conducted by outside scientists.¹⁴⁴ Becker added that PRNS “established researcher housing, we established seminar programs, we established fellowships and grants for graduate students, both with Park Service money and also private money.”¹⁴⁵ Researchers donated the species they collected to the Point Reyes museum collection or in some cases to university collections through a collections loan program with the NPS. PRNSA contributed money and staffing to these programs; their staff helped to write grants, hired seasonal researchers to do fieldwork, and more.¹⁴⁶

After collecting data to establish a baseline, staff continue to monitor the same vital signs every year to assess any changes in the health of the ecosystem. Staff provide information to park managers to inform decision making and produce studies and public outreach materials to share knowledge gained.

Inventory & Monitoring Program

The Inventory & Monitoring (I&M) program is a discrete program within the broader umbrella of the Natural Resource Challenge. It is separate from the RLC program, but its aims overlap. Congress created the I&M program in 1998, “with the purpose of providing park managers with a broad-based understanding about the status and trends of natural resources to be used in management decision making, working with other agencies, and communicating with the public.” The focus of the congressionally funded program was on baseline studies, vital signs monitoring, and professional data management to organize, keep track of, and analyze the data collected.¹⁴⁷

As of 2023, there were thirty-two I&M networks. The San Francisco Bay Area I&M Network covers Point Reyes and other SFBAN parks. It has several dedicated staff, several

positions shared with Bay Area parks, and a few seasonal staff every year. Staff are stationed at different parks, depending on their specialty, and are supervised by park staff.¹⁴⁸ Park staff in each network work together to collect information related to “key park resources, known as ‘vital signs.’” After collecting data to establish a baseline, staff continue to monitor the same vital signs every year to assess any changes in the health of the ecosystem. Staff provide information to park managers to inform decision making and produce studies and public outreach materials to share knowledge gained.¹⁴⁹ The goal for collecting and managing this data is to then integrate natural resource data into park planning, management, and decision making.¹⁵⁰

At Point Reyes, staff monitor the following vital signs (which can be species, ecosystem health indicators, communities, or ecosystems): harbor and elephant seals, invasive plants, land birds, peregrine and prairie falcons, northern spotted owls, plant communities, riparian habitat, rocky intertidal areas, salmonids, streamflow, water quality, and western snowy plovers.¹⁵¹ NPS staff has developed protocols for monitoring each indicator, and each monitored category has a staff lead shared among the network (for example, Sarah Codde for pinnipeds, Taylor Ellis for spotted owls).¹⁵² I&M networks could look different at different places. PRNS modeled theirs after a program in the Great Smokies. Becker described how the I&M networks differed from the research done through the PCSLC:

The inventory monitoring network has a very directed set or suite of things that they monitor. There might be ten or fifteen things like seals, owls, or vegetation communities as a whole, or vegetation across landscape. So, it’s typically not as comprehensive as a biodiversity inventory . . . in terms of breadth of species they’re looking at, but it is more comprehensive because they have money year after year to track over time how populations are going up or down, how communities might be changing from grass to forest or vice versa. Whereas our program was a little bit more what’s there.¹⁵³

San Francisco Bay Area I&M staff have produced many studies, reports, and outreach materials.¹⁵⁴ NPS I&M staff from outside the San Francisco Bay Area I&M Network assist with studies and reports outside of the expertise of network staff. This included a Geologic Resources Inventory, produced for PRNS in 2018 by staff from the NPS Geologic Resources Division and partners, in partnership with PRNS scientists.¹⁵⁵ The I&M program has helped to track species populations and compare them to other areas, which has led to useful information about the relative health of different species. For example, the PRNS northern spotted owl population is one of the only that has not been affected by the barred owl population expansion into the range of the northern spotted owl.¹⁵⁶

Point Reyes Field Station

As part of efforts to attract researchers to the park, NPS staff partnered with UC Berkeley and informally with PRNSA to create a Point Reyes Field Station (as part of the University of California Reserve system) at the Hagmaier Ranch House, which is owned by the NPS and had formerly been operated by PRNSA. UC Berkeley began hosting researchers at the site in 2017. Allison Kidder became the first director of the Point Reyes Field Station as an employee of UC Berkeley. She was responsible for coordinating stays of researchers and basic cleaning of the facilities (including routine pest control, a major issue since the house

had been vacant for some time). UC Berkeley charged researchers to stay at the site in order to recoup administrative fees (but was not classified as a concessionaire, since charging was just to recover costs, not to make a profit). Researchers from any university could apply to stay at the site (it was not limited to UC Berkeley students and faculty). The field station became a successful way to bring in outside researchers and enhance partnerships among government agencies—staff and researchers at the Point Reyes Field Station partnered with GGNRA, the Marin Municipal Water District, Marin County Parks, California State Parks, the Tomales Bay Watershed Council, and other organizations. The COVID-19 pandemic led to the temporary closure of the Point Reyes Field Station. The field station eventually reopened with Paul Fine as the new director and Alan Shabel as the field station coordinator.¹⁵⁷

The NPS also developed housing for researchers and interns at Sacramento Landing, which they called the Tomales Bay Marine Station. This complex of buildings was formerly owned by the Spenger family, who had a home and collected shellfish at the site. Their Reservation of Use and Occupancy came due in the early 2000s. The NPS then took control of the property and opened it to researchers. In 2010, additional funds became available to repair bunkhouses adjacent to the main house when a former park volunteer, Grace Allman, left a bequest of \$250,000 to fix up the buildings. That work continued through 2022. The Tomales Bay Marine Station houses many researchers each year, including world-renowned experts on great white sharks.¹⁵⁸

Community Science and Research Partnerships

PRNS staff also partnered with community members on citizen science programs. These programs, in which laypeople assist with monitoring of certain species or indicators, grew in popularity nationally in the early 2000s (both in the NPS and among other environmental organizations). At Point Reyes, the largest citizen science program is the ongoing pinniped monitoring program, coordinated in conjunction with I&M staff. Others include the annual butterfly count and “fungal forays” coordinated in tandem with UC Berkeley and the Bay Area Mycological Society.¹⁵⁹ Volunteers have made important discoveries during these events. For example, the fungal forays led to an increase in the known number of fungi species in the park by more than fourfold.¹⁶⁰ Another citizen science initiative, the Tomales Bay Biodiversity Inventory, led to the documentation of almost 500 species that had previously not been known to exist in the bay.¹⁶¹

PRNSA and the Point Reyes Bird Observatory (later renamed Point Blue Conservation Science) remain important partners for natural resource fieldwork. Both organizations hire natural resource field technicians and other staff with scientific expertise. For projects within PRNS, NPS natural resource staff provide direction and coordination support. These two organizations are important partners for filling staffing and funding gaps in natural resource management needs.¹⁶²

As of 2022, there was some flux in the staffing of the park’s various overlapping natural resource initiatives. Becker, the former director of the PCSLC, shifted his focus away from the center increasingly in the 2010s because of the amount of time that the Drakes Bay restoration took (see Chapter 3). Becker left the park completely in 2021 for a position with the California Cooperative Ecosystem Studies Unit (CESU),¹⁶³ essentially doing a statewide version of what he had been doing at Point Reyes, helping universities connect researchers (in natural and cultural resources) to parks. The NPS has not backfilled the role of director

of the PCSLC, which exists as more of a program than a center, although the Point Reyes Field Station and the Tomales Bay Marine Station carry on much of the PCSLC's priorities. NPS staff across the region have held discussions about what a position to backfill Becker might look like in the face of evolving and overlapping natural resource programs, partnerships, and needs. That discussion remains ongoing at the time of this writing. Becker (in his role at the CESU) and Integrated Resources Program Manager Dave Press continue to support the PCSLC program as needed to keep it running, and they both attend national meetings to update the other networks on research occurring at Point Reyes.¹⁶⁴

The RLC, I&M program, Point Reyes Field Station, and other programs that have grown out of these have made PRNS one of the top parks in the country in terms of researchers working in the park. PRNS typically has about one hundred different permitted projects going on every year. Natural Resource Challenge funding helped establish the staffing infrastructure to support this—Becker handled permitting of research projects (approving the project, determining if environmental monitoring is necessary) as part of his position, for example. And the park's proximity to the Bay Area and many universities, as well as the diversity of ecosystems within the park, also played a role.¹⁶⁵

Restoring Fire Ecology

The Vision Fire (1995) and its aftermath helped facilitate strong regional partnerships in firefighting and fuel management. PRNS was part of the SFBAN Wildland Fire Management Program. During Muldoon's superintendency, she shifted the PRNS fire management officer from reporting to the PRNS superintendent to reporting to the PRNS chief ranger. SFBAN crews performed fuel reduction projects at Point Reyes, GGNRA, and John Muir NHS.¹⁶⁶

The regional fire management team also worked closely with the Marin County Fire Department and entered into a new agreement during Muldoon's tenure. This was important since availability of NPS funding for fire management dried up in the 2010s. The agreement with the Marin County Fire Department was part of a shift to more of a contract and agreement-based model, in which PRNS sent NPS funds to the fire department to support their efforts that then assisted the park. (PRNS previously had their own engines and hand crews, but not anymore).¹⁶⁷

Following the 1995 Vision Fire, pine pitch canker spread rapidly in the Bishop Pine Forest west of Inverness Ridge. Many dead trees remained in that area, posing a high fire risk.¹⁶⁸ Regional fire crews performed projects in this area, along Bolinas Ridge, and in other areas to reduce fuels and provide strategic fuel breaks that might help protect structures like the Point Reyes Hostel and the Clem Miller Environmental Education Center.¹⁶⁹

Other somewhat significant fire events in the park included the Bolinas Ridge fire in 2012 (five acres), and several smaller fires in other years. Crews from the SFBAN Wildland Fire Management Program and Marin County Fire Department cooperated to address these.¹⁷⁰

On August 17, 2020,
lightning struck about
one mile inland from
Limantour Beach, just
north of the junction of
the Coast Trail and
Woodward Valley Trail.
A second fire started,
and amid gusty winds,
the two fires combined
and were eventually called
the Woodward Fire.



NPS and Marin County fire crews headed to Woodward Fire gathered at morning briefing at PRNS headquarters, August 19, 2020. Photograph by Jeffrey Jewhurst. NPS Photo.

On August 17, 2020, lightning struck about one mile inland from Limantour Beach, just north of the junction of the Coast Trail and Woodward Valley Trail. A second fire started, and amid gusty winds, the two fires combined and were eventually called the Woodward Fire. The Woodward conflagration was bigger than the 1995 Vision Fire, but most of the burned area lay within the Phillip Burton Wilderness, where crews focused on containment. Nevertheless, officials ordered evacuations for Inverness residents and from the seashore's Bear Valley Headquarters.¹⁷¹ The wilderness designation made some questions more difficult—such as where to drop the fire retardant.

Prior fuel reduction work in this area helped protect the Point Reyes Hostel and the Clem Miller Environmental Education Center. It also helped that the fire took place during the COVID-19 pandemic when visitation was down. By October 1, 2020, the fire was 100 percent contained, just before it reached five thousand acres, and finally declared fully extinguished on January 12, 2021.¹⁷²

Even while fire suppression efforts continued, Burned Area Emergency Response (BAER) and Burned Area Rehabilitation (BAR) teams came to Point Reyes to map out the next steps. There was a bit of a lag between suppression and suppression repair because of service-wide directives that prioritized megafires occurring in the West—in the context of those, the Woodward Fire was relatively small and did little damage to park infrastructure. Once the BAER team arrived, they worked with PRNS staff to examine the fire's impacts on natural and cultural resources and produced a report overviewing these effects and next steps.¹⁷³ The BAER team consulted with FIGR representatives to determine the best course of action for the several cultural resources within the burn area. Surface vegetation at one cultural site burned and left bare soil exposed, while another was in a ravine that

the fire passed over and thus remained protected. Funding available after the fire did not provide any money for archeological surveys, perhaps a missed opportunity since the landscape was relatively free of vegetation for a brief period.¹⁷⁴

From a natural resource perspective, the burn was ecologically beneficial in that it burned at different intensities. This left some trees in areas where the fire burned more lightly. Natural resource rehabilitation after the fire included invasive plant eradication and vegetation monitoring. Maintenance crews worked hard to rehabilitate trails, bridges, and roads damaged during the fire. Point Reyes staff, with PRNSA funding, also partnered with Point Blue for monitoring fauna in the burned area in the years following the fire.¹⁷⁵

The PRNS 2020 Foundation Document, an official blueprint for future park management, asserts that the seashore’s fundamental resources values include its place at “a convergence of ecological regions at the continental margin creates a complexity of terrestrial and marine habitats that sustain exceptional and internationally recognized native biodiversity, including a wide range of rare and endemic species.”¹⁷⁶ During the twenty-first century, the efforts of PRNS administrators, resource managers, and collaborating scientists emphasized projects aimed at understanding, protecting, and restoring those exceptional terrestrial and marine ecological systems. That work extended to the preservation and restoration of cultural resources and assisting with the renewal of the Coast Miwok Tribe’s connection to Point Reyes. PRNS resource managers benefitted from advances in environmental sciences to prioritize projects (and project funding) aimed at restoring, renewing, and replenishing landscapes, ecological systems, and relationships. That included another natural resource restoration project begun in 2013, in the waters and shoreline of Drakes Estero at the site of the former Drakes Bay Oyster Company facilities. But PRNS managers and staff and the local community would have a tortuous course to steer before the restoration could begin.

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CHAPTER 3:

Drakes Estero and Drakes Bay Oyster Company

When Congress established Point Reyes National Seashore in 1962, the legislators behind the establishment bill and NPS officials adopted temporary compromise solutions to problems (primarily land acquisition) for which they assumed—or hoped—subsequent congresses and future national seashore officials would find permanent solutions. One solution involved the government granting Reservation of Use and Occupancy (RUO) permits to many Point Reyes landowners, allowing ranchers and other commercial entities to remain operating on their former properties. Most were due to expire in 2012.¹ The NPS granted one such forty-year RUO to the Johnson Oyster Company (JOC), a commercial oyster harvesting and processing facility on Drakes Estero. The agreement allowed JOC and a subsequent owner, Drakes Bay Oyster Company, to continue operations under the RUO for the term of the permit, so long as they kept in compliance with local, state, and federal laws and regulations. Little did legislators and NPS officials know that the 2012 decision about terminating or renewing this particular RUO would embroil not only PRNS officials but

also NPS directors, California legislators, local communities, and the Secretary of the Interior in a tumultuous conflict that included such hostility that its effects were still being felt a decade later.

In the politically charged environment at Point Reyes that remained from the NPS's non-native deer management decisions, the RUO expiration for Drakes Bay Oyster Company sparked a national conversation and local political conflagration about wilderness and working landscapes. The controversy that emerged surrounding the oyster farm decision reflected many of the critical conflicts that park managers face at popular national park sites, including those that pit the benefits of commercial activity against the requirement for resource protection. These disputes often become contentious but rarely rise to the level of personal antagonism and caustic rhetoric that emerged regarding the oyster farm.

In the enabling legislation for many national seashores and lakeshores, Congress included provisions for RUO rights.² This was largely for political purposes, both strategic and personal. Congressional efforts to establish new national seashores at some locations, such as at Cape Cod, had to address how the federal government could convince residents to support legislation that would require them to sell their homes to the government. Residents of coastal areas in the 1960s included many wealthy and well-connected second-home owners, and elected officials needed their support to pass legislation creating new parks in their backyards. At Point Reyes, a few legislators wanted the peninsula's ranchers to have the right to continue their operations (see Chapter 4 for more detail) whether through inholdings or RUOs. In their comments in committee reports and floor debates, these individuals indicated they wanted to protect private property rights and support ranching. In either circumstance, the RUO provision presented a solution in which elected officials could tell constituents, yes, the government would be able to buy your land, but you could continue living on it for a period of twenty-five to forty years (or even the rest of your life, in some cases).³ Such a long timeframe made the time when a family had to actually leave their property seem far down the road. RUOs at Point Reyes began expiring in the 1990s.⁴

Drakes Bay Oyster Company

Bays and estuaries of the Point Reyes Peninsula and Tomales Bay emerged as important oyster-growing areas in California in the early twentieth century, prompted in part by the diminishing returns of oyster harvests in San Francisco Bay. During the California Gold Rush era of the 1850s, San Francisco maricultural entrepreneurs established the state's first commercial oyster operations to supply restaurants in the rapidly growing city. Commercial oystering in California waters required operators to seed the oyster beds in shallow, well-protected inlets, where the young oysters found protection. In the early 1900s, pollution was depleting the stocks of oyster farms in San Francisco Bay, leading mariculturists to look elsewhere for favorable sites.

After brief attempts at oyster harvesting at Tomales Bay in the 1870s, the Pacific Coast Oyster Company established the first commercial oyster beds in the Point Reyes vicinity at Tomales Bay in 1907. In the late 1920s and early 1930s, mariculture operators attempted to produce larger and faster growing oysters by introducing the Pacific oyster, a Japanese species, to Tomales Bay, Drakes Estero, and Monterey Bay's Elkhorn Slough. The original operator in the estero, the first Drakes Bay Oyster Company, began harvesting and shipping Pacific oysters to San Francisco in 1935. In 1938, the company built and began operation of an oyster-shucking plant on the east side of Schooner Bay within Drakes Estero, at the

site of the future Drakes Bay Oyster Company (DBOC).⁵ In 1958, production from Drakes Estero reached slightly over 60,000 pounds of oyster meat, nearly twice the harvest of any previous year. That total still paled in comparison to the 1958 harvest of 880,000 pounds of oyster meat from Humbolt Bay and 192,000 pounds from Morro Bay.⁶

When oyster farms first appeared at Point Reyes, the State of California controlled commercial use of the sea bottom through the allocation of tidal parcels to individual operators. The State issued the first tideland allotments at the Drakes Bay site to David C. Dreier for “oyster growing purposes” in January 1934. California Fish and Game (CFG) designated Dreier’s parcel as Allotment no. 2 of state water bottom, which contained roughly six thousand acres in Drakes Estero and Limantour Estero. The title then changed hands several times. Dreier transferred Allotment no. 2 to Larry Jenson (who already had an oyster business on Tomales Bay) in April 1946. The tideland allotment then went from Jenson to Van Camp Sea Food Company, Inc., in 1954, and from Van Camp to Coast Oyster Company (a subsidiary of Van Camp) in August 1955. Charles Johnson purchased the title to Allotment no. 2 from Coast Oyster Company on November 18, 1960, and incorporated his aquaculture operation as JOC the following year.⁷

When Johnson obtained the rights to California Allotment no. 2, he also purchased five acres of adjacent land onshore that would subsequently be included within the boundaries of the national seashore. In the final Senate report to accompany the Point Reyes National Seashore authorization bill (S. 476), the Committee on Interior and Insular Affairs determined that commercial oyster production and commercial fishing operations on Drakes Bay should continue following the authorization of the seashore because NPS planners had attested to “the public values” of the seafood operations as part of the site.⁸ The Department of the Interior (DOI) did not, however, proffer to Johnson a “special agreement” for retention of land in private ownership, as it did with two other commercial landowners on the peninsula, the AT&T Company and RCA Communications.⁹

JOC began operating in Drakes Estero in 1961. When Congress established Point Reyes National Seashore the following year (1962), it authorized federal purchase of lands within the legislated boundary. Commercial fishing and shellfish operations were deemed “compatible with the national seashore concept” and allowed to continue.¹⁰ In 1965, the State of California conveyed to the NPS “all of the right, title and interest of the State in lands one-quarter mile seaward of the mean high tide,” also described as the tidal and submerged lands “beneath navigable waters situated within the boundaries of the Point Reyes National Seashore.” CFG reserved the right and responsibility to permit fishing, including the leasing of shellfish mariculture allotments within those submerged lands.¹¹ Johnson and the Park Service then negotiated a trade of state sea bottom allotments in which Johnson abandoned 344 tideland acres of Allotment no. 2 that lay in Limantour Estero. In turn, Johnson acquired an additional 70 acres of sea bottom adjoining his Schooner Bay oyster beds. CFG designated this piece of Schooner Bay as Allotment no. 72 and issued to Johnson a twenty-five-year lease for shellfish cultivation, with the option to renew when it expired in 1990.¹²

In 1972, as part of other land purchases as authorized in the seashore’s enabling legislation, the NPS purchased Johnson’s 5-acre parcel of land where the oyster farm operated. Johnson received a forty-year RUO for 1.42 acres of that land, “for the purpose of processing and selling shellfish and complementary food items, [and] the interpretation of oyster cultivation to the visiting public and residential purposes.”¹³ Four years later, in 1976, President Jimmy Carter signed into law Public Law 94-544, designating 23,370 acres within PRNS as wilderness and 8,003 acres as “potential wilderness.” The potential wilderness



Drakes Estero with Drakes Bay in distance, Point Reyes National Seashore. NPS Photo.

area included Drakes Estero.¹⁴ When the House of Representatives passed this legislation, the Committee on Interior and Insular Affairs issued a report to accompany H.R. 8002. That report gave additional background on how Congress viewed the concept of potential wilderness:

As is well established, it is the intention that those lands and waters designated as potential wilderness additions will be essentially managed as wilderness, to the extent possible, *with efforts to steadily continue to remove all obstacles to the eventual conversion of these lands and waters to wilderness status* [emphasis added].¹⁵

The committee specifically noted that the utility lines, easements, and rights-of-way through the Muddy Hollow Corridor should be eliminated as promptly as possible.¹⁶

The concept of potential wilderness was not in the original Wilderness Act of 1964. But Congress has designated several areas in this way. A Congressional Research Service report from 2022 explained how this concept works and variations within it:

Potential wilderness areas are to become wilderness when certain conditions are met, as specified in the designating statute. For example, some statutes have specified that the potential wilderness will be designated as wilderness on the date the relevant Secretary publishes notice in the Federal Register specifying that nonconforming uses of the area (often, uses prohibited in the Wilderness Act) have ceased. Such statutes may specify that the potential wilderness areas are to be managed as wilderness, notwithstanding certain prohibited uses, until such time.¹⁷

NPS management policies (specifically NPS Director’s Order #41) further clarify that potential wilderness “will be managed as wilderness to the extent that existing nonconforming uses will allow; temporary (non-conforming) uses will be eliminated as soon as practicable in keeping with National Park Service authorities and budgets.” Once nonconforming uses have ceased or been intentionally removed, each park will execute the administrative procedures and provide notice that “the potential wilderness is now designated wilderness.”¹⁸

The “potential wilderness” designation of Drakes Estero did not preclude the continued operation of Johnson’s operation while it still retained its lease and followed NPS expectations regarding management of the site. By the early 2000s, however, the company had neglected responsibilities for permitting and upkeep. The company failed to acquire permits from Marin County for several buildings related to the oyster operations and had accumulated other safety and public health violations from the County. In light of these shortcomings, the NPS worked with the Marin County Community Development Agency to draft an Environmental Assessment and California Environmental Quality Act Initial Study Checklist for actions related to repairing and rehabilitating the oyster company’s facilities, but Johnson never performed the outlined work. In September 2003, the NPS notified Johnson that the company was not in compliance with its lease and permit, and they also had concerns about the operation introducing non-native species from imported oyster seed stock.¹⁹ As a result, a court issued JOC an order to upgrade the existing commercial facilities and septic systems to meet state and county codes. PRNS officials declared that the NPS would “not provide permit to import oysters until existing violations are corrected.”²⁰

In 2004, Tom Johnson, son of the former proprietor of the oyster farm, decided to get out of the oyster business even though eight years remained before his RUO expired. He approached Kevin Lunny, a rancher whose family lived at G Ranch, a property immediately adjacent to the oyster farm parcel, about taking over the oyster farm and the remainder of his RUO.²¹ Superintendent Don Neubacher told Lunny that the park did not intend to renew or extend the RUO after it expired. After Lunny thought it over and studied the various possibilities, according to a 2008 article, he thought he “had done enough homework to be reasonably sure that he could” find a way to continue operating beyond the terms of the RUO, even though that was not part of any previous agreement. He reportedly believed, “if we proved that we could solve all the environmental problems the park would issue a special permit to allow oyster farming beyond 2012.”²²

This prompted legal questions. RUOs as defined by the NPS “are a deeded interest in the real estate and cannot be extended beyond the expiration date.”²³ To determine the legality of the assignment of RUO rights, the DOI Solicitor’s Office reviewed the legislative history relating to Drakes Estero. Field Solicitor Ralph Mihan concluded, “the Park Service is mandated by the Wilderness Act, the Point Reyes Wilderness Act and its Management Policies to convert potential wilderness, i.e., the Johnson Oyster Company tract and the adjoining Estero, to wilderness status as soon as the non-conforming use [the commercial shellfish operations] can be eliminated.”²⁴ With the guidance of the Solicitor’s opinion, NPS management advised Lunny that there would be no further permitting of commercial oyster mariculture in the estero once the RUO expired.²⁵

Just two months after the DOI Solicitor’s opinion, CFG issued to Johnson new state water bottom leases for shellfish mariculture in Drakes Estero, leases that would not expire until June 2029. Upon learning of this, the NPS wrote to CFG officials to disagree with the

legality of a lease extending beyond the expiration of the RUO.²⁶ In December 2004, Tom Johnson assigned the right of the remaining years in his RUO to Kevin Lunny. Lunny subsequently filed articles of incorporation for DBOC with the California Secretary of State on January 18, 2005.²⁷

Despite the Solicitor's opinion from 2004, Lunny expressed a desire to extend the lease beyond 2012. The NPS maintained, citing legislative and management directives as interpreted by the Solicitor's Office, that they would not issue a new lease after this date. The DOI Solicitor's Office advised PRNS Superintendent Don Neubacher to be clear with Lunny that the RUO would not be renewed.²⁸ Neubacher followed up oral communications with Lunny with a letter, dated March 28, 2005, "to ensure clarity and avoid any misunderstanding . . . [r]egarding the 2012 expiration date and the potential wilderness designation, based on our legal review, no new permits will be issued after that date."²⁹

Soon after taking over the oyster leases, Lunny cleaned up the operations and demolished several buildings not in compliance with Marin County. Lunny refused, however, to sign an NPS permit that contained language agreeing to close the farm when the RUO expired in 2012.³⁰ Because Lunny had not yet signed the NPS permit, the CCC would not issue Lunny a Coastal Development Permit. This led to DBOC being under a cease-and-desist order from the CCC. This also violated the CFG oyster lease, which required compliance with all local, state, and federal regulations.³¹

In 2008, Lunny explained his resistance to signing the NPS permit to the *Marin Independent Journal*: "My guess is that, if we make this company what it is—clean, not an eyesore—and if people understand how good it is for the environment and the local food system, people will want to see us continue. . . . A lot can happen in seven years."³² He later elaborated, "I told Don a lot can happen in seven years. We're heading toward a food crisis, and I disagree that the farm should be gone. I didn't know that those would be fighting words."³³

Controversy Ignites

In 2007, the NPS became concerned about a significant increase in operations at DBOC: from thirty-eight to sixty-three oyster racks and a correlated increase in oyster bags.³⁴ The NPS began to publicly express concern about potential environmental impacts of the mariculture operation. Since the NPS was required by congressional legislation and agency regulations to approach management of Drakes Estero as if it were wilderness, staff were particularly cautious about how they managed and monitored the estero.³⁵ When local news stories suggested that shellfish mariculture had no effect on the water quality, eelgrass, or fish in the estero, NPS scientists felt that this reporting misrepresented conclusions of studies conducted in the estero.³⁶

In response to these public discussions about the impact of oyster farming in the estero and confusion surrounding the "potential wilderness" designation, NPS staff at PRNS produced a park news handout entitled, "Drakes Estero: A Sheltered Wilderness Estuary." Park staff uploaded the report to the website in February 2007.³⁷ In this report and related materials, the NPS outlined possible environmental impacts of the oyster farm operations related to sedimentation, damage to eel grass, non-native species on oyster racks, and dis-

Despite the Solicitor's opinion from 2004, Lunny expressed a desire to extend the lease beyond 2012. The NPS maintained, citing legislative and management directives as interpreted by the Solicitor's Office, that they would not issue a new lease after this date.

turbance of sensitive wildlife, including birds and seals.³⁸

The Lunnys were surprised by the allegations in this report. They were especially taken aback by the allegation about seals, since they instructed their employees to exercise extreme caution around the seals and since disturbing seals is a federal crime (the animals are protected by the Marine Mammal Protection Act of 1972). Lunny vehemently protested that his operation was causing any damage to the seals and recalled feeling “frantic” at hearing these charges, later saying, “I know we follow the (government) protocols. I couldn’t understand how this was happening.” In the meantime, NPS staff continued to report disturbances of seals, and Lunny continued to deny these claims.

In response to the report, Kevin and Nancy Lunny filed a formal complaint with the DOI Office of the Inspector General (OIG) in April 2007, alleging “scientific misconduct and disparate treatment” toward them by the NPS.³⁹ The Lunnys further alleged that “Neubacher had undermined and interfered with the Lunny family’s businesses and had slandered the family’s name” and that “there was a movement by Neubacher and local environmentalists to shut down the family’s oyster farm by crippling the family financially.”⁴⁰

One local resident was especially critical of the NPS: Corey Goodman, a neuroscientist who had taught at UC Berkeley and was a member of the National Academy of Sciences (NAS).⁴¹ Goodman saw malicious intent in NPS claims that the estero had been harmed. He stated publicly, “the park is cooking the books and trying to deceive the public. I believe it’s intentional because there’s been a pattern of misquoting the science.”⁴² Goodman alleged that the NPS intentionally misrepresented or omitted scientific data in the “Sheltered Wilderness” report in a newspaper article and before the Marin County Board of Supervisors.⁴³ In response to complaints from Goodman and the Board of Supervisors, the NPS eventually removed the “Sheltered Wilderness” report from its website and issued an “acknowledgment of errors.”⁴⁴

The Lunnys appealed to Marin County Supervisor Steve Kinsey, who met with them and Neubacher that same month. At that meeting, Neubacher presented evidence that the oyster operation had caused environmental harm to the estuary, including disturbance of seals.⁴⁵ Following the meeting with Lunny and Neubacher, Kinsey requested that the Marin County Board of Supervisors send U.S. Senator Dianne Feinstein a letter in support of DBOC’s quest to extend operations past the RUO’s expiration date.⁴⁶ The Marin Board of Supervisors’ letter requested that Feinstein facilitate a meeting between the Lunnys and the NPS to “explore ways in which the oyster farm could continue to operate while protecting Drakes Bay’s sensitive natural resources.”⁴⁷ Senator Feinstein came to Olema soon after and met with PRNS staff, the Lunnys, and NPS Director Mary Bomar.⁴⁸

Meanwhile, the OIG conducted a thorough investigation in response to the Lunnys’ complaint. They interviewed nearly eighty people and reviewed over one thousand documents and emails. The final OIG report was released on July 21, 2008. It named Don Neubacher and Sarah Allen personally and concluded that the NPS had misinterpreted some of the data from previous studies, failed to respond properly to Freedom of Information Act (FOIA) requests, given inaccurate data in a public forum, and failed to correct information before public release. Regarding Neubacher’s role, the OIG report concluded, “in several instances he could have exercised better judgment and expressed NPS’ position with greater clarity and transparency. Further, he exaggerated the Marine Mammal Commission’s role in responding to DBOC’s impact on the harbor seal population in Drakes Estero when he spoke before the Marin County Board of Supervisors (MCBS).” However,

it found “no indication that Neubacher treated the Lunny family with any disparity regarding either of their businesses in the park.” The OIG report confirmed the Solicitor’s 2004 findings that “an extension of DBOC’s particular RUO would violate a congressional mandate that the oyster operation be removed as soon as the RUO expires in order to manage Drakes Estero as wilderness.”⁴⁹

Feinstein requested that the NPS contract the National Research Council (NRC) of the NAS to review and analyze the science in the “Sheltered Wilderness” report.⁵⁰ The NPS soon thereafter contracted with the NRC. An eight-person committee performed the analysis, a two-year process that cost \$440,000.⁵¹ The NRC investigation found several errors in the report but confirmed that most of its conclusions were accurate.⁵² Overall, the NRC concluded that the NPS had presented an “interpretation of the science that exaggerated the negative and overlooked potentially beneficial effects of the oyster culture operation.”⁵³ The NRC report also noted, “If the legal opinion of the DOI Solicitor’s Office stands, then NPS has no authority to offer a new RUO because the mariculture operation is judged as a nonconforming use in a Wilderness area, preventing conversion to full Wilderness status.”⁵⁴ It concluded with the following paragraph,

The ultimate decision to permit or prohibit a particular activity, such as shellfish farming, in a particular location, such as Drakes Estero, necessarily requires value judgments and tradeoffs that can be informed, but not resolved, by science. Science describes the effects (differences in

Drakes Bay Oyster Company site, Point Reyes National Seashore, 2005. Photograph by Paul Sadin.



outcomes) that can be expected with and without shellfish farming in Drakes Estero, the level of uncertainty given current knowledge about these effects, and approaches to assess and balance potential risks and benefits. Because stakeholders may reasonably assign different levels of priority or importance to these effects and outcomes, there is no scientific answer to the question of whether to extend the RUO for shellfish farming. Like other zoning and land use questions, this issue will be resolved by policymakers charged with weighing the conflicting views and priorities of society as part of the decision-making process.⁵⁵

The final decision on DBOC would come down to policy, not science.

Vocal opposition toward how the NPS was handling this issue, already at a fever pitch by this time, began to target individual NPS employees with personal attacks. Because the investigative reports mentioned NPS staff by name, various concerned citizens, paid lobbyists, and elected officials publicly called for the NPS to fire Neubacher, Becker, Allen, and other PRNS staff. This continued and, for some individuals, intensified for several years thereafter. Among the more than a dozen NPS staff and park supporters interviewed for this history, virtually all of them said the strain of trying to do their jobs under these circumstances was the worst experience of their careers.⁵⁶

During this period of intense scrutiny, Allen, Becker, and Dave Press re-analyzed the data regarding impacts of mariculture on seals. This analysis eventually led to a publication in *Marine Mammal Science*. In that article, they stated, “We conclude that a combination of ENSO [El Niño–Southern Oscillation] and mariculture activities best explain the patterns of seal haul-out use during the breeding/pupping season at the seal haul-out sites closest to oyster activities.”⁵⁷ A subsequent academic paper, published by Becker, Press, and Allen in the peer-reviewed journal *Aquatic Conservation: Marine and Freshwater Ecosystems* in 2011, further analyzed findings regarding mariculture effects on seal populations in the estero.⁵⁸ These articles triggered an investigation by the Marine Mammal Commission (MMC), an independent federal agency.⁵⁹ Their review concluded,

The Marine Mammal Commission believes that the data supporting the above analyses are scant and have been stretched to their limit. Nevertheless, the analyses in Becker et al. (2011) provide some support for the conclusion that harbor seal habitat-use patterns and mariculture activities in Drakes Estero are at least correlated. However, the data and analyses are not sufficient to demonstrate a causal relationship. Additional, carefully guided study would be required to determine if the apparent relationship is one of cause and effect.⁶⁰

While the scientific debate wore on, permitting discussions moved forward in this newly contentious and politicized atmosphere. Lunny signed a Consent Order issued by the CCC in December 2007, which detailed requirements to obtain a Coastal Development Permit. The NPS issued DBOC a new special use permit (SUP) for land and water operations in April 2008, covering approximately 1,050 acres offshore and 3.1 additional acres onshore. The SUP also included a Statement of Principles outlining mutual communication goals and parameters for the cooperating parties (the NPS and Lunnys). It was set to expire on the same date as the RUO—November 30, 2012.⁶¹ Senator Feinstein was personally involved in the conversations surrounding the SUP to DBOC.⁶² Feinstein wrote to NPS

Director Mary Bomar expressing concern about “a pattern of seemingly arbitrary restrictions imposed on the Lunny family’s operations by Superintendent Don Neubacher and other staff at Point Reyes National Seashore,” “flawed science,” confusion over maintenance of the road to DBOC, removal of signs promoting DBOC, limits to the number of cattle on the Lunnys’ ranch, denial for hay harvesting, and delayed consultation regarding endangered species issues that were holding back improvements on electricity supplies.⁶³

NPS Director Bomar explained to Feinstein that the ranching and oyster farm issues should not be conflated:

... the situation concerning the Drakes Estero and the Oyster Company with Kevin Lunny are wholly separate from any problems his father, Joseph Lunny, may be having with respect to agricultural permit for the G Ranch, located some distance from the estero. . . . None of these ranchers are located within the areas of Point Reyes NS that have been designated for protection under the Wilderness Act.

Further, I have been assured that there is no attempt to remove people from the ranches or any attempt to shut down any ranch. The NPS fully supports protecting the cultural landscape of the working cattle ranches of Point Reyes NS, consistent with Congressional intent as expressed in the park’s legislative history.⁶⁴

Bomar’s letter clarified the DOI perspective that there were important differences in the legislative and regulatory mandates for NPS management of ranches versus the oyster farm. While ranches were in the “pastoral zone” (see description in Chapter 4), Drakes Estero had been congressionally designated as wilderness in the interim from the initial RUO issuance. This intervening law changed NPS guidance for management of the estero. This was not the case for ranches. Neubacher reiterated this point to local news, that ranchers were in the pastoral zone, not wilderness, and need not worry that the fate of DBOC would be tied to their own. “The National Park Service has signed agreements and is very supportive of continuing the historic dairy and beef ranches,” Neubacher reiterated.⁶⁵ However, the Lunny family and their allies were able to tell a compelling story that reached farther than any NPS talking points about the agency’s legal obligations. The fear of losing working landscapes on Point Reyes became a central aspect of the public conversation around the oyster farm.

This was compounded by the fact that JOC’s RUO was not the only one coming due in 2012. In June 2011, while the Drakes Estero public controversy was raging, sixteen other tracts within the park had RUOs that expired. Fourteen of those tracts were in the Duck Cove subdivision along Tomales Bay. These residences were mostly second homes. The homeowners attempted to negotiate with the NPS for permits to remain in their houses for longer. The NPS determined that it would be inconsistent with planning documents to grant permits to the holders of these residential RUOs and let them expire in 2012.⁶⁶ Everyone left their property; the NPS demolished the buildings and assessed whether they would attempt ecological restoration of the sites.⁶⁷ Park leadership was prepared for public backlash over an RUO ending and subsequent eviction right before the expiration of DBOC’s RUO, but to their surprise, there was none. Superintendent Cicely Muldoon attributed that to extensive communication between the NPS and Duck Cove residents.⁶⁸ The NPS demolished other residential structures in this period as other RUOs came due.⁶⁹

Since the legality of the extended operation of DBOC was under question, Senator Feinstein proposed legislative solutions to change those laws. She introduced legislation in 2009 that would have extended the Lunnys' lease for ten years, but when other senators expressed concern that it could set precedents regarding private uses of public lands, Feinstein abandoned the bill. Instead, Feinstein added language in the 2009 appropriations bill that authorized the Secretary of the Interior (not the NPS) to make the decision regarding a new permit after the RUO expiration. The inserted clause, Section 124, stated that the Secretary "is authorized to issue a special use permit with the same terms and conditions as the existing authorization, except as provided herein, for a period of 10 years from November 30, 2012: Provided, that such extended authorization is subject to annual payments to the United States based on the fair market value of the use of the Federal property for the duration of such renewal."⁷⁰ This confirmed that the countdown would be to November 30, 2012, and it put the decision squarely in the hands of the Secretary of the Interior.

Environmental Impact Statement

Feinstein's insertion of the DBOC clause into the 2009 appropriations bill gave Lunny more room to maneuver. In 2010, he applied for a subsequent permit under Section 124, which

triggered the decision-making process within the DOI regarding the future of the oyster farm. The DOI Solicitor's Office determined that the NPS needed to complete a full EIS to assist Secretary of the Interior Ken Salazar in making his decision.⁷¹ An investigation by the OIG later substantiated that an EIS was legally necessary because the issuance of an SUP here would be considered "a major Federal action," explaining that legal vehicles such as land leases and SUPs fell into the category of actions with "the potential to impact these contractual agreements may have on National parks or land on which these commercial businesses operate."⁷²

The NPS initiated the EIS process in 2010.⁷³ The NPS Environmental Quality Division of the Natural Resource Science and Stewardship Program (NRSS) and a contractor (Vanassee Hangen Brustlin) drafted the document (non-park staff working on an EIS is typical for high-profile and complex environmental assessments). Melissa Stedeford, a National Environmental Policy Act (NEPA) compliance specialist, project managed the process, working closely with the PRNS management team. Staff from the DOI Solicitor's Office remained involved throughout, with Regional Solicitor Barbara Goodyear the point person for the issue.⁷⁴

During the drafting of the EIS, investigations of PRNS scientists continued. The DOI Office of the Solicitor issued a report on March 22, 2011, authored by attorney Gavin Frost. The impetus behind the report was a complaint waged the previous year by an individual who wanted the Solicitor's Office to investigate whether "officials and scientists in the National Park Service violated a series of federal government rules, regulations, and

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codes, and in so doing committed scientific misconduct” by not disclosing 250,000 digital photographs of the estero along with other documentation. The Solicitor’s Office, after reviewing relevant documents and interviewing the informant, NPS employees, and twenty other individuals, concluded the following:

The factual record firmly supports conclusions that there was no criminal violation or scientific misconduct, but that NPS, as an organization and through its employees, made mistakes which may have contributed to an erosion of public confidence. Specifically, several NPS employees mishandled research in the form of photographic images showing the activities of humans, birds, and harbor seals at upper Drakes Estero in PORE. . . .

NPS employees erred but did not misstep in any manner defined as criminal misconduct or scientific misconduct for which the Agency could impose and successfully defend disciplinary actions. Accordingly, DOI may address the mistakes and restore public trust by concluding that several NPS employees could and should have handled research differently and by modifying the future behavior of NPS employees with education and corrective action as deemed appropriate.⁷⁵

The 2011 MMC report concluded there was correlation but not a causal relationship evident from the data regarding seal populations and mariculture. It recommended continuing study of seal behavior regardless of whether the oyster farm continued operations. The report also noted, “The Secretary’s determination is a matter of policy. Science, however, has a role in informing the Secretary about the potential consequences of his decision for resources within the estuary.”⁷⁶

Feinstein responded to results of the MMC and Solicitor’s Office reports by informing Salazar and NPS Deputy Director Peggy O’Dell that the NPS and DOI had “once again failed to grasp the severity of recent misconduct at Point Reyes National Seashore. . . . It is critical to the integrity of the National Park Service and the Department of the Interior that you publicly disavow the practice of selectively misusing and misconstruing science to achieve a desired outcome.”⁷⁷ She added that whether the mistakes were “intentional or because of personal bias, these practices must not be tolerated nor allowed to continue.”⁷⁸ Feinstein not only included information that identified specific NPS employees involved, but she also recommended that the NPS should staff the EIS process, highly unusual steps for a U.S. Senator to take in inserting herself into the management of an NPS unit.⁷⁹

The NPS issued the draft EIS on September 23, 2011. It laid out four alternatives and assessed environmental effects of each as follows:

- Alternative A, No New Special Use Permit – Conversion to Wilderness (No-action) considers the expiration of the existing RUO and SUP and subsequent conversion to wilderness consistent with PL 94-567.
- Alternative B, Issue New Special Use Permit – Existing Onshore Facilities and Infrastructure and Offshore Operations Would be Allowed for a Period of 10 Years, at a level of use consistent with conditions that were present in fall 2010.
- Alternative C, Issue New Special Use Permit – Onshore Facilities and Infrastructure and Offshore Operations Present in 2008 Would be Allowed for a Period of 10 Years.

