# United States Department of the Interior

NATIONAL PARK SERVICE
Point Reyes National Seashore
Point Reyes, California 94956
Department of the Interior Region 10

Point Reyes National Seashore Standard Operating Procedure: PR-71

**Succession Policy for Ranch Operations within the Ranchland Zone for Point Reyes National Seashore and the North District of Golden Gate National Recreation Area**

Date: September 13, 2021

Approved by: _____
Craig Kenkel, Superintendent

## Purpose

This policy establishes a clear and transparent process for leasing decisions affecting lands in the Ranchland Zone in Point Reyes National Seashore (Point Reyes) and the north district of the Golden Gate National Recreation Area (Golden Gate). It has been informed by the provisions of the Point Reyes and Golden Gate enabling legislation, relevant legislative history, laws and policies relating to government-to-government relationships with federally recognized Indian tribes, and the selected action from the Record of Decision for the General Management Plan Amendment (GMP Amendment).

This policy supports multi-generational ranching in the Ranchland zone that is compatible with the Park's natural and cultural resource 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.

## Authorities for and History of Ranching:

The enabling legislation for both Point Reyes (16 USC 459c-5) and Golden Gate (16 USC 460bb-2(j)) includes specific leasing authority related to ranching. The language, which is identical for both park units, provides that,

> 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.

A report accompanying the addition of this language to the Point Reyes' enabling legislation explained that it was being added as a tool to protect the pastoral character of park lands and that

therefore, the "use of agricultural lease-backs is encouraged to the fullest extent in ensuring perpetuation of this use." H. Rep. 95-1165, at 71 (1978).

Congress most recently addressed the continuation of ranching in a conference report published in 2019, which states:

> The Conferees note 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. The Conferees are aware that the Service is conducting a public process to comply with a multi-party settlement agreement that includes the preparation of an environmental impact statement to study the effects of dairying and ranching on the park. The Conferees strongly support the inclusion of alternatives that continue ranching and dairying, including the Service's Initial Proposal to allow existing ranch families to continue ranching and dairying operations under agricultural lease/permits with 20-year terms, and expect the Service to make every effort to finalize a General Management Plan Amendment that continues these historic activities. H. Rep. 116-9 at 720-21 (2019).

Consistent with these authorities, the GMP Amendment selected action recognizes multi-generational ranching as an appropriate use of the Ranchland zone. The history of ranching at Point Reyes and the north district of Golden Gate includes the families that settled and ranched in the park since the mid-1800s. In many cases, the NPS is working with the grandchildren of families who sold their land for inclusion in the park. Ongoing commitment and investment in these operations includes the presence of the family on the ranch.

In 2021, more than 20 families hold interim leases, lease/permits or Letters of Authorization, or Reservations of Use and Occupancy for beef and dairy operations within the Ranchland zone. The interim leases were issued pursuant to the 2017 Settlement Agreement and will expire in 2022. The Settlement Agreement allowed current ranch operators to add immediate family members to their interim lease, including those from subsequent generations. Many ranchers did so, thus bringing another generation into the ranching tradition at Point Reyes.

**Authorities for Government-to-Government Relationship with the Federated Indians of Graton Rancheria and Tribal Affiliation with the Park Lands:**

Under 54 U.S.C. 100101(a), the NPS is directed to promote and regulate the use of national parks by means and measures that conform to the fundamental purpose of national parks, which is the conservation of a park's scenery, natural and historic objects and wildlife, and to provide for the enjoyment of these resources in a manner that leaves them unimpaired for the enjoyment of future generations.

In addition, multiple federal laws, executive orders and policies require consultation or coordination with federally recognized Indian tribes. Examples include the National Historic Preservation Act, Executive Order 13175 and Secretarial Order 3342.

The lands managed by Point Reyes are the ancestral homeland of the Coast Miwok, and the federally recognized, affiliate tribe is the Federated Indians of Graton Rancheria (FIGR). The NPS and FIGR have entered into a General Agreement concerning a government-to-government

relationship for communication, coordination and protection of these lands. Through this relationship, the NPS is engaged with the FIGR in a dialogue regarding the ongoing management of these lands which would include ongoing or new potential uses of the lands within the Ranchland Zone.

The General Agreement states as follows with respect to the leasing of lands in the Ranchland Zone: "The ranch lease program within the Park and Park Management over these lands is an area of importance to the Tribe and to the vitality and restoration of the Tribe's ancestral lands. Therefore, in accordance with the government-to-government partnership, consultation and coordination is critical to ensure Tribal views and traditional ecological knowledge (TEK) are part of the management of these ranching and leases and lands."

