

# Committee on Natural Resources

Rob Bishop Chairman  
Mark-Up Memorandum

August 31, 2018

To: All Natural Resources Committee Members

From: Majority Committee Staff – Terry Camp and Rebekah Rodriguez  
Subcommittee on Federal Lands (x6-7736)

Mark-Up: **H.R. 6687 (Rep. Jared Huffman)**, To direct the Secretary of the Interior to manage the Point Reyes National Seashore in the State of California consistent with Congress' longstanding intent to maintain working dairies and ranches on agricultural property as part of the seashore's unique historic, cultural, scenic and natural values, and for other purposes.  
**September 5, 2018 at 10:15 AM; 1324 Longworth House Office Building**

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## **Summary of the Bill**

H.R. 6687, introduced by Representative Jared Huffman (D-CA-02), amends current law to require the Secretary of the Interior to manage agricultural property in the Point Reyes National Seashore in California consistent with maintaining working dairies and ranches. It also requires the Secretary to control the Tule Elk population in the area, minimizing conflict between working dairies and ranches. Finally, it requires the Secretary to issue leases and special use permits of 20 years to working dairies and ranches following the completion of an Environmental Impact Statement.

## **Cosponsors**

Rep. Rob Bishop [R-UT-01]

## **Background**

Point Reyes National Seashore (Seashore), established in 1962 by President John F. Kennedy, encompasses roughly 71,000 acres of federal and nonfederal land in Marin County, California.<sup>1</sup> The Point Reyes coastal prairie has been used for ranching since the 1850s when settlers moved west in search of gold and found the region to be ideal for dairy farming.<sup>2</sup> By 1857, a San Francisco law firm, Shafter, Shafter, Park, and Heydenfeldt, owned over 50,000 acres of the Point Reyes peninsula, including the coastal plain.<sup>3</sup> The firm initially leased the land back to existing dairy ranches and sold Tomales Point. In 1866, the Shafter and Howard families

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<sup>1</sup> National Park Service. "Park Statistics" Point Reyes National Seashore.

<https://www.nps.gov/pore/learn/management/statistics.htm>

<sup>2</sup> National Park Service. "Ranching History at Point Reyes."

[https://www.nps.gov/pore/learn/historyculture/people\\_ranching.htm](https://www.nps.gov/pore/learn/historyculture/people_ranching.htm)

<sup>3</sup> *Id.*

divided the remainder of the land into a tenant dairy enterprise composed of 33 ranches.<sup>4</sup> The Shafter family welcomed immigrants from all around the world to work on the ranches, creating a unique culture for the peninsula. In 1867, Marin County produced over 932 thousand pounds of butter.<sup>5</sup>

Following an earthquake in 1906 and the stock market crash in 1929, the Shafter and Howard Enterprises struggled to make ends meet.<sup>6</sup> Dairies and ranches consolidated into cooperatives, and ranchers expanded their livestock production to include beef cattle, chickens, and other small animals. After the construction of the Golden Gate Bridge, transportation was expedited, and the Point Reyes creameries were no longer a top commodity, and many closed their doors after World War II.<sup>7</sup>

As Marin County expanded in the 1950s and 60s, property taxes dramatically increased at the same time as the price for dairy products dropped significantly, putting even more dairy ranches on the peninsula out of business. Out of fear of losing their businesses and way of life, the remaining ranchers worked with the Sierra Club to secure both their ranches and the open pastoral landscape that their families had worked to preserve.<sup>8</sup> The National Park Service (NPS) had sought protections for the peninsula as early as 1936.<sup>9</sup>

In 1962, Congress acted on NPS's requests and established the Point Reyes National Seashore through Public Law 87-657.<sup>10</sup> To alleviate rancher's concerns, Congress made clear in the Act that existing ranches should retain active operations within a designated pastoral zone. Dairy and cattle ranchers sold their land to NPS and then leased it back. Today most of the working ranches and dairies operate under annual agricultural leases or special use permits from NPS, which has left the ranching families in a position of not being able to afford proper maintenance of the property. Most of the current lessees are the fifth and sixth generation of ranching families.<sup>11</sup>

Despite the explicit language in the Seashore's Enabling Act protecting ranching and dairy farming within the boundaries of the pastoral zone of the Seashore, since its designation in 1961, the number of working ranches in the pastoral area has dropped from 25 to 11.<sup>12</sup> This decline is partially due to the neglect by NPS in updating and responsibly managing the area. The 1980 General Management Plan for the seashore has not been updated to require that the Seashore be managed to reflect the importance and historical significance of agriculture to the area, leaving protected land use activities exposed to litigation from anti-grazing groups and

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> <https://www.gpo.gov/fdsys/pkg/STATUTE-76/pdf/STATUTE-76-Pg538.pdf>

<sup>11</sup> "Ranching at the Seashore." Point Reyes National Seashore Association.

<http://www.ptreyes.org/activities/ranching-seashore>

<sup>12</sup> Watt, Laura Alice. Testimony before the House Committee on Natural Resources. April 25, 2018.

[https://naturalresources.house.gov/uploadedfiles/testimony\\_watt.pdf](https://naturalresources.house.gov/uploadedfiles/testimony_watt.pdf)

other litigation activists.<sup>13</sup> These inconsistencies have those working the land uncertain of their future on the Seashore.<sup>14</sup>

The NPS has also neglected to manage the growing re-introduced population of Tule Elk, which have damaged ranch fencing and infrastructure, compromised organic dairy certification, and resulted in many permittees discontinuing ranching altogether.<sup>15</sup> The decline of working ranches has exacerbated the Seashore's maintenance and repair needs.<sup>16</sup>

### **Major Provisions of H.R. 6687**

- Requires the Secretary of the Interior to continue to manage agricultural property in a way consistent with Congress's intent to maintain working dairies and ranches.
- Expands the definition of "agricultural property" to include the northern district of the Golden Gate National Recreation Area.
- Requires the Secretary to manage the Tule Elk population to minimize conflicts between herds and working ranches and dairies, and allows the Secretary to work with Indian tribes to control the Tule Elk populations.
- Requires that immediately following the completion of the General Management Plan Amendment, Environmental Impact Statement, and the Record of Decision, the Secretary must issue leases and permits of 20 years to working dairies and ranches on agricultural property within the Seashore.

### **Cost**

A Congressional Budget Office cost estimate has not yet been completed for this bill.

### **Administration Position**

The Administration's position is currently unknown.

### **Anticipated Amendments**

There are no anticipated amendments as of August 31, 2018.

### **[Effect on Current Law \(Ramseyer\)](#)**

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<sup>13</sup> Letter from Christopher Carr on behalf of Phyllis Faber and the Resilient Agriculture Group to Representative Huffman dated August 14, 2018.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*