- Alternative D, Issue New Special Use Permit – Expanded Onshore Development and Offshore Operations Would be Allowed for a Period of 10 Years, which would include expansion of operations and development of new infrastructure as requested by DBOC.⁸⁰

In the last three alternatives, the Secretary of the Interior would have the option to “exercise the discretion granted to him under section 124 to issue a new 10-year SUP to DBOC, expiring November 30, 2022.”⁸¹

During the three-month public comment period following the release of the draft EIS, the NPS received 52,473 public comments.⁸² Comments and the general mood were contentious. Marin County officials remained in support of oyster farming in Drakes Estero, writing that “Eventual cessation of shellfish production at DBOC would have severe negative consequences for our community.”⁸³ Organizations like The Wilderness Society, the National Parks Conservation Association, and the National Wildlife Federation spoke out against continued commercial oyster operations in the potential wilderness area.⁸⁴ People weighing in publicly on the issue ranged from celebrity chef Alice Waters and author Michael Pollan (pro-oyster farm from a local food perspective)⁸⁵ to environmental historians Laura Watt and Richard White.⁸⁶ Superintendent Muldoon remembered how charged the public debate was:

The NEPA process was . . . very controversial. The meetings—people who supported the oyster operation at the meetings had these little necklaces of string with an oyster shell that had a hole drilled through it. And they were wearing oyster shell necklaces. And then the environmentalists who wanted the secretary not to issue a permit wore these stickers on their shirts that said something like “Go wild in 2012” or something like that There was so much drama to it.⁸⁷

Controversies about what constitutes “wilderness” at Point Reyes and determination of what lands were eligible for that designation preceded establishment of the Phillip Burton Wilderness act in 1985. In *The Paradox of Preservation: Wilderness and Working Landscapes at Point Reyes National Seashore*, environmental historian Laura Watt provides an extensive description of the debate regarding wilderness at Point Reyes prior to passage of the Phillip Burton Wilderness Act, points of which were recapitulated in the oyster farm conflict. She delves extensively into the positions that the key parties—the NPS, ranchers, environmentalists, and local community members—represented in the prior debate. She points out, as have many other environmental historians before and after, that wilderness is an intellectual abstraction—an ideal—rather than an actual physical space.⁸⁸ This is true. But when oyster farm supporters applied that notion to undergird their opposition to the Drakes Estero wilderness, they failed to consider what congressional legislation and NPS policy tell us about wilderness.

Although an area of 800,000-plus acres of designated wilderness in the High Sierra of Sequoia and Kings Canyon National Parks might fit more people’s conception of wilderness, it too fails the test of “untrammelled by man.” Several Tribes crisscrossed the area and made seasonal camps there for thousands of years. Indigenous practices of setting intentional fires shaped the ecology of the area, making it a cultural landscape rather than a pristine, primeval one. After Congress established Kings Canyon National Park but before it had designated it as wilderness, the eighty federal fire policies that aimed to extinguish

all forest fires within the national park and on adjacent U.S. Forest Service (USFS) land became another reshaping of the area's environment.

Environmental historian Richard White likewise described the complexities considering wilderness at Point Reyes:

Point Reyes was neither an original landscape nor a wild one: humans had clearly shaped it. But wilderness is not an entity existing separate from human beings. It is a management category. . . . If *untrammelled* [italics in original] means “untouched or not shaped by humans,” then very few—perhaps none—of the current wilderness areas in the United States fit the definition. Indian peoples had burned the landscapes, sometimes grazed and tilled them before Europeans arrived, and non-Indians had shaped them afterward.⁸⁹

Furthermore, in arguments over the semantics of wilderness, there is a tendency to assess wilderness, to judge an area as worthy or not, by looking only to the present and the past. The 1964 American Wilderness Act mandated not only keeping existing wilderness “primeval” but also managing disturbed land so that it would be “untrammelled and return to primeval condition in the future.” The NPS long ago discarded the notion of restoring park sites to be “vignettes of a primitive America,” and shifted to viewing restoration with a lens to the future, not the past. City or County planners will discuss “the future” in terms of whatever they see as the result of their twenty-year or forty-year urban development program. The NPS foundational principle to “preserve for future generations” has no statute of limitations.

Oyster Farm Conflict's Impact on NPS Personnel

Additional investigations of PRNS employees occurred in response to complaints targeted at individuals working at the park. For NPS staff who were the subject of these reviews, the DBOC controversy was an incredibly stressful time. Neubacher, Allen, Becker, and Press found themselves personally targeted in public forums. They were named and had their credibility questioned, with people (including elected officials) publicly calling for their removal.⁹⁰ To have a sitting U.S. Senator asking for individual NPS employees to be removed from certain projects or removed from their positions was a level of involvement that is highly unusual and that represented an extreme power imbalance. Further, public attacks on individual employees emboldened others to verbally attack those individuals, as well. Goodyear recalled, “that was a really troubling and distressing hallmark of the oyster controversy that was really debilitating on park staff. . . . It was really ugly.”⁹¹ Becker had camera crews outside of his house at one point.⁹² This issue became all-encompassing for certain employees. Becker remembers spending most of his time for several years supporting the review of reports and additional analyses of data.⁹³ Lorraine Parsons, the park's vegetation ecologist and someone who was not involved in the DBOC whirlwind, recalled, “I think at a certain point they [park leadership] did kind of realize if they had everyone involved, nothing else was going to get done.”⁹⁴

“Point Reyes was neither an original landscape nor a wild one: humans had clearly shaped it. But wilderness is not an entity existing separate from human beings. It is a management category.”

—Richard White, *California Exposures* (2020)

In light of these stresses on staff resources and mental health, when Muldoon began as superintendent in 2010, she reorganized staff to create an Office of the Superintendent to oversee the high-profile, controversial issues that involved several divisions. Muldoon transitioned Brannon Ketcham to the role of management assistant to help with DBOC and other controversial issues. Ketcham, a hydrologist, had been working on other watershed restoration projects (Giacomini, the streams flowing into Drakes Estero) and had therefore escaped the public attacks that Allen, Becker, and Press had experienced. When he stepped into this new role, he could therefore provide some cover for the scientists who had experienced so much personal stress from the issue for several years at that point.⁹⁵ Toward the end of the DBOC controversy, Melanie Gunn took over as the seashore's Public Information Officer (PIO), a position where she too came under direct attack for PRNS decisions.⁹⁶ Muldoon expressed later just how difficult these personal attacks were on staff. She recalled,

A level of vitriol that I had never experienced in any other park before. It was hard. I was glad to be there because I love Point Reyes and it was an important issue to work through. But it was really hard. . . . I had seen a documentary about Rachel Carson and the tactics that industry used to discredit her personally and to shred her character and to shred her science. And I felt like that's exactly what I was seeing going on with our scientists at Point Reyes, who were really ethical, intelligent, caring people. And they were just ripped apart, for years. That was the hardest thing I've ever had to do, had to witness. . . .

I think it was super reasonable for people to disagree on this issue. Just different values. I think that's fine. But to make it so mean-spirited. . . . It was really difficult. I would say our scientists, Ben Becker and Dave Press always acted with just amazing aplomb in the face of really withering criticism. I admire them all. Sarah Allen had left by the time I got there. But she had been in on that early really mean-spirited stuff. But of course, it affected everybody, particularly those working on the planning team, Melanie and Brannon. Just the continual attacks were exhausting, exhausting for the soul.⁹⁷

At one point, Muldoon brought in Suzanne Lewis, an NPS employee who had been personally attacked for her work at Yellowstone National Park, to talk to staff as someone who understood what they were going through. Lewis talked to staff about how she responded to attacks that included “seeing her face on billboards outside of Yellowstone” and discussed strategies for dealing with the intense public vitriol directed at them.⁹⁸

The negativity in the media did not always match feelings on the ground. Some ranchers supported the Lunnys, others did not—it became an issue that divided the ranching community.⁹⁹ Some local papers strongly supported the Lunnys, but not all local residents were anti-NPS on the issue. Some politicians were wary of coming out against the oyster company because of how deeply Feinstein was involved in the issue.¹⁰⁰ The DBOC controversy also divided groups that more typically united in supporting the national seashore. As Gordon White, the PRNS cultural resources chief at the time, saw it, DBOC's aggressive publicity and lobbying campaign ended up “splitting the left.” He explained that the traditionally united Marin County community of environmentalists and advocates of the local food movement “became completely polarized,” with the result that the NPS lost some of its enthusiastic supporters.¹⁰¹

As the NPS lost control of the story, it became, according to former Chief of Interpretation John Dell’Osso, “a media nightmare.”¹⁰² The Lunnys and Feinstein had a clear narrative and painted a convincing picture of big government shutting down a small oyster farm. NPS staff had a difficult time countering that narrative in the public perception. Dell’Osso explained, from the perspective of the park’s PIO, “We just didn’t have a strategy to counteract that. We just kept saying, ‘Well, it’s federal law. We’re following the law; we’re not breaking the law. It’s as simple as that.’”¹⁰³ That did little to convince supporters of the oyster farm.

As the issue ballooned in 2010, environmental organizations began to step into the public relations battle. Environmental groups saw this issue as a potentially precedent-setting decision about how the United States managed private uses of public lands, especially those designated as wilderness areas (or potential wilderness areas). The Environmental Action Committee of West Marin (EAC) became the primary organizing force in support of the NPS position (in refusing to renew the DBOC permit) and worked with national groups that supported wilderness. Other environmental organizations in favor of the PRNS wilderness designation included the National Parks Conservation Association, The Wilderness Society, the Center for Biological Diversity, Wild Equity Institute, Natural Resources Defense Council, and National Wildlife Federation. Local supporters included Save Our Seashore, Earth Justice (legally engaged by EAC), People for Golden Gate National Recreation Area, and Audubon Canyon Ranch.¹⁰⁴

Local Marin residents formed EAC in the early 1970s “as a voice for the community on environmental issues.”¹⁰⁵ As the oyster farm conflict became more volatile, the EAC sought to educate the public, correct the public record, and to “advocate for wilderness and the park.”¹⁰⁶ Amy Trainer, executive director of the EAC, explained why they and other environmental groups took such a prominent position in the oyster farm closure:

It wasn’t that EAC or the Park Service were trying to make this a big issue. It really was the oyster company with a megaphone. And so then we had to respond. The Park Service couldn’t. So really it ended up being on the environmental activists, and particularly me and EAC to . . . be proactive and not get into the weeds with them.¹⁰⁷

As the oyster farm controversy continued to heat up leaders of environmental groups, as well as the most vocal of local NPS supporters, these individuals came under the same sort of verbal attacks and harassment that PRNS staff had to weather. Environmental or community leaders most vocal in their support of the park got bombarded with what several participants have called the “politics of personal destruction.” EAC Director Trainer, as one of the most prominent public-facing environmental activists in support of the marine wilderness designation, experienced intense personal attacks in media, in public forums, and in downtown Point Reyes Station, like those that had been directed at Neubacher, Allen, and Becker. In addition to the verbal and written attacks, EAC opponents vandalized her office three separate times.¹⁰⁸ Trainer recalled, “people who had never met

“A level of vitriol that I had never experienced in any other park before. It was hard. I was glad to be there because I love Point Reyes and it was an important issue to work through. But it was really hard. . . .”

—Cicely Muldoon, former
PRNS Superintendent (2022)

me, never talked to me, were writing letters that the paper was printing saying what a vicious person I am, what a liar I was. And it was startling and unnerving that this could happen in so-called progressive Marin County, California. I was in disbelief at the way I was being treated.”¹⁰⁹

Trainer and the EAC played an important role in explaining the NPS position and helping rebut attacks on PRNS management. Gordon White, the seashore’s cultural resources manager from 2001–2018, recalled that the NPS regional office had “muzzled” park staff in responding to the attacks on individual staff. Staff got the message through Superintendent Neubacher that they were not allowed to respond directly to attacks in the media or public meetings, which according to White, left staff feeling like they were “this giant punching bag.”¹¹⁰ White remembered arguing with park administrators,

You’re just hanging my friends here out to dry. You don’t let us defend ourselves. Don gets pilloried in the local press. He can’t go to the grocery store because people will attack him. . . . It was so hideous. That was one of the worst times of my life, my work life.¹¹¹

EAC staff viewed its role as providing a voice (defending actions) even if PRNS did not. Trainer explained that the organization tried “to thread the needle of not just being, you know, rubber stamping whatever it was that the park did, but really having our own unique voice to make sure we had, from my perspective, as much sort of political power, to be as strategic as possible.” They worked on how to be a partner and how to collaborate with the NPS, while maintaining their own position when it differed from the agency. EAC tried to establish a “strong, independent voice” so that “in the eyes of the community, it wasn’t just oh well, whatever the park says, EAC’s going to condone.”¹¹² The EAC made a comprehensive lobbying effort (working intensely “behind the scenes”) to provide an accurate legal and environmental picture to the California Fish and Game Commission preceding the commission’s 2012 deliberation and decision on the jurisdictional status of DBOC’s rights under state law, as describe below.¹¹³

On a legal front, jurisdictional issues between the State of California and NPS remained murky. The California Constitution contains an article explicitly stating that all Californians have a right to fish on any public lands owned by the State as of 1910 (the year the Article was established).¹¹⁴ This applied to the water bottoms in Drakes Estero. Lunny and his attorneys attended a CFG meeting on May 23, 2012, claiming that the “right to fish” applied to the oyster farm, which would mean that state law clashed with federal law. Ahead of the meeting, Feinstein appealed to CFG to express her support for continued operation of DBOC in the estero.¹¹⁵ CFG determined that the “right to fish” did not include mariculture and therefore did not apply to DBOC operations.¹¹⁶

On the EIS front, the DOI OIG initiated another investigation into NPS science at PRNS, this time in response to complaints by “an elected member of the National Academy of Sciences (NAS) and adjunct professor at a California university” who alleged that the NPS or contractor (Vanasse Hangen Brustlin) “altered, concealed, or unfavorably misrepresented soundscape data” in the draft EIS, among other complaints.¹¹⁷ Senator Feinstein wrote a letter to Secretary Salazar echoing these complaints.¹¹⁸ The NAS committee reviewed all of the available scientific literature regarding Drakes Estero and maricultural operations there, evaluated the most relevant research, and concluded that the DBOC decision could not be made simply on the basis of scientific evidence. The NAS report concluded with the following:

the committee concludes that there is a lack of strong scientific evidence that shellfish farming has major adverse ecological effects on Drakes Estero at the current (2008–2009) levels of production and under current (2008–2009) operational practices, including compliance with restrictions to protect eelgrass, seals, waterbirds, and other natural resources. Adaptive management could help address effects, if any, that emerge with additional scientific research and monitoring to more fully understand the Drakes Estero ecosystem and the effects of shellfish farming. Importantly from a management perspective, lack of evidence of major adverse effects is not the same as proof of no adverse effects nor is it a guarantee that such effects will not manifest in the future.¹¹⁹

Following the NAS report, the OIG again investigated and found no evidence supporting the complaint. The OIG concluded, “Our investigation revealed no intent to deceive the public through the concealment of information as alleged.”¹²⁰

In November 2012, the NPS completed the final EIS. It listed four alternatives:

- Alternative A: No New Special Use Permit – Conversion to Wilderness (No-action)
- Alternative B: Issue New Special Use Permit – Existing Onshore Facilities and Infrastructure and Offshore Operations Would be Allowed for a Period of 10 Years
- Alternative C: Issue New Special Use Permit – Onshore Facilities and Infrastructure and Most Offshore Operations Present in 2008 Would be Allowed for a Period of 10 Years
- Alternative D: Issue New Special Use Permit – Expanded Onshore Development and Offshore Operations Would be Allowed for a Period of 10 Years¹²¹

The final EIS did not include a preferred alternative, since Section 124 of Public Law 111-88 established deference to the Secretary of the Interior’s decision on whether or not to issue the permit, “notwithstanding any other provision of law.”¹²²

Secretary Salazar’s Decision

As the time for a decision approached, Secretary Salazar spent significant time weighing the options and was personally invested in the decision. He sought confirmation from representatives of the FIGR, whose Coast Miwok ancestors called Point Reyes home, on whether they also supported the wilderness designation.¹²³ The DOI and NPS leadership believed that this decision would have national implications on wilderness management. NPS staff and environmental group partners visited Washington, D.C., ahead of the decision. Salazar, who grew up in a ranching family in Colorado, met personally with many of the Point Reyes ranchers, including Lunny. He met with the families employed by DBOC and spoke to them in Spanish.¹²⁴ He also met with environmentalists who favored the conversion to wilderness, including Amy Trainer, Sylvia Earle, and Carlos Porrata.¹²⁵

Meanwhile, NPS staff at PRNS waited, along with everyone else, while Salazar weighed his options. Although conversations with PRNS staff had informed the Secretary’s decision, the Secretary’s office and the Solicitor’s Office did not give PRNS staff advance indication on how Salazar would decide.¹²⁶ Martha Williams, an employee in Salazar’s

office (and as of 2022, director of the USFWS) drafted Salazar’s ultimate decision, and attorneys in the DOI Solicitor’s Office reviewed the draft. It was embargoed from the NPS until its public release.¹²⁷

On November 29, 2012, Secretary Salazar issued his decision via a memorandum to the Director of the NPS, Jon Jarvis. In it, he directed the NPS “to allow the [DBOC] permit to expire at the end of its current term.” He explained that his decision was based on “matters of law and policy” that included the following:

- 1) The explicit terms of the 1972 conveyance from the Johnson Oyster Company to the United States of America. The Johnson Oyster Company received \$79,200 for the property. The Johnson Oyster Company also reserved a 40 year right of use and occupancy expiring November 30, 2012. Under these terms and consideration paid, the United States purchased all the fee interest that housed the oyster operation. In 2004, DBOC acquired the business from Johnson Oyster Company, including the remaining term of the reservation of use and occupancy and was explicitly informed “no new permit will be issued” after the 2012 expiration date.
- 2) The continuation of the DBOC operation would violate the policies of NPS concerning commercial use within a unit of the National Park System and nonconforming uses within potential or designated wilderness, as well as specific wilderness legislation for Point Reyes National Seashore.¹²⁸

In an accompanying press release, Salazar said, “I’ve taken this matter very seriously. We’ve undertaken a robust public process to review the matter from all sides, and I have personally visited the park to meet with the company and members of the community.”¹²⁹ The Secretary’s memorandum explained that public policy guided this decision:

SEC. 124 grants me the authority and discretion to issue DBOC a new special use permit, but it does not direct me to do so. SEC. 124 also does not prescribe the factors on which I must base my decision. In addition to considering the documents described above, I gave great weight to matters of public policy, particularly the public policy inherent in the 1976 act of Congress that identified Drakes Estero as potential wilderness.

In enacting that provision, Congress clearly expressed its view that, but for the nonconforming uses, the estero possessed wilderness characteristics and was worthy of wilderness designation. Congress also clearly expressed its intention that the estero become designated wilderness by operation of law when “all uses thereon prohibited by the Wilderness Act have ceased.”¹³⁰

The decision directed the NPS to notify DBOC that the RUO and SUP would expire on November 30, 2012; give DBOC a ninety-day period to remove its personal property; “effectuate the conversion of Drakes Estero from potential to designated wilderness”; assist DBOC workers with relocation, employment, and training; and to negotiate twenty-year leases with the ranching families due to “the importance of sustainable agriculture on the pastoral lands within Point Reyes.”¹³¹ Senator Feinstein, however, was not ready to give in. She let Salazar know that she was “deeply disappointed by your decision,” and urged the Secretary to at least revise the order, “specifically the 90-day time limit for the

company's continued operations, to avoid unnecessarily imposing significant financial hardship on a small business that has been an integral part of Point Reyes National Seashore for decades."¹³² It would be hard to fault Feinstein for fighting so hard for a constituent, but the comment indicated that she still failed to understand or knowingly ignored some of the basic elements of national park administration, as well as inflating the relative significance of the oyster farm in the seashore's history.

Salazar's support for continued ranching at Point Reyes was an attempt to clarify the difference between the legal background behind the oyster farm and that of ranches and to counter the false narrative that if the NPS did not allow the oyster farm to continue, that the ranchers would be next.¹³³ The memorandum elaborated, "Ranching operations have a long and important history on the Point Reyes peninsula and will be continued at Point Reyes National Seashore. I have directed that the Superintendent work with the operators of these ranches to ensure that sustainable agriculture production continues and plays an important role in the local economy."¹³⁴

Salazar made this decision to quell fears in the ranching community, but in some ways, it drew the ranches into the chasm of public controversy that the DBOC debate had opened. Now, for the first time, ranching and the oyster farms were tied together. PRNS rancher David Evans said,

"I supported the oyster company being there. But I didn't support the controversy and the mushroom cloud that occurred. I feel that a decision should have been made earlier on before it became such a huge political topic."

—David Evans, Point Reyes rancher (2022)

I supported the oyster company being there. But I didn't support the controversy and the mushroom cloud that occurred. I feel that a decision should have been made earlier on before it became such a huge political topic. And that the proclamation that this is just a first step toward the removal of ranching was in itself a promotion of self-fulfilling prophecy . . . ranchers probably should have done a better job of separating themselves from the oyster controversy so that it wouldn't be spillover toxic.¹³⁵

Ketcham also recognized, "I think there's a group of ranchers that see what's happening now as originating with that, with that DBOC process."¹³⁶ After years of trying to unlink the two issues, the Secretary's decision tied ranching to the fate of the oyster farm.

Drakes Bay Litigation

Lunny's attorneys filed a lawsuit in federal court challenging Salazar's decision. He did not vacate the site of his business while litigation was ongoing. Lunny lost at the U.S. District Court level, and then Lunny's attorneys appealed to the Ninth Circuit. They lost in the Ninth Circuit in September 2013. Lunny's attorneys then sought a review by the Supreme Court, which was denied.¹³⁷

Following the Supreme Court's refusal to hear the case, the DOI and DBOC entered into settlement negotiations. The District Court issued the final approval of the settlement agreement and Entry of Consent Decree on October 8, 2014.¹³⁸ The agreement stipulated that the NPS would take responsibility for the removal of all infrastructure (onshore and

offshore) related to the shellfish farm, and the NPS would assist DBOC workers with relocation benefits. DBOC, for its part, would waive all claims against the NPS and relinquish future rights to conduct commercial shellfish operations in the estero.¹³⁹ Judge Yvonne Gonzales Rogers opined that the settlement was fair and equitable because, on the one hand, it provided DBOC “a reasonable period of time to wind down shellfish harvesting from Drakes Estero to recover DBOC’s economic investment in shellfish planted” and to remove “valuable property after the expiration of the permit.”¹⁴⁰ DBOC could continue to harvest and sell shellfish until December 31, 2014, after which DBOC must “permanently close its operations in Drakes Estero.”¹⁴¹

Judge Gonzales Rogers described the settlement as fair and equitable for the NPS, because PRNS could “immediately begin the removal of specified onshore property not associated with shellfish removal, and to initiate oyster rack removal.” It thus met the NPS objective of “expeditiously transitioning Drakes Estero to management as a marine wilderness” and conducting complete cleanup of the estero after DBOC had removed their operation. By signing the settlement, DBOC agreed to the following:

to dismiss all claims in their amended complaint with prejudice; waive and release all claims or causes of action for damages or equitable relief based on the alleged harms or violations relating to the United States’ management, oversight, or administration of Point Reyes and/or Drakes Estero; and further warrant and represent that they will not bring or cause to be brought any other action or suit related to the claims asserted, or that could have been asserted, in the above-captioned case.¹⁴²

Another lawsuit in 2014 concerned the Tomales Bay Oyster Company, which claimed damages from the NPS’s decision to not give DBOC a permit.¹⁴³ Tomales Bay lost in court and settled with the NPS. As part of that legal process, the NPS learned that the company had unlawfully created a parking lot on NPS lands. Tomales Bay Oyster Company paid \$280,000 in damages, which the NPS used to rehabilitate the area by removing gravel, restoring native plant species, and monitoring the restored habitat.¹⁴⁴

Lunny continued to speak publicly about the oyster farm. In 2015, he testified in a U.S. House of Representatives Oversight Hearing before the Subcommittee on Oversight and Investigations of the Committee on Natural Resources, a hearing with the official title, “Zero Accountability: The Consequences of Politically Driven Science,” during which Lunny leveled various claims against the NPS.¹⁴⁵ At that hearing, Congressman Jared Huffman (representing the district that includes Point Reyes) said, “I think my point, and I have had this conversation with Mr. Lunny, is that he is one of those ranchers, all of whom need to start building a better and more trusting relationship with the Park Service and with their neighbors. We have to put this divisive dispute behind us, especially since it has already been litigated all the way to the Supreme Court. It is time for everyone to move on.”¹⁴⁶

Restoration of Drakes Estero

Secretary Salazar’s November 29, 2012, decision directed the NPS to “effectuate the conversion of Drakes Estero from potential to designated wilderness.” Litigation delayed this process from 2012–2014. After the 2014 settlement agreement, NPS employees got to work figuring out how to do this. The NPS was responsible for conducting and funding the cleanup of the estero, per the 2014 settlement agreement.¹⁴⁷ Former Chief Ranger Dave

Schifsky explained that once the final court appeal was dismissed, “we were then able to move quickly on all the restoration work that had been contemplated but we hadn’t been able to do anything about. . . . once it was clear what the direction was, then we moved forward with the next step.”¹⁴⁸

One of those initial steps was to help the workers who had been employed by DBOC. Families were living in housing at the DBOC site on the shore of Schooner Bay in buildings that were in poor condition. The NPS, Marin County, and local non-profits worked together to find housing for the families and provide relocation assistance.¹⁴⁹ The West Marin Fund supported scholarships for the children of these families in partnership with the College of Marin.¹⁵⁰

The next step was to determine the extent of debris and infrastructure that DBOC and its predecessors had left behind in the estero. NPS staff conducted underwater reconnaissance work to determine what was in the estero and what they would need to remove. There was much more than the NPS had expected. The NPS had already known about over five miles of wood posts to hold oyster racks, sunk and suctioned into the mud, which came out to a million pounds of wood. But there were also oyster shells, plastic debris, metal debris, rope remnants, and other materials strewn across the estuary.¹⁵¹

There was no template to follow on how to remove everything and how much it would cost. Chief of Facilities David Brouillette discussed the mechanics of contracting out work that the NPS had never done before:

How were we going to pick them up? Were we going to use a crane on a barge? And then there were just bags and bags of oysters that were still left

Oyster racks, posts, plastic, and other debris removed from Drakes Estero during clean up of Drakes Bay Oyster Company site, ca. 2016. NPS Photo.



out there. And ones that had dropped to the bottom of the Estero. And we were figuring out, you know, how many are there? How much do they weigh? How do we get rid of them?

... we started talking to contractors about how would you go about doing this, and how would we pick up oyster shells off the ground? And are we going to cut these things off at the base? Or are we going to pull them out of the mud? So there was a lot of work going in to try to put the specifications together for this contract. And kind of like start scratching our head about how long is this going to take and how much is this going to cost?¹⁵²

To try to determine how to get the wood stakes out of the mud, the NPS conducted a rack removal test in February 2015. From this, they determined that a “robust anchoring system” would likely be necessary to remove them, and they came up with a larger plan on how to remove the wood structures from the estero.¹⁵³

While planning this unprecedented work, the NPS went through the required NEPA process and consulted with the CCC, California State Historic Preservation Office (SHPO), FIGR, National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA), San Francisco Bay Regional Water Board (SFBRWB), and U.S. Army Corps of Engineers (USACE).¹⁵⁴ They performed the work under a categorical exclusion (“E.4. Removal of non-historic materials and structures in order to restore natural conditions”) and developed detailed guidance to mitigate any damage to the ecological conditions or wildlife during removal.¹⁵⁵ Any removals needed to be careful not to disturb eelgrass,

Pile of plastic, metal, and wood debris removed by excavator from the bottom of Drakes Estero during post-closure cleanup of Drakes Bay Oyster Company site, January 2017. NPS Photo.



seals, migratory birds, water quality, and the other species of concerns living in the estero. Environmental and cultural resources monitoring continued throughout the course of construction, including extensive monitoring of eelgrass, according to an eelgrass monitoring plan developed by the NPS and approved by the CCC (based on the 2014 California Eelgrass Mitigation Policy and Implementing Guidelines).¹⁵⁶

Since the NPS bore the cost for the removal per the settlement agreement, they needed to find a place to raise the funds. They applied for grants at non-profits to raise money to pay for the costly restoration. The restoration coincided with the park's 100th anniversary, a time when there was a funding program called the Centennial Challenge that supplied matching federal funds to private grants. The National Park Foundation granted PRNS two million dollars for restoration of the estero, which unlocked an additional two million dollars in federal funds. That money was enough to hire the contractors.¹⁵⁷

With all natural and cultural resources compliance completed, the NPS began contracting out the work. Contracts went through the Denver Service Center. One of the earliest tasks in the estero was to remove remaining shellfish and debris. On land, the NPS needed to demolish land-based infrastructure, which contractors began in 2015. This included “nine commercial buildings, utilities, debris, and over 6,000 square feet of asphalt and concrete,” septic, water, and power systems.¹⁵⁸

The operator for the water-based work specialized in marine construction. The company brought in barges and removed the wood pieces with cranes. Large excavators removed most of the debris from the water bottoms. In sensitive areas of eelgrass beds where the excavator could not scrape, the NPS contracted with a crew of “mostly ex-Navy divers that travel all over the world and do like underwater ship welding and underwater dock work.” Becker explained,

They came in and spent several months on the estuary. They've got the diving bell helmets on, and they have hot water heaters pumping hot water into their dry suits because they're down for four or five hours at a time. And they—in almost zero visibility water, because this was during a really wet, rainy year, so the water visibility is low—they're just basically picking up everything almost just by touch underwater over five miles of length by twelve miles wide of eelgrass habitat. Getting all that debris. And then they filled up dumpster after dumpster after dumpster.¹⁵⁹

Contractors completed removal of oyster racks in December 2016, and completed the remainder of on- and offshore work by May 2017. In all, they removed 500 tons of pressure-treated oyster racks; cleaned up almost 1,300 tons of plastic, metal, and shell debris over several acres underwater; and removed plastic, metal, and cement debris from sandbars.¹⁶⁰

To assess the changes in the estero post-removal, NPS staff implemented a long-term monitoring program in partnership with the California Department of Fish and Wildlife, the University of California-Davis, and San Francisco State University. These partners continue to work with the NPS to monitor eelgrass regrowth, seal behavior, bird species, and other indicators of ecosystem health.¹⁶¹ All that remains on the land-based location of the former DBOC buildings are a vault toilet, a parking lot, and an informal kayak launch. There was some internal discussion of making an accessible kayak launch or some other facility at the site, but none has occurred.¹⁶²

In addition to now being the first marine wilderness on the West Coast, the estero received protection relating to cultural history in 2012 with the designation of the Drakes

Bay Historic and Archeological District NHL. A dedication ceremony was held for the newly designated NHL in 2016; representatives from the FIGR and Drake Navigators Guild joined NPS staff at Drakes Bay to unveil the mounted NHL plaque.¹⁶³

Restoration of NPS Staff Mental Health

The DBOC lasted as a major political and media-covered event from approximately 2007 to 2014. The difficulty of these years bonded staff together into a cohesive team but also wore many people out. Former Chief Ranger Schifsky recalled of the years during the DBOC controversy,

Really, really rough years. And it was difficult as a chief ranger, because you knew that there was a lot of the public that wasn't for this [closing DBOC]. There was a lot of the public that was for it. There were ranchers that were not for it; there were ranchers that were for it. And so, it was a really divisive issue. . . . part of the reason why the leadership team, why we all got along and bonded so well, is because we were under so much stress and pressure and under just a lot of scrutiny—constant scrutiny and constant media engagement. Constant political watching. And I think that gelled us as a leadership team because we really had to.¹⁶⁴

The leadership team during Muldoon's superintendency comprised Muldoon, Brouillette (chief of facilities), Schifsky (chief ranger), Dell'Osso (chief of interpretation and PIO), Becker (chief of science), Natalie Gates (chief of resource management), Gordon White (chief of cultural resources), Ketcham (management assistant), Yvonne Morales (contracting officer), and Roseann Worly and then Rebecca Lang (administrative and budgetary). Brouillette recalled it as "probably the best team that I've ever worked with in the Park Service, that group." He elaborated, "We worked well through solving problems. Not that we always agreed with each other, but we knew how to work with each other and how to sort of stay focused on the issue at hand."¹⁶⁵ This was apparent from the outside, as well—Marin County Supervisor Dennis Rodoni remarked on the excellent leadership by Neubacher and Muldoon during these tumultuous years, who "had a good team of people."¹⁶⁶

For the management team, almost ten years of high-profile controversy (going straight from non-native deer to the DBOC issue) meant that day-to-day issues sometimes fell by the wayside. While managers found themselves at times overly consumed by high-profile issues, staff were still clearing trails, repairing roads, fixing water pipes, giving interpretive tours, removing weeds, monitoring ecological conditions, archiving documents, monitoring archeological sites, and all the many other things that the NPS is legally tasked with completing at PRNS. The big issues eating up so much time of leaders sometimes hurt morale of employees not on the leadership team.¹⁶⁷ Muldoon worked to improve morale during these controversies and the agency-wide morale dip during sequestration mandates that occurred because of the 2013 government shutdown.¹⁶⁸

Any tenuous progress that individuals and the staff as a whole made toward healing halted in 2015 when Nate Knight, a PRNS supervisory law enforcement ranger, died by suicide.¹⁶⁹ Knight was well liked by staff and in the community, and he left behind a wife and two young children. The period after Knight's death was incredibly emotionally difficult for many employees at PRNS, especially in the law enforcement division.¹⁷⁰ Schifsky remembered that he and Muldoon "both agree that was one of the hardest things, if not

the hardest thing, we'd ever been through in our careers.”¹⁷¹ Knight's death reverberated throughout the NPS community, especially as it was tragically only weeks apart from when another ranger—Matt Werner at Glen Canyon National Recreation Area— took his own life. The deaths of Knight and Werner led to agency-wide discussions about mental health awareness and what the NPS could do to better support the mental and emotional health of employees.¹⁷²

By the time of Knight's death, many employees who had been at Point Reyes for a long time were, frankly, worn out. The years of controversy bookended by the incredibly difficult and emotional time following Knight's death left some employees feeling drained and ready to move on. Schifsky recalled that feeling, when looking at the Drakes Estero controversy in retrospect,

It was a really intense period of time. And I think everybody who eventually left did it because they just wanted to do something else. . . . we all knew that this next huge storm with ranch management and elk management and everything, we all knew that was coming. And certainly some of us, I'm not going to speak for anybody else other than myself. But I was like, okay, I'm ready to look at other things. Golden Gate's not a walk in the park, but it's different.¹⁷³

Muldoon left PRNS for Yosemite National Park in 2020 and, in an interview conducted for this project, commented that being the superintendent of Yosemite, one of the flagships in the national park system, has been in many ways less stressful than her time at Point Reyes.¹⁷⁴ And Ketcham, the last remaining member of that early 2010s management team still at PRNS, recalled that he managed to get through difficult time because of the cohesiveness of his NPS team. He said,

we had a great team people. . . . there's that team mentality, that chemistry that you form. I played team sports all the way through college. And there's that collegiality and that, it's not a competition but you're together dealing with something, working through it together, collectively. . . . build[ing] trust and all of that.¹⁷⁵

Nevertheless, he added, “at some point, everybody gets tired.”¹⁷⁶

Conclusion

For roughly a decade, between 2004 and 2014, the DBOC controversy generated intense conflict, caustic criticisms of the seashore and the NPS, and levels of distrust that took a tremendous toll on PRNS staff, ranchers, the local community, and undoubtedly on Kevin Lunny and his supporters.¹⁷⁷ For most seashore administrators and staff directly involved in the controversy, it proved to be the most difficult experience of their entire careers. And although the most intense period of discord ended with Secretary Salazar's decision in November 2012, significant damage was already done to individual relationships, and lasting fractures appeared among several of the participating groups. For some, these consequences lingered long after the 2012 decision and remain palpable a decade later.

All of this turmoil occurred despite the fact that the elimination of private inholdings, termination of leases, and closure of commercial business operations has been a common management issue in the national park system since the 1870s. Dealing with private

ownership or leaseholds within park boundaries has been a longstanding conundrum for national park administrators, even more so after Congress established new NPS units (such as the national seashores) that included substantial blocks of private lands within park boundaries. Congress and the NPS employed legal mechanisms such as life estates and RUOs at Cape Cod, Fire Island, and Point Reyes National Seashores, which offered some protection to private property rights while also mitigating the initial cost of land acquisition. But it also permitted politicians and the NPS to kick the can of eviction down the road.

To avoid controversy at Point Reyes in 1972, the NPS left the difficult task of deciding whether to evict people from their property to 2012 park managers. Legislation and NPS management policies differentiated the fate of DBOC from that of the ranches. But the ticking time bomb of RUO expiration had long ago linked their stories. As the NPS set off to negotiate twenty-year leases with ranchers, as directed by the Secretary of the Interior, they continued to wade through the difficult decisions that RUOs had allowed park managers to skirt for almost half a century. As a manager who had to pick up that can, Neubacher was somewhat critical of the RUO model:

... reservations of use and occupancy [were] to sort of soften the acquisition process for the landowner that might be selling to the Park Service. But they become very difficult at the end. . . . And hard for the individual. Because you know, initially they were paid. And then forty years later, they're attached to the land even more so. . . . I'm not right now a big proponent of these largescale leasebacks, because they did become problematic down the road.¹⁷⁸

Acquiring title to or terminating leases for these types of parcels is rarely an easy task and has resulted in controversy and litigation at other NPS sites as well. But very few have generated the level of conflict, animosity, and nationwide attention as did the DBOC property decision. The oyster farm on Drakes Estero certainly had a legacy at Point Reyes, but not to the extent of other numerous historic and cultural sites (e.g., Coast Miwok history, ranching, Point Reyes Lighthouse, the Marconi and RCA transmitting stations). In the final congressional debate to iron out details and finalize language of the PRNS establishment act, held on July 23, 1962, the legislators most actively involved with formulating and passing the Point Reyes bill spoke at length of the attributes and national significance of various aspects of the Point Reyes Peninsula, with “ranching” and “recreation” appearing dozens of times. But there is not a single mention of oysters or the oyster farm, even when the seashore’s benefits for fishing are cited in the text.

Endnotes

- 1 NPS, “Briefing Statement: Expiration of Residential Reservation of Use and Occupancy on 16 Tracts,” June 26, 2011, PORE Administrative Files.
- 2 Reservation of Use and Occupancy (RUO) permits are deeded property interests and “cannot legally be extended,” according to NPS policy, although special use permits (SUPs) enable continued use and occupancy on a case-by-case basis, if the NPS deems it appropriate. See NPS Director’s Order #38: Real Property Leasing, signed January 19, 2006.

- 3 Jacqueline A. Mirandola Mullen, “Coastal Parks for a Metropolitan Nation: How Postwar Politics and Urban Growth Shaped America’s Shores” (PhD diss., University at Albany, State University of New York, 2015), 273–78. See Section 4 of the enabling legislation for Cape Cod National Seashore for the language that set the precedent for other seashore and lakeshore RUOs: An Act to provide for the establishment of Cape Cod National Seashore, P.L. 87-126, 75 Stat. 284 (August 7, 1961).
- 4 DOI, Office of Inspector General (OIG), “Investigative Report of Point Reyes National Seashore (redacted),” July 21, 2008, 4.
- 5 California Department of Fish and Game, “The California Oyster Industry,” *Fish Bulletin* No. 123, prepared by Elinore M. Barrett, 1963, 60–63, in The Online Archive of California, <http://ark.cdlib.org/ark:/13030/kt629004n3>.
- 6 California Department of Fish and Game, “The California Oyster Industry,” Table 8: California Oyster Production by Area, 58–59.
- 7 At that time, California Fish and Game (CFG) and the Coast Oyster Company agreed to reduce the size of the allotment to 1,175 acres in order to permit clamming and eel grass harvests in the estero.
- 8 Congress, Senate Committee On Interior and Insular Affairs, *Point Reyes National Seashore, Report to Accompany S. 476*, S. Rept. 807, 87th Cong., 1st Sess. (1961), 8. NPS regional planners reported in a Point Reyes 1961 Land Use Study that “the culture of oysters is an interesting industry which presents exceptional educational opportunities for introducing students to the field of marine biology.” Moreover, if a restaurant were added to the site, they believed it could “add another recreational attraction” to the proposed seashore. However, such land-use studies generally considered every possible benefit and value of the area studied; the studies do not determine how Congress viewed those items in formulating the legislation. DOI, *Land Use Survey, Point Reyes National Seashore Proposal*, prepared by NPS Region Four Office (Washington, DC: GPO, 1961), 16.
- 9 Senate Committee On Interior and Insular Affairs, *Point Reyes National Seashore, Report to Accompany S. 476*. The special agreements, usually in the form of correspondence from the DOI, were included in the appendix to S. Rept. 807.
- 10 Quote from John A. Carver, Jr., Asst. Secretary of Interior, to Robert L. Condon, Martinez, California, March 26, 1962, Point Reyes Files, Box 333, CCF 1959–63, Record Group (RG) 48, National Archives at College Park, MD [hereafter NA-College Park], cited in Sadin, *Managing a Land in Motion*, 89. For contextual information, see Sadin, *Managing a Land in Motion*, 127–29.
- 11 CFG, “Allotment of State Water Bottoms for Shellfish Culture No. 72,” March 5, 1965, and “Allotment of State Water Bottoms for Shellfish Culture No. 2,” July 30, 1965; Leslie Bigerton, Assistant to the Fish and Game Commission, to Johnson Oyster Company, February 23, 1965. Copies of the preceding documents are included as appendices to “Appraisal Report & Economic Study: Johnson Oyster Company, Point Reyes National Seashore,” prepared for the NPS by Harding Appraisal Co., California, June 1972, Park Files, History Program Collection, PWR Archives.
- 12 According to a 1972 appraisal report prepared for the NPS, Johnson believed that, in contrast to the new allotment, the older Allotment no. 2 he obtained from Coast Oyster Company should not expire until 2034, one hundred years from the date of the original assignment to Dreier. But because Allotment no. 2 had been reconfigured in the course of this 1965 exchange, the State determined that it too should expire in 1990. “Appraisal Report & Economic Study: Johnson Oyster Company, Point Reyes National Seashore,” PWR Archives, 10–12.
- 13 NPS, “Timeline for Jurisdiction and Control of Aquaculture in Drakes Estero,” PORE Administrative Files; NPS, PORE, “Briefing Statement: Point Reyes National Seashore, Drakes Bay Oyster Company,” July 12, 2007, PORE Administrative Files; NPS, “Tracts Conveyed Between 01/01/1950 and 5/20/2003 for Point Reyes NS,” computer table, run date April 20, 2003, 1, File L1425 Land Acquisition Priority List and LWC Fund Calls, Land Files, CCF, PRNS. CFG also issued a “state water bottom lease” to Johnson Oyster Company in 1979 (to expire in June 2004).
- 14 Act to designate certain lands in the Point Reyes National Seashore, California, as wilderness, amending the Act of September 13, 1962 (76 Stat. 528), as amended (16 U.S.C. 450c–6a), and for other purposes, P.L. 94-544, 90 Stat. 2515 (October 18, 1976); An Act to designate certain lands within units of the National Park System, as wilderness; to revise the boundaries of certain of those units; and for other purposes, P.L. 94-567, 90 Stat. 2692 (October 20, 1976). For background on the local movement in support of wilderness designation at PRNS, and NPS reluctance on the issue, see Sadin, *Managing a Land in Motion*, 164–71.
- 15 U.S. House of Representatives, Committee on Interior and Insular Affairs, *Designating Certain Lands in the Point Reyes National Seashore, California, as Wilderness, Designating Point Reyes National Seashore as a*

Natural Area of the National Park System, and for Other Purposes (to accompany H.R. 8002), H. Rept. 94-1680, 94th Cong., 2d Sess. (September 24, 1976), 3.