**General Considerations Informing this Succession Policy**

This succession policy recognizes that conditions within the GMP Amendment Ranchland zone may change over time. To best support the desired conditions of the GMP Amendment selected action, the NPS needs the flexibility 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. Overall, the NPS would not increase the number of leased ranch operations, but may reduce the total number of operations by combining or retiring allotments to a certain point while maintaining a core number of allotments consistent with the desired conditions for cultural resource preservation and maintenance of multi-generational ranching.

The NPS will review each lessee's compliance with the terms of the lease/permit (or RUO) and Ranch Operating Agreement (ROA) on an annual basis. The results of monitoring (including residual dry matter), as well as implementation of ROA actions will be considered in evaluating compliance with the lease/permit and ROA. These reviews will be discussed as part of the annual ROA meeting, and the Lessee will have the opportunity to provide any relevant information to NPS. The results of these reviews reflect on all named lessees and will be considered by NPS when evaluating future operational requests. In the event that a ranch operator fails to meet performance requirements, the NPS would initiate actions to enforce, or possibly terminate, the lease/permit.

The NPS will use the following process to authorize continued multi-generational ranch operations or other adaptive uses within the Ranchland zone in a manner that supports the Park's natural and cultural resource management objectives and is consistent with the GMP Amendment selected action:

- ***Immediate Family Eligible to be Named Lessees:*** All signatories of Interim Leases, lease/permits and Letters of Authorization would be eligible for inclusion on a new lease/permit for the subject ranch. Named Lessees on an individual permit, with the agreement of all other current Lessees, may request to add or remove immediate family

members to the new lease/permit. All Named Lessees are equally responsible for compliance with the terms of the lease/permit.

- ***Existing Reservations of Use and Occupancy:.*** There are two remaining life-estates in the Ranchland zone. The NPS would work with the named individuals on the RUO to identify immediate family members that would be offered a new lease/permit to continue multi-generational ranching on premises. Upon cessation of the life estate, and so long as the performance requirements for the allotment are met, the NPS would proceed with issuance of a new lease/permit to identified immediate family for continued operations or follow the guidance below.

- ***Future Ranching Lease/Permits:*** Lessees who receive lease/permits under this policy will be eligible for subsequent lease/permits provided they have complied with the terms of their lease/permit and ROA, have agreed to undertake actions needed to improve their operations, and have diligently implemented such actions.

- ***Lease Transition to a New Operator:*** In the event that the Lessees of a particular ranch or the immediate family identified by RUO holders of a particular ranch: (1) have not consistently met performance standards for the agricultural operation; (2) do not wish to enter into a new lease/permit; (3) cannot timely agree upon an arrangement among Named Lessees or immediate family identified by RUO holders for continued operations under a new lease/permit consistent with the requirements of the GMP Amendment selected action; or (4) are not willing to take on responsibility for improved operational requirements necessary to support the desired conditions of the GMP Amendment selected action; the NPS would evaluate the allotment to identify ongoing uses consistent with analysis in the GMP Amendment selected action and in coordination with FIGR to ensure that tribal views and TEK are considered in identifying land management opportunities that would support desired conditions at this location. For ongoing grazing considerations, the NPS would issue a request for proposals identifying operational and infrastructure investment terms and conditions for future operations at this site. Under this scenario, the NPS may consider proposals from 1) current park ranch operators that have met identified performance conditions, 2) long-term park ranch employees from operations that have met identified performance conditions, or 3) a FIGR identified operator that has demonstrated ability to meet identified performance conditions.

- ***Adaptive Reuse of Vacant Structures or Closed Ranch Complexes/Operations:*** The NPS may determine that the desired conditions of the GMP Amendment selected action would be supported by relocating an existing beef or dairy operation, or portion thereof, to all or a portion of a vacant or closed ranch. Such opportunities would only be offered to lessees who have demonstrated diligent compliance with the terms of their lease/permit and ROA. Alternatively, NPS may determine that it is appropriate to issue a request for proposals to identify an adaptive reuse of all or a portion of a vacant or closed ranch. Before issuing any request for proposals, NPS will consult and coordinate with FIGR to ensure that tribal views and TEK are considered in identifying future adaptive reuse opportunities that would support GMP Amendment desired conditions at this location. The NPS would issue a request for proposals seeking an appropriate adaptive reuse.