

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 25, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 6687]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 6687) 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, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. MANAGEMENT OF AGRICULTURAL PROPERTY IN POINT REYES NATIONAL SEASHORE.

Public Law 87-657 (16 U.S.C. 459c, et seq.) is amended as follows:

(1) In section 5(b) (16 U.S.C. 459c-5(b))—

(A) in the first sentence, by striking “As used in” and inserting the following:

“(1) As used in”;

(B) by striking “The term ‘agricultural property’ as used” and inserting the following:

“(2) The term ‘agricultural property’ as used”;

(C) by striking “means lands which were in regular use” and inserting “means—

“(A) lands under agricultural lease or permit as of September 1, 2018, or lands that were in regular use”; and

(D) by striking the period at the end and inserting “; and

“(B) on the northern district of the Golden Gate National Recreation Area, lands under agricultural lease or permit as of September 1, 2018, or lands that

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 that were in existence or under construction as of May 1, 1978.”

(2) In section 5 (16 U.S.C. 459c-5)—

(A) by inserting before subsection (a) the following:

“(a) The Secretary shall manage agricultural property consistent with Congress’ long-standing intent that working dairies and ranches continue to be authorized to operate on agricultural property as part of the seashore’s unique historic, cultural, scenic and natural values.”; and

(B) by redesignating subsequent subsections accordingly.

(3) In section 6 (16 U.S.C. 459c-6), by adding at the end the following:

“(c)(1) In areas of agricultural property where Tule Elk present conflicts with working ranches or dairies, the Secretary shall manage the Tule Elk for separation from the working ranches or dairies. To minimize the conflicts and prevent establishment of new Tule Elk herds on agricultural property, the Secretary may work with Indian Tribes interested in the following:

“(A) Partnering with the Secretary in the relocation and reestablishment of Tule Elk on Tribal lands.

“(B) Participating in hunting Tule Elk on a subsistence or ceremonial basis.

“(C) Other partnerships and activities that the Secretary determines are suitable and feasible for this purpose.

“(2) Nothing in this subsection reduces or diminishes the authority of the Secretary to use other existing authorities or management tools to separate Tule Elk from agricultural property.”.

(4) By adding at the end, the following:

“SEC. 10. Consistent with the purposes of this Act, including section 5(a), the Secretary is directed to complete, without delay, the General Management Plan Amendment for Point Reyes National Seashore and the northern district of Golden Gate National Recreation Area, its Environmental Impact Statement, and, upon completion of the Record of Decision, issue leases and special use permits of 20 years for working dairies and ranches on agricultural property. Nothing in this Act requires the Secretary to issue leases and special use permits of 20 years in circumstances where there is no willing lessee, or to a previous lessee who has abandoned or discontinued ranching.”.

Amend the title so as to read:

A bill to direct the Secretary of the Interior to manage the Point Reyes National Seashore in the State of California consistently with Congress’ long-standing intent to continue to authorize working dairies and ranches on agricultural property as part of the seashore’s unique historic, cultural, scenic and natural values, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 6687, as ordered reported, is to direct the Secretary of the Interior to manage the Point Reyes National Seashore in the State of California consistent with Congress’ long-standing intent to continue to authorize working dairies and ranches on agricultural property as part of the Seashore’s unique historic, cultural, scenic and natural values.

BACKGROUND AND NEED FOR LEGISLATION

The Point Reyes National Seashore (PRNS), established in 1962, encompasses roughly 71,000 acres of federal and nonfederal land in Marin County, California.¹ 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 farm-

¹National Park Service. “*Park Statistics*” Point Reyes National Seashore. <https://www.nps.gov/pore/learn/management/statistics.htm>

ing.² 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.³ The firm initially leased the land back to existing dairy ranches and sold Tomales Point. In 1866, the Shafter and Howard families divided the remainder of the land into a tenant dairy enterprise composed of 33 ranches.⁴ 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.⁵

Following an earthquake in 1906 and the stock market crash in 1929, the Shafter and Howard enterprises struggled to make ends meet.⁶ 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. Many closed their doors after World War II.⁷

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.⁸

The National Park Service (NPS) had sought protections for the peninsula as early as 1936.⁹ In 1962, Congress acted on NPS's requests and established the Point Reyes National Seashore under Public Law 87-657.¹⁰ To alleviate ranchers' concerns, Congress made clear in the enabling 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 ranching families unable to afford proper maintenance of the property. Most of the current lessees are the fifth and sixth generation ranching families.¹¹

The statutory history of the site reflects that Congress showed great vision by providing for ranching to continue within the PRNS to ensure that future generations would be able to experience PRNS' unique working landscapes. However, the 1980 General Management Plan for the PRNS has not been updated to require that the PRNS 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 other activists. These inconsistencies have those working the land uncer-

²National Park Service. "Ranching History at Point Reyes." https://www.nps.gov/pore/learn/historyculture/people_ranching.htm

³*Id.*

⁴*Id.*

⁵*Id.*

⁶*Id.*

⁷*Id.*

⁸*Id.*

⁹*Id.*

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

¹¹"Ranching at the Seashore." Point Reyes National Seashore Association. <http://www.ptreyes.org/activities/ranching-seashore>

tain of their future on the PRNS.¹² These ranches and dairies also provide broader benefits: they help preserve agriculture outside the PRNS boundaries by ensuring that other small-scale agricultural operations in the region have the facilities and services necessary to stay viable.