- 16 H. Rept. 94-1680, 3.
- 17 Congressional Research Service, “Wilderness: Overview, Management, and Statistics,” RL31447, updated July 29, 2022, 13, <https://crsreports.congress.gov/product/pdf/RL/RL31447>.
- 18 Robert Stanton, “Director’s Order #41: Wilderness Preservation and Management,” effective August 2, 1999, 5, <http://npshistory.com/publications/wilderness/do-41-1999.pdf>. NPS management policies are regularly updated, and the version of DO #41 signed by NPS Director Jon Jarvis in 2013 has slightly amended wording, but still notes, “The National Park Service will seek to remove nonconforming uses that preclude wilderness designation.” Jonathan Jarvis, “Director’s Order #41: Wilderness Preservation and Management,” effective May 13, 2013, 7.
- 19 PORE, NPS, “Briefing Statement: Johnson’s Oyster Company,” September 23, 2003, PORE Administrative Files; Sadin, *Managing a Land in Motion*, 247–48. On the environmental history of oysters in Drakes Estero, see Timothy Babalis, “Restoring the Past: Environmental History and Oysters at Point Reyes National Seashore,” *George Wright Society Forum* 28, no. 2 (2011): 199–215.
- 20 For court order, see Marin County Superior Court, Agreement No. 165361, March 1997; quote from NPS, “Briefing Statement: Johnson’s Oyster Company,” September 23, 2003.
- 21 P. J. Bremier, “The Oyster War,” *Marin Magazine*, October 20, 2008, <https://marinmagazine.com/community/the-oyster-war/>.
- 22 Bremier, “The Oyster War.”
- 23 Robert Stanton, NPS Director’s Order #25: Land Protection, effective January 19, 2001, https://www.nps.gov/subjects/policy/upload/DO_25_1-19-2001.pdf.
- 24 Ralph G. Mihan, Field Solicitor, San Francisco Field Office, DOI Office of the Solicitor, to Superintendent, Point Reyes National Seashore, February 26, 2004, PORE Administrative Files. Historian Laura Watt came to a different conclusion upon reviewing the legislative history, arguing that the “potential” designation at Drakes Estero was related to title issues (since the State retained fishing and mineral rights), not the oyster farm as a nonconforming use. See Laura Watt, “Losing Wilderness for the Sake of Wilderness: The Removal of Drakes Bay Oyster Company,” in *Wildness: Relations of People and Place*, Gavin Van Horn and John Hausdoerffer, eds. (Chicago and London: University of Chicago Press, 2017), 100–12, especially 105–6.
- 25 Barbara Goodyear, oral history interview by Paul Sadin, San Francisco, CA, April 11, 2022, transcript, PRNSA, 8.
- 26 NPS, “Timeline for Jurisdiction and Control of Aquaculture in Drakes Estero.”
- 27 DOI, OIG, “Investigative Report of Point Reyes National Seashore (redacted),” 3; “Articles of Incorporation of Drakes Bay Oyster Company,” filed in the office of the Secretary of State in the State of California, January 18, 2005.
- 28 PORE, NPS, “Briefing Statement: Drakes Bay Oyster Company,” February 24, 2006, PORE Administrative Files; Goodyear, interview, 6.
- 29 Quoted in Ken Salazar, Secretary of the Interior to Director, NPS, “Point Reyes National Seashore – Drakes Bay Oyster Company,” memorandum, November 29, 2012, PORE Administrative Files, 3.
- 30 DOI, OIG, “Investigative Report of Point Reyes National Seashore (redacted),” 3; PORE, NPS, “Briefing Statement: Point Reyes National Seashore, Drakes Bay Oyster Company,” July 12, 2007.
- 31 PORE, NPS, “Briefing Statement: Drakes Bay Oyster Company,” February 24, 2006; PORE, NPS, “Briefing Statement: Point Reyes National Seashore, Drakes Bay Oyster Company,” July 12, 2007.
- 32 Rob Rogers, “Farmers, Park Service face off in battle over oyster farm,” *Marin Independent Journal*, September 8, 2007.
- 33 Bremier, “The Oyster War.”
- 34 PORE, NPS, “Briefing Statement: Point Reyes National Seashore, Drakes Bay Oyster Company,” July 12, 2007.
- 35 Ralph G. Mihan, Field Solicitor, San Francisco Field Office, DOI Office of the Solicitor, to Superintendent, Point Reyes National Seashore, February 26, 2004; Becker, interview, 25; PORE, NPS, “Briefing Statement: Point Reyes National Seashore, Drakes Bay Oyster Company Lease Extension,” January 10, 2007.
- 36 DOI, OIG, “Investigative Report of Point Reyes National Seashore (redacted),” 7–8.

- 37 NPS, "Point Reyes National Seashore: Drakes Estero: A Sheltered Wilderness Estuary," May 11, 2007, 3–4; DOI OIG, "Investigative Report of Point Reyes National Seashore (redacted)," 6.
- 38 NPS, "Point Reyes National Seashore: Drakes Estero: A Sheltered Wilderness Estuary," May 11, 2007, 17.
- 39 Earl E. Devaney, DOI Inspector General, to NPS Director Mary A. Bomar, "Report of Investigation – Point Reyes National Seashore," cover letter memorandum, July 21, 2008.
- 40 DOI, OIG, "Investigative Report of Point Reyes National Seashore (redacted)," 2–3.
- 41 DOI, OIG, "Investigative Report of Point Reyes National Seashore (redacted)," 6.
- 42 Bremier, "The Oyster War."
- 43 DOI, OIG, "Investigative Report of Point Reyes National Seashore (redacted)," 6.
- 44 DOI, OIG, "Investigative Report of Point Reyes National Seashore (redacted)," 1; NPS, "Briefing Statement: Point Reyes National Seashore, Drakes Bay Oyster Company," July 12, 2007.
- 45 Bremier, "The Oyster War."
- 46 "Regular Meeting of the Marin County Board of Supervisors," minutes, May 8, 2007, <https://www.marincounty.org/depts/bs/meeting-archive>.
- 47 Senator Dianne Feinstein to President Daniel W. Richard, President, CFG, May 22, 2012, <https://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=601fe5b6-41c2-4712-860c-ab0548b7373b>.
- 48 Mary Bomar, NPS Director, to Senator Dianne Feinstein, April 4, 2008, PORE Administrative Files. For a full timeline and analysis of the different versions of the "Sheltered Wilderness" report, see National Research Council (NRC) of the National Academy of Sciences (NAS), *Shellfish Mariculture in Drakes Estero, Point Reyes National Seashore, California* (Washington, DC: The National Academies Press, 2009), 71–79.
- 49 DOI, OIG, "Investigative Report of Point Reyes National Seashore (redacted)," 2–3. The OIG report clarified that their investigation did not analyze the legal issues surrounding a permit for Drakes Bay Oyster Company (DBOC) beyond the date of the RUO expiration: "we believe that this issue has been considered and resolved between the NPS and the Office of Solicitor." Devaney to Bomar, "Report of Investigation – Point Reyes National Seashore," cover letter memorandum, July 21, 2008.
- 50 According to Feinstein, "I also asked that the National Academy of Sciences review the same Park Service environmental reports that were the subject of the Inspector General's investigation." Feinstein to Richard, May 22, 2012. See also NPS, PORE, "Briefing Statement: Point Reyes National Seashore, Drakes Bay Oyster Company," February 12, 2008, PORE Administrative Files.
- 51 NPS, "National Park Service Signs Contract with National Academy of Sciences to Evaluate Ecological Effects on Drakes Estero," DRAFT press release, April 15, 2008, PORE Administrative Files.
- 52 NPS, "Park Service to Use National Academy of Sciences Report to Improve Management of Drakes Estero," press release, May 5, 2009, PORE Administrative Files.
- 53 NRC, *Shellfish Mariculture in Drakes Estero*, 3, 86.
- 54 NRC, *Shellfish Mariculture in Drakes Estero*, 7.
- 55 NRC, *Shellfish Mariculture in Drakes Estero*, 87.
- 56 Becker, interview; Neubacher, interview; Press, interview; Muldoon, interview.
- 57 Benjamin H. Becker, David T. Press, and Sarah G. Allen, "Modeling the Effects of El Nino, Density-Dependence, and Disturbance on Harbor Seal (*Phoca vitulina*) Counts in Drakes Estero, California: 1997–2007," *Marine Mammal Science* 25, no. 1 (January 2009): 1–18.
- 58 Benjamin H. Becker, David T. Press, and Sarah G. Allen, "Evidence for Long-Term Spatial Displacement of Breeding and Pupping Harbor Seals by Shellfish Aquaculture over Three Decades," *Aquatic Conservation: Marine and Freshwater Ecosystems* 21 (2011): 247–60.
- 59 NPS, PORE, "Briefing Statement FY 2010: Commercial Oyster Operations in Drakes Estero," internal briefing, June 2011, PORE Administrative Files.
- 60 Marine Mammal Commission (MMC), "Mariculture and Harbor Seals in Drakes Estero, California," November 22, 2011, iii.
- 61 Salazar to Director, NPS, "Point Reyes National Seashore – Drakes Bay Oyster Company," 4; NPS, PORE, "Briefing Statement: Point Reyes National Seashore, Drakes Bay Oyster Company," May 13, 2008; PORE, NPS, "Briefing Statement FY 2010: Commercial Oyster Operations in Drakes Estero," June 2011; NPS, "Timeline for Jurisdiction and Control of Aquaculture in Drakes Estero."

- 62 Feinstein to Richard, May 22, 2012.
- 63 Senator Dianne Feinstein to NPS Director Mary Bomar, March 3, 2008, PORE Administrative Files.
- 64 NPS Director Mary Bomar to Senator Dianne Feinstein, April 4, 2008, PORE Administrative Files.
- 65 Bremier, “The Oyster War.”
- 66 The NPS notified Duck Cove RUO holders in November 2011 that an extension of their residential use would not be allowed because it was not “in the best interest of the park and the United States and is inconsistent with the purpose for which the park was established.” PRNS, “Briefing Statement FY 2013: Reservations of Use and Occupancy Expiration,” December 8, 2011, PORE Administrative Files.
- 67 NPS, “Briefing Statement: Expiration of Residential Reservations of Use and Occupancy on 16 Tracts,” June 26, 2011; NPS, “Briefing Statement: Expiration of Sixteen Residential Reservations of Use and Occupancy (RUO),” September 3, 2011, PORE Administrative Files.
- 68 Muldoon, interview.
- 69 Schifsky, interview.
- 70 Act of October 30, 2009, Pub. L. No. 111-88, 123 Stat. 2932.
- 71 Goodyear, interview, 9. Salazar’s 2012 memo noted, “While NEPA review was not legally required, NEPA as a general matter does not require absolute scientific certainty or the full resolution of any uncertainty regarding the impacts of the federal action.” Salazar to Director, NPS, “Point Reyes National Seashore – Drakes Bay Oyster Company,” 5; Don Neubacher, Superintendent, PRNS, to Rory Westberg, Acting Regional Director, Pacific West Region, “Deliberative Process Information on Drakes Bay Oyster Company,” internal briefing, November 12, 2009, PORE Administrative Files.
- 72 DOI, OIG, “Investigative Report of Drakes Bay Oyster Company Environmental Impact Statement,” February 7, 2013, PORE Administrative Files, 42.
- 73 NPS, “Timeline for Jurisdiction and Control of Aquaculture in Drakes Estero,” PORE Administrative Files.
- 74 DOI, OIG, “Investigative Report of Drakes Bay Oyster Company Environmental Impact Statement,” 1–2, 5–7; Ketcham, interview, 7; Goodyear, interview, 9. One peripheral outcome of the environmental review process for seashore management was a delay in NPS plans to release a draft General Management Plan (GMP) for PRNS. NPS, “Drakes Bay Oyster Company,” briefing statement, August 2010, PORE Administrative Files; NPS, “General Management Plan Update for Point Reyes National Seashore and the northern district of Golden Gate National Recreation Area,” briefing statement, October 2010, PORE Administrative Files.
- 75 Gavin M. Frost, Attorney-Advisor, DOI Office of the Solicitor, to Will Shafroth, Acting Assistant Secretary for Fish and Wildlife and Parks, DOI, “Public Report on Allegations of Scientific Misconduct at Point Reyes National Seashore, California,” memorandum, March 22, 2011, 1–2, 35–36, PORE Administrative Files.
- 76 MMC, “Mariculture and Harbor Seals in Drakes Estero, California,” i–iii.
- 77 Senator Dianne Feinstein to Secretary of the Interior Ken Salazar and NPS Deputy Director Peggy O’Dell, March 23, 2011, <https://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=E4444EE8-5056-8059-76C1-1DA50F5790CD>.
- 78 Feinstein to Salazar and O’Dell, March 23, 2011.
- 79 Feinstein to Salazar and O’Dell, March 23, 2011.
- 80 NPS, “Draft Environmental Impact Statement: Drakes Bay Oyster Company Special Use Permit,” September 2011, front matter, <https://parkplanning.nps.gov/document.cfm?documentID=43390>.
- 81 NPS, “Draft Environmental Impact Statement: Drakes Bay Oyster Company Special Use Permit.”
- 82 All of these comments are available online at NPS, PORE, “Drakes Bay Oyster Company Special Use Permit: Draft Environmental Impact Statement: Public Comments,” last updated February 28, 2015, https://www.nps.gov/pore/learn/management/planning_dboc_sup_deis_public_comments.htm.
- 83 Ellie Rilla (Community Development Advisor) and Lisa Bush (Agricultural Ombudsman) University of California Cooperative Extension, Marin County, to Point Reyes National Seashore Superintendent Cicely Muldoon, December 7, 2011, PORE Administrative Files.
- 84 Neubacher to Westberg, “Deliberative Process Information on Drakes Bay Oyster Company.”
- 85 Elena Idell, “A Battle Over Oysters: Drakes Bay Oyster Co. v. Jewell and Its Aftermath,” *Golden Gate University Environmental Law Journal* 10, no. 1 (May 2018): 33–54, esp. 50.

- 86 Richard White, “Back to the Wild in Point Reyes,” *Los Angeles Times*, November 27, 2012.
- 87 Goodyear, interview, 11–12.
- 88 Watt’s book is the best single publication analyzing NPS management history regarding ranching and the oyster farm, although the authors differ in their conclusions. Watt, *The Paradox of Preservation*. See also, Watt, “Losing Wildness for the Sake of Wilderness,” 100–12.
- 89 Richard White, *California Exposures: Envisioning Myth and History* (New York: W. W. Norton, 2020), 229.
- 90 Brouillette, interview, 17.
- 91 Goodyear, interview, 5.
- 92 Brouillette, interview, 17.
- 93 Becker, interview, 26.
- 94 Parsons, interview, 25.
- 95 Ketcham, interview, 8; Muldoon, interview.
- 96 Dell’Osso, interview.
- 97 Muldoon, interview.
- 98 Muldoon, interview.
- 99 NPS Director Mary Bomar to Senator Dianne Feinstein, April 4, 2008, PORE Administrative Files; David Evans, oral history interview by Paul Sadin, telephone, July 27, 2022, transcript, PRNSA.
- 100 Amy Trainer, oral history interview by Paul Sadin, Seattle, WA, June 9, 2022, transcript, PRNSA.
- 101 White, interview, 2023, 16.
- 102 Dell’Osso, interview, 27.
- 103 Dell’Osso, interview, 27.
- 104 PORE, NPS, “Briefing Statement FY 2010: Commercial Oyster Operations in Drakes Estero,” internal briefing, October 2010, PORE Administrative Files; Trainer, interview.
- 105 Trainer, interview, 10.
- 106 Amy Trainer, email communication with author, October 29, 2023.
- 107 Trainer, interview, 18.
- 108 Trainer, interview, 4–5, Trainer email, October 29, 2023.
- 109 Trainer, interview, 5.
- 110 White, interview, 2023, 17.
- 111 White, interview, 2023, 18.
- 112 Trainer, interview, 6.
- 113 Amy Trainer, email communication with author, October 5, 2023.
- 114 California Constitution, Article 1, Section 25.
- 115 Feinstein to Richard, May 22, 2012.
- 116 See California Fish & Game Commission meeting, video recording, May 23, 2012, https://cal-span.org/meeting/cfg_20120523/.
- 117 DOI, OIG, “Investigative Report of Drakes Bay Oyster Company Environmental Impact Statement,” February 7, 2013, 1; NAS, *Committee on Best Practices for Shellfish Mariculture and the Effects of Commercial Activities in Drakes Estero, Pt. Reyes National Seashore, California* (Washington, DC: National Academies Press, 2009).
- 118 Senator Dianne Feinstein to Secretary of the Interior Ken Salazar, March 29, 2012, quoted in “Zero Accountability: The Consequences of Politically Driven Science,” Oversight Hearing Before the Subcommittee on Oversight and Investigations of the Committee on Natural Resources, U.S. House of Representatives, 114th Cong., 1st Sess. (April 29, 2015), Serial No. 114-5.
- 119 NAS, *Committee on Best Practices for Shellfish Mariculture*, 86.
- 120 DOI, OIG, “Investigative Report of Drakes Bay Oyster Company Environmental Impact Statement,” February 7, 2013, 1, 42.

- 121 NPS, “Final Environmental Impact Statement: Drakes Bay Oyster Company Special Use Permit,” November 2012, front matter.
- 122 NPS, “Drakes Bay Oyster Company Special Use Permit Environmental Impact Statement,” accessed February 25, 2023, https://www.nps.gov/pore/learn/management/planning_dboc_sup.htm#CP_JUMP_721450.
- 123 Trainer email, October 29, 2023.
- 124 Goodyear, interview, 15; Dell’Osso, interview, 27.
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- 126 Ketcham, interview; Schifsky, interview; Muldoon, interview.
- 127 Goodyear, interview, 12.
- 128 Salazar, to Director, NPS, “Point Reyes National Seashore – Drakes Bay Oyster Company,” 1.
- 129 DOI, “Secretary Salazar Issues Decision on Point Reyes National Seashore Permit,” press release, November 29, 2012, <https://www.doi.gov/news/pressreleases/secretary-salazar-issues-decision-on-point-reyes-national-seashore-permit>.
- 130 Salazar, to Director, NPS, “Point Reyes National Seashore – Drakes Bay Oyster Company,” 5–6.
- 131 Salazar, to Director, NPS, “Point Reyes National Seashore – Drakes Bay Oyster Company,” 1–2.
- 132 Dianne Feinstein to Ken Salazar, December 4, 2012, PORE Administrative Files, 1.
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- 134 DOI, “Secretary Salazar Issues Decision on Point Reyes National Seashore Permit.”
- 135 Evans, interview.
- 136 Ketcham, interview, 24.
- 137 Goodyear, interview; “Drakes Bay Oyster Files Petition for Writ of Certiorari in U.S. Supreme Court,” *Business Wire*, April 14, 2014, <https://www.businesswire.com/news/home/20140414005455/en/Drakes-Bay-Oyster-Files-Petition-for-Writ-of-Certiorari-in-U.S.-Supreme-Court>; Bob Egelko, “Appeals Court Deals Blow to Drakes Bay Oyster Co.,” *SFGate*, September 3, 2013, <https://www.sfgate.com/bayarea/article/Appeals-court-deals-blow-to-Drakes-Bay-Oyster-Co-4783375.php>. If more context is needed, see the following: Richard Gonzales, “Fight Over Calif. Oyster Company Splits Chefs and Land Defenders,” *NPR*, June 12, 2014, <https://www.kcur.org/2014-06-12/fight-over-calif-oyster-company-splits-chefs-and-land-defenders>; Emma Boczek, “Drakes Bay Supreme Court bid falls flat,” *SFBay.ca*, July 3, 2014, <https://sfbayca.com/2014/07/03/drakes-bay-supreme-court-bid-falls-flat>.
- 138 *Drakes Bay Oyster Co., et al. v. S. M. R. Jewell, Secretary of the Interior*, No. 12-cv-06134 YGR/DMR (U.S. District Court, Northern District of California, Oakland Division, October 8, 2014), Stipulated Request for Approval of Settlement Agreement and Entry of Consent Decree: Findings of Fact and Conclusions of Law Thereon. Final Judgment, Order and Decree; Goodyear, interview.
- 139 NPS, “National Park Service Announces Settlement Agreement with Drakes Bay Oyster Company,” press release, October 6, 2014, PORE Administrative Files.
- 140 *Drakes Bay v. Jewell*, No. 12-cv-06134 YGR/DMR, Final Judgment, Order and Decree, 4–5.
- 141 *Drakes Bay v. Jewell*, No. 12-cv-06134 YGR/DMR, Final Judgment, Order and Decree, 5.
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- 143 *Tomales Bay Oyster Company, et al. v. U.S. Department of the Interior, et al.*, Preliminary Injunction Appeal, Case No. 14-3246-YGR, Document 67, September 22, 2014.
- 144 Consent Decree, *United States of America v. Tomales Bay Oyster Company, LLC* (Case No. 3:17-cv-255), January 19, 2017; NPS, “Proposed Settlement Agreement with Tomales Bay Oyster Company,” press release, January 19, 2017, PORE Administrative Files; Goodyear, interview.
- 145 “Zero Accountability: The Consequences of Politically Driven Science.”
- 146 “Zero Accountability: The Consequences of Politically Driven Science.”
- 147 *Drakes Bay v. Jewell*, No. 12-cv-06134 YGR/DMR, Final Judgment, Order and Decree.
- 148 Schifsky, interview.
- 149 Goodyear, interview; Dell’Osso, interview, 27; Schifsky, interview.

- 150 Trainer, interview, 24.
- 151 Becker, interview, 18; Summer Brennan, *The Oyster War: The True Story of a Small Farm, Big Politics, and the Future of Wilderness in America* (Berkeley: Counter Point, 2015), 281–82.
- 152 Brouillette, interview, 5.
- 153 NPS, PORE, “Drakes Estero Restoration Project: Removal of Oyster Racks and Aquacultural Debris from Subtidal Lands of Drakes Estero,” project description, April 2015, PORE Administrative Files
- 154 Becker, interview, 18. Background documents critical to the planning documents are available through the NPS website, “Drakes Estero Restoration Background Information,” last updated November 20, 2022, <https://www.nps.gov/pore/getinvolved/planning-drakes-estero-restoration-project-background.htm>; see correspondence between Cicely Muldoon and Greg Sarris, Tribal Chair, August 10, 2011.
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CHAPTER 4:

Land-Use Conflicts in the Pastoral Zone

Conflicts between different user groups over the proper use of national park lands—as with recent debates over ranching, wilderness, and recreation at Point Reyes—can produce some of the most heated and difficult conundrums for NPS officials and staff. Yet land-use conflicts are among the oldest and most central element of managing national parks. During the past twenty years, PRNS managers and staff, other NPS officials, West Marin businesses and residents, environmental groups, national park supporters, and California legislators have spent an inordinate amount of time and effort trying to resolve such conflicts. Although the Drakes Bay Oyster Farm controversy described in the previous chapter may have been the most heated, the most complex and longstanding conflict has been the management of Point Reyes ranch properties and the cattle or dairy operations on them.

Introduction

Thousands of years of human land use shaped the landscape and biota of the Point Reyes Peninsula. Less abrupt than the fractured moments when San Andreas Fault ripped the land askew, human communities also altered the land now within PRNS, beginning with the Coast Miwok's intentional use of fire to foster growth of certain species of plants and to create forest openings favorable to deer and elk herds. By the early 1800s, cattle grazing by Spanish and Mexican landowners began to make a significant ecological and cultural imprint on the land. When this part of California became part of United States, landowners of European descent from Switzerland, Portugal, and other foreign nations further reconfigured the landscape in ways that served their cattle raising and dairying operations.

The ranchers' tenure on the land and impact on the landscape predates the establishment of the national seashore, and the seashore's founding legislation allowed the ranchers to continue their operations for an undefined period. Many of the ranch owners living and working on the peninsula when Congress established PRNS were the second, third, or fourth generations in their family to run cattle or dairies on their parcels, which in 1960 covered approximately 42,000 acres of Point Reyes land.¹ Most of the ranches are now included in one of two large historic districts, the Point Reyes Peninsula Dairy Ranches Historic District and Olema Valley Dairy Ranches Historic District, which are listed in the NRHP. Seashore staff work in conjunction with ranch operators and NPS cultural resources specialists to preserve and interpret this agricultural landscape. One can see patterns of historical ranching not only in historic structures (houses and barns) but also in cultural landscapes (spatial layout of buildings, roads, windbreaks, and pasture on Point Reyes alphabet ranches).

Historical grazing practices have also shaped the patterns and types of vegetation, in both native and exotic species. For instance, a 2012 study concluded that "historic and current ranching practices have the largest influence on rangeland composition" and distribution of plant species on Point Reyes rangeland.² Grazing and other ranching operations (road building, fill materials, vehicle use, etc.) also were significant factors in the introduction and spread of exotic plants.³

When Congress established the national seashore, it authorized RUOs for Point Reyes resident ranchers, which gave them and their descendants, generally for a period of twenty-five years, the right to continue living and working on their former properties, as long as they continued their traditional agricultural operations. By the early 1990s, the terms of the RUOs began to expire, leaving park administration to determine how to proceed. When these RUOs began to expire in the late 1990s, most of the peninsula's ranchers wished to continue operating. A 1978 amendment to the park's founding act (discussed below) provided the Park Service with the legal authority to issue agricultural leases that allowed the ranching operations to continue. The leasing authorities were also included in the GGNRA enabling legislation. By 2021, more than twenty families held interim leases,

Conflicts between different user groups over the proper use of national park lands—as with recent debates over ranching, wilderness, and recreation at Point Reyes—can produce some of the most heated and difficult conundrums for NPS officials and staff. Yet land-use conflicts are among the oldest and most central element of managing national parks.

SUPs, RUOs, or Letters of Authorization to operate beef and dairy cattle operations within PRNS boundaries.

Since 2001, NPS management of ranch properties on the Point Reyes Peninsula and the northern section of GGNRA went through three (or four, depending on how one counts) different phases of administration. Park personnel and ranchers alike faced new challenges, as well as carry-over from previous problems, as they shifted policies and practices to accommodate. In order to get a better grasp on the changes, the discussion of PRNS ranch management in this chapter is divided into time periods encompassing 2001–2012, 2013–2016, and 2017–2022. Broadly speaking, the first period covers the changing status of ranch properties as the prior RUOs expired and seashore staff worked with ranchers to set the terms and conditions of new leases or SUPs. The second time frame, 2013–2016, encompasses the efforts of the NPS, ranchers, and other parties to develop, for the first time, a Ranch Comprehensive Management Plan (RCMP) that would establish a more secure footing for ranch operators with the creation of twenty-year lease agreements. The third period, covering roughly 2017–2022 (and beyond), began with the filing of a 2017 federal environmental lawsuit to stop the RCMP process and initiate development of a new General Management Plan (GMP) instead. The resulting settlement agreement and court order altered the prior agreement and instead directed the NPS to work with ranchers and other organizations to fashion a new GMP Amendment that would set out new ranch management policies.

From 2001–2012, the legal status of many ranch properties changed as the original RUOs expired. Seashore staff and ranchers alike oversaw a transition to SUPs and agricultural lease agreements. It became a time of great uncertainty for ranchers who, having carried on family operations that dated—for some of them—to the 1800s or early 1900s, were unsure how much longer they could operate at Point Reyes.

From 2001–2012, the legal status of many ranch properties changed as the original RUOs expired. Seashore staff and ranchers alike oversaw a transition to SUPs and agricultural lease agreements. It became a time of great uncertainty for ranchers who, having carried on family operations that dated—for some of them—to the 1800s or early 1900s, were unsure how much longer they could operate at Point Reyes. The public outcry, legal battles, and media frenzy described in the previous chapter regarding closure of the Drakes Bay Oyster Farm heightened ranchers' fears that they too might have to relinquish their family lands and livelihoods. But there were important differences: DBOC was operating in an area previously designated as potential wilderness. The oyster farm lease covered marine operations rather than ranchers' land-based activities and pertained to a property that did have recognized standing in PRNS legislation. Nevertheless the antagonistic defense of DBOC by oyster farm supporters worked to increase ranchers' sense of vulnerability. In fact, this appeared to be one of the strategies that oyster farm backers employed to gain greater support in the local community and national media. Point Reyes rancher David Evans was a supporter of the oyster farm but acknowledged that as the oyster farm backers became more desperate, they "needed to pull everything out. And one of the things they pulled out was . . . 'this is going to happen to ranching next.'"⁴ Despite the statement of NPS staff (at the time and reiterated in recent interviews) that the oyster farm decision was not connected to the status of ranches, statements and articles played on fears fueled by a

twenty-first century domino effect in which allowing the oyster farm to close would allow the neighboring line of dominos (the ranch properties) to topple as well.

Secretary Salazar's November 2012 order that made final the decision to close the oyster farm simultaneously removed (or appeared to remove) much of that uncertainty by directing PRNS to create twenty-year lease agreements with the existing ranch operators. With that new framework in mind, NPS staff worked with engaged parties during the span from 2013–2017 to develop a RCMP that would provide the structure and template for the ranch leases. In the meantime, the NPS created Letters of Authorization that allowed them to continue extant cattle and dairy businesses.

Unfortunately, before the NPS staff involved in developing the RCMP could complete the work, the Resource Renewal Institute, et al., lawsuit against the Park Service interrupted the process. When the U.S. District Court released the settlement agreement and order for that case in 2017, it stipulated that the NPS and ranch operators forego the RCMP process in lieu of the more encompassing administrative task of preparing an amendment (regarding ranching) to the existing PRNS GMP (1980) to be accompanied by an EIS that evaluated the impacts of a wide range of possible alternatives the NPS might pursue for the pastoral zone. The District Court order did not undo Secretary Salazar's own secretarial order to create twenty-year agricultural leases. But it once again—quite in keeping with the geological legacy of the Point Reyes Peninsula—shifted the ground beneath the feet of ranch operators and local communities, as one of the required alternatives to be evaluated in the EIS was the elimination of ranching altogether.

Debates and disagreements about the characteristics and duration of ranching operations at PRNS and GGNRA became more heated as the NPS worked on the RCMP in 2013–2016, and even more so with the GMP Amendment (GMPA) planning that ended in 2021. But the conflict regarding ranching (and types of ranching operations) at PRNS were present, but not as heated, in the decades prior. In the aftermath of the oyster farm controversy, the perceived threat that ranching could disappear altogether fueled fear and strident reactions, notwithstanding the fact that NPS officials never suggested such an outcome during the recent RCMP proceedings nor in their public statements during the EIS process.

For PRNS staff during this period of GMPA development from 2018–2022, many of the same individuals who bore scars from the public acrimony and personal threats during the Drakes Oyster Farm controversy found themselves plunged into another round of discernment and decision making buffeted by harsh criticism and media attention as they struggled to create a well-thought-out, pragmatic, and legally sound plan for the future of ranching. David Brouillette, who arrived at Point Reyes as the new facility manager in 2010 after thirty years at other NPS sites, recalled: “It was weird, I’d never worked in a park that had been so politically divisive before. On this issue [ranching], you know, there’s always political issues coming up. But this was sort of the constant thing that hung over the park all the time. And . . . it was very real in the community.”⁵

Origins and Evolution of Pastoral Zone Concept

When Congress worked out the terms of the legislation that authorized the creation of a national seashore at Point Reyes in 1962, they inserted a clause that would allow the existing ranch owners to continue their operations while still incorporating these lands—called the pastoral zone—within the boundaries of the new NPS unit. The specific language in

the founding act, Public Law 87-657, stated that the government could not acquire land in the pastoral zone without the consent of the owner, “so long as it remains in its natural state, or is used exclusively for ranching and dairying purposes.”⁶ Ever since then, ranchers, PRNS administrators, Marin County communities, and a number of other parties have questioned and debated why Congress incorporated the pastoral zone clause and how long it was intended to last. The government subsequently purchased land in the pastoral zone from ranch owners; in return, the NPS granted RUOs, or in some cases life estates, to landholders who wanted to continue their dairy or cattle grazing businesses.

Chapter 1 of this history describes how the creation of PRNS was part of the Park Service’s and Kennedy administration’s overall agenda to preserve America’s undeveloped seashores and lakesides as part of the campaign to provide more recreational lands for American vacationers. The concept of a pastoral zone at PRNS was in keeping with land-acquisition strategy the NPS had already introduced at other new park sites. Although this history pertains to events and decisions since 2001, it is difficult to understand the issues and conflict regarding Point Reyes ranches without a brief look back at how they became part of the national seashore.

In 1958, Congress created the template for the pastoral zone strategy in establishing Everglades National Park. Legislators and NPS officials prepared a bill that would define the official boundaries of Everglades National Park and dictate the means for completing land acquisition for the 1,390,000-acre parcel in South Florida. Congress included in the Everglades Bill (H.R. 6641) an amendment that gave landowners—who held roughly 22,000 acres of agricultural land in the future park—the right to continue operating and to remain free from federal condemnation for the owner’s lifetime or until they were ready to sell to the government. The amendment, which became part of the Everglades act as signed into law, provided a mechanism for protecting from further development land that the federal government could not yet purchase while also protecting the property rights of the landowners of the agricultural parcels. NPS officials dubbed this segment of Everglades pasture acreage the “hole-in-the-doughnut.” In the House Committee on Interior and Insular Affairs report on H.R. 6641, legislators clarified that this amendment would forbid “the condemnation of lands within a described area (the so-called hole in the doughnut) as long as they are used exclusively for agricultural purposes or remain in their natural state.”⁷

The report of the House committee, chaired by Representative Clair Engle of California (who later co-sponsored the PRNS founding legislation), as well as congressional floor debate, made clear that the arrangement was one of expediency: it would prevent unwanted development until such time that the government had adequate funds to purchase the 22,000 acres outright.⁸ Representative Howard Smith of California commented that the Everglades ranches then in existence could continue operating unless the use of those lands “changed so as to upset the pastoral scenic effect of this particular area,” at which point the government could act to condemn those parcels.⁹ The subsequent act was signed into law July 2, 1958, as Public Law 85-482.¹⁰

Three years later, when the projected cost of land acquisition to create PRNS became a critical impediment to passage of the bill, NPS officials adopted the same mechanism for Point Reyes as they had in the Everglades. In July 1961, Representative Engle warned John Carver, Jr., a DOI undersecretary, that they faced the dilemma: because of spiraling costs, they needed to either reduce the cost of the Point Reyes proposal or reduce the amount of proposed acreage.¹¹ A week later, NPS Director Conrad Wirth informed Secretary of the Interior Stewart Udall of the problem. Wirth advised Udall that they should employ the

same strategy as they had for the 1958 Everglades National Park Bill. Wirth explained in a July 28, 1961, memo that the bill's sponsors should offer an amendment that would include the dairy and cattle ranches within the exterior boundaries of the seashore but allow the ranchers to retain title to their lands for a designated length of time. Wirth called it the "hole-in-the-doughnut" approach, just as they had at the Everglades.¹² During final debate on the Point Reyes bill in summer 1962, Representative James T. Rutherford of Texas noted that the pastoral zone strategy was not a new idea. He explained, "We have had the same or a similar concept called the hole-in-the-doughnut concept in the Everglades which has proved to be very successful."¹³

Wirth argued that applying the hole-in-the-doughnut strategy to Point Reyes would help the proposed national seashore reach the recommended size of 53,000 acres, while reducing the initial acquisition cost of the ranch properties by as much as \$5.5 million.¹⁴ Representative (and Marin County resident) Clem Miller of California, co-sponsor (with Engle) of the Point Reyes bill, described three primary objectives they had in mind with Wirth's suggested pastoral zone.¹⁵ First, the proposed amendment would respond to (and hopefully mollify) the objections of Point Reyes ranchers regarding the loss of their property and livelihoods; second, the plan would lessen the tax burden on the County by avoiding the sudden loss of county tax revenue; and third, it would reduce the price tag—at least the initial cost—Congress would have to accept to pass the PRNS bill while still maintaining the desired size. He did not mention the preservation of a working agricultural landscape or permanent protection of ranch operations as goals of this compromise.

Two months later, the Senate Committee of Interior and Insular Affairs submitted their report on the PRNS bill that included an amendment to Section 4, which adopted the hole-in-the-doughnut strategy. The amendment increased the amount of land in the designated pastoral zone to not less than 26,000 acres, in which the "existing open space and pastoral scene shall be preserved."¹⁶ The government could not acquire the land within that zone without an owner's consent, unless they failed to keep the land in its natural state or shifted their commercial operations to something other than ranching or dairying.¹⁷

Final debate on the establishment of PRNS began after House Committee on Interior and Insular Affairs delivered their report (H. Rept. 1628) on the bill to Congress on April 19, 1962.¹⁸ The committee report described the rationale for the amendment to Section 4 that designated the pastoral zone as follows:

Section 4 has the dual purpose of protecting the owners of ranches within the described area against involuntary alienation of their land and of protecting the Government's investment in the remainder of the national seashore if adverse uses in the protected area threaten to develop. In addition, it is built on a recognition of the value to the Government and the public of continuation of ranching activities, as presently practiced, in preserving the beauty of the area.¹⁹

The language in these statements point to an intent to protect land-ownership rights, prevent new commercial development, and preserve the overall aesthetic beauty of the peninsula rather than a commitment to preserving an agricultural tradition.²⁰ Increased emphasis on the latter would not emerge until 1978, when Congress passed amendments with revised language to the PRNS Act (see below).

It can be easy to "cherry pick" any single legislator's comments on the floor of the House or Senate as evidence for interpretation of the original legislative intent. Congress,

of course, can never be of one mind when they make such decisions. The most important guides to understanding the legislative context of a founding act are the original bills of the authors, the committee reports, and the comments of the committee leadership and primary supporters of the bill in final floor debates prior to passage.²¹ House and Senate committees “have a great deal of control what legislation reaches the floor,” as well as offering major amendments and specific language that shape the final version. Committee reports contain “the background of the bill, the bill’s exact language, and an analysis of the bill.”²² And if little other information is available, “the committee report may be the best evidence of meaning of the whole.”²³ Committee members are invariably the ones with the most knowledge about the content and evolution of a bill moving through the legislative process. For the final committee report on the PRNS bill, Representative Wayne Aspinall of Colorado was the House committee chair and Representative James T. Rutherford of Texas was the committee’s ranking minority member.

In submitting the committee report to the House chamber, Aspinall summarized the key additions regarding creation of the pastoral zone in the committee’s version of the bill. He explained that the amendment in Section 4 “illustrates the desire for the Interior Committee to protect individual property rights” while also restricting ranch owners to “hold his land so long as he uses it for present purposes.”²⁴ Rutherford reported that the committee, in revising the bill, tried to be “fair and reasonable” in responding to ranchers requests regarding their property, so long as they did not violate “the basic purpose and objective of maintaining this as a national seashore area.” He explained that this compromise solution was not unique to Point Reyes: “we have had the same or similar concept called the hole-in-the-donut concept in the Everglades.”²⁵ Rutherford added that the right of use and occupancy was a means to allow property owners to continue their ranch operations, a clause he deemed “similar to, but more generous than the comparable provision in the Cape Cod legislation.”²⁶

During floor debate, senators and representatives addressed their comments on the land-acquisition strategy in Section 4 of the bill. Some legislators couched the pastoral zone amendment in very pragmatic terms. Senator Thomas Kuchel of California described the pastoral zone strategy “an equitable solution in preserving the local economy,” which greatly reduced the acquisition costs of the seashore proposal.²⁷ For him, the strategy’s benefit lay in the smaller price tag and reduced disruption of the local economy. Representative H. Allen Smith of California commented during final debate on the bill that it would give ranchers control of their land, as long as they did not alter their operations so as to “upset the pastoral scenic effect of this particular area.”²⁸ Thus, if ranchers made changes in their land use that promoted their dairy or ranch business but detracted from the area’s scenic effect, the NPS could challenge those changes and thus open the door to government condemnation of the property. Representative Edwin Durno of Oregon indicated that the protection afforded ranch properties in the Point Reyes pastoral zone was structured like the protections Congress provided to private landowners in the Cape Cod National Seashore act. The Cape Cod properties, however, were primarily residential holdings, not agricultural land. In fact, Durno had voted against the Cape Cod bill because it did not, in his opinion, do enough to protect private property rights. He deemed the proposed Point Reyes bill’s protection of private landowners, whether they were ranchers or not, more acceptable.²⁹ Representative Clem Miller, one of the sponsors of the original bill and a long-time Marin County resident, stated that “we have tried in every way possible to accommodate the ranchers so that when they are ready to sell the Government will buy,”

and hoped that the ranchers would “be paid promptly when they are ready to sell.”³⁰

Representative Rutherford likewise regarded the language of the pastoral zone amendment as a protection of property rights, as well as a useful protective measure for the landscape within the authorized seashore. But he reasoned that for as long as they maintained the parcels as ranches, they would “contribute to the beauty of the area.” Rutherford favored supporting continued agricultural use of peninsula ranch lands because they enhanced the aesthetic or scenic value of the place and protected, at least for a time, the property rights of ranch owners.

Senator Alan H. Bible of Nevada, chair of the Senate Subcommittee on Public Lands (a subdivision of the Senate Interior Committee), was one of the few senators among the bill’s supporters to argue for the establishment of a pastoral zone to benefit the ranchers and the legacy of ranching at Point Reyes, in addition to the cost savings. Bible was a powerful member of the Senate and another conservation-minded Westerner. He indicated that the Section 4 amendment provided “a reduction of land acquisition costs as well as the fostering of long-established ranching and dairying activities which, in the committee’s judgment, will not interfere with the public enjoyment and use” of Point Reyes’s recreational resources.³¹ Bible and Rutherford were among the few to speak out for protection of the ranching itself as an objective. Even so, Bible prefaced his advocacy for the pastoral zone by noting that it should be maintained only where it would not interfere with the public recreational opportunities.

Bible’s standing in Congress and his specific take on the original intent influenced PRNS administration of ranch properties in the 1970s and 1980s. During John Sansing’s superintendency of PRNS from 1970 to 1995, Bible was a key ally and supporter. Bible had helped Sansing get his first job with the NPS, and the two got to know each other well during Sansing’s stint at Lake Mead National Recreation Area. They remained connected after Sansing arrived at Point Reyes. As Sansing described in a 2004 oral history interview, Bible “took me off the hook a couple times.”³² In one of those instances, Sansing heard that NPS Director George B. Hartzog planned to move Sansing to another park. Before that could happen, “Bible called him [Hartzog] up and said, ‘You’re not going to move Sansing.’ I don’t know what he told him, but it worked.”³³ Sansing reported that Bible had at one time “explained” the original intent of the founding legislation regarding ranching. This prompted Sansing and his senior staff to favor a continuation of traditional dairying and grazing on the peninsula. This goes far in explaining why, in his 1990 “Statement for Management,” Sansing suggested that given economic value, public support, and legislative backing of ranching activities, they were likely to “continue indefinitely” within the national seashore.³⁴ This likely was Bible’s perspective on the intent of the Point Reyes National Seashore act regarding ranching. But Bible was not an author of the legislation, nor was he a member of committee that composed the amendment allowing ranching properties to continue.

In addition to the congressional committee reports and final floor debates,

“Ranching operations have a long and important history on the Point Reyes peninsula and will be continued at Point Reyes National Seashore. I have directed that the Superintendent work with the operators of these ranches to ensure that sustainable agriculture production continues and plays an important role in the local economy.”

—Ken Salazar, *Secretary of the Interior* (2012)

descriptions of the seashore’s proposed purpose are found in NPS planning documents, congressional hearings, and in informal statements that legislators or NPS officials made to their constituents. For example, current Point Reyes rancher Jolynn McClelland recalls her parents telling her about “promises that were orally made to the ranches that maybe weren’t in writing” regarding a permanent right to continue operating on their property.³⁵ While an individual legislator might feel beholden to such a promise, they are not considered part of the legislative intent. A senator or representative might say “we’re going to do this” based on the language of the first version of a bill, but Congress may have subsequently removed that language or the entire section that dealt with it before they passed the final document. It can be tempting for journalists, scientists, historians, and NPS officials to “cherry pick” a senator’s or representative’s statements without discerning whether the statement is representative of a committee final report or the final language of the bill.

Likewise, readers may criticize this volume’s description of the legislative history pertaining to ranching as biased. All historical analysis includes some bias; the authors have arrived at their conclusions regarding the original intent regarding ranching based on careful reading of the congressional hearings, committee reports, and the comments of every legislator speaking during the final floor debates on the PRNS bill in the Senate and House.

Agricultural Leasing Introduced in 1978 Amendment

Important changes in NPS policy regarding ranching arrived when Congress amended elements of the PRNS founding legislation with passage of the National Parks and Recreation Act of 1978.³⁶ Most significantly, the amended language provided greater assurance to ranchers that they would be able to continue operating after their RUOs expired. The key amendment was in Section 5(a) of the PRNS act, which gave the Secretary of Interior discretionary authority to “lease federally owned land (or any interest therein) which has been acquired by the Secretary . . . and which was agricultural land prior to its acquisition.”³⁷ The amendment also added new language to Section 5(b) of the founding legislation, defining agricultural property to mean “lands which were in regular use for, or were being converted to agricultural, ranching or dairying purposed as of May 1, 1978.”³⁸ Congress thus broadened the scope of possible ranch operations with the addition of the somewhat nebulous phrase “agricultural purposes” to ranching and dairying, but only for those operations extant in May 1978, not to agricultural operations in earlier historical periods. Note that the amendment still did not include references to preserving agricultural heritage or working landscapes.

The House committee report (H. Rept. 95-1165) on the 1978 National Parks bill explained that the amendment to the PRNS founding legislation—which added two thousand acres of ranch land at the south end of the peninsula—aimed to provide the following:

a range of management tools to protect the pastoral character of the additions. Right of use and occupancy which are retained for agricultural properties should permit reasonable further development consistent with expanding and maintaining the agricultural use of the land. The use of agricultural leaseback is encouraged to maintain this compatible activity, and the Secretary is encouraged to utilize this authority to the fullest extent in ensuring the perpetuation of this use.³⁹

Even though the term “perpetuation of this use” was not included in the language of the bill, the authors of the committee report stated it was one of the motivating factors behind the amendments that became law. It indicates an explicit commitment to ranching as a long-term element of PRNS management, which was not included in the legislative language of the original 1962 PRNS act or the 1970 amendments, which as noted did not attempt to encourage or assure ranching beyond the expiration of the RUOs. Development of the 1980 GMP began roughly the same time that President Jimmy Carter signed the 1978 National Parks and Recreation Act into law, and the GMP appeared to reflect this revised framework for thinking about and managing the ranch properties over the long term.

Why go back to look at this slice of PRNS legislative history? Because various commentators—media, ranchers, environmentalists, legislators—continued to cleave to the “original intent” of Congress when making their arguments for or against ranching or some aspect of it. While anyone with rough familiarity with the PRNS establishment can certainly make their own interpretation of the congressional intent of the founding act, there is generally little attempt to contextualize or cite the critical documents—the original bill, committee reports, and statements of the PRNS bill’s primary supporters during floor debate. When, from 2013–2022, the NPS started work on a new ranching plan, ran into a lawsuit to halt it, and then launched development of a GMPA on ranch management, assertions about the original intent of allowing ranching and the pastoral zone again became a common subject of the debate.

Administering PRNS and GGNRA Ranches, 2001–2012

When Congress inserted the 1970 amendments to the PRNS founding legislation, it provided the NPS with adequate funds to purchase the land from the ranching families. In return, the ranchers were able to retain a right (the RUO) to continue operating there for a set number of years, so long as they did not change the nature of their operations in a way that disrupted the intended character and purpose of the national seashore.⁴⁰ Between 1999 and 2001, nineteen more RUOs expired, requiring the park to engage in another round of appraisals and rental agreements. It also represented the completion of another transition: the peninsula ranchers were now lessees with five-year rental agreements rather than holders of the long-term RUOs.⁴¹

Altogether, ranchlands covered 20,295 acres of the seashore’s federal acreage in 2001, although only two-thirds of that total were categorized as grazable.⁴² At that point, only six ranches remained dedicated solely to dairying, and one other ran a combination of beef and dairy cattle. The other twelve ranches, including the largest of them, the Home Ranch, raised beef cattle. An additional 11,708 acres of ranchlands (6,847 acres grazable) covered adjacent GGNRA land. No two ranches were exactly alike, as they differed in the types of cattle operations, the particular range environment of each parcel, and the work practices of each ranch family. More than twenty different ranch families operated ranch properties; some families operated more than one ranch, while other ranches were divided among more than one permittee.⁴³

In 2001, six ranches still operated under RUOs that were due to expire between then and 2017. Another group of ranchers ran their beef or dairy ranches under NPS SUPs of five-year duration that the park issued between 1996 and 1998.⁴⁴ When each rancher’s RUO expired, seashore officials rolled the ranch over into an SUP or an agricultural lease that allowed ranching operations to continue uninterrupted. The initial ranching lease

agreements covered five years, but both the park and the rancher entered into the agreement with the understanding that the leases could be renewed into the indefinite future, as long as that ranch remained a viable agricultural operation. This was not true with SUPs, which were intended to cover a discrete period without renewal. But in other aspects, such as the terms and conditions the rancher must follow, there may be little difference between leases and SUPs.

Thus PRNS managers were occupied with the changes to the legal status of these ranch properties as they transitioned from RUOs to SUPs and lease agreements. At the same time, ranchers were adjusting to new economic realities in how they could manage (financially and emotionally) to continue their grazing and dairying operations, and to remain on land that was part of their family heritage. PRNS supported the dairy operators in making the transition to organic milk production to help market their products and facilitate more sustainable practices. Eventually all the dairy ranches became certified organic or were in transition to organic practices. Rancher Jolynn McClelland, who ran dairy cattle on the L Ranch stated, “If it wasn’t for the organic milk market, there would have been no more dairies out here.”⁴⁵

Whether a rancher transitioned to a lease or SUP, both carried more restrictions than ranchers experienced under their former RUOs. This produced more work (and frustrations) for ranch operators, PRNS ranch specialists, and seashore administrators alike. Executing the SUPs and leases and setting the stipulations for each property was time-consuming and often difficult to negotiate. When the original five-year leases came up for renewal in the early 2000s, PRNS managers and range specialists held meetings with ranchers to discuss any pertinent natural resource issues or operational problems to determine whether they should adjust the terms of the permits. Beginning in 1999, the NPS made it obligatory to undertake some level of NEPA compliance for the issuance of SUPs and leases, which could be in the form of an internal project review or completion of an environmental assessment (EA).

Ranchers paid the NPS rental rates based on fair market values determined by independent appraisers in the early 1990s, when the first RUOs began to expire. Building rental fees (for houses, barns, etc.) were reduced by as much as 75 percent if ranchers assumed certain maintenance costs and other considerations. Property appraisals of each ranch property were used to determine the rental rates and permit fees for the new leases.⁴⁶ The independent consultants set the rental rates based on the “prevailing prices in competitive markets for goods, resource, or service that are the same or similar to those provided by the government,” as authorized in 36 CFR 18.5.⁴⁷ The park also established new grazing permit fees, charged at a per Animal Unit Month (AUM) rate, calculated from fair-market-value assessments of comparable parcels outside PRNS boundaries and the Bureau of Land Management (BLM) average rate for public rangeland in California. The grazing fees at the time (\$7.00/AUM), were lower than comparable ranch lands in the North Bay area, in part because the permits had to account for the presence of visitors and wildlife that private landowners could exclude from their properties.⁴⁸

The changeover from RUOs to agricultural lease agreements and SUPs posed new difficulties for ranchers and park managers alike. For PRNS ranch operators whose RUOs were about to expire or had expired, their biggest difficulty was the uncertainty regarding the long-term future of their livelihoods and family legacies on their farms. When the future of their tenancy becomes uncertain for any landowner or business operator, whether they run a farm or a factory, they are likely to become more hesitant to make long-term

investments to improve or maintain their facilities and infrastructure.

At Point Reyes, this was especially true for rancher investments in facility improvements, modernization, and basic infrastructure, all of which require a large initial capital outlay and the overall profit from which generally will not be realized for five years, ten years, or even longer. Even shorter-term infrastructure projects—such as repairing fences, reroofing barns, and upkeep of farm roads—were still capital intensive. Rancher Jolynn McClelland grew up on the historic B Ranch as a member of the Mendoza family, on property her great-grandparents had purchased in 1919. In a 2022 oral history interview for this project, she explained: “It’s really hard to operate with that uncertainty . . . if you want to do anything of a significant capital improvement, your bank just laughs at you.”⁴⁹ Anne Kehoe of the Kehoe Dairy Ranch likewise noted in a 2014 letter that twenty-year leases would provide a “positive start to greater stability for the type of business that we are in” and would help “show a bank that we are committed to our operation and would make it easier to obtain loans or long term investment loans if we so needed them.”⁵⁰ Rancher David Evans similarly said, “if you do not have a lease that gives you security, how can you without a large leap of faith expect and plan to get an investment? And if you need to borrow money, which most do, you know, you can’t borrow money based on faith.”⁵¹

Ranchers also surrendered an additional degree of autonomy in how they ran their operations, as the SUPs or leases contained more stringent stipulations than they had to consider under their RUO agreements. Although Point Reyes and GGNRA ranchers have the benefit of operating in the lush grasslands of the national seashore, they also endured restrictions and administrative burdens they would not otherwise have if they operated outside NPS boundaries. For example, Mark Homrighausen, PRNS Rangeland Management Specialist in the early 2000s, described “lots of limitations as far as almost anything they do that involves changes on the landscape, soil disturbance, any kind of construction or major alterations.” In addition, park staff must review any plans to alter historic farm buildings or for any new construction. “They’re virtually banned from using any herbicides for things like weed control. They are not free to change the number of cattle they have, to increase. If it’s a very good year for grass, they can’t put out more cattle as a normal rancher would.”⁵²

Indeed, determinations of AUMs required administrative tasks that would be foreign to most NPS staff. AUM rates have two important applications for ranchers: (1) carrying capacity of a piece of ranch land, and (2) the fees ranchers pay to the landowner. The AUM stocking rate covers how many cattle an operator can graze on a piece of land in a given period of time without malnourishing the animals or damaging the range resource. The rate is variable depending on the prior condition of the rangeland, typical climatic conditions, and the amount of surface water available. For example, in the arid areas of the American West, limited vegetation and scarce water typically result in a lower stocking rate. Conversely, the AUM stocking rate is higher in places such as Point Reyes, where more grass and reliable water sources are available.

The AUM rate also applied to the fees that Point Reyes rancher pays to the NPS as the landowner. In contrast to the stocking rate, the fee was based not only on the physical condition of the range environment, but it also considered the overall land-use objectives and the going rate for comparable parcels in the region. To determine the rates for PRNS and GGNRA, range staff examined data from nearby landowners, including information available from the East Bay Regional parks and the University of California Extension Program for Sonoma and Marin Counties. The rate each rancher paid also reflected

whether they conducted their own basic maintenance, such as fence or building repairs. In general, rates were also higher in areas where other types of land uses (e.g., vineyards, specialty RUOs), increased appraised land values. As noted in a 2001 NPS survey of AUM rates, “the greater rainfall experienced in the coastal areas contributes to greater carrying capacity and this greater value over the drier inland land.”⁵³

The Natural Resources Conservation Service (NRCS) (successor to the longstanding U.S. Soil Survey) conducted soil surveys of Point Reyes rangeland in which they rated the different soil types and their levels of productivity. That data provided an estimation of how many pounds per acre of grass and other forage a parcel of rangeland can produce in poor, normal, and optimal years. Given an average year, the NRCS and PRNS range staff calculated the pounds per acre of forage that a parcel can produce. Using this formula, the NPS established a standard requiring ranches to have 1,200 pounds per acre of grass left on the ground at the end of each grazing season.⁵⁴ Range staff conducted this measurement of what is called residual dry matter (RDM) for every ranch in every year. An evaluation of ten years of PRNS range data showed that “in an average year we’re always exceeding our 1,200 pounds per acre on virtually all sites.”⁵⁵

Although ranchers might prefer differently, that the NPS does not adjust the AUM fee rates every year makes sense because, as Homrighausen explained, “then every time it’s a good grass year I’d have to talk to twenty different ranchers, all of whom wanted to increase the number. And then the very next year I’d have to come back around to them and say, ‘Sorry, you’re going to have to sell those cows off because this is a bad year.’”⁵⁶ In the early and mid-2000s, the variable seasons of rainfall and vegetation growth appeared to even out: if there was a bad year for precipitation and grass, ranchers did not have to cut the size of their herds because seashore staff could assume the following year would probably be a better one. In addition, PRNS did not reduce the allowable number of AUMs because in a single poor forage year, the overall soil conditions “will not suffer because the stocking [rate] is pretty modest.”⁵⁷ In the 1990s and early 2000s, the AUM stocking rates at PRNS and GGNRA worked well and did not result in overuse of the range. The primary variable remained rainfall, “which is always the case in a place like California especially, where rainfall is so variable and seasonal.”⁵⁸ Whether these assumptions hold true—about the “evening out” of good and bad grass years to the extent that the range resource is protected—during the long stretch of drought years in the late 2010s and early 2020s (and beyond) is unclear.

Range staff also had to learn the ropes for meeting federal, state, and county range regulations. In the late 1990s, the Environmental Protection Agency (EPA) increased its scrutiny of California’s Central Valley and North Coast ranches, including those at PRNS and GGNRA. The Sonoma Marin Coastal Watershed Group developed a formal ranch planning process that established volunteer water-quality monitoring and compliance measures. This became a major priority for PRNS range staff because the policy required the park to work with each PRNS and GGNRA dairy rancher to construct individual ranch management plans that fit the specific environment and business model of each parcel. The requirement applied only to the dairy ranches, since runoff from those properties was the largest source of water-quality problems.⁵⁹

Point Reyes ranchers also must comply with requirements of the State of California’s General Waste Discharge Requirements for Confined Animal Facilities, and in addition, properties with watersheds draining into Tomales Bay have to abide by a grazing waiver for the Tomales Bay Watershed. To meet the stipulations of the above, ranchers had to

develop and follow protocols directed at “best management practices to minimize impacts to water quality.”⁶⁰ The Confined Animal Facilities standard also necessitated plans for manure management and pasture management, payment of filing fees, and monitoring of surface and subsurface water quality on their properties.⁶¹ Because of repeated problems with high levels of fecal contaminants in its watershed, PRNS staff formulated more restrictive standards and more frequent monitoring of the Kehoe Dairy on Pierce Point Road. A 2005 study reported that “some of the highest fecal coliform concentrations in the park have been found in the Kehoe Creek watershed even during the summer months when there is less rainfall and runoff.”⁶²

Though to a different degree than the ranchers, Point Reyes staff faced new complications and difficulties as they transitioned to administering permits and leases and overseeing range developments. Once agreements were signed with each ranch family, PRNS range managers had to plan, calculate, monitor, and enforce details regarding fees, allowable AUMs, maintenance, water quality, and other typical range lease requirements. PRNS range managers (or range technicians if there was no range manager) also work directly with ranchers to address progress or problems regarding any “extensive improvements and buildings, or holding areas, feeding areas, that sort of thing.”⁶³ They also communicate with ranchers about making range improvements, such as erosion prevention or riparian buffers, and setbacks from riparian areas. The ranch manager or technician thus serves as an intermediary of sorts between the ranchers and their needs on the one hand, and “the resource protection concerns of my fellow natural resource department people, the vegetation people, the hydrologist, fisheries” on the other. With this input from other PRNS departments and from the ranch operators, they attempt to produce permit language and stipulations “that reflects what needs to be done to protect natural resources.”⁶⁴

Their range management counterparts in other federal land management agencies, such as the USFS and BLM, have been doing similar tasks for most of the twentieth century. The difference was that the PRNS range personnel worked in an agency rarely concerned about grazing activities in the scope of their mission. Very few NPS units besides PRNS and GGNRA operated or leased land for cattle as a major part of their management goals. At least two NPS sites—Grant Kohrs Ranch National Historic Site and Ebey’s Landing National Historical Preserve—were created with the primary intent of protecting, displaying, and interpreting agricultural landscapes. Grant Kohrs Ranch NHS included a working ranch of approximately one hundred beef cattle.⁶⁵ The NPS also reintroduced agricultural leasing for sustainable agricultural practices at 1,700 acres of another park unit, Cuyahoga Valley National Park.⁶⁶ Nevertheless, because there are only a handful of such units (that contain much smaller operations than at Point Reyes) amid the 400-plus sites of the national park system, the NPS never put major emphasis on range management issues.

As a result, Point Reyes range management specialists and technicians had to go outside the NPS—typically to their USFS or BLM counterparts—to obtain the training and professional development they needed. When a new range specialist was due to arrive at PRNS in the mid-2000s, their predecessor prepared a list of instructions to help the new arrival learn the ropes. It included the tongue-in-cheek comment, “if you get lonely for people who know what an AUM is you’ll pretty much have to go outside the agency.” In other words, to find additional expertise and support regarding range management they needed to look to the USFS, BLM, and workshops offered at the University of

California-Davis Agricultural Extension Program.⁶⁷ The absence of programmatic support within the NPS is not surprising given that grazing and ranching is such a small piece of operations and activities within the national park system. To that point, PRNS did not even establish a range manager position until approximately 1989, meaning for decades “the ranchland management was done by rangers; the old park service model where rangers did everything.”⁶⁸

Absence of support or expertise within the NPS certainly made the ranch management job at Point Reyes challenging and may have at times impacted the seashore’s working relationship with ranchers. Rancher David Evans, who grew up on the historic H Ranch, recalled that “whoever the park has in charge of range management is a very significant position. And we have seen people with varying, I mean, big spectrum swings of how they interact with ranchers, how they work with ranchers.”⁶⁹ In a 2014 comment letter on the ranch management program, rancher Rich Grossi remarked, “It would, certainly, be more helpful if more of the NPS employees had a better knowledge of agriculture. We have such a difficult time explaining the need for most of the practices we need to survive. . . . It seems like we are always explaining a process and just about the time a NPS employee finally understands—they move on to another position in another park and we are left to start the job all over again.”⁷⁰ Along the same lines, another rancher urged NPS staff to lean more on their relationship with the NRCS, Resource Conservation District, University of California-Davis Cooperative Extension Program, and other farm service organizations because they have “extensive experience with animal agriculture operations” that the NPS does not.⁷¹

For the Point Reyes staff working with the ranch operators, a major complicating factor was that each ranch operation was different in size, location, quality of range, etc., and of course each personality was different as well. Dave Schifsky, PRNS chief ranger from 2009 to 2017, recalled “there were just tremendously wonderful ranchers there, and some of them are still there, that were just an absolute joy to work with and to be part of and to be around and to spend time with. . . . you really felt like okay, we’re all in this together.” He added, “then with other ranchers, it was very unprofessional sometimes. And very challenging. And very difficult.” Those differences combined to make ranch management “a challenging dynamic.”⁷²

During his twenty-plus years working at PRNS, Brannon Ketcham worked directly with ranchers as a hydrologist and then more globally on ranching issues as the seashore’s management assistant. He explained that it was common for many people, and particularly for the media and for park critics, “to group the ranchers in an ‘all’ category.” But the reality is that PRNS has a diverse ranching community with different types of relationships with the NPS. As Ketcham said, “we have some of the most progressive ranch operators. And we also work with ranch operators that haven’t changed a thing in fifty years. So we have the full span.”⁷³ Seeing Point Reyes ranchers as a single entity makes it easy for critics of ranching to point to a few farms with more visible maintenance issues and use them as an example to say, “See? They don’t invest. They haven’t done anything.”⁷⁴ Ketcham counters that; in fact, “there were some ranchers that have made substantial investments and really care about how they’re operating and can make things better” for the range resource, for their businesses, and for their employees.⁷⁵

Ranch Management Planning, 2013–2016

The vitriol and misinformation that surfaced during the Drakes Bay Oyster Farm controversy heightened ranchers' fears that they too might have to relinquish their family lands and livelihoods.⁷⁶ Despite the statements of NPS staff (stated at the time of the DBOC conflict and reiterated in 2022 interviews for this project) that the oyster farm decision was not connected to the status of ranches, the oyster farm conflict raised considerable concern among ranchers that a decision to close the oyster farm could lead to eviction of ranches as well. These were the circumstances ranchers and seashore managers found themselves in when the Secretary of Interior Salazar issued the Drakes Bay decision.

Secretary Salazar's Statement on Long-Term Leasing

In the November 29, 2012, memorandum from Secretary Salazar that rejected continuation of the Drakes Bay Oyster Farm lease, he added a statement calling for PRNS administrators to extend the existing ranch leases or SUPs and initiate planning for the eventual issuance of twenty-year agricultural leases. He wrote:

I direct that the Superintendent work with the operators of the cattle and dairy ranches within the pastoral zone to reaffirm my intention that, consistent with applicable laws and planning processes, recognition of the role of ranching be maintained and to pursue extending permits to 20-year terms for the dairy and cattle ranches within that pastoral zone. In addition, the values of multi-generational ranching and farming at Point Reyes should be fully considered in future planning efforts.⁷⁷

Secretary Salazar's directive appeared to be an attempt to assure Point Reyes ranchers that their lease agreements and legal authorities were a distinctly different story than the dilemma posed by the oyster farm. In particular, it seemed to respond to the ominous statements voiced by oyster farm supporters, a narrative that went: "if the secretary declines to issue a permit for the oyster operation to continue, then the next thing that's going to come down the pike is that the Park Service is going to kick out the ranchers."⁷⁸ To make clear that was not the case, Salazar's statement gave explicit support for the continuation of multigenerational ranching at the seashore, directing the NPS and PRNS to develop long-term leases to ranchers. Former Superintendent Cicely Muldoon suggested that Salazar's memorandum was "making the point that ranching had always been separate from the oyster issue. Ranching is in our legislation, but oysters are not."⁷⁹

With the authority delegated by NPS Director Jon Jarvis in January 2013, seashore administrators began the work of long-term leasing. The Director's memorandum authorized the superintendent to collaborate with ranchers to ensure that the current SUPs and leases were extended during the time required to plan and implement the long-term leases. Jarvis also urged PRNS managers to review the entire permitting and leasing program "to assure that it reflects and protects the interests of ranch operators while meeting NPS responsibilities to protect natural and cultural resources."⁸⁰ Finally, Jarvis directed the superintendent "to work with ranchers to assure that current authorizations are continued while the new permit structure is developed and implemented."⁸¹ Park staff began to issue Letters of Authorization to continue ranch operations during this time. They were already using a similar type of agreement when transitioning ranch properties from a RUO or

short-term lease to an SUP. In 2012, six ranches already operated with these interim Letters of Authorization, which maintained the same terms and stipulations as the expiring lease.⁸²

In January 2013, the national seashore received departmental authorization to issue twenty-year leases, create permit stipulations appropriate to the longer timeframe, and launch development of more detailed and comprehensive management objectives and strategies for ranching. The Director's statement also, for the first time, directed PRNS managers to evaluate the impact that tule elk herds were having on ranch operations, which had become a much more challenging issue for ranch operators and seashore managers in recent years.

Following Salazar's decision, according to former Regional Solicitor Barbara Goodyear, PRNS staff were ready "to take a step back" and reassess ranch management and the needs of ranchers in order to implement the Secretary's directive to issue twenty-year leases.⁸³ In a 2022 oral history interview, former Superintendent Muldoon described being excited about creating a ranch plan for a national park unit, because that had rarely (if ever) been accomplished before. She noted, "It really hit the reset button on how ranching worked at Point Reyes so that we would, [and] the ranchers would have more support in the longer term, but that we would be able to enforce things better than we had been able to enforce in the past."⁸⁴ Brannon Ketcham recalled that the ranching plan would help them get "where we had always wanted it to be . . . to have clear, consistent expectations" with the peninsula's ranch operators.⁸⁵

Seashore managers and NPS officials determined the best approach would be to implement a planning process for what they called the Ranch Comprehensive Management Plan (RCMP). The Park Service worked, with input from ranchers and the general public, on developing the RCMP from 2013 to 2016, the point when a U.S. District Court lawsuit by a small coalition of environmental groups opposed to the RCMP process halted that work.

The NPS worked toward developing the RCMP with the aim of executing the long-term leases. The initial scoping process in 2014 included two public meetings, workshops on ranching issues sponsored by the NPS and Marin Conservation League, and gathered comments and proposals from ranchers, local community members, environmental groups, ranching organizations, and other interested parties. Superintendent Muldoon or other members of the seashore's RCMP team "sat down with every single rancher at their kitchen table. . . . [to] see exactly what they wanted to do and what their operation was like and what would make it easier and what their challenges were." She explained:

We really wanted to come to the table with a much better comprehensive understanding of ranching than we had ever had before. And we wanted to be able to have the dialog with the ranchers about water quality issues and endangered species protection—all those things that make ranching the seashore unique—and that the rules are different than if you're ranching outside the seashore. So I think we did a pretty rigorous job of engagement with the ranching community on that. It had long been a criticism that we didn't do enough of that. So we just wanted to blunt that criticism once and for all. And we called it our "kitchen table."⁸⁶

Broadly speaking, the most common concerns expressed by ranchers going into this process were regarding the following: the perceived threat that the NPS would eliminate ranching, the duration of new leases, tule elk on ranch properties, gaining flexibility to diversify their ranch operations (by raising other domestic animals or crops), streamlining

the environmental review process, and clarity regarding succession options.⁸⁷ The primary points addressed in the comments of other interested parties (other local residents, environmental groups, etc.) included some of the same issues raised by ranchers, but also included PRNS enforcement of stipulations in ranching leases, greater transparency from the NPS, protecting other natural resources (native species including elk, water quality), preserving cultural resources, and deleterious ranch practices such as overgrazing.⁸⁸

The Point Reyes Seashore Ranchers Association (PRSRA) submitted a seventy-page comment document that included the Association's proposed elements for inclusion in the RCMP along with supporting documents.⁸⁹ The organization also contracted with Ethan L. Lane to write a narrative history, "Ranching at Point Reyes: Two Centuries of History and Challenges," which provided the historical context for the ranchers' proposed elements for the RCMP. The documents emphasized the difficulties ranchers were experiencing with the peninsula's reintroduced tule elk herds and asserted that the NPS needed to reduce, further restrain, or eliminate some of the elk herds. Lane wrote that "the rather clear-cut goal of addressing tule elk impacts, that belies the true gravity of a rapidly deteriorating situation that threatens not just two centuries of historic cattle and dairy operations at Point Reyes, but with it the larger agricultural fiber of Marin County."⁹⁰ The two actions that "should be taken immediately," according to Lane and the PRSRA, required (1) removal of all elk in the pastoral zone to their original range when first reintroduced, and (2) construction of more effective fencing to keep elk from entering the operating ranches.⁹¹

Proposals from individual ranchers, the PRSRA, the ranching industry, the Marin Agricultural Land Trust (MALT), and Representative Jared Huffman of California asserted the necessity to allow ranchers to widely diversify their operations by adding things such as row crops and processing facilities on their lease parcels. They argued that such additions would be fitting because they were grounded in prior historical patterns dating to the 1800s. Some PRNS ranchers had already successfully diversified their operations, most notably David Evans and Claire Herminjard on the Rogers Ranch. They began raising and marketing grass-fed cattle and introduced free-range chickens. For the latter, Evans brought in a mobile chicken house that they could periodically move from one section of pasture to another depending upon where the cattle were grazing. By doing so, the chickens found substantial forage in the insects and flies attracted by the cow manure.⁹²

The diversification idea probably seemed consistent with the premise that Congress created the pastoral zone as a measure of historical or cultural preservation. While this was indeed the case in the act establishing Grant Kohrs Ranch NHS and a few other NPS units, cleaving to historical precedent from periods that pre-date the establishment of PRNS do not fit within the statutory language or legislative context of the 1962 PRNS act or 1978 amendments to that founding act. The latter defined agricultural property "as used in this Act means lands which were in regular use for, or were being converted to agricultural, ranching or dairying purposes as of May 1, 1978."⁹³ In keeping with that, the seashore's internal summary of RCMP progress in 2016 included the clarification, "The Seashore has no authority to permit large-scale crop cultivation or commercial food processing (cheese

The public outcry, legal battles, and media frenzy described in the previous chapter regarding closure of the Drakes Bay Oyster Farm heightened ranchers' fears that they too might have to relinquish their family lands and livelihoods.

production for instance), so these diversification options are not available to the ranchers.”⁹⁴

Huffman and ranchers were not wrong about a more diverse agricultural landscape, but they were not a prominent feature of Point Reyes agriculture when the founding legislation and 1978 amendments were signed into law. Former range program lead Mark Homrighausen stated “previously, as recently as probably even the fifties, there were [row crops] grown out in Point Reyes . . . Vegetables, artichokes, beans, potatoes, historically. So it’s not as though there was no farming on Point Reyes historically, it’s just not at the time that the park was established. It wasn’t part of the agricultural scene that people were thinking of when they were establishing the park.”⁹⁵

Senator Dianne Feinstein of California was another strong ranching advocate, including her assertions that ranch operations should be a permanent component of the national seashore. Feinstein wrote to Secretary of the Interior Sally Jewell in March 2016 to urge the Secretary and NPS “to continue to honor existing ranching and dairy leases” in the development of the RCMP. She argued, “As part of a deal to persuade landowners to sell their property to create the National Seashore in 1962, the federal government assured residents they could continue ranching.”⁹⁶ She added that “Congress’s intent that agriculture continue at Point Reyes has been reflected by various members of the administration throughout the years,” and gave former Secretary Salazar’s 2012 directive on ranching as an example. While Secretary Salazar’s directive did indeed introduce a policy shift for ranch management and lease requirements for PRNS, his reflections or those of “other members of the administration through the years” are a questionable reference point regarding the legislative intent.

Although the U.S. District Court suit shut down the RCMP planning process—at first with a temporary injunction and later with the final settlement order—before the planning team could complete the document, it is instructive to see what items the team decided would *not* be part of the plan. During the initial deliberations regarding the RCMP, the planning team considered and quickly dismissed several alternatives, taking these elements off the table: the possibility of eliminating ranching (would not be considered an option), major changes to the boundaries of leased or permitted ranch properties, lease durations other than twenty-year terms, partnering with a non-profit organization for the latter to run the ranch program, and requests for certain specific add-ons to ranch operations (e.g., quarrying, beekeeping, raising rabbits).⁹⁷

In similar fashion, the team ruled out the following possibilities for tule elk management: public hunting; hunting by Tribes; using volunteers to conduct lethal culling; relocation outside of the park; relocation to Tomales Point in large numbers; hazing via the use of ATVs, drones, noise makers, and dogs; constructing an elk-proof fence at the wilderness-ranch boundary; restricting to only a non-lethal alternative; adopting a “zero tolerance policy” for elk within the pastoral zone; allowing multiple managed herds within the pastoral zone; and removing ranching altogether in favor of elk habitat.⁹⁸ Many of the proposed options, including hunting by Tribal members and the use of volunteers for lethal culling, were rejected during subsequent planning of management strategies.

Throughout the RCMP development process, the undersized seashore range staff handled all the usual tasks of assessing RDM, monitoring range conditions, and issuing Letters of Authorization (to temporarily extend ranch lease agreements) while also contributing to the ranch planning. Dylan Voeller, who served first as range biotechnician in 2010 and then as PRNS range program manager since 2015, reported that to keep up with the large

backlog of individual ranch tasks, NPS staff relied on their cooperative agreement with the Marin Resource Conservation District and other organizations, including the University of California-Davis Cooperative Extension Program. Seashore range staff also received technical assistance from the Petaluma office of the NRCS.⁹⁹

Ranch Management 2017–2021: District Court Lawsuit, Settlement, and GMP Amendment

In February 2016, PRNS staff received notice that three environmental organizations—the Resource Renewal Institute, Western Watersheds Project, and Center for Biological Diversity—had filed suit against Superintendent Muldoon and the NPS in U.S. District Court to stop the RCMP process. The plaintiffs’ most significant claim, and the one that did get addressed in the resulting settlement, stated that the nascent RCMP must be halted because the NPS had “unreasonably delayed in updating the general management plan for the seashore, which was last done in 1980.”¹⁰⁰ They argued that the seashore was long overdue in updating or creating a new GMP and pointed to the federal statute that stated that NPS units should update GMPs in a timely manner. Former Regional Solicitor Goodyear explained:

it doesn’t define “timely manner.” It doesn’t say whether that’s ten years or twenty years or whatever. . . . The district court judge rejected our [the government’s] motion to dismiss, basically saying that while it’s true that this statute doesn’t say that general management plans must be updated every ten years or every fifteen years, we’re now in 2016 and the last time this general management plan was revised or amended was in 1980. And thirty-six years is probably too long. He said something along the lines that while an agency has some leeway to determine when it should update a plan, that it’s not indefinite.¹⁰¹

Goodyear also explained that the environmental groups wanted the seashore to undertake revisions or an amendment to the GMP—rather than the RCMP—because the GMP process in the NPS allows park units “to look at completely changing management direction for an area. Whereas the ranch management plan would have continued the direction from the 1980 GMP, which authorized ranching.”¹⁰² At the heart of their claim, the plaintiff organizations sought to diminish or eliminate ranching within PRNS in order to protect seashore resources, especially the tule elk herds. Even though the PRNS team preparing the RCMP made clear that significant reduction or elimination of ranching would not be an alternative in the ranch plan, engaging in the GMP process meant all options were on the table, from continuing ranching operations as is to elimination of ranching altogether. Indeed, the groups were able to achieve that objective when the eventual settlement and court order in *Resource Renewal Institute v. NPS* included the requirement that “no ranching” must be one of the alternatives evaluated in preparing the EIS for the GMP.

When the court rejected the NPS motion to dismiss the case, the District Court judge also upheld the injunction to halt seashore staff from doing any work on the RCMP until the case was decided. As the case continued, two separate groups of park ranchers, as well as Marin County, signed on as intervenors to the suit, which meant they would be



Dairy cattle at McClure Ranch, Point Reyes National Seashore, November 2020. Photograph by Sarah Killingsworth. Courtesy of Sarah Killingsworth Photography.

participants in any settlement negotiated. The PRNS management team and the DOI Regional Solicitor’s Office decided they would explore entering a settlement process, which they eventually did. On July 14, 2017, District Court Judge Sandra Brown Armstrong issued the final Stipulated Settlement Agreement and Order.¹⁰³

The settlement agreed to by the NPS, the two rancher groups, Marin County, and the plaintiffs directed the NPS to abandon the standalone RCMP and instead “prepare a GMP Amendment and an EIS that, at a minimum, addresses the lands currently leased for ranching in Point Reyes and in the north district of Golden Gate National Recreation Area.”¹⁰⁴ According to Goodyear, the negotiated agreement allowed the plaintiffs to get some of the specific alternatives they wanted (such as the no-ranching alternative) while the NPS was able “to include whatever alternative we wanted to do.”¹⁰⁵ The court gave the NPS four years to complete the new GMPA.

The specific language of the settlement and court order did nothing to quell the anxieties of ranchers—which the oyster farm controversy and closure had already intensified—regarding the continuation of their family heritage and livelihoods at Point Reyes. Whereas the NPS-led planning team for the RCMP had quickly discarded the elimination of ranching as an alternative to consider, the District Court decision stated that “the GMP Amendment and EIS shall give full consideration to, and disclose the impacts of, at least the following action alternatives,” and listed first among them “a no ranching alternative, a reduced ranching alternative, and a no-dairy ranching alternative.”¹⁰⁶ But the court also attempted to communicate that it was not in favor of or recommending a particular alternative. In the very first sentence of the agreement, the court wrote, “Nothing in this Agreement shall be construed as pre-decisional or as pre-determinative of the outcome of the planning process, or the future extent or existence of ranching, or the length of any future ranching lease, if any” within PRNS and GGNRA.¹⁰⁷

Nevertheless, some groups, including some of the ranchers, appeared to interpret the District Court's requirement that the NPS evaluate a no-ranching alternative as a presumption that eliminating or downsizing ranching would be the preferred alternatives, or were certainly possible. That the no-ranching, reduced-ranching, and no-dairying alternatives were mentioned specifically likely added to the alarm. It should not be surprising that ranchers would have doubts about their security given the numerous changes they had seen to their land-use status during the previous fifteen years. As David Evans, who, with his family, operated the Marin Sun Farms, related that they have gone through the change from RUOs to leases, multiple changes to lease lengths, and "a lot of iterations of planning, some of which have been rejected that directly affect how we can ranch or how we can use the resource." He added:

The biggest thing is that the security of lease-holding has diminished. And that's created a lot of hardship on financial planning, obtaining funding, qualifying for programs, beneficial programs to bring money from the Farm Bill into the park, [and] making improvements. You know, one of the biggest criticisms is that ranchers have not invested enough in the infrastructure as they were supposed to on the farms. And I think that there's legitimate concern there. That not all ranchers have done the same. . . . But the general public cry has been that ranchers have not invested enough. Yet at the same time, not to the defense of those who invested very little and should have, but almost more to the defense of myself, who invested a lot, is that there's no security on that investment.¹⁰⁸

The subsequent reaction to the settlement order from local and national media further fueled suspicions about the potential threat to the seashore's long-held connection to ranching in the minds of PRNS and GGNRA lessees and their supporters. Marin County's primary media source, the *Marin Independent Journal*, led their coverage of the settlement with an inflammatory headline blaring "Point Reyes Ranching Threatened in Lawsuit Settlement."¹⁰⁹ The opening paragraph highlighted the District Court's requirement for no-ranching and diminished-ranching alternatives in the EIS. In the same article, a statement from Representative Huffman included the following: "There is nothing wrong with having a bigger look at this issue, but the frustration with the lawsuit is that the park service was on that path. Now this settlement injects some uncertainty to all of that."¹¹⁰ In contrast, Deborah Moskowitz, representative for the lead plaintiff Resource Renewal Institute, stated that the settlement was a win for the national seashore and the general public, "sets a precedent for protecting our national heritage by guaranteeing citizens a voice in how their public lands are managed," and "helps safeguard this precious public asset for future generations."¹¹¹

GMPA Process, Commentary, and Final Decision

Although PRNS had not produced a new GMP since 1980, in the late 1990s and early 2000s, seashore managers made several attempts to launch the extensive planning process necessary to complete one. In the late 1990s, the NPS Pacific West Regional Office (PWRO) began a major push for park administrators in the region to commence work on new GMPs. For instance, in May 1998, Regional Director John Reynolds requested that ten NPS units in the region's Columbia Cascade and Great Basin clusters, including PRNS, prepare Priority Data Sheets for work to be accomplished on GMPs for fiscal years 1999–2001.¹¹²

PRNS staff worked on preparation of a new draft GMP, but as staff and seashore administrators changed, the work was not conducted consistently. By May 2010, there was a preliminary draft GMP submitted to the Acting Regional Director. At that time, Cicely Muldoon arrived to replace Don Neubacher as the new PRNS superintendent. The Acting Regional Director returned the draft GMP to Superintendent Muldoon for review and evaluation. But because the draft was prepared before the oyster farm controversy began in earnest, the draft under review did not include many issues that became pertinent to the Drakes Bay lease. Seashore managers determined that the 2010 draft required significant changes and was not ready for release.

In May 2011, PRNS staff presented a potential approach for a GMP at the PWRO Project Review Meeting and had planned on updating the review group on their progress in September 2011. Before that could happen, however, seashore managers put the planning process on hold to focus on the more pressing DBOC issues, which were not resolved until late 2012. Soon after, seashore managers determined “the park did not have the capacity to undertake both major planning efforts at the same time.”¹¹³

By January 2016, PRNS had initiated the process of their ranch program review and development of alternatives for the GMP Amendment (GMPA) and EIS.¹¹⁴ Critical to the PRNS development of and final decision on the GMPA was the seashore’s planning team, which included many of the same individuals who also worked on the settlement of the *Resource Renewal Institute v. NPS* lawsuit and Drakes Bay Oyster Farm issue. They included Superintendent Muldoon, Chief Ranger Schifsky, Management Assistant Ketcham, Wildlife Ecologist Dave Press, PIO Melanie Gunn, and Point Reyes division chiefs. Two non-park staff were also important members of the team: DOI Regional Solicitor Barbara Goodyear and Melissa Stafford from the Environmental Quality Division (EQD) of the NPS NRSS program headquartered in Colorado. The EQD staff work on “high-profile, controversial planning issues” at sites throughout the national park system. More specifically, the EQD program supports NPS parks and regions with difficult NEPA or EIS planning, “with a priority emphasis on planning efforts that are court-ordered, likely to be litigated, precedent-setting, or of a complex or controversial nature.”¹¹⁵ Because Stafford was a NEPA compliance specialist, well versed in how to conduct the EIS process, and had previously helped management maneuver through the DBOC EIS, she was a valuable member of PRNS planning teams for the RCMP development process and then for the GMPA work. Ketcham reflected, “I don’t know where we’d be if we didn’t have the support of the Environmental Quality Division,” as Stafford was “absolutely essential to anything that happened, [and] any success needs to be attributed to her as well.”¹¹⁶

Because most the GMPA planning team had been together through the turmoil of the Drakes Bay conflict and the *Resource Renewal Institute v. NPS* settlement, they were able to develop a high level of trust with each other that helped facilitate an effective “relationship of working together, dividing workload, [and] making sure things got done.”¹¹⁷ Ketcham recalled: “we had a great team of people. . . . there’s that team mentality, that chemistry that you form.”¹¹⁸ Chief Ranger Schifsky, who moved on to become deputy superintendent at GGNRA in 2017, likewise pointed to the strength of the management team at that time. “It was really a fantastic management team,” he explained, “led by Cicely [Muldoon] that was unlike anything I’ve ever experienced in my career. Just a team of highly professional, super dedicated, funny people to wade through some super thorny shit.”¹¹⁹

Because this was a full-fledged EIS process (more comprehensive than an EA), the PRNS team received expert technical assessments from many outside entities, including

biological opinions from the USFWS and California Department of Fish and Wildlife, consultation with the FIGR, evaluation by the SHPO, and assessments from the CCC, National Marine Fisheries Service, San Francisco RWQCB, University of California-Davis Agricultural Extension Program, NPS Biological Resources Division, and other national parks with grazing and ungulate management issues.

The Point Reyes planning team was in charge of writing the EIS document and considering the impacts of the various alternatives. However, the NPS official decision maker for an EIS or EA was generally not the planning team or park superintendent, but the NPS Regional Director. Planning teams such as the one for the ranching EIS and GMPA typically provide briefings to the Regional Director's office. The frequency of briefings often depends on the number of involved parties, general public, and media interest in the process, especially if it involves a highly controversial project or topic. In particularly sensitive cases (as occurred with the Drakes Bay decision) the discussion and decision making may go as high as the NPS Director's office or to the Secretary of Interior.¹²⁰

One of the alternatives for study in preparing the GMPA and EIS was an option for ranchers to expand their operations with diversification of products for market and by expanding acreage. Many saw this as essential for the economic sustainability of their operations. As he had during the RCMP process, Representative Huffman strongly supported his ranching constituents. During the EIS/GMPA process, that support included sponsoring a House bill, apparently in collaboration with Senator Feinstein, aimed at ensuring the NPS would complete the GMPA/EIS process and issue twenty-year leases as previously planned, as well as placing more severe restrictions on tule elk herd size and movement. The proposed bill, H.R. 6687, directed the Secretary of Interior to manage ranching in a manner "consistent with Congress's long-standing intent that working dairies and ranches continue to be authorized to operate as agricultural property as part of the seashore's unique historic, cultural, scenic and natural values."¹²¹ If, by "long-standing intent," Huffman meant since PRNS establishment in 1962, that would not be consistent with the legislative context for the creation of the pastoral zone. The House committee report on Huffman's bill explained "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."¹²²

To many environmental groups, the Huffman bill leaned too far in favor of ranchers without adequate natural resource protections. Kenneth Bouley wrote that the bill attempted to "entrench the commercial operations and elevate them over natural resource protection in the Seashore."¹²³ Huffman's H.R. 6687 passed the House but not the Senate. Although the bill failed, Huffman subsequently inserted a related, non-binding, "joint explanatory statement" in a February 2019 spending bill. The statement emphasized, "Of all the issues in the GMPA, the future status of free-ranging tule elk is the most controver-

Contractors completed removal of oyster racks in December 2016, and completed the remainder of on- and offshore work by May 2017. In all, they removed 500 tons of pressure-treated oyster racks; cleaned up almost 1,300 tons of plastic, metal, and shell debris over several acres underwater; and removed plastic, metal, and cement debris from sandbars.

—NPS, "*Drakes Estero Restoration Project*" (2022)

sial and complex. There are no simple solutions”¹²⁴

Changes made to NEPA policies just prior to the start of the EIS shaped some findings in both the draft and final version of that document. In 2015, the NPS issued a new planning handbook (DO-12 Handbook) for how the NPS should conduct their NEPA impact analyses as required in an EIS. The new DO-12 Handbook specified, “the impact analysis should look at the change from existing condition.”¹²⁵ To put it in the context of ranching, the determination of “adverse effects” for each alternative needed to describe the anticipated change from the existing condition (baseline) that each alternative might make. At the time PRNS initiated the EIS, the existing condition, i.e., the baseline, within the PRNS-managed boundaries comprised twenty-plus ranches operating on roughly 28,000 acres of range. Thus, the adverse effect from the alternative of continuing current ranching operations at that same level (representing the amount of change from baseline) was “none.”

Goodyear explained that the EIS “didn’t identify any significant adverse impacts from continued ranching because all of the [ranching] alternatives would have actually applied more stringent requirements to the ranching operation.”¹²⁶ This would serve to improve the conditions on each ranch, rather than creating any adverse effects. Goodyear added:

there was some frustration, I would say, with members of the public—like “how can it be that continued ranching isn’t going to cause significant adverse impacts?” But that’s just not the way NEPA works. . . . because there’s already ranching occurring and we’re actually strengthening the Park Service’s ability to regulate their operations and put in new zoning and things like that that will pull cattle back from streams and all that.¹²⁷

Somewhat ironically, the only alternative found to have a significant adverse effect was the “no-ranching” option. The elimination of ranching would, by its absence, produce an adverse impact on the two large historic districts, the Point Reyes Peninsula Dairy Ranches Historic District and Olema Valley Dairy Ranches Historic District. Goodyear explained: “If they’re not being used for their traditional use, which is what the secretarial guidelines say for historic landscapes, that you can have deterioration—particularly large landscapes like that—of the pastures and all that are contributing elements to those historic landscapes.”¹²⁸

Following the NPS release of the draft EIS and list of alternatives, they opened the NEPA-required period for public comment in August–September 2019. The purpose of the comment period was to encourage the public “to share their observations, concerns, and ideas to help the NPS focus the GMP Amendment on significant issues in the planning area.” During this time, PRNS held two public open-house meetings and received comments by mail, in person, and on the NPS Planning, Environment, and Public Comment website.¹²⁹ By the end of the comment period, the seashore had received roughly 7,600 separate comment documents, ranging from brief statements to fifty-plus page critiques. The comments came from ranchers, Marin County residents, local community organizations, local businesses, industry and lobbying groups, environmentalists, park supporters, sustainable agriculture advocates, animal-rights groups, virtually all the seashore’s partner scientific organizations and university programs, and interested individuals from around the country.

As the Marin Conservation League, a long-time supporter of both PRNS and ranchers, reported, “many thoughtful and detailed comments pointed to ineffective or careless

ranching practices and expressed concerns over opening the park ‘door’ to new, possibly environmentally damaging diversified activities.”¹³⁰ One organization estimated that the public comment period for the final draft EIS alternatives ran roughly nine to one in favor of reducing or eliminating ranching. To the consternation of many in such an instance, NEPA public comment periods were not designed to be an elective process. Chance Cutrano, director of the Resource Renewal Institute, said “the park service seemingly ignored tens of thousands of comments opposing the plan and made tweaks that will not address long-term impacts.”¹³¹ Former Regional Solicitor Goodyear explained: “It’s not a majority voting situation. Comments are informative. But just the sheer number on one side versus the other, at least in my experience, hasn’t dictated the outcome.”¹³² That can lead to frustration for interested parties who made the effort to submit comments, especially if the comments appear lopsided toward one side of an issue. For instance, in speaking to Marin County residents, Dennis Rodoni remarked that “a lot of what I heard was, ‘the park ignored a lot of input.’” But he concluded,

I think they [NPS] did fine. I think they struggled through it. And again, I know they were under the gun from a bunch of different places, including the higher-up management to get it done. And at the end of the day, I was happy with it.¹³³

The NPS also applied to the CCC for a Determination of Consistency (regarding the preferred alternative). “One key public process milestone was the California Coastal Commission’s April 2021 conditional concurrence that the GMPA is consistent with the California Coastal Management Program. As a condition of this concurrence, the NPS was required to provide a ranching water-quality strategy and climate action plan, including implementation of short- and long-term management practices and a surface water sampling program by April 2022.”¹³⁴ The conditions were meant to reduce water-quality degradation from ranch runoff into streams and other water bodies. The CCC finding directed the NPS to prepare a detailed water-quality strategy for each ranch and conduct monitoring “to assess the effect of best management practices on water quality by testing and evaluating water quality data, and prioritizing management strategies to address any continuing issues of concern.”¹³⁵ The NPS subsequently incorporated the water-quality condition as part of the revised selected action in the GMPA final decision.

GMP Amendment Final Decision & Response

On September 13, 2021, the NPS released its Record of Decision (ROD) on the GMPA and EIS. The ROD announced that the NPS had selected the alternative (called the selected “action”) for continuation of PRNS and GGNRA ranching, including issuance of twenty-year leases and allowance for diversification of agricultural operations. The ROD marked the official implementation of the GMPA, which thereafter “serves as a blueprint to guide the NPS’s management of lands, resources, development, and visitor use in the 28,000 acre planning area.”¹³⁶ According to the NPS, the ROD “supports multi-generational ranching in the Ranchland zone that is compatible with the Park’s natural and cultural resources objectives and the GMP Amendment selected action. It also recognizes the NPS’s government-to-government relationship with the Federated Indians of Graton Rancheria and the importance of considering the Tribe’s traditional ecological knowledge in strategies to achieve park management objectives.”

Ranch diversification opportunities included the addition of up to fifty sheep or sixty-six goats, as long as the ranch made “an equivalent reduction of cattle animal units.” Thus, the overall stocking rate of grazing animals would increase from the current AUM requirements. The selected action also permitted ranch tours and “farm stays” by visitors, but the latter were limited to two guest rooms per ranch. Ranch management policy would attempt to identify “opportunities to improve the visitor experience and a framework for managing visitor capacity in the planning area.”

The NPS news release on the ROD explained that the revised decision included “modifications made to the preferred alternative” as it appeared in the final EIS, in response “to public comments raised during the planning process, include conditions agreed to at the public hearing with the California Coastal Commission, and incorporate feedback from regulatory agencies.”¹³⁷

Modifications to the selected action, meant to address outside criticism that the initial ROD did not do enough to protect PRNS ecosystems, also included “more robust requirements for ranch operations, further restrictions on ranch operation diversification, and improvements to the management of free-ranging elk. The selected action requires infrastructure upgrades and operational changes for the protection of natural and cultural resources for existing ranch families to continue beef and dairy operations under non-competitive leases with up to 20-year terms.” In addition, it emphasized the needs of seashore management for the flexibility to decide the following:

to direct ranching operations to areas within the Ranchland zone that are best suited, in terms of location and infrastructure, for beef or dairy ranching. To this end, the NPS may identify scenarios where an existing ranching operation needs to relocate to a vacant but better equipped ranch location. The NPS may also consider discontinuing or reducing the intensity of activities (e.g., conversion from permanent to seasonal grazing regimes) on other allotments where limited infrastructure or other priority resource concerns are identified. Within the Ranch Core subzone, the NPS may evaluate underutilized individual structures and actively pursue adaptive uses that would be compatible with existing authorized uses.¹³⁸

Regarding what had become perhaps the most contentious issue in the public eye and media coverage by that point in time, the selected action for the future of tule elk included the following:

Within an expanded Scenic Landscape Zone, tule elk in the Drakes Beach area will be managed at a population threshold of 140 elk consistent with desired conditions for the planning area. The Limantour herd would be allowed to expand in population and geographic distribution, but female groups will be discouraged from occupying ranching areas. The NPS will implement a zoning framework to protect park resources by directing ranching activities to appropriate areas while allowing for some operational flexibility.¹³⁹

Given the extreme divergence of opinions regarding which ranching alternatives were most tenable and what policies best fit the national seashore, it was not surprising that many of the participants in the process (and in the previous RCMP process), particularly the directly involved parties, voiced a full spectrum of opinions on the ROD, from plaudits

to protests. Environmental groups staged several of the latter in downtown San Francisco, focused primarily on the plight of the tule elk within the seashore. Laura Cunningham, director of the California office of the Western Watersheds Project, one of the three groups that sued to stop the RCMP process in 2016, was quoted as saying the NPS decision “doubles down on the Trump plan to increase livestock grazing and associated commercial agricultural production for the next 20 years, instead of focusing on protecting the wildlife and enhancing recreational tourism.”¹⁴⁰ Jeff Miller of the Center for Biological Diversity was harshly critical of the elk management aspects of decision and vowed, “We’ll do everything in our power to stop the park service from implementing this disaster of a plan and to prevent the slaughter of our beloved tule elk.”¹⁴¹

From the perspective of PRNS managers, the GMPA helped establish more uniform range management and ranch maintenance expectations for ranchers and staff alike. For instance, lease language regarding fencing, riparian protection, etc., became tied directly to the NRCS practice standards. Range manager Voeller explained that to construct new or repair old fences, the NRCS standards provided the specifics “of when and why you build a fence.” The same was true for water protection, riparian planting, and the like. That consistency, staff hoped, would mean “ranch operations aren’t being held to different standards depending on who they’re working with.”¹⁴² Superintendent Craig Kenkel, who took over at PRNS in 2021, asserted that the final decision “strikes the right balance of recognizing the importance of ranching while also modernizing management approaches to protect park resources and the environment.”¹⁴³

While the EIS final decision and implementation of the new GMPA put the ranching community on a more secure footing by issuing longer-term leasing and allowing some level of diversification, ranchers still had resource protection responsibilities that came with operating at an NPS site devoted to protected natural resources. If an individual ranch operator repeatedly failed to comply with lease requirements and restrictions aimed at protecting the range and other natural resources, they could still face termination of their lease. This has been an important stipulation from the language in the PRNS founding legislation through the GMPA; the 1978 amendments that allowed agricultural leasing state that ranch operations “are subject to termination by the Secretary upon his or her determination that it is being exercised in manner inconsistent with the purposes of this [PRNS] act.”¹⁴⁴ This is what transpired at the Genazzi Ranch, one of the Olema Valley pasturelands in the northern district of GGNRA in early 2021.

Dan Genazzi’s grandfather Frederico Genazzi was a Swiss immigrant who came to West Marin in the early 1900s and purchased his Olema Valley dairy from his father-in-law Candido Righetti in the late 1910s.¹⁴⁵ The Genazzi family has operated the ranch ever since then, although they sold off the dairy portion of the operation in 1987 while still running beef cattle. For years prior to 2021, Genazzi consistently overstocked his own rangeland, failed to repair fencing that allowed his cattle to trespass on other properties, and annually fell short of the RDM standard of 1,200 pounds per acre.¹⁴⁶ For example, the 2018 RDM monitoring report showed that the Genazzi Ranch fell well below the required RDM in every year from 2008–2018.¹⁴⁷ The report included photographs showing the denuded range vegetation in several transects. The overgrazing resulted in substantial erosion, more invasive species, and general degradation of the range resource.

Seashore managers first made repeated recommendations on how to improve the situation (such as planning that could create better distribution of his cattle); when the ranch did not make these changes, the park warned Genazzi that he risked termination of his

lease.¹⁴⁸ When no changes were observed, Superintendent Craig Kenkel finally notified Genazzi that the NPS had terminated his lease and ordered removal of his cattle. The official Notice of Non-Renewal sent to Genazzi explained, “over the last several years the NPS has identified multiple serious concerns related to your stocking levels, grazing management, and persistent failure to meet residual dry matter standards on Tract 05-158 (leased premises). We have directed you repeatedly to pursue specific actions to cure these concerns. Your failure to remedy these lease/permit violations has led to our determination to not renew your lease/permit for GOGA Tract 05-158.”¹⁴⁹ Superintendent Kenkel’s public comment on the termination of the permit included the explanation, “The Park Service is committed to changing the way we oversee ranching in the park. We have to demonstrate that we’re committed to using these tools as robustly as we can.”¹⁵⁰

While such conflict—whether over legislation, litigation, and public opinion—may be part and parcel of managing a well-known NPS site over the long term, there are undoubtedly costs to the park staff, residents, and other involved parties when the conflicts seem never ending. Point Reyes ranchers likely experienced the most erosive effects of repeated rounds of lawsuits, policy debates, and revising of management procedures.

January 2022 Lawsuit

Just as the authors began collaborating with PRNS staff regarding the research and writing of this volume, the same three environmental organizations that sued the NPS to stop the RCMP—the Resource Renewal Institute, Western Watersheds Project, and Center for Biological Diversity—filed another complaint in the U.S. District Court to halt implementation of the plan.¹⁵¹ The suit was still in court at the time we submitted the final manuscript.

Deborah Moskowitz, Resource Renewal Institute president, explained that the three environmental groups were again suing the NPS because the GMPA’s directive to allow ranching to continue on Point Reyes with twenty-year leases was “a giveaway to the cattle industry” and “perpetuates decades of negligence by the very agency charged with protecting this national treasure.”¹⁵² Lizzy Potter, an attorney at Advocates for the West, asserted that the NPS “is unlawfully prioritizing the commercial needs of ranchers over the natural environment and the public’s use and enjoyment of these majestic public lands.”¹⁵³ While pointing out that the commercial needs of ranchers and protection of natural resources is indeed at the center of the long-running debate about ranching at PRNS, it would hardly seem “unlawful,” given that the seashore’s legal authorities, at least since the 1978 amendments to the founding legislation, specifically allow agricultural leasing of ranch properties.

Conclusion

Conflicts over land use are central to human history and have been a prominent issue in management of the national park system ever since Congress established Yellowstone National Park in 1872. In addition to the early problems with poaching and damage to thermal features that resulted in the U.S. Army arriving to protect park resources, Congress stepped in to stop potentially destructive commercial enterprises during the first decade of Yellowstone operations, one of which was cattle grazing. In fact, congressional

debate over the Sundry Civil Appropriations Bill of 1883 revealed a wide divide in the lawmakers' conception of how Yellowstone lands should be protected or utilized, from whether to allow construction within the national park to the suggestion that Congress return the entire acreage to the public domain so it could be sold to private interests.¹⁵⁴

While such conflict—whether over legislation, litigation, and public opinion—may be part and parcel of managing a well-known NPS site over the long term, there are undoubtedly costs to the park staff, residents, and other involved parties when the conflicts seem never ending. Point Reyes ranchers likely experienced the most erosive effects of repeated rounds of lawsuits, policy debates, and revising of management procedures. Jolynn McClelland conveyed the frustration: “Look at how long this has been going on. If they had just let us have those twenty-year leases, we’d be halfway through them.”¹⁵⁵ David Evans reflected on the cumulative effect of the changes and controversies ranch families have been through since the turn of this century:

where we’re at today is in this cycle of lawsuits that is costing ranchers money, costing the government money, time, security, and I quite honestly feel that the operators on Point Reyes are being somewhat strangled financially [and] politically. That may be the entire strategy of the opposition, I don’t know. But the tragedy is that at some point we need decisions to be made. Someone’s going to have to make hard decisions. We need to move this forward. And we need to get to a place of stability. I don’t know how long communities can survive in instability. And going on twenty years, twenty years is pushing the limit. Because . . . Once you have a generation or more that has only known instability, they begin to make decisions in a different way.¹⁵⁶

Brannon Ketcham, who was a key member of the PRNS team for the CRMP process, the first lawsuit, and the GMPA development and final decision, reflected that after all those battles, it is hard on both ranchers and staff because “we’re kind of in this place of competing visions.” He added, “hopefully we’ll come out of it and there will be a common vision again. But it’s hard to see that when you’re in the middle of it.”¹⁵⁷

Endnotes

- 1 A 1960 NPS survey determined that dairy farms covered about 19,000 acres and the cattle ranches approximately 23,000 acres (though roughly 3,000 acres of the latter were not being grazed). Senate Committee on Interior and Insular Affairs, S. Rept. 807, 87th Cong., 1st Sess. (August 29, 1961), 7. As of 2020, dairy and beef cattle operations combined accounted for about 18,000 acres within PRNS boundaries.
- 2 Steers, “Twenty Years of Rangeland Monitoring in Point Reyes National Seashore,” quoted in Battles et al., eds., *Natural Resource Report NPS/PORE/NRR—2019/1895*, 117.
- 3 Battles et al., eds. *Natural Resource Report NPS/PORE/NRR—2019/1895*, 117.
- 4 Evans, interview, 9.
- 5 Brouillette, interview, 2.
- 6 An Act to Establish the Point Reyes National Seashore in the State of California, P.L. 657, 87th Cong., 2d Sess. (September 13, 1962); 16 U.S.C. 459c (1962).

- 7 House, Committee on Interior and Insular Affairs, Report on H.R. 6641, H. Rept. 85-1854, 85th Cong., 2d Sess. (June 5, 1958), 7.
- 8 *Cong. Rec.* 104 (June 23, 1958): 11963.
- 9 *Cong. Rec.* 104 (July 23, 1958): 14409.
- 10 An Act to Fix the Boundary of Everglades National Park, Florida, to Authorize the Secretary of the Interior to acquire land therein, and to provide for the transfer of certain land not included within said boundary, and for other purposes, Pub. L. No. 85-482, 72 Stat. 280 (July 2, 1958). The specific text regarding the agricultural lands is in Section 2.
- 11 Ben Thompson, Chief, Division of Resource Planning, to Director Wirth, July 24, 1961, General Correspondence–1961 file, Box 9, Office Files of Conrad Wirth, RG 79, NA-College Park.
- 12 Conrad Wirth, NPS Director, to Stewart Udall, Secretary of Interior, July 28, 1961, Parks & Sites Files, CCF 1959–1963, Accession 666A140, RG 48, NA-College Park.
- 13 *Cong. Rec.* 108 (July 23, 1962): 14414.
- 14 Wirth to Udall, 2.
- 15 Wirth to Udall, 2.
- 16 *Cong. Rec.* 107 (September 7, 1961): 18460.
- 17 *Cong. Rec.* 107 (September 7, 1961): 18463.
- 18 House Committee on Interior and Insular Affairs, H. Rept. 1628, 87th Cong., 2d Sess. (April 19, 1962).
- 19 H. Rept. 1628, 5.
- 20 The terms vernacular landscape or working landscape were not yet part of the NPS lexicon in the early 1960s. The focus on ranchlands as cultural landscapes worthy of attention and protection did not emerge until years later. One of the first publications to guide NPS practices in agricultural landscapes did not appear until 1984. Robert Z. Melnick, with Daniel Spohn and Emma Jane Saxe, *Cultural Landscapes: Rural Historic Districts in the National Park System* (Washington, DC: NPS Park Historic Architecture Division, 1984). NPS policies formally identifying cultural landscapes did not appear until 1988. NPS, Park Historic Structures and Landscapes Program, “Cultural Landscapes Program,” 1988.
- 21 Abby Wright, “For All Intents and Purposes: What Collective Intention Tells Us About Congress and Statutory Interpretation,” *University of Pennsylvania Law Review* 154, no. 4 (April 2006): 1009–13; Victoria F. Nourse, “Elementary Statutory Interpretation: Rethinking Legislative Intent and History,” *Boston College Law Review* 55, no. 5 (2014): 1615, 1656, <http://lawdigitalcommons.bc.edu>; John F. Manning, “Without the Pretense of Legislative Intent,” *Harvard Law Review* 130, no. 9 (2017): 2429–30.
- 22 Wright, “For All Intents and Purposes,” 1009.
- 23 Nourse, “Elementary Statutory Interpretation,” 1656
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CHAPTER 5:

Seashore Recreation, Access, and Protection

The preceding two chapters detailed the intense amount of media attention, legal proceedings, community involvement, and PRNS staff attention devoted to the charged controversies regarding the oyster farm, ranch management planning, and tule elk between the early 2000s and early 2020s. Those issues and the tumult they created perhaps makes it easy to forget that the reason Congress established PRNS as part of the national park system—its original *raison d'être* as a park unit—was the vast, relatively unspoiled seashore of the Point Reyes Peninsula. Park Service officials, the Kennedy administration, and sponsors in Congress supported the creation of PRNS to preserve and protect that portion of the peninsula encompassing what was typically termed the beach, the seashore, or the coastal strip. As the legislation moved through Congress, lawmakers did indeed move to include the entire peninsula within the federal preserve

because the inland forests, streams, ranchlands, and historic sites were seen to complement and provide a buffer for the shoreline acreage. As one of the authors of this volume aptly put it in the title to her article, “The National Park Service Goes to the Beach,” the NPS and congressional efforts in the late 1950s and early 1960s to create new national park units at Point Reyes, Cape Cod, Padre Island, and other sites aimed to preserve the few remaining large, undeveloped segments of America’s diminishing shorelines and coastlines. In the decades since then, the importance of the shoreline and coastal environment within the framework of the national seashore’s mission have only increased.

As the years and decades passed, the increased scientific knowledge about the value of dune, tidal, and marine ecosystems—the “seashore” element of the PRNS mission—gained added importance. In the meantime, the popularity of viewing charismatic wildlife at or near the water’s edge, most notably whales and elephant seals, encouraged more visits to shoreline features. NPS efforts at ecological restoration and renewal in the coastal zone became major management activities during the years from 2001–2022. New projects focused on protecting or maintaining intact long-existing seashore habitat and activities. Shoreline studies and management are likely to become an even larger concern for PRNS administrators as climate change causes greater impacts to the physical environment of beaches, bluffs, and dunes, as well as on local ecological niches and protected species.

The enhanced valuation of the shoreline elements is readily apparent in the 2020 “Foundation Document for Point Reyes National Seashore.” All NPS units prepare foundation documents that are intended as each park’s blueprint for future planning and management activities. Each foundation document first spells out—in a single sentence or short paragraph—the unit’s purpose, defined as “what is most important about the park.” The purpose statement for PRNS reads: “Established for public benefit, recreation, and inspiration, Point Reyes National Seashore preserves a rugged and wild coastal peninsula and surrounding waters, connecting native ecosystems, enduring

human history, and interpretive, scientific, and educational opportunities.”¹

In addition to the purpose statement, foundation documents describe a park’s “significance” in a list of resource values, which taken together are intended to show “the distinctive nature of the park and why an area is important within a global, national, regional, and systemwide context.”² Among the seven statements of significance in the PRNS 2020 Foundation Document, one is close to the original conception of the seashore’s value: “its proximity to the San Francisco Bay metropolitan area, the undeveloped scenic coastal landscapes and rich biodiversity . . . offer opportunities to visitors from around the world for inspiration, recreation, education, and research.”³

Two of the other statements of significance reveal the added importance placed on the resource values inherent in the shoreline-tidal environment. These also contribute to the distinctive nature of the seashore within the park system and among internationally recognized coastal zones.

“Established for public benefit, recreation, and inspiration, Point Reyes National Seashore preserves a rugged and wild coastal peninsula and surrounding waters, connecting native ecosystems, enduring human history, and interpretive, scientific, and educational opportunities.”

—*Point Reyes National Seashore Foundation Document (2020)*

- Point Reyes National Seashore supports internationally recognized biodiversity due to its dynamic geology, mosaic of terrestrial and marine environments, and location at one of the four major coastal upwelling zones in the world. The park protects thousands of plant and animal species, many of which are threatened or endangered.
- The geography of the Point Reyes Peninsula, which extends almost 10 miles into the Pacific Ocean, both necessitated and facilitated the development of innovative maritime and radio communications technologies that influenced the history of the region and the nation.⁴

These statements of purpose indicate how, in the last twenty years alone, new scientific information and calculations about climate, economics, and Indigenous life have increased the resource value of the Point Reyes beaches, headlands, and other coastal features.

Coastal Ecology Protection and Restoration

Most supporters of the creation of PRNS wanted to, first and foremost, save and protect the beachfront seashore of the peninsula. That included preservation of that coastal strip because of its aesthetic qualities, flora and fauna, and abundant recreational opportunities. More recent management has, as with land-based restoration projects described in some of the previous chapters, focused more on the ecological health of the many littoral ecosystems, from dunes to tidelands to estuaries. Several prominent PRNS coastal resources—which were not a consideration when Congress created the seashore—have emerged or gained increased importance since the turn of the century. Examples include coastal dune ecosystems, endangered western snowy plover nest sites, elephant seal pupping, and estuarine habitat preservation.

Western Snowy Plovers

Over the past twenty years, biologists and NPS officials gained greater understanding of how the shoreline environment of Point Reyes is critical habitat for numerous species, including some that might not survive long without it. Most prominent among these species is the western snowy plover (*Charadrius alexandrinus*), listed as threatened by the USFWS. Point Reyes beaches host a small population of these shorebirds. They nest either on the upper portion of the beach near the dunes or sometimes farther inland in the dune habitat. They also forage in the dunes, taking their chicks there.⁵ PRNS resource managers, following on programs launched by the Point Reyes Bird Observatory (PRBO), determined they needed to “stabilize and increase the breeding success of plovers in the Seashore.”⁶

The decreases in the total population and in chick survival of western snowy plovers is due to disappearing habitat, human disturbance (including those with dogs), and predation by other wildlife.⁷ Protecting plovers and their habitat at Point Reyes is especially important because it is one of only three NPS sites units where western snowy plovers nest.

The PRBO, now Point Blue Conservation Science (PBCS), began monitoring snowy plovers and their nesting sites in the early 1970s. They stepped up their monitoring program in the late 1980s, after they recorded decreases in the birds’ range throughout the Central Coast area and population drop-offs at Point Reyes beaches. As they became more aware of the growing threat to plovers and their habitat, PRNS natural resource staff collaborated with San Francisco Bay Area I&M Network to establish a plover monitoring



Newly hatched Western Snowy Plover chicks, Point Reyes National Seashore. NPS Photo.

program specific to Point Reyes beaches. NPS wildlife biologists and researchers from other organizations determined that two factors were adversely affecting plover reproduction and nesting: human disturbance near nesting sites and predation on plover eggs and chicks. Disturbance by visitors to the beaches was particularly acute when dogs accompanied them.⁸

Since 1995, the seashore has successfully instituted measures to restore native dune habitat and protect plovers from disturbance by visitors and dogs. To combat predation, park staff and PBCS developed predator enclosures they hoped would protect the snowy plover nesting sites and young. PBCS began installing the enclosures in 1996 on Limantour Spit and Point Reyes Beach with the aim of increasing the survival rate of hatchlings. PRNS resource staff subsequently collaborated with PBCS to improve the protection provided by the enclosures. Enclosure structures consisted of encircling fencing with openings large enough for plovers to enter but small enough to exclude most of the primary terrestrial predator populations. Staff place “crow-mesh” nets over the top of each structure to prevent avian predators from entering. The enclosures proved very effective in protecting snowy plovers and their broods: surveys conducted in 1986–1989 showed that roughly 15 percent of plover clutches hatched. Since installation of the closures in 1996–2014, the percentage of clutches hatching had increased to almost 64 percent.⁹

In addition to the fencing and warnings, NPS staff conduct ongoing nesting and habitat surveys that have become another key element of the plover protection program.

Observers conduct surveys during the nesting and fledging seasons that stretch from mid-March to mid-September. The frequency of surveys (e.g., twice per season, once a week) depends upon the specific nesting areas that resource managers have already identified. Staff might survey an area more often, for instance, if brooding plovers or active nesting sites were previously identified. Trained observers conduct the surveys by walking along the beach a short distance from the high-tide line, pausing at set intervals to scan the upper beach for signs of plovers. If they see a plover or nest, they walk to within thirty feet to record specific characteristics, coloring, and whether bands are visible on the plover's legs. They do not approach if the plover is actively engaged in building a nest or incubating their eggs. Surveys also include recording of predator sightings and activity. Staff conduct predator observations in an effort "to monitor changes in local predator populations and distributions near plover habitat."¹⁰ Once each observer completes their survey shift, they bring their observation sheets to the natural resource office, where staff then enter the information in a tracking database.

In addition to the wire-fence enclosures, the other critical element of snowy plover protection and survival is public education. Enclosures alone could not counter the problem of direct human disturbance of nesting sites by walkers, runners, beachcombers, etc., who knowingly or unknowingly approach too close to the nesting sites. Visitor activity close to the sites—especially the problem of dogs snuffling and barking around the enclosures—also disturb nesting and brooding plovers. NPS resource managers determined that visitor education offered the best solution to that problem.

Park managers established the Western Snowy Plover Docent Program in 2003. The dedicated participants in the program help park visitors learn about snowy plovers and the coastal dune ecosystem and understand why PRNS protection efforts are required to ensure survival of this threatened species. They point out to visitors—particularly those traversing the beaches or dunes with their dogs—how to prevent human disturbance that endangers successful plover reproduction.

Docents station themselves at trailheads leading to snowy plover habitat and walk along trails in order to make one-on-one contacts, hand out educational pamphlets, and to guide groups to locations where they can view snowy plovers on the beach. During most years, the docents are present on all weekends and holidays between Memorial Day and Labor Day, as well as some weekdays when the volunteers are available. Docents also take on the responsibility of "addressing and reporting law enforcement violations conducted in and near snowy plover habitat, particularly visitors in closed areas."¹¹

The PRNS 2015 Annual Report highlighted the accomplishment of the plover docent program:

The Western Snowy Plover Docent Program remains an important tool to educate park visitors about the plight of the western snowy plover and to minimize potential negative impacts from visitors, especially those with dogs. Docents made 6,752 visitor contacts on weekends and holidays in 2015. Efforts this season focused on the Abbotts Lagoon trailhead, Abbotts Lagoon shoreline and North Beach Parking lot. Docent efforts were extended to include Kehoe beach sporadically during the summer. Park managers recommend continuation of the docent program in future breeding seasons and a full-time seasonal docent coordinator is needed to recruit, organize, and lead the volunteer docents.¹²

Docent programs not only help protect plover habitat but also help strengthen the park's connections with the local community. Melanie Gunn, PRNS Public Information Officer, explained that the docent program became such a success because PRNS was able to “harness the interest of super-engaged people,” demonstrating the “power of volunteers.”¹³ In addition, park managers believe docents “instill a sense of awe for the uniqueness of Point Reyes increasing the ever-expanding ranks of those who love and care for this place and our National Park System.”¹⁴

This sentiment also applied to the seashore's winter wildlife docent program, which sought to educate visitors at Point Reyes Headlands watching migrating gray whales and elephant seal pupping beaches. These programs operated as part of the interpretation division and played a critical role in keeping beaches accessible to visitors during elephant seal pupping season. Winter wildlife docents were stationed at the lighthouse for whale watching and at Drakes Beach and Chimney Rock overlook to provide education regarding the elephant seals. To protect the seal pups, seashore managers had in the past completely closed off beaches to visitors on weekdays, when staffing numbers were often inadequate to monitor the pupping sites. But the park still wanted to keep those beaches accessible. Natural resource manager Dave Press explained, “we wanted to bring people down there because it's a great wildlife viewing experience. But we needed to kind of get things set up properly to create barriers between people and seals.” They were eventually able to do that, he said, because of their “really great docent program . . . running seven days a week.”¹⁵

Volunteer staff have been an essential element of many PRNS divisions and operations since the early 1970s, but seashore managers began to develop dedicated, resource-specific, docent programs in the 1990s. With the financial assistance of grants from the Point Reyes National Seashore Association (PRNSA), the number of docents quickly rose to seventy-five people working in the Elephant Seal and Tule Elk Docent Programs by 2001. Docents that year helped educate more than 18,000 visitors during the year at the elephant seal pupping beaches and for the tule elk fall rutting season. Seashore managers viewed them as a critical resource as they helped visitors “to view wildlife while imparting knowledge about natural history, behavior, and wildlife management.”¹⁶

Coastal Dune Ecosystems

In the decades since Congress created PRNS, scientists gained a greater understanding of coastal dune dynamics, which revealed the Point Reyes dunes to be an essential part of the entire shoreline ecosystem. The largest dune system within PRNS is located near the Point Reyes Headlands. The area is one of only three “active climbing dune sites” on the California coast. The climbing dunes near the headlands sit atop formations of much older sedimentary dune deposits. In addition to their ecological role, coastal dunes also provide protection from extreme tides and storm surges. This function is diminished or lost when invasive plant species over-stabilize dunes and introduce other alterations. Most of the other dune systems once extant at Point Reyes and along the North Coast disappeared or became highly degraded from wind and water erosion, the intrusion of human shoreline developments, and most of all, takeover by invasive plant species that crowd out native species.

Most ubiquitous of the invasive plants are the ever-expanding mats of iceplant and European beachgrass. Iceplant (*Carpobrotus edulis*) is a mat-forming perennial native to South America that spreads rapidly across dunes and sandy bluffs. In the one hundred years since it first arrived at Point Reyes, its vegetation expanded to cover large portions

of the coastal dunes and headlands.¹⁷ The aggressive invasive not only chokes out native species that bolster the dune ecosystem, but also the spreading mats of iceplant alter the dunes themselves by “preventing the natural sand erosion and deposition that characterizes dune systems.”¹⁸

Iceplant’s partner in crime as an invasive species is European beachgrass (*Ammophila arenaria*), introduced to the Point Reyes Peninsula in the early to mid-1900s. As in other parts of the country, including all along the Pacific Coast, ranchers planted these non-native species to try to stabilize dunes from encroaching on pastures, roads, and other farm facilities. Once planted, both iceplant and European beachgrass rapidly spread, growing as much as three to twelve feet a year. As the beachgrass spread, it trapped sand in place, creating taller dunes anchored parallel to the shoreline and dense monocultures that ousted native dune plant species, some of which had been listed by the USFWS as endangered or threatened. These static dunes prevented the natural wind-driven flow of sand to the interior dunes of the ecosystem.¹⁹

As part of the wetlands mapping and inventory project that began in 2000, PRNS staff created a detailed map of wetlands in the Abbotts Lagoon watershed (a total of about four

Mat of invasive iceplant vegetation on bluff at Point Reyes Headlands, Point Reyes Beach South in background. NPS Photo.



Since 1995, the seashore has successfully instituted measures to restore native dune habitat and protect plovers from disturbance by visitors and dogs. To combat predation, park staff and PBCS developed predator enclosures they hoped would protect the snowy plover nesting sites and young. PBCS began installing the enclosures in 1996 on Limantour Spit and Point Reyes Beach with the aim of increasing the survival rate of hatchlings.

thousand acres). It became clear during fieldwork for that project that the invasive European beachgrass and iceplant had created near-monocultures in these areas, outcompeting threatened plant species like Tidestrom's lupine (*Lupinus tidestromii*), beach layia, the grass *Sonoma alopecurus*, and curlyleaf monardella. The latter is a nectar source for the federally endangered Myrtle's silverspot butterfly. Further, the dense vegetation in the dunes provided cover for predators of the western snowy plover, which meant that foxes and ravens ate their eggs and chicks at higher rates.²⁰

By 2001, the degradation of native habitat and loss of native species due to iceplant and beachgrass prompted PRNS to “to embark on an ambitious coastal dune restoration program starting.”²¹ PRNS staff began some removal work in the late 1990s, first along the bluffs around the Point Reyes Lighthouse. Crews removed approximately one hundred acres of iceplant in the first two years of work and conducted maintenance removal and monitoring thereafter. By 2008, staff observed the return of native plant species in the removal area, roughly doubling the number of native plant species extant before the removal project. Crews used hand tools to remove invasive species from approximately thirty acres. That part of the project was funded through money from the Cape Mohican oil spill recovery plan.²²

Seashore staff tackled a more ambitious removal project between 2001 and 2005, during which vegetation resource management and contractor crews removed European beachgrass from fifty acres just south of the mouth of Abbotts Lagoon. In addition, iceplant and European beachgrass were also removed from eighty acres of paleodunes just north of the Point Reyes

Lighthouse. In 2005, researchers from Washington University in St. Louis started a long-term demographic monitoring project on the perennial plant species, Tidestrom's lupine. The USFWS had listed Tidestrom's lupine as federally endangered in 1992, due to habitat loss resulting from coastal development in northern California. One of the early findings of this monitoring project was that, due to the native deer mouse's penchant to consume Tidestrom's lupine seeds, many of the park's lupine populations were headed toward extinction. Tidestrom's lupine plants that were within seventy-five meters, or approximately two-hundred-fifty feet, of the edge of European beachgrass were 70 percent more likely to get their seed eaten by deer mice, probably due to less predation of mice in the protective plant cover. In 2009, the NPS introduced the endangered Tidestrom's lupine in an area near South Beach. Park staff worked with USFS Rare Plant Botanist Michelle Copoletta on the project. However, these efforts were ultimately not successful.

In 2009 the NPS piloted a project to test mechanical treatment methods for large-scale removal of European beachgrass. That mechanical removal involved “horizon-flipping” or flipping of rhizome-contaminated surface layer sandy soils with less rhizome-contaminated soil from at least three feet below the ground surface. Resource staff planned for the 256-acre project to be conducted almost entirely using mechanical removal, with some hand removal of iceplant in sparsely invaded native dune areas. Higher than expected costs

meant park staff had to reduce the overall project scope and select tasks deemed a priority. The park decided to prioritize removal of European beachgrass from dunes used by snowy plovers or from areas adjacent to dunes supporting Tidestrom's lupine. These steps aimed to benefit these federally listed species by reducing dense plant cover for predators.²³

Unfortunately, hand removal methods at the Abbotts Lagoon project proved ineffective in the long term, in part because European beachgrass has rhizomes that extend up to twelve feet deep. Resource management staff realized they would need different removal strategies. Mechanical removal of European beachgrass also destabilized the sand dunes. Wind began to blow sand over adjacent native dunes and wetlands that supported federally endangered species and began to blow into adjacent pasturelands. In addition, removal of European beachgrass complicated re-establishment of native plant species due to the inability of seedlings to withstand extensive sand remobilization.

These problems with mechanical removal methods, as well as the higher costs involved, prompted PRNS to evaluate herbicide use as a means to control the spread of invasive plants. Park staff spoke extensively with managers of coastal dune restoration efforts at state parks across California and developed a pilot project to determine the lowest concentration of herbicide that could be effectively applied to control European beachgrass. When the pilot project proved successful, the park began herbicide treatment in portions of the Abbotts Lagoon Coastal Dune Restoration Project Area. PRNS secured funding from other sources such as the State of California and USFWS to conduct the eradication work.

Staff monitored all restored areas, some of which revealed "an immediate and incredible response to restoration." In one spot, for example, the federally endangered Tidestrom's lupine had colonized roughly sixteen acres of an eighty-acre removal plot. By 2012, many of the lupine plants were reproducing, a critical finding because "lack of successful reproduction appears to be driving this species closer to extinction." In addition to the return of the lupine, federally threatened western snowy plovers started nesting within the restored project area in 2011. Just three years later, twenty of the plover's forty-five nesting attempts were in the restored dune habitat area.²⁴

In January 2015, seashore staff completed a new EA for a proposal to conduct an additional 600 acres of dune restoration. This document was the basis for continuing restoration efforts southward from Abbotts Lagoon to the AT&T transmission site located immediately south of the Abbotts Lagoon Coastal Dune Restoration Project Area. By 2018, seashore staff had removed 271 net acres of European beachgrass and iceplant from a 535-acre stretch of coastal dunes. The park conducted pre- and post-restoration monitoring at all project sites. Despite the success of the European beachgrass and iceplant removal work, re-establishing native dune vegetation was a bigger challenge, particularly in backdune areas or in dunes farther from the ocean. Despite significant hurdles, PRNS restoration projects benefitted native dune vegetation and rare plants such as federally listed Tidestrom's lupine and beach layia. Hundreds of thousands of Tidestrom's lupine, beach layia, and other rare species have become established in the Abbotts Lagoon project area. Park staff continue to work on improving effectiveness of restoration, methods, including collaborating with researchers from the University of Arizona to better understand factors that might be limiting or slowing evolution of restored dunes.²⁵

Coastal Habitat Restoration

Coastal watershed restoration of Drakes Estero and Limantour Estero watersheds were two significant projects that occurred after the forementioned 2000 wetland inventory. In

these projects, the NPS removed impediments to Coho salmon (*Oncorhynchus kisutch*) passage in creeks emptying into Drakes Estero and Limantour Estero, such as culverts and small dams that impeded tidal marsh systems. These projects took place at Lima Creek, Laguna Creek, East Schooner Creek, Glenbrook Creek, Horseshoe Pond, and Muddy Hollow Creek. Staff supported these multimillion-dollar projects with a mix of government funding and external grants.²⁶

These projects took place in discrete parts. For example, at Glenbrook Creek, the NPS removed a dam that had failed during a storm in 1982. By removing the remainder of the dam, sedimentation could flow through the creek without barriers, and salmonids could likewise swim up it without barriers. In this and other projects, the NPS focused on removing barriers and letting the natural system do the rest of the work and was clear in funding requests that success was not necessarily salmonids returning, but rather the health of the system. No government agency can force salmonids to return to a stream, but they can take out a culvert with a seven-foot drop that prevents any fish passage.²⁷

These projects have all made hydrological systems at Point Reyes more resilient in the face of rising sea levels. As sea levels rise, water rises in the streams flowing to the sea. If there are not any hard barriers, ecosystems will gradually change as the water rises. But a dam disrupts that slow transition and creates an abrupt breaking point for marshland and riparian plants to migrate into higher elevations. These projects are important for ensuring the future success of estuarine ecosystems.²⁸ Other watershed projects that the NPS undertook in the 2000s included fencing cattle away from creeks to help with runoff, a project that ranchers supported.²⁹

As discussed in early chapters, ecological restoration is never simply hitting a “reset” button and returning habitat to mirror its condition prior to human development or other disturbance. Managers of restoration projects, while aiming to improve habitat functioning and diversity, also recognized the reality of the present environment and how it might prompt changes to the “ideal” project plan. A good example of this at Point Reyes was the Drakes Beach parking lot reduction and wetland enhancement project. That coastal area, where the NPS constructed the Ken Patrick Visitor Center, had historically been a wetland, with a hydrological system that allowed it to discharge to the ocean. When the NPS began developing the area for visitor recreation, the altered landscape blocked and subsequently filled in the historical drainage canal running through and out from the wetland. NPS contractors also filled and paved over a portion of the wetland for the visitor center parking lot. Another portion of the former wetland remained as an impounded marshland with a small, seasonal channel that ran adjacent to the parking lot.

Drakes Beach was a long-time favorite destination for Marin County residents and visitors from farther afield. By the time the Drakes Beach Restoration Project began, roughly three hundred thousand people a year were traveling to recreate at Drakes Beach.³⁰ The County had long before established a small parking area and beach access there, prior to the 1962 establishment of the national seashore. In the 1970s, NPS contractors added the visitor center, restaurant, and expanded water, sewer, and power utilities. They constructed and installed these features quite close to the beach itself, barely above the high-tide line, a location that made the facilities prone to storm damage and interfered with the coastal and wetland hydrology.

Funding for the Drakes Beach mitigation project came from a Federal Highway Administration (FHWA) road repair project for Sir Francis Drake Boulevard. This provided seashore managers with the means to “reduce the parking lot footprint, repair



Female elephant seals and nursing pup, Point Reyes National Seashore, 2024. Photograph by Aiko Gold. NPS Photo.

deteriorating facilities, and also restore or improve the hydrological system of the adjacent marsh.”³¹ The lower portion of the historic Drakes Marsh had been filled in prior to the park’s establishment. Due to concerns about impacts to federally listed California red-legged frog, the USFWS stipulated that the mitigation marsh could not be directly connected to Drakes Marsh, the latter of which supported a thriving population of red-legged frogs. Two situations occurred that complicated design of the mitigation marsh. First, the park decided, after the wetland was initially designed, to retire the Peter Behr Overlook Trail. The original design had the elevated Peter Behr Overlook Trail functioning as the downstream berm of the constructed freshwater wetland, which would keep freshwater in the wetland and largely exclude tidal flow. With removal of the berm for the trail, the wetland lost its downstream hydrological control and shifted from functioning as a freshwater system to an estuarine one that was less suitable for the freshwater marsh container plants that had been specifically grown for this project.³²

While the mid-project design change created challenges for the FHWA to meet mitigation requirements for creation of a freshwater wetland, the new feature did attract elephant seals, who determined that the pond was perfect for them. The elephant seals—juvenile seals in particular—enjoyed swimming in the pool and basking on its shores. The staff dubbed it the “elephant-seal lap pool,” and visitors soon made it another popular destination for viewing seals.³³ The new-found popularity of the constructed wetland with elephant seals also complicated success of mitigation efforts, as restoration managers had

to face the fact that newly installed plants and irrigation systems might be ultimately crushed by these very large animals.

Over the years, elephant seals have increased their presence in the Drakes Beach location, particularly during their molting season in springtime. Elephant seals had reestablished breeding colonies in the park, most notably a pupping spot near Chimney Rock, which grew at dramatic rates (in winter 2003–2004, the park counted over four hundred elephant seal pups). Elephant seal pupping season, generally January–March, was earlier than harbor seal pupping season. Starting in the 1990s, the seashore implemented annual closures of Drakes Estero, Limantour Spit, and other sensitive areas to recreational use during harbor seal pupping season (March–June).³⁴ To protect mothers and pups while the pups nursed, the NPS restricted people and dogs from walking from the South Beach parking lot to points south.³⁵ Volunteers assisted with fieldwork for harbor seal monitoring, and volunteer docents working for the interpretive program led seal-watching walks.³⁶

Female seals spend this time out of the water while they molt (shed their outer skin) and then grow a new layer. By 2022, resource managers recorded roughly nine hundred seals molting at the location. This eventually prompted PRNS to institute closures of a portion of Drakes Beach for the duration of the molting season. For example, in late April 2022, PRNS temporarily closed the section of the beach (a half mile south of the visitor center) that elephant seals had essentially taken over. Park personnel posted warning signs at the parking area, trailhead, and along the beach to alert visitors to avoid the area.³⁷

Ben Becker reflected on the increase in elephant seal population and expansion of their territory such seen at Drakes Beach and the attendant management conflict the change has created. He explained:

two hundred years ago, there wouldn't be that many seals onshore, because there would have been grizzly bears and wolves and bobcats and coyotes and everything chasing them off these beaches. So they would only have their pups and haul out on offshore rocks or offshore islands like the Farallon Islands or the Channel Islands, and they might at Point Reyes hang out at a little pocket beach with huge cliffs behind it where a predator couldn't access.

Now we have thousands and thousands of seals on the beach. Which is awesome. But it's also not necessarily "natural," which doesn't mean good or bad. But now we have to make those decisions about, okay, is this beach for people or is it for seals? It's just a historical context that kind of frames it.³⁸

National seashore road and facility closures due to the federal government shutdown during winter 2018–2019 exacerbated the issue. With no cars or people at Drakes Beach, the elephant seals found the empty parking lot of the visitor center to their liking. When PRNS reopened to most travel, visitors were elated by the opportunity to see the seals from a short distance. Former Chief of Interpretation John Dell'Osso remembered that one of his staff called him that first weekend after the road to Drakes Beach was opened, concerned about how close people were to the seals. The interpretive ranger on the scene told him, "I just want to let you know that we had a school bus show up and there's all these like little third graders out here checking out the elephant seals. And there was one female hanging out in the parking lot . . . And a male decided to move up over the fence and begin to procreate with her. In front of all the third graders."³⁹

PRNS administration and resource management staff debated how best to protect the seals without completely restricting public access to the beach. They decided, for that first season, to allow visitors to visit Drakes Beach on weekends when NPS rangers and docents could be present and rope off an area if a seal or seals had taken up a parking spot. Nevertheless, visitors got a much closer experience with the seals, and quickly the area became more crowded. As word got out, more visitors arrived and soon the news media as well. Dell’Osso mentioned that they even received requests from international media: “I was doing interviews with Italian TV, Japanese television, French television.”⁴⁰

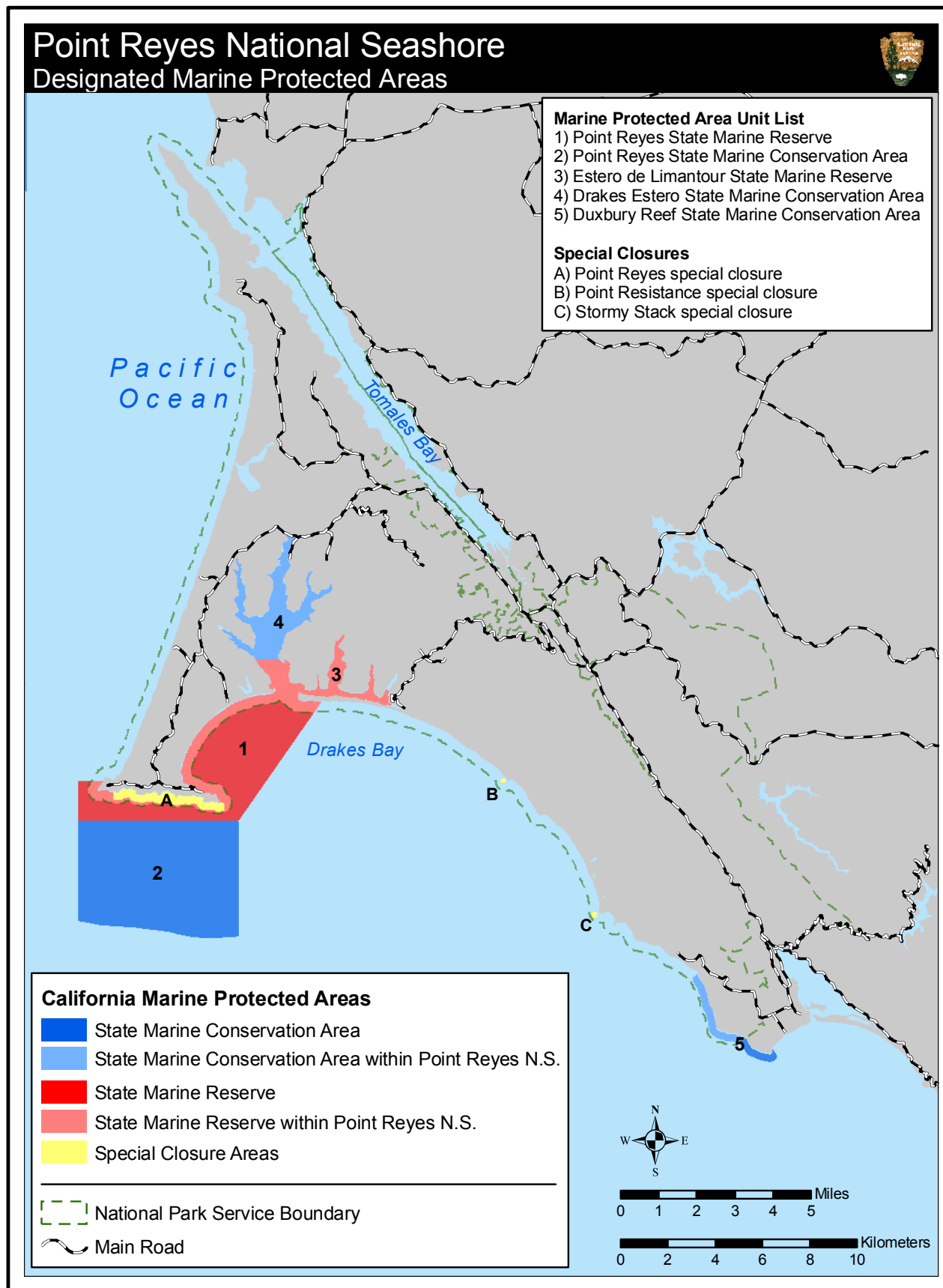
The decision about what to do about the wetland restoration project and inadvertent “seal lap pool” at Drakes Beach speaks to the fact that PRNS efforts to preserve or restore valuable coastal resources—whether the resources are environmental or cultural—must be flexible to accommodate the context of present (and future) circumstances. The very nature of “nature” means the shoreline and coastal bluffs are constantly changing, as are the populations that inhabit them. Severe winds, high surf, and human activity mean that management plans for protection and restoration of coastal resources may be more complex and include the capricious environment of the seashore.

Protection of Marine Resources

In the 1990s, other conservation organizations beyond the Park Service likewise arrived at a greater appreciation of the values of the shoreline and tidal zones and took steps to protect them. In 1999, the California legislature passed the Marine Life Protection Act (MLPA), which directed creation of a “network of Marine Protected Areas (MPAs)” along the California coastline. Once established, MPAs would help “conserve marine and estuarine systems, including the plants and animals and habitat.” The MLPA made it illegal to “injure, damage, take, or possess any of these features” within the protected area.⁴¹ In 2004, the California Resources Agency, California Department of Fish and Game, and the non-profit Resource Legacy Fund Foundation signed an MOU that both launched the MLPA Initiative throughout the state and began its implementation along the central California coast.

The Fish and Game Commission launched two years of public discussion, scientific study, and participation by various interested parties to formulate plans for establishing MPAs. PRNS staff participated in this process by “attending public meetings, helping draft proposed MPAs, serving on the scientific advisory team, conducting education and outreach initiatives, and by providing funding for three years of MPA monitoring.”⁴² In 2008, PRNS Superintendent Don Neubacher and Ben Becker became part of the team representing the NPS, among thirty or forty other interested parties, to determine where the state should establish MPAs, including at Point Reyes. Becker recalled that “there were a couple of fits and starts on processes because there was going to be stakeholder input in terms of where [the MPAs] should they be, . . . and a science advisory team to try and say if you had these protected areas here, they’d do the most good.”⁴³ He also recalled that “like almost every

. . . the new feature did attract elephant seals, who determined that the pond was perfect for them. The elephant seals—juvenile seals in particular—enjoyed swimming in the pool and basking on its shores. The staff dubbed it the “elephant-seal lap pool,” and visitors soon made it another popular destination for viewing seals.



Map showing Marine Protected Areas, Point Reyes National Seashore. Map prepared by NPS.

public process, it quickly broke into two camps.” Some participants wanted more acreage included in the MPAs while others argued for fewer (or no) acres to receive protection. Nevertheless, Becker found “being part of that stakeholder process was great and getting NPS input [for the MPAs] was great.”⁴⁴ “From my perspective,” Becker explained, “and a lot of folks’ perspective on that team, we were hoping for larger and more significant protected areas.” Regardless, the State eventually established “robust, significant marine protected areas” at Point Reyes.⁴⁵

State-sponsored studies eventually led to the establishment of five MPAs around the Point Reyes Headlands: the Drakes Estero State Marine Conservation Area, Estero de Limantour State Marine Reserve, Point Reyes State Marine Reserve, Point Reyes Headlands Special Closure Area, and Point Reyes State Marine Conservation Area.⁴⁶ There are also three “no disturbance” special closures for marine bird and mammal colonies. The total acreage of all the MPAs within PRNS boundaries is 4,600 acres.⁴⁷ These five reserves and protected areas, as well as the other nineteen MPAs established along the California coastline, will “safeguard habitat and protect the rich web of life in the sea . . . MPAs have been shown to reduce seafloor disturbance, enhance kelp forests, protect estuarine systems, and enhance fish populations.”⁴⁸ A primary goal is to protect “the natural biodiversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems,” while also rebuilding abundance of marine species of commercial and recreational value. But the MPAs are also intended to “improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance.”⁴⁹

The largest of the MPAs, the Point Reyes State Marine Reserve (SMR) protects more than nine square miles of “ocean habitat, sandy beaches, rocky shores, surfgrass and eelgrass beds, tidal flats, rocky reefs, and sandy seafloor to depths exceeding 130 feet.” The Point Reyes State Marine Conservation Area (SMCA) protects over twelve square miles of “mostly sandy seafloor and rocky bottom habitats to depths greater than 200 feet.”⁵⁰ Together, the Point Reyes SMR and SMCA are host to and provide protected habitat for “gray whales, Steller sea lions, northern elephant seals, common murrelets, pigeon guillemots, Brandt’s cormorants, blue rockfish, brown rockfish, canary rockfish, sculpin, sea stars, sea cucumbers, Dungeness crab, and red octopus, among other species.” They also preserve land and water areas that are popular with “beachgoers, hikers, wildlife enthusiasts, and hardy surfers.”⁵¹

Regulations for protection of the MPAs, incorporated in the California Code of Regulations, in some cases are more restrictive than PRNS regulations.⁵² Within the Point Reyes SMCA, for instance, state regulations make it “unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource,” except “recreational and commercial take of salmon by trolling and Dungeness crab by trap is allowed.”⁵³ Within the Point Reyes Headlands Special Closure Area, boating is excluded and access is restricted to anyone except employees of the NPS, USFWS, U.S. Coast Guard (USCG), and the State Department of Fish and Wildlife, unless the State grants them special permission.⁵⁴

PRNS staff continued to work with other agencies to coordinate natural resource protection of marine areas off the coast of Point Reyes. Two federal offshore national marine sanctuaries were established off the coast of PRNS in the 1980s: the Point Reyes-Farallon Islands National Marine Sanctuary (NMS) (later renamed the Greater Farallones NMS, designated by President Jimmy Carter in 1981) and Cordell Bank NMS (established by Congress in 1989). The boundary of the Greater Farallones NMS starts where PRNS

jurisdiction ends, a quarter of a mile offshore. Cordell Bank NMS is farther offshore and touches the boundary of the Greater Farallones NMS but not PRNS. However, since PRNS is the closest land-based location with federal offices to Cordell Bank, NOAA employees working for Cordell Bank NMS share office space with PRNS staff at Bear Valley Headquarters.⁵⁵

Natural resource and I&M staff also monitor other flora and fauna of rocky intertidal zones throughout the park. Much of this work is ongoing data collection. One recent project seeks to better understand sea level rise impacts on coastal resources—collecting data using unmanned aircraft systems (“drones”) to map coastal species and ecological communities. Other issues related to warming water include acidification, which leads to mollusks having trouble creating their shells. Scientists are monitoring this in the ocean around Point Reyes.⁵⁶

One major recent nearshore concern is related to sea stars and kelp forests. In 2012, “sea star wasting disease” devastated sea stars along the West Coast of the United States, from California to Alaska. Over 90 percent of sea stars died. Sea stars are top predators in rocky intertidal zones. With them gone, the population of urchins exploded. Urchins eat kelp, often right from the bottom, where the kelp is attached to the sea floor. This led to the decimation of kelp forests off the California coast, which then affected all sea life that depends on these kelp forests for their own survival (sea otters being one of the best known of these animals). Scientists have speculated that the warmer water temperatures helped sea star wasting disease thrive, and urchins also do better in warmer waters. Sea stars are coming back, with the 10 percent or so that survived the disease now reproducing, indicating sea stars likely have greater tolerance for changing conditions.⁵⁷

Oil spills also impact rocky intertidal zones. A large spill and subsequent clean up occurred at GGNRA in 2007, but it did not affect Point Reyes’ coastline. In the early 2000s, tar balls of unknown origins repeatedly washed up on California’s Central Coast. These mystery balls turned out to be from a ship that had sank in 1953, the *Jacob Luckenbach*, which rests on the ocean floor within the boundary of the Greater Farallones NMS. Various state and federal agencies worked together to extract over 85,000 gallons of oil from the ship during complex cleanup efforts in 2005–2006, in a process that involved underwater warming and offloading of the oil. This has prevented future leakage.⁵⁸

In November 2007, heavy black oil from another spill began to wash up onto Point Reyes beaches. The source of the oil, which arrived as fist-sized tar balls, came from the *Cosco Busan* tanker that had collided with a section of the San Francisco–Oakland Bay Bridge on November 7. PRNS closed the impacted beaches to visitor access. The *Cosco Busan* spill threatened sensitive and threatened coastal species including western snowy plovers, brown pelicans, northern fur seals, northern elephant seals, and harbor seals. NPS biologists began surveys of beaches soon after the tar balls began to wash ashore and continued to assess impacts to sea birds, marine mammals, and the marine invertebrates inhabiting tidepools. Point Reyes staff also positioned over four thousand feet of protective boom material off of the Limantour and Drakes Beaches to prevent oil from entering the mouth of Drakes Estero and its rich marine resources.⁵⁹

Shoreline Recreation, Access, and Protection

In the roughly sixty years since Congress established PRNS, the coastal strip and adjacent marine environment have gained even greater importance as the NPS unit’s most valuable



Crowds gathered at Drakes Beach during annual sandcastle building contest, Point Reyes National Seashore. NPS Photo.

resource. When congressional and NPS leadership studied the potential value of Point Reyes as a proposed new NPS unit in the early 1960s, they pointed out the superb aesthetic and recreational values the coastal waters and beaches would provide for visitors. They did not foresee that the growing understanding of marine and estuarian ecology and the increased valuation of the connection between species survival and healthy habitats, yet they still pointed to the shoreline as the centerpiece of the national seashore’s purpose and significance.

Since 2010, the media attention to the “hot-button” issues might lead some to assume that the conflict locations—farms, elk range, and oyster farms—are at the heart of the PRNS mission and in minds of park visitors. Yet most visitors to PRNS between 2010 and 2022 went to other destinations, primarily the popular beaches and coastal vantage points.

Many shoreline activities popular with the visitors in the 1960s—swimming, sunbathing, beachcombing, bonfires, tide-pooling, and simply enjoying ocean vistas—are still sought out at Point Reyes today. Given the shoreline’s popularity and status as a primary park resource, PRNS continues to invest in improvements and additions that would benefit visitors and ecological systems. The beauty and “wildness” of the peninsula’s beaches make some of them very popular with visitors, including many local residents. This was the very thing Congress anticipated for PRNS—open and undeveloped ocean beaches that provided recreation for distant visitors and the regional (Bay Area) population. Popularity, however, can also lead to problems.

Some beach activities became worrisome for PRNS staff because of overuse and crowding, most notably the beach areas at Palomarin. Located at the far southern end of the national seashore just north of the town of Bolinas, the Palomarin and Wildcat Beaches had long been a favorite, especially for local West Marin residents. Reached via a rough road and a short trail, the beach was a popular destination for evening and weekend parties. By the mid-2010s, however, the area's popularity had become a management problem for seashore staff. Dave Schifsky, then serving as chief ranger, described how use of the Palomarin area suddenly “exploded,” particularly on weekends. PRNS staff and managers were slow to realize and respond to the problem. By 2017, he said, the result “was an absolute zoo” and a significant problem for management.⁶⁰

We were really struggling with how do we manage this? How do we manage . . . because there's not enough parking and there's not enough bathrooms and there's not enough signage [which] is minimal . . . Because the people were coming. They were coming not just because of social media and because of what they read and had seen on all those various platforms, but they heard about it through various news articles highlighting things like Alamere Falls or Bass Lake or whatever.⁶¹

It also was a demonstration, Schifsky reflected, of Point Reyes being “a hyperlocal visitation park.”⁶² Traffic counters cannot fully capture the Palomarin visitor numbers—they record the number of vehicles passing the counter but not the number of people—and the number of visitors in each vehicle of course varies. But by comparing the counter number from one year or span of years to another, they provide a useful way to measure changes in a site's popularity. Looking at the monthly and annual traffic counts on the Palomarin entrance road, we can readily see the dramatic increase in vehicle travel to that area from the period prior to 2014 to the years that followed. Between 2006 and 2014, the annual vehicle “count” averaged 30,115 vehicles per year and never exceeded an annual total of 33,704. Travel to Palomarin noticeably increased to 48,127 vehicles in 2015, then surged to 64,304 vehicles in 2016 and 85,130 in 2017, an increase of approximately 120 percent over that three-year span.⁶³

The national seashore's most spectacular physical landscapes are the cliffs, grassy bluffs, and wave-battered rocky shore of the Point Reyes Headlands, the visual impact of which is accentuated by the historic and iconic Point Reyes Lighthouse. The light station, situated at the farthest western edge of the peninsula, is renowned for its stark, beautiful setting at the edge of a rock promontory, reached by descending a winding stair of several hundred steps. It is representative of the human and natural coastal environment.

Several elements have made the lighthouse particularly attractive to PRNS visitors. American automobile tourism fosters the adoption of sites such as lighthouses as symbols of a particular place. Because drivers can sweep through PRNS or other national park units often in a matter of minutes, landscapes viewed out car windows tend to become an undifferentiated blur. Amid the tumbled hills, open grassland, and wide expanses of beach and ocean at PRNS, the verticality of the lighthouse perched atop the sheer-sided Point Reyes cliffs presents a dramatic counterpoint to the visually undifferentiated (to a motorist) landscape. In his sociological analysis of modern tourism, *The Tourist: A New Theory of the Leisure Class*, Dean MacCannell has called certain well-known attractions “symbolic markers.”⁶⁵ These sights provide travelers with a mental representation of a particular tourist area; the Golden Gate Bridge, for example, has become a symbolic marker for San

Francisco. When travelers see a symbolic marker, they get the sense that they have truly seen or arrived at a sought-out destination.⁶⁶ Indeed, the built landscape of the lighthouse in its natural setting is an apt representation of PRNS, for it stands at the literal intersection of earth, sea, and sky.

At the Point Reyes Light Station, the 1870 lighthouse is the most recognizable part of the larger nineteenth-century landscape that incorporated the adjacent equipment and transformer buildings, foghorn apparatus, the former lightkeeper's residence, and the water collection cisterns. Just as the lighthouse, for the past century, has shined and called out warning signals to seafarers, telling them that landfall is near, the lighthouse began to signal to tourists that their "landfall" (in other words, arrival at their desired destination) was at hand. Seeing the lighthouse confirms that a visitor has "really" encountered PRNS. Because no grand entrance gate greets visitors arriving at PRNS, as is the case at many of the more traditional national parks, the lighthouse has gained further value as a tourist marker. The park has generally endorsed this status, featuring the lighthouse on publications and, more recently, on the home page of the PRNS website. Moreover, lighthouses across North America have been adopted as collectors' items: lighthouse aficionados travel along coastlines, adding an ink stamp or postcard image of each lighthouse to "passports" provided by the United States Lighthouse Society, collecting photos for personal collections, or writing descriptions in their travel journals.

Sir Francis Drake Landing Site

Long before Congress established PRNS, researchers, local historians and beachcombers identified glass, porcelain, and other material artifacts in the area of Drakes Estero and Drakes Cove, which has led many to conclude that it is the exact location of Sir Francis Drake's landing and time ashore. Many of these items entered the collection of the Drake Navigators Guild. Thirteen years after Drake's visit, a Spanish Manila galleon sank in roughly the same location and produced the second encounter between Indigenous peoples and European ships and crews. The foreign visitors left articles of metal, porcelain, and other manufactured goods that the Coast Miwok and other local Tribes had not previously seen or used.

The Drake Navigators Guild eventually donated their sixty-plus years of research that documents all their findings to the Point Reyes archives. Researchers worldwide request access to this artifact collection because it is so rare to have first-contact material. The archeological artifacts now in the PRNS collection also support the historical narratives regarding Drake's voyage and North American landing. In October 2021, the California State Historical Resources Commission acknowledged that connection with their designation of a 215-acre parcel along Drakes Cove as a California Historical Landmark.⁶⁴ The NPS had already bequeathed federal recognition to the site as an NHL, called the Drakes Bay Historic and Archaeological District, in 2012.

Whale Watching

In the early 1970s, PRNS began to see increasing numbers of visitors traveling to the Point Reyes Lighthouse to watch migrating gray whales (*Eschrichtius robustus*). Ever since then, the Point Reyes Headlands has been a popular whale-watching vantage point. That westernmost tip of the peninsula juts far out into the Pacific Ocean beyond the mainland coast of California, extending into the migration routes of many Pacific avian and marine species, including gray whales. Gray whales are most visible during their southern migration from the Bering Sea to Baja California, where cows bear their calves. Gray whales and other migrants are also visible during their return trip north, generally from late March until early June. On their return journeys, gray whales often linger around Point Reyes, feeding on the rich resources caused by the upwelling currents. Visitors from throughout the Bay Area who wanted to watch whales at close range without chartering a boat trip could find few places better than the Point Reyes Headlands.

As crowds of visitors traveling to the headlands to view whales (and subsequently elephant seals) increased, lengthy traffic jams and illegal parking along Sir Francis Drake Boulevard, the only access road, became a bigger problem for PRNS staff, as well as for ranch owners and their employees who used the road to reach their homes and operations. As a result, PRNS instituted in 1996 a shuttle-bus system that all whale and seal watchers were required to use on designated weekends. When the weather was fair, the park called in large passenger buses, which ran from the Drakes Beach parking area to the lighthouse and Chimney Rock viewpoints and back on a regular schedule.

More recently, the passage of migrating humpback whales (*Megaptera novaeangliae*) closer to Point Reyes has added to the spectacle for visitors. Because humpback whales respond to changes in their environment with alterations in their feeding patterns, a recent shift in Pacific currents created conditions that brought increased numbers of humpbacks much closer to shore near Point Reyes (and other spots along the Central Coast) during the past several decades. More specifically, a shift in the North Pacific Gyre Oscillation during the late 1990s resulted in higher ocean surface temperatures along the Central Coast, which led to an increase in the size, range, and seasonal movement of anchovy and sardine populations. When this happens, humpback whales alter their diet from one food source, krill, to the large offshore schools of anchovies and sardines. The result has been a several-fold increase in humpback whale sightings. A study of cetacean observations made from Southeast Farallon Island, in the Greater Farallones NMS immediately south of Point Reyes, revealed that the number of humpback whale sightings per week, which had averaged about two sightings per week from 1993 to about 2004, increased significantly thereafter, reaching an average of six sightings per week in 2016. Sightings of gray whales on their northern migration route also increased,

The decision about what to do about the wetland restoration project and inadvertent “seal lap pool” at Drakes Beach speaks to the fact that PRNS efforts to preserve or restore valuable coastal resources—whether the resources are environmental or cultural—must be flexible to accommodate the context of present (and future) circumstances. The very nature of “nature” means the shoreline and coastal bluffs are constantly changing, as are the populations that inhabit them.

though to a lesser extent than humpbacks, during the same period. A 2021 NOAA report indicated that the humpback numbers continued to increase.⁶⁷

Increased whale sightings delighted whale-watching crowds at the Point Reyes Lighthouse but had impacts on the local commercial fisheries. California Fish and Wildlife delayed the season for Point Reyes and other local crab harvests in order to prevent humpback injuries and fatalities from entanglement in fishing nets and crabbing gear. Fishing crews could see for themselves when the feeding humpbacks were out in force. As recently as 2023, a local crabber returned from an October day at sea to report, “I don’t even know how many whales we saw out there but it was a lot, and they were all feeding on a huge mass of anchovies. There were almost as many whales as anchovies. Unless something changes to make the anchovies go away, I don’t anticipate December 1 [the scheduled start of the crabbing season] being a go.”⁶⁸ If the start of crabbing is delayed until later in December, the economic impact is significant. One Bolinas crabber described the problems they faced in 2022, when their commercial season lasted less than two months. He said, “by late February, you’re scratching. You might get one or two keepers and you’re throwing back dozens of females or crabs that are too small.” If the season is delayed that long, “It almost makes it not worth it to fish.”⁶⁹ An estimated 4,900 humpback whales migrate along the West Coast, a number that is steadily increasing, according to a 2021 report by NOAA.

On a more global scale, studies of humpback whale populations in the area are significant in demonstrating that humpback whales are highly responsive to ecosystem shifts, and thus their feeding patterns provide insight into the “biological consequences of inter-annual climate fluctuations, fundamental to advancing ecosystem predictions related to global climate change.”⁷⁰

Facility Improvements

Although instances of restrictions on recreational use were rare, park officials felt they were sometimes necessary to protect visitors and the environment. For the most part, however, park administration focused on efforts to make the beaches more, rather than less, accessible for their myriad uses. Completion of the Limantour Road in 1974 (and its reconstruction in 1984) was an important step in opening shoreline areas to public use. Providing access, however, entailed more than simply building roads to a destination. When PRNS added and improved on its concession facilities at Drakes Beach, it enabled casual tourists who had not planned ahead (by bringing food or water) to spend more time enjoying the beach. In 1975, maintenance crews built a designated parking space and a wheelchair ramp down to the beach path for visitors with disabilities. Even before passage of the Americans with Disabilities Act (ADA) in 1990 (which went into effect in 1992), these efforts provided access to a wider range of the population, albeit often on paper only.

In this era before uniform construction specifications were available, not all “handicapped” trails and ramps were negotiable for wheelchairs or walkers. Over the next past three decades, however, PRNS worked to increase accessibility to its resources. While many of the dedicated hiking trails remain inaccessible for visitors who use wheelchairs, all of the park’s facilities (with the exception of the second floor of the lifeboat station), six trails, and three beaches are accessible.⁷¹ Additional trails were in the process of being made more accessible. In 2005, for example, the Coastal Conservancy gave over eighty thousand dollars to PRNS and the Marin Conservation Corps to widen and regrade the Elephant Seal Overlook Trail to provide visitors with disabilities better access to the trail’s views.⁷²

- In 2008, NPS staff and contractors conducted roughly one hundred thousand dollars of trail repairs and improvements at Abbotts Lagoon. Half of the funding came from an anonymous donor, which PRNSA matched.
- In 2005, seashore staff repaired and upgraded the quarter-mile-long Elephant Seal Overlook Trail. The existing trail prior to repair was quite narrow, deteriorating under heavy use, and inadequate to handle the increased number of visitors wanting a good view of the elephant seals. Funding for the project came from the PRNSA, which provided a \$15,500 grant, and a \$87,000 grant from the Coastal Conservancy. Staff stabilized and widened the trail, which made it more accessible to visitors with limited mobility and provided “better viewing access to the thousands of park visitors who come to watch and learn more about the seals’ behavior.” The repairs made the trail ADA accessible. The completed project enabled a larger number of visitors to take the short walk to the expanded viewing area to observe the elephant seal colony near Chimney Rock during the winter breeding and pupping seasons.⁷³

Two male elephant seals sparring during mating season, Point Reyes National Seashore, 2024. Photograph by Aiko Gold. NPS Photo.



- In 2009, PRNS made repairs and enhancements to trails, parking, and facilities at Limantour Beach, a popular recreation destination. Improvements included installation of wood benches, adding an outdoor shower for beachcombers to rinse off sand, and construction of stairs to improve visitor safety. As the work neared completion, the staff landscaped the area with native plants.

Seashore managers used the NPS Self-Evaluation and Transition Plan (SETP) to create a more effective design plan to improve accessibility for PRNS facilities. Park Service officials launched the SETP program to assist with “upgrading services, activities, and programs at park areas and to instill a culture around universal access by employing means to convey information to the widest population possible and by prioritizing ongoing staff training.”⁷⁴ PRNS staff were able to use findings from the self-evaluation process to develop better strategies for improving accessibility throughout the park. An NPS design team that included designers, construction managers, interpretive staff, and the seashore’s resource management, visitor safety, and maintenance personnel led the SETP process. They used PRNS site drawings, photographs, and existing project plans to target the highest-priority areas to develop or enhance.⁷⁵

Accidents and Rescues

For all their beauty and tranquility, ocean shorelines are also inherently dangerous. That has certainly been true at Point Reyes from the historic period to the present day. The very features that visitors come to enjoy—the visual spectacle of seaside cliffs, rocky surf-splashed promontories, and the sight, smell, or sound of the ocean—can also attract people to misjudge the precipitousness of cliffsides or the strength of the waves. Unlike many of the other topics discussed in this chapter, this is not just a recent phenomenon; the types of accidents and rescues continue to be those that caused injuries and fatalities in the early years of the national seashore. Twenty-first century PRNS staff, often with the assistance of outside agencies such as the USCG and Marin County Fire Department, continue to conduct numerous search and rescue operations throughout the year. The majority occur along the coast and include extracting visitors from steep cliffs and bluffs and responding to swimming or boating accidents, some with tragic outcomes. According to PRNS incident reports, from 2001–2020, accidents in coastal waters or land included four fatalities due to drowning and one from collapse of a coastal overlook.⁷⁶

Accidents were particularly frequent along the route to Alamere Falls, which could be reached by an unmaintained shortcut trail that was precipitous and unstable. Alamere Falls, where water from Alamere Creek tumbles off a forty-foot-tall cliff edge directly onto the beach or into the surf, had always been a spectacular destination for visitors willing to hike the designated twelve-mile-long trail to get there. But in the 2010s, various media ran news stories describing the shorter (eight miles) but steeper shortcut trail, and the popular AllTrails hiking mobile phone app began showing the shortcut as the designated route to the beach and Alamere Falls.

That area’s popularity with visitors is not surprising, given the unique beauty of the site. It is a rare “tidefall,” a coastal waterfall that cascades directly into the ocean. One San Francisco-area journalist writing about his trip to see Alamere Falls said that it was “easily one of the most incredible hikes I’ve done in my life (and I’ve done a lot of incredible hikes), and the payoff when you reach Alamere—at the midpoint of either the 8-mile or 14-mile trek, where the falls handshake with the ocean’s oncoming tide—is hard to put into words,



Alamere Falls at Wildcat Beach, Point Reyes National Seashore, 2013. NPS Photo.

even for someone who writes all day.”⁷⁷ But he also noted that the shortcut trail included a descent down “an extremely dangerous shale crevice that takes you from the top of the cliff (about five stories up) to the beach. Because that final crevice is entirely made of shale, the walls crumble when you try to grab them for support, and the rock sheets you’re scrambling down (which are covered in the crumbled shale pieces) make slipping and sliding an almost guarantee.”⁷⁸

Increasing visitor use of the treacherous shortcut trail during that period resulted in PRNS staff conducting two dozen (or more) rescues of injured or stranded hikers every year. They included a fifty-person rescue effort to save two men stuck halfway down the cliff along with a third person down at the beach trapped by the tide. Other dramatic rescues included a Sonoma County sheriff’s helicopter rescue of a man who had fallen from the cliffs, a helicopter rescue of a sixteen-year-old girl who fell off the cliff and broke her leg, and a “harrowing rescue of a six-year-old who slipped and slid down the falls for fifteen feet.”⁷⁹ Christine Beekman, chief of PRNS interpretation, said the number of reported visitor accidents was just “the tip of the iceberg” of the falls and injuries there. That trail, she said, “just gives us all headaches.”⁸⁰

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CHAPTER 6:

An Island No More

Events described in previous chapters revealed how management decisions about the seashore’s natural and cultural resources during the twenty-first century were shaped—more than ever before—by forces beyond the boundaries of the park and outside the auspices of the NPS. These outside influences included the forementioned federal lawsuits, local protests, and intense regional and national media focus. Other issues influencing decisions and actions of seashore administrators and staff may be less obvious in their impact, but only because they became part and parcel of our daily lives in recent decades. Prime examples are the growth of electronic media and particularly the impact of social media, the worldwide COVID-19 pandemic and its aftermath, the growing impacts of global warming, and changing lay and scientific perspectives on what, exactly, is “environmental” protection.

As the authors noted in Chapter 1, Harold Gilliam’s selection of an island metaphor in his 1962 book *Island in Time* to illustrate the Point Reyes Peninsula’s unique geology, natural landscapes, and human history was apropos at that time. That moniker still fits for describing the geology and certain habitats at Point Reyes. But the social, political, and economic issues and tasks that twenty-first-century PRNS administrators faced revealed how the national seashore is anything but an island: activities and decisions of park managers were directly tied to or influenced by country-wide economic patterns, state and

federal legislation, social and cultural changes regarding disadvantaged communities, and more. Two major economic crises, the worldwide COVID-19 pandemic and the increasing impacts of global climate change, demonstrated that Point Reyes or any other land on Earth can no longer be an isolated “island” concerned only about insular issues and problems.

During times when COVID transmission rates were highest and federal agencies received directives about working remotely, the experience of Point Reyes for both staff and visitors changed dramatically. But as the pandemic dragged on into 2021, many Americans sought to do more than sit isolated at home. Indoor venues that had previously been popular for leisure or recreational activities remained closed or avoided. One unexpected result was a substantial increase in outdoor activities in lieu of indoor pursuits. Throughout the American West, ski areas, beaches, and trailhead parking lots were jammed to beyond capacity, including those NPS sites close to major population centers that saw significantly increased visitation, such as occurred at Point Reyes. Even though PRNS managers had closed some areas (the Drakes Beach Road for example) to public access because of insufficient staffing, 2021 visitation to PRNS set a new record of 2,738,098 people.¹

Fluid Boundaries

One of the most recent issues demonstrating how social and economic dynamics outside the park cross the national seashore boundaries was the controversy regarding permits for commercial air tour overflights of PRNS. In the late 2010s, environmental organizations and local citizens requested that the NPS place more restrictions on overflights of the San Francisco Bay Area NPS sites by air tour companies. They also asserted the need for each park unit to prepare a management plan for the permitting process that would adequately assess flight impacts. Congress had established guidelines for managing overflights with passage of the NPS Air Tour Management Act of 2000.² Although this specific issue of overflights is of more recent origin, it mirrors one of the age-old dilemmas of national park management—that is, how to balance visitor access and public use of an NPS unit on the one hand, and how to protect park resources and values on the other. The situation becomes even more complicated when it includes commercial use.

In 2017, Public Employees for Environment Responsibility (PEER), joined by the Marin Audubon Society and Watershed Alliance of Marin, filed suit claiming that the NPS regulations regarding commercial air tours over these parks violated “federal planning laws and lock in current flight levels with inadequate assessment and mitigation of noise, wildlife disturbance, and other adverse impacts.”³ According to PEER, complaints also came from NPS employees, who argued the noise from tourist overflights was “disturbing wildlife, natural resource studies and compromising the visitor experience.”⁴

PEER obtained a court order requiring that the NPS and Federal Aviation Administration (FAA) prepare adequate management plans for overflights in twenty-four NPS units. The parks, including Point Reyes, missed the court’s deadline to complete these plans by the end of August 2022. The Bay Area parks—GGNRA, Point Reyes, Muir Woods National Monument, and San Francisco Maritime National Historic Park—submitted their proposed plan in January 2023. Specifics of the plan included a restriction of no more than 143 commercial air tours each year permitted to fly over PRNS and no commercial air tours authorized over Muir Woods National Monument.⁵ The plan also required

commercial operators to file a set flight plan with the NPS to reduce impacts to sensitive areas, fly at a higher elevation when crossing over designated wilderness areas, and take steps to reduce impacts to shoreline areas. The NPS statement indicated “the plans meet the requirements from the National Parks Air Tour Management Act to mitigate or prevent significant adverse impacts from commercial air tours on the park and NPS’s obligation to protect the park’s natural and cultural resources, wildlife, and the visitor enjoyment.”⁶ But to the dismay of PEER and other groups wanting more careful oversight of commercial air tours, the plan did not reduce the number of air tours, with the limit set representing the average number of flights in the three years prior. More concerning was the fact that the NPS, in preparing the plan with the FAA, apparently failed to conduct noise surveys, apply a two-thousand-foot buffer over sensitive areas, or include “study of eco-impacts in its design.”⁷

PEER General Counsel Paula Dinerstein responded, “The air tour management plan for San Francisco’s national parks is a disgrace and should be rescinded.” Pointing to NEPA requirements for such a plan, she claimed that the NPS neglected to adequately determine impacts and prepare possible alternatives. The NPS, she said, “did not just cut corners, they completely shirked their legal obligations to protect wildlife, natural soundscapes, and the visitor experience from disruption caused by commercial tours.”⁸ Jeff Ruch, PEER director for the Pacific Region, added, “The ability of commercial tour operators to fly above national parks is not a right, it is a privilege—a privilege that must be subordinate to the values these parks were established to preserve.”⁹

In response, PEER filed a second suit against the NPS, which requested that the court cut the number of flights over PRNS to fifty per year “until environmental studies have occurred, and a new plan is adopted.” The environmental organizations alleged that the NPS “did not conduct a full environmental review or noise surveys when developing the plan.”¹⁰ The groups also criticized the plan for setting a buffer distance of two thousand feet away from cattle ranches in PRNS compared to one thousand feet from nesting seabird colonies, peregrine falcon nests, and marine mammal haul-out areas. “We have an incredible diversity of wildlife from all the marine mammals and birds that roost, nest and pup along the coast,” said Barbara Salzman, executive director of Marin Audubon. “They really didn’t do an environmental review, so we want them to do an adequate environmental analysis of the impacts. All they did was basically accept what’s been going on.”¹¹

Marconi/RCA Transmitting and Receiving Stations

In 1913, the Marconi Wireless Telegraph Company of America completed two stations for radio transmissions: the Bolinas Transmitting Station at the southern tip of the Point Reyes Peninsula and its counterpart, the Marshall Receiving Station along the edge of Tomales Bay. The Marconi Company’s successor, the Radio Company of America (RCA), assumed ownership of the two stations in 1920. RCA upgraded the facilities at the Bolinas station in 1928, and in 1929, they built a new receiving station on the western edge of the Point Reyes Peninsula as a replacement for the Marshall facility.¹² The two station sites are documented as a historic district and were listed in the NRHP in 2018 for their worldwide contribution to wireless communications history.

Today, the stations and their ancillary facilities are important historic sites and popular visitor destinations. The transmitting and receiving stations are superb examples of Art-Deco architecture and continue to house radio equipment that is historic in its own right. During the original development, the Marconi Company erected a series of

three-hundred-foot-high towers for its antennas. In the 1930s, the company removed the original antennas to make way for new styles; however, the foundations of at least seven of the original Marconi towers remain, each consisting of the tower base and four guy wire foundations. The bases have substantial features: solid concrete blocks measuring eight feet square and about eight feet deep, with a thirty-inch metal ring (the base of the tower) embedded in the surface. The guy wire anchors are ten-foot cubes, sunk into the ground with about two feet exposed above the surface, with diagonal faces for the four metal guy attachments. The antenna field, with its associated features, is counted as a contributing site to the historic district.¹³

According to the extensive cultural landscape report (CLR) that the NPS prepared in 2012, “The industrial landscape of the antenna fields at both sites reflect the rich history of a continuously evolving technology, an ever-changing manipulation of various antenna structures (i.e. antenna bases, poles and anchors) and supporting framework.”¹⁴ The stations are considered “monuments to the twentieth century wireless telegraphy and telephony from centralized earth-based transmitting and receiving stations. They reflect the evolution of wireless communications throughout this one-hundred-year period.”¹⁵ In 2000, a collaborative effort of PRNS and an outside group of dedicated volunteers made present the connection to the historic past.

When the last commercial Morse code transmission went out of the station at Half Moon Bay (south of San Francisco), it was a sad day for the devoted cadre of Morse code historians and aficionados who were known as “radio squirrels.” They thought it was the end of an era. Not long afterward, some of the most dedicated members of that group, led by Richard Dillman and a couple of his colleagues, contacted Gordon White, the new PRNS cultural resources manager. They urged the NPS to keep all of the historical equipment inside the building and allow them to work as park volunteers to maintain the station. They described the historic value of the intact transmission station and told White, “These stations could operate. We can operate these. If they’re operable right now.”¹⁶ White discussed the proposal with Superintendent Neubacher and the seashore’s facilities manager. They agreed with the proposal and gave the radio squirrels the opportunity to begin their volunteer effort to return the facility to operational status.

Two individuals, Tom Horsfall and Richard Dillman, spearheaded the volunteer effort to ensure that “commercial maritime Morse could not be relegated to the dustbin of history.” They formed a volunteer group to repair, restore, and, they hoped, operate the Marconi/RCA facilities. Once PRNS administration was on board with their project, they visited the transmission and receiving stations that had been locked up for the previous two years. When they were able to enter the stations for the first time, they were “amazed to find not the vandalized sites they expected but instead an intact radio time capsule—with the receivers still on, maintaining a watch on the Morse calling channels.”¹⁷

But they still had a lot of work on their hands, which they proceeded to tackle with the help of a steadily growing cadre of radio squirrels. They first had to restore and repair,

When they were able to enter the stations for the first time, they were “amazed to find not the vandalized sites they expected but instead an intact radio time capsule—with the receivers still on, maintaining a watch on the Morse calling channels.”

—*Maritime Radio Historical Society, “Our Mission”*

where necessary, the historical transmission equipment back to functioning order. They also arranged with the communication company that owned the broadcast frequencies the right to use (for a brief time each year) the frequencies on which the station transmitted. They finalized other steps necessary to begin broadcasting on KPH, the ex-RCA coast station located within PRNS. On July 12, 2000, in an event now called the Night of Nights, the volunteer professional radio operators (a different level of expertise than ham radio operator) sent a live transmission from the Bolinas station. The event was a great success. White recalled that they received the equivalent of postcards from receiving stations around the world that had picked up the broadcast.¹⁸

The Maritime Radio Historical Society (MRHS) volunteers (the radio squirrels who made the transmission possible), in conjunction with PRNS staff, made the Night of Nights into an annual event held on July 12, “to commemorate the history of maritime radio and the closing of commercial Morse operations in the USA.” KPH airs the commemorative broadcasts at 5:01 pm PDT on July 12 of each year. The MRHS also hopes the annual events will “honor the men and women who followed the radiotelegraph trade on ships and at coast stations around the world and made it one of honor and skill.”¹⁹ KPH continues to transmit until about midnight PDT.²⁰ The MRHS invites any seashore visitors to attend the event.

As a result of the collaborative effort by PRNS and the MRHS volunteers, the Marconi/RCA sites, already deemed historic for the architecture, landscape, and national significance, gained added meaning with active transmissions that connected to the stations’ past. White opined that radio station sites were “absolutely a national landmark . . . there’s no other station still operating in the country.” Stephanie Toothman once remarked to White that if the sites were on the East Coast, “the stations and surroundings would be its own park. You’d have a superintendent for a radio station thing like this.”²¹ The Marconi/RCA sites were always representative of a history that existed within the (current) PRNS boundaries and well beyond those boundaries. Likewise, the volunteers’ restoration of the stations to operational status was a demonstration of the value of the NPS “crossing boundaries” to interact with their outside local and regional communities.

Electronic Media and the Evolving Social Media Landscape

The historic RCA receiving station near the coast along Sir Francis Drake Boulevard has also become an example of another twenty-first-century societal change (primarily outside PRNS) that has shaped visitor behavior.

As the previous section makes clear, the Marconi/RCA stations are an important part of Point Reyes’ history and the seashore’s cultural landscape. Moreover, the two stations are only a portion of the surrounding historic landscape. As noted in the NRHP nomination form, the entire area of the RCA historic district is striking:

The buildings that house station operations are located in a cluster at the end of an access road that extends northeast from Sir Francis Drake Highway. The quarter-mile-long road is lined on both sides with mature Monterey cypress, the upper limbs of which meet to form a canopy over the road. This aggregate landscape feature in an otherwise open expanse of pasture grasses is a distinctive landscape feature, which, along with the cypress windbreak, marks the location of man-made improvements.²²



Tunnel formed by cypress trees along entrance road to the RCA receiving station. NPS Photo.

That description provides a partial explanation for why the receiving station had, by the early 2020s, become a much more popular visitor destination. But the primary driver of the visitor increase was not history or architecture—it was Instagram and other photo-sharing social media enterprises. The phenomenon made the RCA station entrance drive a part of the social media landscape. Simply because of the popularity of photos on Instagram, visitation to the RCA receiving station increased significantly as travelers stopped to capture the image of the cypress-lined “tunnel” to the RCA station.²³ Of course, the circulation of images (first paintings and drawings, later photographs) of famous or spectacular locations have always had the effect of attracting people to visit those destinations. In fact, Albert Bierstadt’s (and later, Thomas Moran’s) oversized paintings of Yellowstone and Yosemite Valley helped capture the attention of the American public and Congress and helped promote the movement to create national parks in those remarkable places.

During the authors’ 2022 visits to PRNS to conduct research and oral history interviews for this volume, we witnessed how, in a short period of time, numerous vehicles pulled up on the shoulder of Sir Francis Drake Boulevard in order for the occupants to step out of their car and take a quick “selfie” with the cypress-tree tunnel behind them. After checking their phones or cameras to make sure they had the image they wanted, they got back in their vehicles without ever visiting the receiving station. Others walked a short distance to stand under the cypress canopy to get a slightly more complex (“artsy”) photograph.

The creation of the social media landscape was not restricted to Point Reyes, as illustrated by this example from Glen Canyon National Recreation Area (NRA):

Horseshoe Bend in Arizona was a locals-only pitstop on the side of a highway (CPR News, 2019). However, once it became extremely popular on Instagram, the place has experienced a sharp increase in visitation, averaging 1,500 recreation visits per day in 2021 (National Park Service [NPS], 2022). Therefore, there is a growing need to understand individuals who engage with national parks via SM and develop SM strategies to effectively utilize this communication tool to the parks' benefits.²⁴

Of course, photographers and camera-carrying visitors have traveled to capture images of the diverse physical, cultural, and aesthetic landscapes of the Point Reyes Peninsula for more than a century, beginning with the first images of the Point Reyes Lighthouse in the early 1870s. Ever since then, professional and amateur photographers—and the images they disseminated—made shots of the lighthouse, the dramatic staircase down to the lighthouse, and cliff and ocean landscapes of the headlands the best known iconography of PRNS. Dean MacCannell describes a process wherein frequently circulated and reproduced images (including vacation photos) of particular sites or landscapes created a “tourist landscape” that then served as the representation of that destination.²⁵ If an image, reproduced over and over, is especially striking, it may come to serve as the primary icon representing an NPS or other tourist destination, such as the case of the Point Reyes Lighthouse as an easily recognized icon of PRNS.

Is there a difference between the centuries-old process of capturing images of a famous destination and the current practice of traveling to a destination solely to capture the popular image without spending any time visiting the site? Many twentieth-century travelers and tourists captured images as a memento of their visits to famous or remarkable places. Most of these people went with the intent of visiting the site and captured images during the course of their visit. There was probably a minority (excluding professional photographers) of travelers who visited a destination with the sole intent of getting a “classic” shot of a renowned natural or human-made feature without really visiting the site. The advent of photo sharing on popular social media sites has made the latter example more common.

The Instagram-type image seeking adds another element as well. Whether one type of visitor activity or another is more “genuine” or is a more fitting activity for a national park unit is a philosophical question that will always be open to debate.²⁶

Regardless of one's perspective, the changes that the new social media landscapes create in visitation patterns and resource use are real, and thus park managers will need to observe and adjust to these changes accordingly. For park administrators and planners, the question is not whether this behavior is different than traditional visitor photography but rather how to plan to accommodate the new activity. In the above example from Glen Canyon NRA, the altered visitation patterns at what the park acknowledged was their “social media darling, Horseshoe Bend,” prompted NPS administration there to expand the parking and improve trail maintenance at that spot.²⁷

Another article on social media influences, although it draws from study of European tourist travel, nonetheless captures some of the future issues for PRNS and other NPS park

But the primary driver of the visitor increase was not history or architecture—it was Instagram and other photo-sharing social media enterprises. The phenomenon made the RCA station entrance drive a part of the social media landscape.

managers as the influence and impact of social media continues to grow. The authors observed that “the popularity of certain platforms based on multimedia resources, above all Instagram, has had a decisive influence on the popularization of certain (mature or emergent) destinations in international tourism’s latest growth surge.”²⁸

Instagram-motivated travel is very real in creating more traffic on narrow and popular roadways and will likely denude non-designated stopping places near the entrance or other locations, as “it can attract and concentrate a large number of crowds to certain areas that are fragile and cannot sustain high levels of use.”²⁹ As noted in the December 2023 issue of *Journal of Outdoor Recreation and Tourism*, “With the increasing popularity and prevalence of social media (SM), land management agencies (e.g., the National Park Service) have recognized the need for developing SM strategies.”³⁰ But it will take time to identify patterns and collect data.

Tule Elk Management at Point Reyes

The authors touched on the reintroduction of tule elk to the Point Reyes Peninsula and the subsequent additions to and growth of the herd as part of the discussion of ranch management in Chapter 4. The expansion of the elk herds beginning in the early 2000s had become a dilemma for ranch operators within the national seashore boundaries. But the amount of media attention toward and public notice of this issue grew throughout the 2010s and 2020s, until it became one of the defining management issues for NPS administrators. Controversies about peninsula elk came to a head with national media attention and lawsuits filed against PRNS that pitted the plight of ranchers against the health and free-ranging ability of elk. As is often the case with such conflicts, NPS officials and PRNS staff found themselves in the middle, trying to mediate between these parties. This final section will address the tule elk conflict at PRNS in the context of managing ungulate populations throughout the national park system. It will discuss not only the conflict with ranching and the issue of the managing of the Tomales Point elk herd but also how the contemporary information systems (in electronic and traditional media, professional literature, and the courts) carried the conflict far beyond the borders of PRNS or Marin County. For many people involved in the elk controversy, it was an issue specific to Point Reyes or perhaps to Marin County. Yet the national scope of the controversy is a further indication of how Point Reyes is an island no more.

Point Reyes administrators and resource managers, as well as NPS wildlife biologists in the regional office, have had the benefit of viewing the current problems in the context of the seventy-five-year history of elk, deer, and bison management in the national parks. Solutions to the problems with managing ungulate herds at many parks remain uncertain. Ultimately, problems will always arise because the task of trying to “manage” or control natural processes (such as migration, predation, and dramatic population fluctuations) within the artificial boundaries of a national park or national seashore can never be fully successful. No matter what the issues are with elk at Point Reyes, and regardless of how strident each side presents scientific and ethical arguments for the optimal plan, any final solution will always be, at least in part, a compromise. And because at Point Reyes, present-day ranching issues cannot be separated out from elk management, finding solutions is even more complicated.

Tule elk, the subspecies *Cervus elaphus nannodes*, are native to the Point Reyes Peninsula, but hunting and habitat loss eliminated them from the peninsula by the mid-1800s.

In 1971, an interagency task force named Point Reyes as one of four potential sites in California to reintroduce tule elk to a portion of their former range. Reintroduction of tule elk to the national seashore was already under consideration by the NPS. In his February 1970 “Point Reyes National Seashore Management Objectives,” the first PRNS planning document to address natural resource management, Superintendent Edward J. Kurtz listed “consider reintroduction of elk” as one of his six management objectives.³¹ The first official Natural Resource Management Plan released in 1976 likewise named tule elk reintroduction one of the seashore’s key objectives for the plan’s five-year span.³² In 1978, the NPS and State of California moved the first ten elk to Point Reyes.

Elk Management Controversy

Some groups and individuals, including some ranchers, have disagreed with NPS elk management ever since the first small herd was transferred to Point Reyes. During discussions regarding the possibility of elk reintroduction to Point Reyes, the biggest concern among locals and park staff was the potential for disrupting peninsula dairy and grazing operations. But the more recent blowup of contentious debate about tule elk began in conjunction with the 1998 Tule Elk Management Plan and NPS management strategies in the first decade of the new century. Various aspects of the plan were later deemed short-sighted, but the most noticeable impact was the decision to move a small group of the Tomales Point herd to the Limantour area, where they could roam more freely in the designated wilderness area.

The 1998 Tule Elk Management Plan and EA stated five objectives for managing the peninsula’s elk: (1) maintain “viable” elk herds on the peninsula, (2) use the least intrusive

Tule elk herd, Point Reyes National Seashore. NPS Photo.



methods to regulate the population or altering the habitat, (3) establish a free-ranging elk herd by 2005, (4) continue monitoring and researching of elk, and (5) educate visitors and the local communities about the conservation biology underpinning the elk program.³³ By far the biggest difference in the 1998 plan objectives from earlier versions was the plan to move some of the animals from the Tomales Point enclosure to establish a free-ranging elk herd in the park. Superintendent Don Neubacher and Natural Resource Chief Bill Shook were behind the milestone effort; they based their decision on an expert panel and on research that Pete Gogan, a graduate student at University of California, had conducted and that indicated that tule elk—in other small herds still extant around the state—tended to remain in a rather small home range.³⁴ PRNS staff released the first twenty-seven elk from a quarantine holding pen into the Phillip Burton Wilderness near Limantour Estero in June 2000. Staff monitored elk movements via radio transmitter collars on each animal. By summer 2001, a herd of thirty elk, including six calves born that spring, roamed freely in the wilderness area.

At roughly the same time, NPS staff launched an immunocontraception program to control the increasing population. PRNS resource managers based their plan on research that University of California endocrinologists had conducted over a three-year period.³⁵ Seashore staff, assisted by an outside biotechnician familiar with the techniques, commenced the contraception program in 2000. It would soon prove an ineffective solution to elk population growth. The plan involved using a dart rifle to administer the vaccine to as many as fifty elk cows. Problems quickly ensued. The vaccine is effective for only one year, which required PRNS to administer it every year. To ensure that the vaccine dart would securely implant, the field team had to shoot the targeted elk from a range of no more than forty yards. The 2001 PRNS Year in Review explained, “Far from being the innocuous and easy procedure portrayed in wildlife television and films, remote contraceptive inoculation is an arduous, time-intensive process for the darter and can cause injury to the target.”³⁶ After three years, seashore administration and resource program staff decided to end the program.

The group of elk originally released near Limantour in 1999, subsequently named the Limantour herd, took to grazing on ranch lands in the pastoral zone around Drakes Beach. A small herd of one bull and four cows from the Limantour herd moved to the Drakes Beach area, including some of the leased farmlands there, by fall 2001.³⁷ These animals established a discrete new group called the Drakes Beach herd. It was not long before ranchers began complaining about elk competing for forage (for which they paid in their annual AUM fees) and destroying fences and other property.

In 2009, in response to growing rancher complaints about elk grazing their pastures, PRNS staff began more detailed monitoring of these elk on dairy and cattle ranch lands, doing surveys several times a week. The specific focus was the Drakes Beach area and the area around Home Ranch, the primary location where elk had moved. PRNS hired contractors to place GPS signaling collars on the elk, enabling natural resource staff to make more accurate assessments about elk foraging on ranch properties. They learned that a certain amount of elk grazing did not have an observable impact, but when too many elk were there for too long, according to Dave Press, “there isn’t enough forage to go around.” At that point, Press reported, “we needed to really explore all our options as it related to elk management.”³⁸ To assist with that process, the wildlife managers collaborated with NPS staff in the Biological Resources Division and worked with the California Department of Fish and Wildlife’s elk and pronghorn management coordinator, who often dealt with

similar problems with ungulate populations in the state.

Point Reyes ranchers were far from satisfied, and they asserted that despite repeated meetings with PRNS staff, there had been no significant changes. The PRSRA submitted a June 2011 petition demanding that the NPS take more active additional steps to keep elk off their lands. They requested Superintendent Muldoon’s leadership to “solve this critical issue.”³⁹ The petition included examples of damage that elk had caused on their ranch operations, problems they had raised repeatedly in prior meetings with PRNS staff. They included:

- damaging fences and other ranch infrastructure,
- competing for forage with grazing livestock,
- causing physical harm to livestock,
- exposing grazing livestock to transmittable disease, and
- impacting ranch water quality and quantity.⁴⁰

In response to the PRSRA petition regarding elk, the following month, Muldoon and PRNS Wildlife Biologist Natalie Gates went to meet with the PRSRA, joined by the Marin County Agriculture Department commissioner and a congressional aide of Representative Lynn Woolsey.⁴¹ David Evans, operator of the Rogers Ranch and owner of the H and N Ranches, was the head of the PRSRA elk subcommittee at that time. He expressed the association’s broad concerns, noting that the elk had made themselves at home in the pastoral zone for eight or more years, yet the ranchers “haven’t really seen any action or heard anything about what the Park plan is.”⁴² Ranchers understood that the 1998 elk management plan determined elk could be moved to the Limantour wilderness lands, a decision that was made public and discussed. But the existence of an elk herd on the leased ranch lands “was not approved through any process.” Evans also pointed to the financial penalties that ranchers were, in effect, paying when elk grazed on their land:

We rent pasture in the Park . . . we pay based on the amount of pasture that our animals eat. That’s how our leases work. So, say on the C Ranch, you’ve got all these elk roaming around eating all the pasture, you are paying for pasture that you’re not getting, and having to replace it with expensive hay.⁴³

Complaints from the PRSRA made to Muldoon in the June meeting about grazing fees and available forage eventually reached the desk of Senator Dianne Feinstein of California. Senator Feinstein, who had expressed her firm support of peninsula ranchers and the commercial operations of Johnson Oyster Farm during the controversy over the latter, wrote to Secretary of the Interior Ken Salazar in March 2012, regarding problems associated with the Point Reyes tule elk herds. She urged Salazar to order them removed from the pastoral zone of the park because, she claimed, of the financial damage elk were causing ranchers.⁴⁴ Meetings between PRNS officials and the PRSRA continued during 2012, but before the PRSRA and PRNS could make any more significant progress, the administrative and political landscape changed with Secretary Salazar’s 2012 decision to close the Johnson Oyster Farm and to negotiate longer-term leases with Point Reyes ranchers. These events ultimately pushed any decisions about free-ranging elk into the complicated GMPA-EIS process already described in Chapter 4.

When PRNS staff and other NPS officials began the GMPA-EIS process, they conducted a review of the impact of elk on ranch lands and the impact of proposed alternatives on the Point Reyes elk herd. The primary consideration was how they could limit the size of the Drakes Beach herd by means other than lethal control (although that remained an option). Press explained that the planning team proceeded via the process of elimination.

They dismissed the use of contraceptives as an option; management's attempt to utilize this method in the early 2000s had been unsuccessful. They rejected the option of moving elk elsewhere within the park, based on test transfers and subsequent tracking they had done. They eliminated the option of moving Point Reyes elk to other parts of California because [of] restrictions to prevent the spread of Johne's disease. And they decided against an option of keeping all the elk confined within a fenced territory, a situation that was causing observable problems with the Tomales Point herd. All of these decisions were entered in the GMPA and final EIS.⁴⁵

By 2014, the Drakes Beach herd had grown to ninety-two elk and increased to approximately ninety-five in 2016.⁴⁶ PRNS sought means to reduce the number of animals and amount of time elk spent grazing on the Drakes Beach area ranches, which included development of water sources for elk outside of grazed lands, weed management to help enhance elk forage outside the ranch areas, and hazing to induce the main herd away from ranch lands. Other steps included repairing cattle fences elk had damaged (at E Ranch and D Ranch East) and installation of lowered elk crossings along Drakes Beach Road and the C Ranch boundary fence.

In March 2015, in an experiment to determine whether removing the problem elk to another seashore location might help reduce the size and impact of the Limantour herd, staff transferred four young elk to the Limantour wilderness lands. The outcome was not what they hoped: two male elk returned to the ranch lands within only ten days. The female elk likewise returned to the Drakes Beach ranch area within a year. Natural resource staff also did extensive monitoring to detect the presence of Johne's disease in the free-roaming elk. In 2016, the NPS documented the presence of Johne's disease in up to six individuals. The positive Johne's test results significantly limited translocation options of the Drakes Beach herd.

At roughly the same time, environmental groups, the media, and some Marin residents increased their criticism of PRNS management of tule elk. Their emphasis was not, however, on the Drakes Beach herd but rather on the conditions behind the fence for the Tomales Point herd. Public alarm over elk grew when the Tomales Point herd experienced a steep population drop from 540 total elk in 2012, to 356 elk in 2013, to 286 elk in 2014. Although the herd had seen similar drops in the past, most recently in 2007–2009, the 2014 count was the lowest total since 1995. Natural resource staff attributed the drop off to several factors, including fewer new calves born in 2013–2014 and a high mortality rate among calves. The population crash also corresponded with a period of severe drought conditions, among the worst ever recorded in California. Staff conducting surveys of the Tomales Point herd noted that in 2014, "All but one of the remaining viable stock ponds in the elk reserve were completely dry or nearly empty at the time." Subsequent surveys found that "water was likely still available to the elk in seeps and springs that are scattered across the peninsula."⁴⁷

Natural resource staff also determined that some mortality among adult elk may have resulted from decreased quantity and quality of forage during the drought period.⁴⁸ Despite the presence of multiple factors that influenced the population decrease, the media and local environmentalists focused their attention on the shortage of drinking water and expressed their dismay over the inability of the Tomales Point herd to venture beyond the fence. Thus, although elk roaming onto ranch lands had been the primary challenge for PRNS officials and staff in the previous fifteen years, suddenly they had to weather a storm of criticism and vilification from not only the local Marin community but also from various organizations and individuals from around the country. Tom Baty and Amy Trainer of the Environmental Action Committee of West Marin (EAC) tried to engage Point Reyes dairy farmers and ranchers and PRNS staff in an ongoing dialogue in 2014, in hopes of building “a path forward that included how the agricultural leases could be managed better and in a sustainable way.” That effort was subsequently waylaid by other environmental groups that “pounced in and began to change the conversation to ask whether the ranches and dairies should be there at all.”⁴⁹ In July 2015, PRNS produced a list of frequently asked questions (FAQs) posted on the seashore’s NPS website regarding the status of elk and elk habitat. The intent was to acknowledge the increasing amount of attention and criticism in the local Marin community, media, and wider public that had begun tracking the issue of water availability for the elk herd. The Tomales Point elk fence became the target of most of the anger and protests.

Thus, PRNS administrators and staff, who had been dealing with one type of boundary issue regarding elk—how to keep elk from crossing the property boundaries of ranch lands to graze there—were by the late 2010s dealing with harsh public criticism about a separate issue, regarding the Tomales Point boundary fence that restricted the movement of elk from that area. By the late 2010s and early 2020s, widespread public and media portrayal of the elk fence “crisis” also demonstrated how people and organizations far beyond PRNS boundaries or the local community now engaged with and influenced management of particular issues within the park.

In 2020, the public and media pressure about PRNS management of the Tomales Point tule elk herd seemed to reach a boiling point, in part due to another sharp drop in the overall elk population during the period 2019–2021. The population decline occurred as rainfall totals for the Point Reyes Peninsula during the winter of 2020–2021 hit the lowest number the Marin County Water District had ever recorded (for winter) during 140 years of precipitation measurements. By May 2021, Marin County had declared a drought emergency for the area. The elk population declined from a count 445 elk in the winter of 2019–2020 down to 292 elk in the surveys done in winter 2020–2021. The population drop off was at a similar rate as Point Reyes had experienced in 2013–2015. But this time, there was already extensive coverage of the water and forage available to the Tomales Point herd, and the protests ramped up accordingly. Press and PRNS PIO and Outreach Coordinator Melanie Gunn spent weeks at a time dealing with a “full court press” from the local and national media, including multiple interviews with radio, television, and internet news programs.⁵⁰ There were in-person protests as well. A cameraman for the *Marin Independent Journal* (Douglas Zimmerman) captured a photo of a group of about sixty protesters along the Tomales Point elk fence in September 2020, all with their hands extended through the fence wire “to represent the elk attempting to break free through the fence that surrounds the preserve.”⁵¹ Environmental activists from the organizations ForElk.org and In Defense of Animals sponsored the protest gathering, claiming that the tule elk were “dying

from neglect by the National Park Service.”⁵²

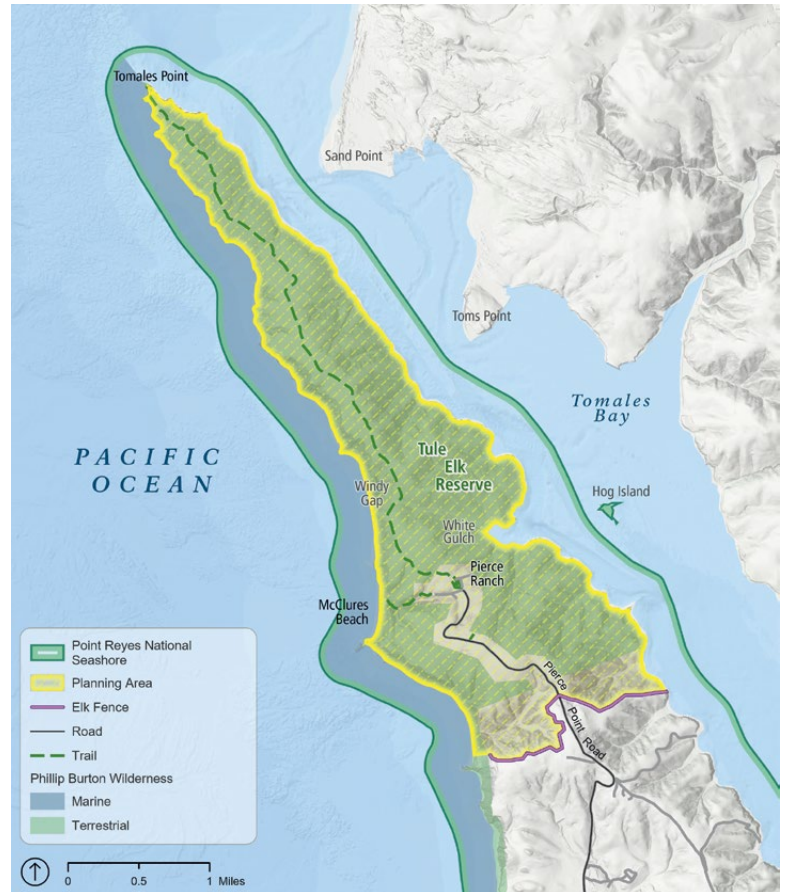
Other protests and eco-activism included introducing water into the reserve and low-level eco-vandalism such as attempts to cut or knock down the elk fence. In one example, an individual or group of elk “activists” took a chainsaw to a section of the elk fence during the night. They managed to cut down twelve of the wood fenceposts and pushed the fence over. Press recalled that, as they did not cut any of the wire, “it didn’t really make a whole lot of sense” and was easy to repair.⁵³

Local and national media jumped into the fray as well. Articles with titles such as *Apocalypse Cow: The Future of Life at Point Reyes National Park*,⁵⁴ “The Curious Case of the Dead Elk at Point Reyes National Seashore,” and “Death by Design: How the National Park Service Experiments on Tule Elk” further inflamed environmentalists and animal welfare supporters far and wide.⁵⁴ Some of the articles contained photos of dead elk, including one piece that showed, for unclear reasons, the gruesome image

of a decapitated elk head. In response, people from around the country wrote, called, emailed, or otherwise communicated their frustration to PRNS staff over the plight of the Point Reyes elk herds. Most of the complaints emphasized the lack of water available to the elk, although autopsies of dead elk indicated they had died from malnutrition and mineral deficiencies. Biologists at the University of California-Davis examined the tissue samples from the elk carcasses and found that the elk suffered from insufficient levels of copper and selenium, deficiencies “that can cause slow growth rates, muscle damage, and a decreased ability to fight off infection.” They added that the elk’s inadequate nutrition could “also be indicative of a population at or near its carrying capacity.”⁵⁵

Other efforts to induce new elk management strategies were more subtle. Rolf Diamant wrote that “pro-elk activists, unhappy with an NPS plan for the seashore’s historic agricultural districts that they believed favored grazing livestock over elk, have taken to referring to Point Reyes as a ‘national park’ rather than a ‘national seashore.’” He judged this to be a “deliberate misidentification . . . intended, I think, to pressure NPS into demonstrating greater fidelity to the ‘unimpaired’ language of the 1916 NPS Organic Act.”⁵⁶

Opponents of PRNS elk management strategies upped the ante by filing lawsuits to force seashore management to allow, temporarily or permanently, the Tomales Point herd to move outside the fenced area to find water and forage. Plaintiffs filed a motion June 24,



Map showing the Tomales Point Tule Elk Reserve. Prepared by NPS for the Tomales Point Area Plan/Environmental Assessment, 2023.

... the antagonisms
spawned by the tule elk
(especially the elk behind
the fence at Tomales Point)
controversy became
caustic and personally
destructive, which
included harassment of
PRNS staff in letters,
email, and social media.

2021, for a preliminary injunction, in which they sought an order requiring the NPS to “take immediate measures to ensure that the Tule elk who live on Tomales Point in Point Reyes National Seashore are provided access to sufficient food and water to ensure that these animals do not continue to die of starvation and/or dehydration.”⁵⁷ They contended that drought conditions had become “extremely dire,” causing elk in the Tomales Point herd to die from lack of sufficient water and forage. The plaintiffs argued that the NPS had failed to revise the PRNS elk management plan, in violation of the federal Administrative Procedure Act. In February 2023, the court ruled in favor of the NPS, granting the government’s motion for summary judgment and filing judgment in favor of the NPS and PRNS, thus closing the case.⁵⁸ Christopher Berry, managing attorney for the Harvard Animal Legal Defense Fund, which had represented the plaintiffs, decried the decision and stated, “Tule elk continue to die from starvation in the Point Reyes National Seashore under the current management plan. The National Park Service must follow the law and revise its man-

agement plan for the National Seashore in a timely manner to avoid needless death and suffering.”⁵⁹

Just as in the Johnson Oyster Farm controversy, the antagonisms spawned by the tule elk (especially the elk behind the fence at Tomales Point) controversy became caustic and personally destructive, which included harassment of PRNS staff in letters, email, and social media. Certain groups of environmentalists that criticized the PRNS management approach and objected to the presence of the elk fence aimed their displeasure at PRNS Natural Resource Chief Dave Press, who had overall management responsibilities for the elk, and at PIO Melanie Gunn, who apparently became a target because she was the spokesperson for the seashore’s decisions and plans. Press described some of the duress he had to face as he tried to do his job:

They got a hold of my work cell phone. And I was fielding calls from Vermont, Florida, other parts of California . . . I mean, constantly. And people leaving me just, ugh, awful voicemails. And [there was] a lot of misinformation floating around. Like people really, literally thinking that I personally had built that fence with the ranchers, you know. And [questions] how can you deny them water? There’s no water there.⁶⁰

In 2020, the environmental organization In Defense of Animals initiated a campaign that the non-profit change.org implemented in which a circulating email petition stated Press, Gunn, and Ketcham were “not fit to perform their jobs” in managing the elk in the national seashore and asking Superintendent Kenkel “that they be fired immediately.”⁶¹ Press explained that the petition required people to add an electronic signature and hit send, immediately directing copies to the superintendent and the elk biologist at the California Department of Fish and Wildlife. By the end, “I probably got somewhere on the order of thirty thousand emails.”⁶² Although no other PRNS staff were attacked as fiercely as Press and Gunn, they all had to accomplish their jobs and live in communities where

the roiling conflict made their lives more difficult. Ketcham explained that the tension “was palpable . . . it was very, it was very real in the community.”⁶³

As drought conditions continued, PRNS staff eventually did install four additional water systems in the Tomales Point Elk Reserve wilderness area and an additional three outside the wilderness boundary in 2021.⁶⁴ Seashore managers did not take that step immediately because it was designated wilderness, where emplacement of new infrastructure is restricted. In fact, Press acknowledged “if we had had all the time in the world, we should have done an environmental assessment or an EIS or something on that, because of its impacts to wilderness. But we didn’t have time to do that.”⁶⁵ Instead, PRNS staff worked with the NPS regional office, the DOI Solicitor’s Office, and the EQD in Colorado (experts on the NEPA process) to obtain an “emergency action” approved by the Regional Director to install the water systems.

By the end of 2022, as the authors were completing research for this volume, the total elk population had bounced back again: the number of elk increased some 18 percent from the previous year. A “good calving year” that introduced 55 new elk calves to the Point Reyes herds brought the total population up to 262 animals.⁶⁶ In the meantime, PRNS moved forward with a new planning process for the Tomales Point Area Plan/Environmental Assessment that included a public scoping process that began in early 2022.⁶⁷ The new plan intends “to provide updated management for the preservation of park resources, indications of the type and intensity of allowed development, and guidance for visitor use and capacities at Tomales Point, in addition to the management of tule elk in this region of park.”⁶⁸ However, a final decision about elk management—whether to maintain the fence, allow elk to roam unhindered, or some other solution—had to be put on hold while the NPS entered court proceedings resulting from a new lawsuit filed in January 2022.

On January 10, 2022, the Resource Renewal Institute, Center for Biological Diversity, and Western Watersheds Project—the same three organizations that sued the NPS to stop the Ranch Comprehensive Management Plan process in 2016—filed suit in the U.S. District Court for the Northern District of California. The environmental groups requested that the court vacate the 2021 NPS Record of Decision on the completed General Management Plan Amendment (GMPA) and final EIS regarding ranching at PRNS. The plaintiffs argued that these policies should be amended in a fashion that would help protect the PRNS tule elk herds. According to the suit, the current GMPA “prioritized the commercial needs of ranchers instead of providing maximum protection to the natural environment and supporting the public’s use and enjoyment of these majestic lands.”⁶⁹

The court complaint also stated that the NPS “improperly rejected a ‘no ranching’ alternative that would provide maximum protection for the natural environment—as required under the Point Reyes Act—along with no-dairying and reduced-ranching alternatives that would provide greater protection than the selected GMPA.”⁷⁰ Representatives of the environmental groups argued that their lawsuit was necessary because the GMPA was “a giveaway to the cattle industry . . . It perpetuates decades of negligence by the very agency charged with protecting this national treasure.”⁷¹ Lizzy Potter, attorney for Advocates for the West, condemned the NPS for “unlawfully prioritizing the commercial needs of ranchers over the natural environment and the public’s use and enjoyment of these majestic public lands.” She added that the NPS had “decided that ranching should continue in perpetuity without fully disclosing its plans or the environmental consequences,” a statement that belied a distrust for the NPS in general and Point Reyes administration specifically.⁷²



Bull elk leaping over fence along Drakes Beach Road, Point Reyes National Seashore, December 2018. Photograph by Sarah Killingsworth. Courtesy of Sarah Killingsworth Photography.

Complexity of Ungulate Management at National Parks and Seashores

Wildlife advocates argued that because the tule elk herd was contained behind a two-mile-long fence, it made the Tomales Point reserve more like an open-air safari park. Even though these comments were obviously meant as a harsh criticism of PRNS management, that statement was not far off the mark. That is, it reflects the twenty-first-century reality of trying to manage large ungulate populations within a restricted area. Even at Yellowstone National Park, with its 2,221,766 acres (compared to PRNS with 71,055 acres), administrators and natural resource staff have historically faced major challenges—and continue to—managing its herds of bison and Rocky Mountain elk. The cycles of overpopulation and population crashes that received criticism at Point Reyes have also occurred at Yellowstone. For example, the Yellowstone elk population reached a peak of roughly 19,000 animals in 1988 and again 1994 but plummeted to between 3,000 and 4,000 elk in 2012–2014, then rebounded to approximately 7,500 animals in 2018.⁷³ During these fluctuations in population size, the elk herds would still face starvation and associated increases in disease.

Because Yellowstone elk migrate outside the park boundaries in the winter, NPS managers there have relied on public hunting on national forest and other federal lands outside the park boundaries to help stabilize the population. That, of course, has not been an option for PRNS and the surrounding lands of Marin County. As of 2022, seashore management planned to manage elk without any lethal means of culling. Participants in the Tomales Bay herd debate also referenced the fact that the tule elk population cannot be controlled organically because the elk have no natural predators there.⁷⁴ Yet at Yellowstone

National Park, where wolf packs, grizzly bears, and mountain lions hunt and kill elk, a recent report suggested that even natural predation by these apex predators was still not sufficient to control elk populations on a consistent basis.⁷⁵

The history of bison management at Yellowstone National Park demonstrated similar problems. Even after a century of managing the magnificent animals, NPS decisions on how to handle the herd when the population is stressed are still challenging and highly controversial. Bison are high on the list of America's charismatic wildlife; they are an icon of the American West, the symbol of wanton environmental destruction during colonial expansion, a central cultural element of numerous Tribal nations, and the emblematic image on the NPS arrowhead. Administrators at Yellowstone encountered management conundrums with bison herds that foretold the problems resource managers at Point Reyes and other units in the park system would face for the rest of the twentieth century. Boiled down, the question at Yellowstone became whether to keep a small "zoo" herd for public display or to allow the remaining natural processes to run their course, which could well be to the detriment of the herds, park environment, and NPS public relations. Park resource managers have, ever since then, wrestled with the pull from one end of this continuum to the other.⁷⁶

Recently, when state and federal officials permitted an especially large bison hunt, the public response was highly critical. Yellowstone officials contended they "had no choice but to approve the culling of the roughly 6,000-member herd as the animals instinctually cross the park boundary onto other public land." Park officials explained that the strategy was not only to prevent severe overpopulation and starvation but also to keep the bison away from cattle herds that could become infected with the bison herd's rampant brucellosis disease. Yellowstone Superintendent Cam Sholly stated, "it's probably the single-most challenging wildlife issue in Yellowstone," partly because bison were "the only species we constrain to a boundary."⁷⁷

Despite the obvious complexities in trying to manage ungulate species within the restricted boundary of PRNS, the public debate, media coverage, and lawsuits typically painted the tule elk issue in polarized terms.⁷⁸ A small percentage of Point Reyes ranchers tried to maintain a balanced perspective about the elk dilemma. David Evans, operator of the Rogers Ranch, shared the following during an interview conducted for this history:

So the herds now are all over ranchland. That's become a major controversy. I'm at a point now where I embrace it, and I feel we have to manage with elk. We have to figure out how to manage our operations with elk on the ground, just like we have native deer populations and so forth and so on. The challenge is up to us to figure that out. I think that there could have been more thought put into it when that elk management plan was first put into place. It was terribly flawed.⁷⁹

One of the inflammatory stories during the heat of the elk crisis included in its title "How the National Park Service Experiments on Tule Elk."⁸⁰ The title was clearly intended as a harsh rebuke of PRNS elk management. But viewed in the proper historical context, the tule elk reintroduction was just that: an experiment. It was the first instance when anyone had tried to restore a full population of tule elk to a portion of the species' former range, which was already occupied by cattle and dairy ranchers. At that time, and even now, there have not been enough reintroductions of large ungulates such as transpired at Point Reyes to have computer modeling of all the risks. The national parks have been called

one of the country’s grand experiments, one that is now generally deemed successful but not without questions being asked about how well the experiment is working.

The issues and controversy regarding elk, whether the problems are regarding the fenced Tomales Point herd, the free-roaming Drakes Beach herd on ranch properties, or other concerns over elk management, were far from settled as the authors completed the final draft of this history, as the court had yet to reach a decision or settlement in the 2022 *Research Renewal Institute, et al., v. NPS* lawsuit. The plaintiff organizations, NPS, and ranchers were engaged in confidential mediation negotiations that may decide some, but certainly not all, of the elk-ranching controversies.

Conclusion

Management issues described in this chapter, from tourist overflights to tule elk herds, are examples of ways in which societal, economic, and political currents far outside the park (and in the case of COVID, far outside the country) influenced PRNS administration and the public’s response to NPS decisions and actions. The struggle to resolve the contentious issues regarding tule elk herds—in the elk reserve and on ranch lands in particular—have been viewed as issues immediate to the local population and unique to Point Reyes. Yet management of elk (and other ungulate herds) within the boundaries of national park lands has proved problematic at numerous western NPS sites, while some of the fierce criticisms of PRNS management come from individuals and organizations thousands of miles away.

PRNS administrators and staff, who had been dealing with one type of boundary issue regarding elk—how to keep elk from crossing the property boundaries of ranch lands to graze there—were by the late 2010s dealing with harsh public criticism about a separate issue, regarding the Tomales Point boundary fence that restricted the movement of elk from that area.

It is worth noting that the elk population drop in 2020–2021 was similar in scale to previous “crashes” in the seashore’s elk population that occurred in 2007–2009 and 2013–2014. Yet the earlier instances of plummeting elk population received considerably less attention and nowhere near the same level of public and personal attacks on PRNS and its staff. Why was the response different in 2020–2021 than in these previous instances? Seashore management of the herds, in fact, had altered little, but environmental and political currents outside the park had changed. Many observers contended (perhaps correctly) that elk mortality in 2020–2021 was a result of the decreased water and forage available in the Tomales Point reserve during record drought conditions. While periodic droughts have always occurred, they are more frequent due to global climate change, awareness about which may prompt protests about the elk fence not only because it is perceived as a continuing (and perhaps more severe) problem for the elk herd in years to come.

A perhaps unexpected sequelae from the COVID-19 pandemic, combined with a more combative political climate in the country since the 2020 election, was a general increase in public resistance and hostility toward federal restrictions and regulatory actions. But probably more significant in considering what inflamed the elk controversy to the level seen in the early 2020s was the accretion of frustration or distrust from the succession of the prior heated controversies at Point Reyes that began with

the Johnson Oyster Farm conflict and continued through the process of the RCMP, the court-ordered GMPA and NEPA review, and several successive lawsuits. Each of these events prompted lengthy periods of study and debate, round after round of public comments, and generated various degrees of overt conflict. Over the course of those ten to fifteen years, local citizenry, ranchers associations, environmental organizations, and watchdog groups became more attuned to whatever management actions and decisions they saw happening at Point Reyes. Moreover, the animosity bred during the Drakes Bay Oyster Farm dispute fractured the alliance that had previously existed among groups and organizations that typically supported the NPS. Former PRNS Cultural Resources Chief Gordon White reflected that the oyster farm controversy went on for so long and was so nasty that it promoted “discord between groups that were often allies on other issues.” Point Reyes rancher Jolynn McClelland voiced the problems ranchers have experienced living through these repeated changes in PRNS policies and legal obstacles, which have yet to give them any greater sense of trust or predictability about their future. The result, McClelland stated, was to put “more stress on people and make them even more stressed out and bitter when this all might evolve into what it’s [ranching] going to evolve into anyway.”⁸¹

Finally, these conflicts, and the underlying debate about what Point Reyes National Seashore was originally—and is currently—meant to be and who should have access to its resources are a direct reflection of controversy and confusion about environmental use versus environmental protection in our society. What is “protecting the environment”? Eliminating fossil fuel use that contributes to climate change? Preserving local agriculture? Protecting and restoring wildlife habitat? Saving wild places with the least possible human intervention? All of these add to the level of complexity PRNS administration and staff face in managing the national seashore in the best way possible.

The ranching-elk debate, as well as the other major controversies at Point Reyes, demonstrate why in twenty-first-century society a prominent national park site like PRNS cannot be managed in isolation; it is no island. Former PRNS Superintendent Muldoon, who subsequently became superintendent of Yosemite National Park, explained that the seashore’s recent history had generated a constant current of conflict around PRNS management. Point Reyes, she said,

It is just the epicenter of such controversy. It’s right there in the Bay Area. And it’s right there in the middle of all the politics. And the communities are passionate and engaged for different reasons on different sides of the fence. So it’s like you can never do . . . somebody’s always going to be mad at you there. No matter what.⁸²

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Conclusion

The lands, sky, and sea of the Point Reyes Peninsula often change with the seasons of the year and with the vicissitudes of the daily weather. Fierce wind and rainstorms can give way to quiet enveloping fogs, subsequently whisked away to reveal bright sunshine. The physical landscape is likewise multifaceted; the peninsula displays examples of tectonic forces, wave- and wind-shaped terrain, and physical environments that range from wetland to forest to tidal. Point Reyes also has many distinct constituencies, virtually all of whom care deeply about the national seashore and its management decisions. They include ranch families who have operated dairies or raised cattle on the peninsula for multiple generations and the residents of the nearby towns of Point Reyes Station, Inverness, Bolinas, and rural West Marin properties. Because Point Reyes is only a one- or two-hour drive from San Francisco, Oakland, and other Bay Area locations, many of the residents consider the national seashore their backyard playground. The entire region is known for a citizenry with keen environmental awareness, including advocates for preservation and protection of wild lands and wildlife.

Since the early 2000s, conflicts over oyster farming, ranching, and tule elk broadened the seashore's active constituency to include national organizations, environmental groups, lobbying agencies, and congressional representatives, all with a stake in PRNS operations and management decisions. It is no surprise that administering the national seashore over the past several decades has proved challenging, complicated, and at times controversial. This history devotes much of the text to these spotlighted controversies of the 2010s and early 2020s that dominated the time and energy of PRNS administration and staff. The authors attempted to place those events within the context of longstanding NPS policies

and the legislative foundation of PRNS as one of the first generation of national seashores.

Three of the chapters of the book deal wholly or in part with the three hot-button, controversial issues that eventually generated strong local opposition, national media attention, and legal interventions to PRNS actions. They are the Drakes Bay Oyster Company (DBOC) closure controversy described in Chapter 3, debate about the continuity and extent of ranching operations explained in Chapter 4, and the conflict regarding tule elk management covered in Chapter 6. The authors realize it is unusual to devote so much space in an NPS administrative history to singular topics. But there is no escaping the fact that these three controversies dominated the media attention, provoked the most local discord, and dictated the considerations and workload of seashore managers and staff. The polarization of community members and political activists during and after the DBOC and tule elk clashes contributed to a sense that the NPS was the enemy without knowing the full context, including how management choices and actions were part of the larger process of managing all aspects of the national seashore. While the authors worked to give the utmost care to summarizing the character and outcomes for each of these controversies, the oyster farm and ranching issues could easily require an entire book to cover them in detail.

Local citizenry, ranchers' associations, environmental organizations, and watchdog groups became closely attuned to the management decisions and actions they saw happening at Point Reyes. Suzanne Lewis, former superintendent of Yellowstone National Park

Point Reyes Lighthouse near sunset, no date. NPS Photo.



who dealt with caustic criticism and death threats during a major management controversy at that park, once told PRNS staff, “You know, once you get on the national stage, you never leave. Because everybody is going to still want to use your park as a stage for whatever issue they have.”¹ That the public nature of the conflicts transpired during the social media age likewise took a toll on Point Reyes staff, who devoted much time and effort to studying problems, holding meetings, and making difficult and unpopular decisions. The toll fell heavily on the staff that park opponents identified as the source of the disliked policies and unfortunately found multiple ways to harangue or outright threaten those people.

Paradoxically, despite the intense media attention and community discord related to the major controversies of the 2010s and early 2020s, the vast majority of visitors who came to Point Reyes were there for reasons unrelated to the conflicts. More than two million visitors arrived each year to enjoy the peninsula’s recreational, social, and educational experiences. This meant that PRNS staff, operating under the burden of harsh public criticism and media glare, still had to perform their “regular” job responsibilities that included interpretive activities, resource protection, law enforcement, maintenance work, cultural resources assessments, collaboration with the FIGR, and other public services. Of course, problems and disagreements sometimes surfaced in response to those activities, but never to the same degree as the media-spotlighted disputes.

Throughout this history, the authors have emphasized the significance of Point Reyes status as an NPS national seashore, one of the first of this new type of park unit. Some visitors, commentators, and media find the name unfamiliar and simply call the area a national park. This occurs at NPS units throughout the country that are not one of the sixty-three units whose name ends with “national park.” Adding to the confusion, the roughly 430 NPS units—national seashores, national monuments, national recreation areas, and national battlefields—are all part of the national *park* system.² In the last several decades of that system’s history, the Park Service and some park supporters have considered eliminating many NPS name designations to help simplify the understanding of what constitutes a national park unit. For example, the 2009 National Parks Second Century Commission recommended that Congress pass legislation to reduce the number of NPS unit types to increase “brand recognition and promote public awareness that all units are part of the same system, by substantially reducing the more than two-dozen different park titles currently used.”³ The commission report also argued that the multiplicity of names “complicates public understanding of the defining purpose of national parks as described in law.”⁴ It is understandable that some park officials, partner organizations, and visitors might find a simplification of the nomenclature helpful. Nevertheless, other Park Service observers see the value in the separate designations, particularly for those areas like national seashores that were created by act of Congress. A 2023 congressional report suggested that downsizing the current NPS designations, in all their variety, “might reduce Congress’s flexibility to choose park names that reflect a unit’s unique features.”⁵

Since the early 2000s, conflicts over oyster farming, ranching, and tule elk broadened the seashore’s active constituency to include national organizations, environmental groups, lobbying agencies, and congressional representatives, all with a stake in PRNS operations and management decisions.

Paradoxically, despite the intense media attention and community discord related to the major controversies of the 2010s and early 2020s, the vast majority of visitors who came to Point Reyes were there for reasons unrelated to the conflicts. More than two million visitors arrived each year to enjoy the peninsula’s recreational, social, and educational experiences.

In the context of administering Point Reyes and the other sites in the first generation of national seashores, the current nomenclature is spot on.⁶ These national seashores—Point Reyes, Cape Cod, Padre Island, and several others—were founded with specific language in the acts of Congress that established each of them. The text of the bills defined the purposes of said seashores for outdoor recreation and pristine coastal open space. Moreover, the name “national seashore” captures the mission that NPS officials and key legislators had in mind in creating a new genre of NPS site, with the intent to preserve and protect the remaining relatively “unspoiled,” undeveloped segments of U.S. shorelines and lakeshores.⁷ During this 2001–2022 period discussed in the preceding pages, PRNS supporters and opponents alike seem to lose sight of this point when they asserted claims about the best means to manage the seashore. For example, in showing support of the Marin County Commissioners’ 2016 decision regarding the first *Resource Renewal Institute v. NPS* lawsuit, Representative Jared Huffman declared, “The continuation of the historic ranches and dairies . . .” was central to what “this community and this county signed up for so many years ago.”⁸ This was certainly not a central element of the seashore’s purpose in the original intent behind the establishment legislation (see Chapter 4).

At a time when the Kennedy administration and congressional representatives worked to close the perceived “missile gap” with the Soviet Union in the early 1960s, they also sounded an alarm that shoreline residential development and commercial

entities around the United States threatened to add to a perceived “recreation gap” of sorts, necessitating federal action before it was too late. The title national seashore thus captures the NPS unit’s essential purpose and meaning at that time.

As such, many of the less controversial events and developments at PRNS since 2001 and described in this history are in keeping with the purpose of the national seashore and equally worthy of attention as the controversial issues. These events include such key achievements as the Giacomini Wetlands Restoration, designation of the Drakes Estero marine wilderness, establishment of the general agreement for government-to-government partnership with the FIGR, creation of MPAs at Point Reyes, renovation of the lighthouse, increasing visitor accessibility, protecting ancient Coast Miwok sites, and the efforts of PRNS staff to provide a multitude of recreational opportunities, protection actions, and interpretive programming, all of which align perfectly with the nature and purpose of a national seashore.

Endnotes

- 1 White, interview, 2023, 17. Point Reyes Superintendent Cicely Muldoon invited Lewis, who finished her career at Yellowstone in 2011, to come talk with seashore staff during the worst of the DBOC conflict. She shared this reflection about being on the national stage and acknowledged “the kind of the crazy place we were in.” Muldoon, interview, 8.
- 2 As this volume went to production in 2024, the total number of NPS units had reached 429.
- 3 National Parks and Conservation Association, *Advancing the National Park Idea: National Parks Second Century Commission Report* (Washington, DC: National Parks and Conservation Association, 2009), 43.
- 4 David Harmon, “Beyond the 59th Park: Reforming the Nomenclature of the US National Park System,” *George Wright Forum* 29, no. 2 (2012): 193. Justifications given for simplifying the different park names also contain some shaky logic. The argument assumes that with fewer designations—for instance, if reduced to four NPS unit types—visitors and the general population will make the effort to understand the difference between and connection among them. Consider that in mountainous regions of the country, national parks and national forests share boundaries or are located in close proximity. Even with only two “types” of lands to differentiate, which have different names, different logos, and different histories, many visitors (even some frequent visitors) never take the time (or care) to learn the difference between them, even though it directly impacts their recreational choices and opportunities at each.
- 5 Laura Comay, *National Park System: What Do the Different Park Titles Signify?* (Washington, DC: Congressional Research Service, updated 2023), 12, <https://sgp.fas.org/crs/misc/R41816.pdf>.
- 6 The first generation of national seashores established between 1961 and 1972 along with Point Reyes included Cape Cod, Padre Island, Fire Island, Assateague Island, and Cape Lookout National Seashores.
- 7 Recent conflicts that produced lawsuits regarding the oyster farm, ranch management, and tule elk are highly unlikely to be the last major PRNS controversies decided in the courts. Because the U.S. Supreme Court has shown an increasing willingness to prioritize, frontload, and/or emphasize the text of statutes in rulings on federal agency decisions and away from precedents set in the 1981 *Chevron v. Natural Resource Defense Council* case (now called the Chevron deference) that gave more weight to federal agency actions not specified in founding acts, in future cases, courts may ground their decisions to a greater degree on the specific language and explicit legislative intent of the Point Reyes founding legislation and amendments.
- 8 Huffman quote in Nels Johnson, “Marin Officials Fight Attempt to Oust Ranchers from National Seashore,” *Marin Independent Journal*, April 4, 2016.

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- White, Gordon. Oral history interview by Paul Sadin, videoconference, April 14, 2023. Transcript, Admin History Project Files, PRNSA.

Appendix

Point Reyes National Seashore Key Legislation

538

PUBLIC LAW 87-657—SEPT. 13, 1962

[76 STAT.]

Public Law 87-657

AN ACT

September 13, 1962
[S. 476]

To establish the Point Reyes National Seashore in the State of California, and for other purposes.

California.
Point Reyes Na-
tional Seashore.
Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That 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, the Secretary of the Interior (hereinafter referred to as the "Secretary") is hereby authorized to take appropriate action in the public interest toward the establishment of the national seashore set forth in section 2 of this Act.

SEC. 2. (a) The area comprising that portion of the land and waters located on Point Reyes Peninsula, Marin County, California, which shall be known as the Point Reyes National Seashore, is described as follows by reference to that certain boundary map, designated NS-PR-7001, dated June 1, 1960, on file with the Director, National Park Service, Washington, District of Columbia.

Beginning at a point, not monumented, where the boundary line common to Rancho Punta de los Reyes (Sobrante) and Rancho Las Baulines meets the average high tide line of the Pacific Ocean as shown on said boundary map;

Thence southwesterly from said point 1,320 feet offshore on a prolongation of said boundary line common to Rancho Punta de los Reyes (Sobrante) and Rancho Las Baulines;

Thence in a northerly and westerly direction paralleling the average high tide line of the shore of the Pacific Ocean; along Drakes Bay, and around Point Reyes;

Thence generally northerly and around Tomales Point, offshore a distance of 1,320 feet from average high tide line;

Thence southeasterly along a line 1,320 feet offshore and parallel to the average high tide line along the west shore of Bodega Bay and Tomales Bay to the intersection of this line with a prolongation of the most northerly tangent of the boundary of Tomales Bay State Park;

Thence south 54 degrees 32 minutes west 1,320 feet along the prolongation of said tangent of Tomales Bay State Park boundary to the average high tide line on the shore of Tomales Bay;

Thence following the boundary of Tomales Bay State Park in a southerly direction to a point lying 105.4 feet north 41 degrees east of an unimproved road heading westerly and northerly from Pierce Point Road;

Thence south 41 degrees west 105.4 feet to a point on the north right-of-way of said unimproved road;

Thence southeasterly along the north right-of-way of said unimproved road and Pierce Point Road to a point at the southwest corner of Tomales Bay State Park at the junction of the Pierce Point Road and Sir Francis Drake Boulevard;

Thence due south to a point on the south right-of-way of said Sir Francis Drake Boulevard;

Thence southeasterly along said south right-of-way approximately 3,100 feet to a point;

Thence approximately south 19 degrees west approximately 300 feet;

Thence south approximately 400 feet;

Thence southwest to the most northerly corner of the Inverness watershed area;

Thence southerly and easterly along the west property line of the Inverness watershed area approximately 9,040 feet to a point near the

76 STAT.] PUBLIC LAW 87-657—SEPT. 13, 1962

intersection of this property line with an unimproved road as shown on said boundary map;

Thence southerly along existing property lines that roughly follow said unimproved road to its intersection with Drakes Summit Road and to a point on the north right-of-way of Drakes Summit Road;

Thence easterly approximately 1,000 feet along the north right-of-way of said Drakes Summit Road to a point which is a property line corner at the intersection with an unimproved road to the south;

Thence southerly and easterly and then northerly, as shown approximately on said boundary map, along existing property lines to a point on the south right-of-way of the Bear Valley Road, approximately 1,500 feet southeast of its intersection with Sir Francis Drake Boulevard;

Thence easterly and southerly along said south right-of-way of Bear Valley Road to a point on a property line approximately 1,000 feet west of the intersection of Bear Valley Road and Sir Francis Drake Boulevard in the village of Olema;

Thence south approximately 1,700 feet to the northwest corner of property now owned by Helen U. and Mary S. Shafter;

Thence southwest and southeast along the west boundary of said Shafter property to the southwest corner of said Shafter property;

Thence approximately south 30 degrees east on a course approximately 1,700 feet to a point;

Thence approximately south 10 degrees east on a course to the centerline of Olema Creek;

Thence generally southeasterly up the centerline of Olema Creek to a point on the west right-of-way line of State Route Numbered 1;

Thence southeasterly along westerly right-of-way line to State Highway Numbered 1 to a point where a prolongation of the boundary line common to Rancho Punta de los Reyes (Sobrante) and Rancho Las Baulines would intersect right-of-way line of State Highway Numbered 1;

Thence southwesterly to and along said south boundary line of Rancho Punta de los Reyes (Sobrante) approximately 2,900 feet to a property corner;

Thence approximately south 38 degrees east approximately 1,500 feet to the centerline of Pine Gulch Creek;

Thence down the centerline of Pine Gulch Creek approximately 400 feet to the intersection with a side creek flowing from the west;

Thence up said side creek to its intersection with said south boundary line of Rancho Punta de los Reyes (Sobrante);

Thence southwest along said south boundary line of Rancho Punta de los Reyes to the point of beginning, containing approximately 53,000 acres. Notwithstanding the foregoing description, the Secretary is authorized to include within the Point Reyes National Seashore the entire tract of land owned by the Vedanta Society of Northern California west of the centerline of Olema Creek, in order to avoid a severance of said tract.

(b) The area referred to in subsection (a) shall include also a right-of-way, to be selected by the Secretary, of not more than 400 feet in width to the aforesaid tract from the intersection of Sir Francis Drake Boulevard and Haggerty Gulch.

SEC. 3. (a) Except as provided in section 4, the Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as rapidly as appropriated funds become available for this purpose or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise the lands, waters, and other property, and improvements thereon and any interest therein, within the areas described in section 2 of this Act or which lie within

the boundaries of the seashore as established under section 5 of this Act (hereinafter referred to as "such area"). Any property, or interest therein, owned by a State or political subdivision thereof may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act. In exercising his authority to acquire property in accordance with the provisions of this subsection, the Secretary may enter into contracts requiring the expenditure, when appropriated, of funds authorized by section 8 of this Act, but the liability of the United States under any such contract shall be contingent on the appropriation of funds sufficient to fulfill the obligations thereby incurred.

(b) The Secretary is authorized to pay for any acquisitions which he makes by purchase under this Act their fair market value, as determined by the Secretary, who may in his discretion base his determination on an independent appraisal obtained by him.

(c) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within California and adjacent States, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value, provided that the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

SEC. 4. No parcel of more than five hundred acres within the zone of approximately twenty-six thousand acres depicted on map numbered NS-PR-7002, dated August 15, 1961, on file with the director, National Park Service, Washington, District of Columbia, exclusive of that land required to provide access for purposes of the national seashore, shall be acquired without the consent of the owner so long as it remains in its natural state, or is used exclusively for ranching and dairying purposes including housing directly incident thereto. The term "ranching and dairying purposes", as used herein, means such ranching and dairying, primarily for the production of food, as is presently practiced in the area.

"Ranching and dairying purposes."

In acquiring access roads within the pastoral zone, the Secretary shall give due consideration to existing ranching and dairying uses and shall not unnecessarily interfere with or damage such use.

Publication in F. R.

SEC. 5. (a) As soon as practicable after the date of enactment of this Act and following the acquisition by the Secretary of an acreage in the area described in section 2 of this Act, that is in the opinion of the Secretary efficiently administrable to carry out the purposes of this Act, the Secretary shall establish Point Reyes National Seashore by the publication of notice thereof in the Federal Register.

Notification of Governor, etc.

(b) Such notice referred to in subsection (a) of this section shall contain a detailed description of the boundaries of the seashore which shall encompass an area as nearly as practicable identical to the area described in section 2 of this Act. The Secretary shall forthwith after the date of publication of such notice in the Federal Register (1) send a copy of such notice, together with a map showing such boundaries, by registered or certified mail to the Governor of the State and to the governing body of each of the political subdivisions involved; (2) cause a copy of such notice and map to be published in one or more newspapers which circulate in each of the localities; and (3) cause a certified copy of such notice, a copy of such map, and a copy of this Act to be recorded at the registry of deeds for the county involved.

SEC. 6. (a) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the improved property for noncommercial residential purposes for a term of fifty years. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) As used in this Act, the term "improved property" shall mean a private noncommercial dwelling, including the land on which it is situated, whose construction was begun before September 1, 1959, and structures accessory thereto (hereinafter in this subsection referred to as "dwelling"), together with such amount and locus of the property adjoining and in the same ownership as such dwelling as the Secretary designates to be reasonably necessary for the enjoyment of such dwelling for the sole purpose of noncommercial residential use and occupancy. In making such designation the Secretary shall take into account the manner of noncommercial residential use and occupancy in which the dwelling and such adjoining property has usually been enjoyed by its owner or occupant.

"Improved property."

SEC. 7. (a) Except as otherwise provided in this Act, the property acquired by the Secretary under this Act shall be administered by the Secretary, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and in accordance with other laws of general application relating to the national park system as defined by the Act of August 8, 1953 (67 Stat. 496), except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

16 USC 1.

16 USC 1c.

(b) The Secretary may permit hunting and fishing on lands and waters under his jurisdiction within the seashore in such areas and under such regulations as he may prescribe during open seasons prescribed by applicable local, State, and Federal law. The Secretary shall consult with officials of the State of California and any political subdivision thereof who have jurisdiction of hunting and fishing prior to the issuance of any such regulations, and the Secretary is authorized to enter into cooperative agreements with such officials regarding such hunting and fishing as he may deem desirable.

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, except that no more than \$14,000,000 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of this Act.

Appropriation.

Approved September 13, 1962.

Public Law 87-658

AN ACT

To provide authority to accelerate public works programs by the Federal Government and State and local bodies.

September 14, 1962
[S. 2965]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Works Acceleration Act".

Public Works
Acceleration Act.

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
NINETY-FIRST CONGRESS
OF THE UNITED STATES OF AMERICA

1970-1971

AND

REORGANIZATION PLANS AND PROCLAMATIONS

VOLUME 84

IN TWO PARTS

PART 1

PUBLIC LAWS 91-191 THROUGH 91-525



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1971

Public Law 91-223

AN ACT

April 3, 1970
[H. R. 3786]

To authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California.

Point Reyes
National Sea-
shore, Calif.
Appropriation.
80 Stat. 919.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act of September 13, 1962 (76 Stat. 538), as amended (16 U.S.C. 459c-7), is amended (a) by deleting "\$19,135,000" and inserting "\$57,500,000", and (b) by changing the period at the end of the section to a colon and adding: "*Provided, That no freehold, leasehold, or lesser interest in any lands hereafter acquired within the boundaries of the Point Reyes National Seashore shall be conveyed for residential or commercial purposes except for public accommodations, facilities, and services provided pursuant to the Act of October 9, 1965 (Public Law 89-249; 79 Stat. 969).*".

16 USC 20.

16 USC 459c-2.

Sec. 2. (a) Section 3(a) of the Act of September 13, 1962 (76 Stat. 538), is amended by striking out the words "Except as provided in section 4, the," in the first sentence and inserting the word "The" in lieu thereof.

Repeal.

16 USC 459c-3.

(b) Section 4 is hereby repealed.

(c) The remaining sections of the Act of September 13, 1962 (76 Stat. 538), are renumbered accordingly.

Approved April 3, 1970.

UNITED STATES STATUTES AT LARGE

CONTAINING THE
LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
NINETY-THIRD CONGRESS
OF THE UNITED STATES OF AMERICA

1974

AND

PROCLAMATIONS

VOLUME 88

IN TWO PARTS

PART 2

PUBLIC LAWS 93-447 THROUGH 93-649,
PRIVATE LAWS, CONCURRENT RESOLUTIONS
AND PROCLAMATIONS



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1976

1744

PUBLIC LAW 93-550—DEC. 26, 1974

[88 STAT.]

Public Law 93-550

December 26, 1974
[H. R. 11013]

AN ACT

To designate certain lands in the Farallon National Wildlife Refuge, California, as wilderness; to add certain lands to the Point Reyes National Seashore; and for other purposes.

Farallon Wilderness, Calif., designation; Point Reyes National Seashore, Calif., additional lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. In accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132(c)), certain lands in the Farallon National Wildlife Refuge, California, which comprise about one hundred and forty-one acres and which are depicted on a map entitled "Farallon Wilderness—Proposed" and dated October 1969, and revised March 1970, are hereby designated as wilderness. The map shall be on file and available for public inspection in the offices of the Bureau of Sport-Fisheries and Wildlife, Department of the Interior.

Administration.

SEC. 102. The area designated by this Act as wilderness shall be known as the Farallon Wilderness and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.

16 USC 1131
note.

TITLE II

16 USC 459c-1.

SEC. 201. Subsection (a) of section 2 of the Act of September 13, 1962 (76 Stat. 538), describing the boundaries of the Point Reyes National Seashore, California, is amended to read as follows:

"SEC. 2. (a) The area comprising that portion of the land and waters located on Point Reyes Peninsula, Marin County, California, which shall be known as the Point Reyes National Seashore, is described as the area within the boundaries generally depicted on the map entitled 'Boundary Map, Point Reyes National Seashore, Marin County, California', numbered 612-80,008-B, and dated August 1974, which shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior."

Publication in
Federal Register.

SEC. 202. The Secretary of the Interior shall, as soon as practicable after the date of enactment of this title, publish an amended description of the boundaries of the Point Reyes National Seashore in the Federal Register, and thereafter he shall take such action with regard to such amended description and the map referred to in section 201 of this title as is required in the second sentence of subsection (b) of section 4 of the Act of September 13, 1962, as amended.

16 USC 459c-4.

Approved December 26, 1974.

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
NINETY-FOURTH CONGRESS
OF THE UNITED STATES OF AMERICA

1976

AND

PROCLAMATIONS

VOLUME 90

IN TWO PARTS

PART 1

PUBLIC LAWS 94–206 THROUGH 94–454



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1978

PUBLIC LAW 94-389—AUG. 14, 1976

90 STAT. 1189

Public Law 94-389
94th Congress

Joint Resolution

Providing for Federal participation in preserving the Tule elk population in California.

Aug. 14, 1976
[H.J. Res. 738]

Whereas, although Tule elk once roamed the central valleys of California in vast numbers, the species became nearly extinct during the latter part of the last century as a result of its native habitat being developed for agricultural purposes and urban growth; and

Whereas, although around 1870 the Tule elk population reached a low of approximately thirty animals, through the dedicated efforts of various citizen groups and individual cattlemen, the population has slowly recovered to a total of approximately six hundred animals, the majority of which may be found in free-roaming herds in the Owens Valley, at Cache Creek in Colusa County, California, a small number which are captive in the Tupman Refuge in Vern County, California; and

Whereas in 1971 the California Legislature, recognizing the threat to the Tule elk as a species, amended section 332 and enacted section 3951 of the Fish and Game Code which provide for the encouragement of a statewide population of Tule elk of not less than two thousand, if suitable areas can be found in California to accommodate such population in a healthy environment, and further fixed the population of the Tule elk in the Owens Valley at four hundred and ninety animals, or such greater number as might thereafter be determined by the California Department of Fish and Game, in accordance with game management principles, to be the Owens Valley holding capacity; and

Whereas the Tule elk is considered by the Department of the Interior to be a rare, though not endangered, species by reason of the steps taken by the State of California; and

Whereas the protection and maintenance of California's Tule elk in a free and wild state is of educational, scientific, and esthetic value to the people of the United States; and

Whereas there are Federal lands in the State of California (including, but not limited to, the San Luis National Wildlife Refuge, the Point Reyes National Seashore, various national forests and national parks, and Bureau of Land Management lands located in central California, as well as lands under the jurisdiction of the Secretary of Defense such as Camp Pendleton, Camp Roberts, and Camp Hunter Liggett) which, together with adjacent lands in public and private ownership, offer a potential for increasing the Tule elk population in California to the two thousand level envisioned by the California Legislature: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of Congress that the restoration and conservation of a Tule elk population in California of at least two thousand, except that the number of Tule elk in the Owens River Watershed area shall at no time exceed four hundred and ninety or such greater number which is determined by the State of California to be the maximum holding capacity of such area, is an appropriate national goal.

California.
Tule elk
population,
preservation.
16 USC 673d.

90 STAT. 1190

PUBLIC LAW 94-389—AUG. 14, 1976

Cooperation.
16 USC 673e.

SEC. 2. The Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Defense shall cooperate with the State of California in making the lands under their respective jurisdictions reasonably available for the preservation and grazing of Tule elk in such manner and to such extent as may be consistent with Federal law.

Report to
Congress.
16 USC 673f.

SEC. 3. The Secretary of the Interior shall submit, on or before the first of March of each year, a report to the Congress as to the estimated size and condition of the various Tule elk herds in California and the nature and condition of their respective habitats. The Secretary shall include in such report his determination as to whether or not the preservation of the Tule elk herd at its then-existing level is, or may be, endangered or threatened by actual or proposed changes in land use or land management practices on lands owned by any Federal, State, or local agency, together with his recommendations as to what Federal actions, if any, should be taken in order to preserve the Tule elk herds at the then-existing level or such other level as may be determined from time to time by the State of California.

Tule elk
restoration and
conservation
plan.
16 USC 673g.

SEC. 4. The Secretary of the Interior, in coordination with all Federal, State, and other officers having jurisdiction over lands on which Tule elk herds are located or lands which would provide suitable Tule elk habitat, shall develop a plan for Tule elk restoration and conservation, including habitat management, which shall be integrated with the comparable plans of State and local authorities in California. The Secretary's annual report to Congress shall describe the development and implementation of such plan.

Approved August 14, 1976.

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
NINETY-FOURTH CONGRESS
OF THE UNITED STATES OF AMERICA

1976

AND

PROCLAMATIONS

VOLUME 90

IN TWO PARTS

PART 2

PUBLIC LAWS 94-455 THROUGH 94-588,
PRIVATE LAWS, CONCURRENT RESOLUTIONS
AND PROCLAMATIONS



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1978

PUBLIC LAW 94-544—OCT. 18, 1976

90 STAT. 2515

Public Law 94-544
94th Congress

An Act

To designate certain lands in the Point Reyes National Seashore, California, as wilderness, amending the Act of September 13, 1962 (76 Stat. 538), as amended (16 U.S.C. 459c-6a), and for other purposes.

Oct. 18, 1976
[H.R. 8002]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in furtherance of the purposes of the Point Reyes National Seashore Act (76 Stat. 538; 16 U.S.C. 459c), and of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131-36), and in accordance with section 3(c) of the Wilderness Act, the following lands within the Point Reyes National Seashore are hereby designated as wilderness, and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act: those lands comprising twenty-five thousand three hundred and seventy acres, and potential wilderness additions comprising eight thousand and three acres, depicted on a map entitled "Wilderness Plan, Point Reyes National Seashore", numbered 612-90,000-B and dated September 1976, to be known as the Point Reyes Wilderness.

Point Reyes
National
Seashore, Calif.
Certain lands
designated as
wilderness areas.
16 USC 1132
note.
16 USC 1132.
16 USC 1131
note.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of the Interior shall file a map of the wilderness area and a description of its boundaries with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such map and descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such map and descriptions may be made.

Map and
description, filing
with
congressional
committees.

SEC. 3. The area designated by this Act as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of this Act, and, where appropriate, any reference to the Secretary of Agriculture, shall be deemed to be a reference to the Secretary of the Interior.

Administration.

SEC. 4. (a) Amend the Act of September 13, 1962 (76 Stat. 538), as amended (16 U.S.C. 459c-6a), as follows:

16 USC 459c-6.

In section 6(a) insert immediately after the words "shall be administered by the Secretary," the words "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,".

(b) Add the following new section 7 and redesignate the existing section 7 as section 8:

16 USC 459c-7.

"SEC. 7. The Secretary shall designate the principal environmental education center within the seashore as 'The Clem Miller Environ-

The Clem Miller
Environmental
Education Center,
designation.
16 USC 459c-6a.

90 STAT. 2516

PUBLIC LAW 94-544—OCT. 18, 1976

mental Education Center', in commemoration of the vision and leadership which the late Representative Clem Miller gave to the creation and protection of Point Reyes National Seashore."

Approved October 18, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-1680 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 122 (1976):

Sept. 29, considered and passed House.

Oct. 1, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 12, No. 43:

Oct. 19, Presidential statement.

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
NINETY-FOURTH CONGRESS
OF THE UNITED STATES OF AMERICA

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VOLUME 90

IN TWO PARTS

PART 2

PUBLIC LAWS 94-455 THROUGH 94-588,
PRIVATE LAWS, CONCURRENT RESOLUTIONS
AND PROCLAMATIONS



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1978

90 STAT. 2692

PUBLIC LAW 94-567—OCT. 20, 1976

Public Law 94-567
94th Congress

An Act

Oct. 20, 1976
[H.R. 13160]

To designate certain lands within units of the National Park System as wilderness; to revise the boundaries of certain of those units; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), the following lands are hereby designated as wilderness, and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act:

(a) Bandelier National Monument, New Mexico, wilderness comprising twenty-three thousand two hundred and sixty-seven acres, depicted on a map entitled "Wilderness Plan, Bandelier National Monument, New Mexico", numbered 315-20,014-B and dated May 1976, to be known as the Bandelier Wilderness.

(b) Black Canyon of the Gunnison National Monument, Colorado, wilderness comprising eleven thousand one hundred and eighty acres, depicted on a map entitled "Wilderness Plan, Black Canyon of the Gunnison National Monument, Colorado", numbered 144-20,017 and dated May 1973, to be known as the Black Canyon of the Gunnison Wilderness.

(c) Chiricahua National Monument, Arizona, wilderness comprising nine thousand four hundred and forty acres, and potential wilderness additions comprising two acres, depicted on a map entitled "Wilderness Plan, Chiricahua National Monument, Arizona", numbered 145-20,007-A and dated September 1973, to be known as the Chiricahua National Monument Wilderness.

(d) Great Sand Dunes National Monument, Colorado, wilderness comprising thirty-three thousand four hundred and fifty acres, and potential wilderness additions comprising six hundred and seventy acres, depicted on a map entitled "Wilderness Plan, Great Sand Dunes National Monument, Colorado", numbered 140-20,006-C and dated February 1976, to be known as the Great Sand Dunes Wilderness.

(e) Haleakala National Park, Hawaii, wilderness comprising nineteen thousand two hundred and seventy acres, and potential wilderness additions comprising five thousand five hundred acres, depicted on a map entitled "Wilderness Plan, Haleakala National Park, Hawaii", numbered 162-20,006-A and dated July 1972, to be known as the Haleakala Wilderness.

(f) Isle Royale National Park, Michigan, wilderness comprising one hundred and thirty-one thousand eight hundred and eighty acres, and potential wilderness additions comprising two hundred and thirty-one acres, depicted on a map entitled "Wilderness Plan, Isle Royale National Park, Michigan", numbered 139-20,004 and dated December 1974, to be known as the Isle Royale Wilderness.

(g) Joshua Tree National Monument, California, wilderness comprising four hundred and twenty-nine thousand six hundred and ninety acres, and potential wilderness additions comprising thirty-seven thousand five hundred and fifty acres, depicted on a map entitled

PUBLIC LAW 94–567—OCT. 20, 1976

90 STAT. 2693

“Wilderness Plan, Joshua Tree National Monument, California”, numbered 156–20,003–D and dated May 1976, to be known as the Joshua Tree Wilderness.

(h) Mesa Verde National Park, Colorado, wilderness comprising eight thousand one hundred acres, depicted on a map entitled “Wilderness Plan, Mesa Verde National Park, Colorado”, numbered 307–20,007–A and dated September 1972, to be known as the Mesa Verde Wilderness.

Mesa Verde
National Park,
Colo.

(i) Pinnacles National Monument, California, wilderness comprising twelve thousand nine hundred and fifty-two acres, and potential wilderness additions comprising nine hundred and ninety acres, depicted on a map entitled “Wilderness Plan, Pinnacles National Monument, California”, numbered 114–20,010–D and dated September 1975, to be known as the Pinnacles Wilderness.

Pinnacles
National
Monument, Calif.

(j) Saguaro National Monument, Arizona, wilderness comprising seventy-one thousand four hundred acres, depicted on a map entitled “Wilderness Plan, Saguaro National Monument, Arizona”, numbered 151–20,003–D and dated May 1976, to be known as the Saguaro Wilderness.

Saguaro National
Monument, Ariz.

(k) Point Reyes National Seashore, California, wilderness comprising twenty-five thousand three hundred and seventy acres, and potential wilderness additions comprising eight thousand and three acres, depicted on a map entitled “Wilderness Plan, Point Reyes National Seashore”, numbered 612–90,000–B and dated September 1976, to be known as the Point Reyes Wilderness.

Point Reyes
National
Seashore,
Calif.

(l) Badlands National Monument, South Dakota, wilderness comprising sixty-four thousand two hundred and fifty acres, depicted on a map entitled “Wilderness Plan, Badlands National Monument, South Dakota”, numbered 137–29,010–B and dated May 1976, to be known as the Badlands Wilderness.

Badlands
National
Monument,
S. Dak.

(m) Shenandoah National Park, Virginia, wilderness comprising seventy-nine thousand and nineteen acres, and potential wilderness additions comprising five hundred and sixty acres, depicted on a map entitled “Wilderness Plan, Shenandoah National Park, Virginia”, numbered 134–90,001 and dated June 1975, to be known as the Shenandoah Wilderness.

Shenandoah
National Park,
Va.

SEC. 2. A map and description of the boundaries of the areas designated in this Act shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, and in the office of the Superintendent of each area designated in the Act. As soon as practicable after this Act takes effect, maps of the wilderness areas and descriptions of their boundaries shall be filed with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such maps and descriptions shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in such maps and descriptions may be made.

Map and
description,
public inspection.

SEC. 3. All lands which represent potential wilderness additions, upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness.

Publication in
Federal Register.
16 USC 1131
note.

SEC. 4. The boundaries of the following areas are hereby revised, and those lands depicted on the respective maps as wilderness or as potential wilderness addition are hereby so designated at such time and in such manner as provided for by this Act:

Boundary
revision.

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
NINETY-FIFTH CONGRESS
OF THE UNITED STATES OF AMERICA

1978

AND

PROCLAMATIONS

VOLUME 92

IN THREE PARTS

PART 3

PUBLIC LAWS 95-599 THROUGH 95-633,
REORGANIZATION PLANS,
PROPOSED AMENDMENT TO THE CONSTITUTION,
JOINT RESOLUTION, PRIVATE LAWS,
CONCURRENT RESOLUTIONS AND PROCLAMATIONS



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1980

PUBLIC LAW 95–625—NOV. 10, 1978

92 STAT. 3467

Public Law 95–625
95th Congress

An Act

To authorize additional appropriations for the acquisition of lands and interests
in lands within the Sawtooth National Recreation Area in Idaho.

Nov. 10, 1978

[S. 791]

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

National Parks
and Recreation
Act of 1978.

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the “National Parks and Recreation Act of 1978”. 16 USC 1 note.

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- Sec. 2. Definition.
- Sec. 3. Authorization of appropriations.

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Guadalupe Mountains National Park.
Gulf Islands National Seashore.
Harper’s Ferry National Historical Park.
Hubbell Trading Post National Historic Site.
Indiana Dunes National Lakeshore.
John Muir National Historic Site.
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Longfellow National Historic Site.
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Perry’s Victory and International Peace Memorial.
San Juan Island National Historical Park.
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92 STAT. 3468

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92 STAT. 3470

PUBLIC LAW 95–625—NOV. 10, 1978

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DEFINITION

SEC. 2. As used in this Act, except as otherwise specifically provided, the term “Secretary” means the Secretary of the Interior.

AUTHORIZATION OF APPROPRIATIONS

- Effective date. SEC. 3. Authorizations of moneys to be appropriated under this Act shall be effective on October 1, 1978. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

TITLE I—DEVELOPMENT CEILING INCREASES

SPECIFIC INCREASES

- Appropriation authorizations. SEC. 101. The limitations on funds for development within certain units of the National Park System and affiliated areas are amended as follows:

16 USC 431 note.

(1) Agate Fossil Beds National Monument, Nebraska: Section 4 of the Act of June 5, 1965 (79 Stat. 123), is amended by changing “\$1,842,000” to “\$2,012,000”.

(2) Andersonville National Historic Site, Georgia: Section 4 of the Act of October 16, 1970 (84 Stat. 989), is amended by changing “\$1,605,000” to “\$2,205,000 for development,” and by deleting “(March 1969 prices), for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.”.

(3) Andrew Johnson National Historic Site, Tennessee: Section 3 of the Act of December 11, 1963 (77 Stat. 350) is amended by changing “\$266,000” to “\$286,000”.

16 USC 450qq–4

(4) Biscayne National Monument, Florida: Section 5 of the Act of October 18, 1968 (82 Stat. 1188), is amended by changing “\$2,900,000” to “\$6,565,000”.

92 STAT. 3486

PUBLIC LAW 95-625—NOV. 10, 1978

Management.	“(n) The Secretary shall accept and shall manage in accordance with this Act, any land and improvements adjacent to the recreation area which are donated by the State of California or its political subdivisions. The boundaries of the recreation area shall be changed to include such donated lands.
Payment deferral, scheduling, and interest rate.	“(o) In acquiring those lands authorized by the Ninety-fifth Congress for the purposes of this Act, the Secretary may, when agreed upon by the landowner involved, defer payment or schedule payments over a period of ten years and pay interest on the unpaid balance at a rate not exceeding that paid by the Treasury of the United States for borrowing purposes.”
16 USC 460bb-3. Fees or admission charges.	(f) Section 4 of such Act is amended by adding the following at the end thereof: “(e) No fees or admission charges shall be levied for admission of the general public to the recreation area except to portions under lease or permit for a particular and limited purpose authorized by the Secretary. The Secretary may authorize reasonable charges for public transportation and, for a period not exceeding five years from the date of enactment of this legislation, for admission to the sailing vessel Balclutha.
Certain rental proceeds, crediting.	“(f) Notwithstanding any other provisions of law, in the administration of those parcels of property known as Haslett Warehouse, Cliff House Properties and Louis’ Restaurant, the Secretary shall credit any proceeds from the rental of space in the aforementioned properties to the appropriation, if any, bearing the cost of their administration, maintenance, repair and related expenses and also for the maintenance, repair and related expenses of the vessels and the adjacent piers comprising the National Maritime Museum, for major renovation and park rehabilitation of those buildings included in the Fort Mason Foundation Cooperative Agreement, and for a coordinated public and private access system to and within the recreation area and other units of the national park system in Marin and San Francisco Counties: <i>Provided</i> , That surplus funds, if any, will be deposited into the Treasury of the United States: <i>Provided further</i> , That notwithstanding any other provision of law, in the administration of said parcels the Secretary may, if he deems appropriate, enter into a contract for the management of said parcels of property with such terms and conditions as will protect the Government’s interest, with excess funds being used as set forth above.”
Management contract.	
16 USC 460bb-4.	(g) Section 5(b) of such Act is amended by changing the word “fifteen” to “seventeen”.

POINT REYES NATIONAL SEASHORE

Area description. 16 USC 459c-1.	SEC. 318. (a) Section 2(a) of the Act of September 13, 1962 (76 Stat. 538) as amended (16 U.S.C. 459) is further amended as follows: “SEC. 2. (a) The Point Reyes National Seashore shall consist of the lands, waters, and submerged lands generally depicted on the map entitled ‘Boundary Map, Point Reyes National Seashore’, numbered 612-80,008-E and dated May 1978.
Map, availability.	“The map referred to in this section shall be on file and available for public inspection in the Offices of the National Park Service, Department of the Interior, Washington, District of Columbia. After advising the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and

PUBLIC LAW 95–625—NOV. 10, 1978

92 STAT. 3487

Natural Resources of the United States Senate in writing, the Secretary may make minor revisions of the boundaries of the Point Reyes National Seashore when necessary by publication of a revised drawing or other boundary description in the Federal Register.”.

(b) Section 5(a) of such Act is amended to read as follows:

“SEC. 5. (a) The owner of improved property or of agricultural property on the date of its acquisition by the Secretary under this Act may, as a condition of such acquisition, retain for himself and his or her heirs and assigns a right of use and occupancy for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the death of his or her spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partly donated to the United States, the Secretary shall pay to the owner the fair market value of the property on the date of acquisition minus the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his or her determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon the Secretary’s notifying the holder of the right of such determination and tendering to him or her an amount equal to the fair market value of that portion of the right which remains unexpired. Where appropriate in the discretion of the Secretary, he or she may lease federally owned land (or any interest therein) which has been acquired by the Secretary under this Act, and which was agricultural land prior to its acquisition. Such lease shall be subject to such restrictive covenants as may be necessary to carry out the purposes of this Act. Any land to be leased by the Secretary under this section shall be offered first for such lease to the person who owned such land or was a leaseholder thereon immediately before its acquisition by the United States.”.

Use and
occupancy rights,
retention.
16 USC 459c–5.

Payment.

Termination and
notification.

Federally-owned
lands, lease.

(c) In subsection 5(b) of such Act, following “September 1, 1959,” insert “or, in the case of areas added by action of the Ninety-fifth Congress, May 1, 1978,”; and at the end of the subsection, add the following new sentence: “The term ‘agricultural property’ as used in this Act means lands which were in regular use for, or were being converted to agricultural, ranching, or dairying purposes as of May 1, 1978, together with residential and other structures related to the above uses of the property.”.

“Agricultural
property.”

(d) Section 5 of such Act is amended by adding the following new subsection (c) to read as follows:

“(c) In acquiring those lands authorized by the Ninety-fifth Congress for the purposes of this Act, the Secretary may, when agreed upon by the landowner involved, defer payment or schedule payments over a period of ten years and pay interest on the unpaid balance at a rate not exceeding that paid by the Treasury of the United States for borrowing purposes.”.

Payment
deferral,
scheduling, and
interest rate.

(e) Section 8 of such Act is renumbered section 9 and the following new section is inserted after section 7:

16 USC 459c–7.

“SEC. 8. The Secretary shall cooperate with the Bolinas Public Utilities District to protect and enhance the watershed values within the seashore. The Secretary may, at his or her discretion, permit the use and occupancy of lands added to the seashore by action of the Ninety-fifth Congress by the utilities district for water supply purposes, subject to such terms and conditions as the Secretary deems are consistent with the purposes of this Act.”.

Cooperation.
16 USC 459c–6b.
Land use and
occupancy, terms
and conditions.

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
NINETY-SIXTH CONGRESS
OF THE UNITED STATES OF AMERICA

1980

AND

PROCLAMATIONS

VOLUME 94

IN THREE PARTS

PART 1

PUBLIC LAWS 96-188 THROUGH 96-366



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1981

PUBLIC LAW 96-199—MAR. 5, 1980

94 STAT. 67

Public Law 96-199
96th Congress

An Act

To establish the Channel Islands National Park, and for other purposes.

Mar. 5, 1980
[H.R. 3757]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Parks and Recreation Act of 1978, amendment.

TITLE I

SEC. 101. The National Parks and Recreation Act of 1978, approved November 10, 1978 (92 Stat. 3467), is amended as follows:

16 USC 1 note.
Point Reyes National Seashore, area description.
16 USC 459c-1.

(a) Section 318, re: Point Reyes National Seashore is amended by:

(1) in subsection (a), change the period following "May 1978" to a comma and insert "plus those areas depicted on the map entitled 'Point Reyes and GGNRA Amendments, dated October 25, 1979'";

(2) in subsection (b), changing the word "The" at the beginning of section 5(a) to "Except for property which the Secretary specifically determines is needed for interpretive or resources management purposes of the seashore, the";

16 USC 459c-5.

(3) in subsection (c), after "May 1, 1978", inserting "or, in the case of areas added by action of the Ninety-sixth Congress, May 1, 1979", and at the end of the subsection, following the word "property", inserting "that were in existence or under construction as of May 1, 1978";

(4) in subsection (d), changing the phrase "subsection (c)" to read "subsections (c), (d), and (e)" and adding the following at the end thereof:

"(d) The Secretary is authorized to accept and manage in accordance with this Act, any lands and improvements within or adjacent to the seashore which are donated by the State of California or its political subdivisions. He is directed to accept any such lands offered for donation which comprise the Tomales Bay State Park, or lie between said park and Fish Hatchery Creek. The boundaries of the seashore shall be changed to include any such donated lands.

Lands and improvements, acceptance and management.

"(e) Notwithstanding any other provision of law, no fee or admission charge may be levied for admission of the general public to the seashore."

(5) adding a new subsection (f) as follows:

"(f) Section 9 of such Act is amended by adding at the end thereof: 'In addition to the sums heretofore authorized by this section, there is further authorized to be appropriated \$5,000,000 for the acquisition of lands or interests therein.'"

Appropriation authorization.
16 USC 459c-7.

(b) Section 551, re: the National Trails System Act is amended by:

(1) in paragraph (9), add the following at the end thereof:

"(8) The North Country National Scenic Trail, a trail of approximately thirty-two hundred miles, extending from eastern New York State to the vicinity of Lake Sakakawea in North Dakota, following the approximate route depicted on the map identified as 'Proposed North Country Trail-Vicinity Map' in the Department of the Interior 'North Country Trail Report', dated June 1975. The map shall be on

North Country National Scenic Trail.
16 USC 1244.

UNITED STATES STATUTES AT LARGE

CONTAINING THE
LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
NINETY-NINTH CONGRESS
OF THE UNITED STATES OF AMERICA

1985

AND
PROCLAMATIONS

VOLUME 99

IN TWO PARTS

PART 1

PUBLIC LAWS 99-1 THROUGH 99-178



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1987

99 STAT. 166

PUBLIC LAW 99-68—JULY 19, 1985

Public Law 99-68
99th Congress

An Act

July 19, 1985
[H.R. 1373]

To designate the wilderness in the Point Reyes National Seashore in California as the Phillip Burton Wilderness.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PHILLIP BURTON WILDERNESS.

16 USC 1132
note.

98 Stat. 1619.

(a) In recognition of Congressman Phillip Burton's dedication to the protection of the Nation's outstanding natural, scenic, and cultural resources and his leadership in establishing units of the National Park System and preserving their integrity against threats to those resources and specifically his tireless efforts which led to the enactment of the California Wilderness Act of 1984, the designated wilderness area of Point Reyes National Seashore, California as established pursuant to law, shall henceforth be known as the "Phillip Burton Wilderness".

(b) In order to carry out the provisions of this Act, the Secretary of the Interior is authorized and directed to provide such identification by signs, including, but not limited to changes in existing signs, materials, maps, markers, interpretive programs or other means as will adequately inform the public of the designation of the wilderness and the reasons therefor.

(c) REFERENCES.—Nothing in this Act shall affect the management of (or the application of any rule, regulation, or provision of law to) any area within the Point Reyes National Seashore, except that all references to the "Point Reyes Wilderness" or to "the wilderness in the Point Reyes National Seashore" which appear in any rule, regulation, provision of law or other official document shall hereafter be deemed to be references to the Phillip Burton Wilderness Area.

Appropriation
authorization.

(d) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Approved July 19, 1985.

LEGISLATIVE HISTORY—H.R. 1373:

HOUSE REPORT No. 99-31 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 99-95 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 131 (1985):
Apr. 2, considered and passed House.
July 9, considered and passed Senate.

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