NPS has also failed to effectively manage the growing re-introduced population of Tule Elk, which has resulted in a new herd competing with cows for forage, interfering with ranch operations, and damaging infrastructure—hardly the outcome envisioned by the 1998 Elk Management Plan. In addition, ranchers report that long-term leases and permits are necessary to help address the facility repair and maintenance challenges they face.

More management options are needed to effectively separate Tule Elk and livestock on certain agricultural property where conflicts occur within the PRNS and the Golden Gate National Recreation Area (GGNRA). There is no reason thriving elk herds and sustainable working ranches and dairies cannot coexist within PRNS and GGNRA if there is effective separation and effective management. The legislation does not remove any of the management tools currently available to the NPS (including fencing, hazing, relocation, contraception and culling). Instead, it provides direction for more effective separation and adds new tools for NPS to consider, including the opportunity to explore relocation and cultural ceremonial activities with interested Native American Tribes, while leaving broad discretion to the NPS to determine how to manage the elk in particular situations.

NPS has, across administrations, and since the creation of the PRNS and the GGNRA, consistently supported continued ranching in the PRNS and Northern areas of the GGNRA. With this legislation, Congress is affirming this long-standing policy and providing direction that a “no ranching” alternative for park management is inconsistent with the PRNS’ historic intent, even if such an alternative is required to be studied under a legal settlement. Consistent with this direction, there should be a full and robust National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 et seq.) analysis as part of the General Management Plan Amendment process to enable NPS to understand and evaluate the possible mitigation and management measures that could improve the environmental sustainability of the ranches and dairies, and to inform a broad range of land management policies and decisions, including lease/special use permit succession planning, elk management, and conservation practices. NEPA requires the engagement of the public in the review process, and the Committee finds no language in the bill that would exclude or reduce the robust participation by the public as required by the law.

NPS has been working diligently to carry out then-Secretary Ken Salazar’s 2012 decision to offer 20-year leases for ranching and dairying in the PRNS and GGNRA, going so far as preparing a Ranch Comprehensive Management Plan/Environmental Assessment in accordance with NEPA. The working relationship between NPS and the current working ranches and dairies is an important one, and the Committee is encouraged by the ongoing collaborative efforts between NPS and the ranchers, including through the Gen-

¹² <https://www.sonomamag.com/point-reyes/>

eral Management Plan Amendment process that will continue to go forward under this legislation.

During consideration of the bill, the Committee adopted an amendment by Congressman Jared Huffman (D–CA) that clarified that NPS should exercise common-sense discretion in the supervision of the agricultural property. For example, the NPS is not financially responsible for operation of the ranches and dairies and is not required to bring properties back into agriculture that have been retired and converted to other purposes. Likewise, the amendment clarified that current lessees are eligible for the new longer-term leases, but if a lessee does not want a 20-year lease, a shorter-term lease remains an option. Importantly, NPS retains its existing authority to set appropriate lease terms and conditions and will be able to outline other management strategies and actions in the General Management Plan Amendment.

MAJOR PROVISIONS OF H.R. 6687 AS REPORTED

- Requires the Secretary of the Interior to manage agricultural property consistent with Congress’s long-standing intent that working ranches and dairies continue to be authorized to operate on agricultural property within the PRNS and GGNRA.
- Expands the definition of “agricultural property” to include the northern district of the GGNRA.
- 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 PRNS and GGNRA.
- Where Tule Elk present conflicts with working ranches and dairies on agricultural property, requires the Secretary to manage the Tule Elk population for effective separation from the working ranches and dairies and allows the Secretary to work with Indian tribes to control the Tule Elk populations.

COMMITTEE ACTION

H.R. 6687 was introduced on August 28, 2018, by Congressman Jared Huffman (D–CA). The bill was referred to the Committee on Natural Resources. On September 5, 2018, the Natural Resources Committee met to consider the bill. Congressman Huffman offered an amendment designated #1; it was adopted by unanimous consent. No further amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET
ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 25, 2018.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6687, a bill to direct the Secretary of the Interior to manage the Point Reyes National Seashore in the State of California consistently with Congress' long-standing intent to continue to authorize working dairies and ranches on agricultural property as part of the seashore's unique historic, cultural, scenic, and natural values, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 6687—A bill to direct the Secretary of the Interior to manage the Point Reyes National Seashore in the State of California consistently with Congress' long-standing intent to continue to authorize working dairies and ranches on agricultural property as part of the seashore's unique historic, cultural, scenic, and natural values, and for other purposes

Upon establishment of the Point Reyes National Seashore in 1962, ranches and dairies that were in existence were permitted to continue their operations within a designated area of the seashore. The National Park Service (NPS), which manages the seashore, has issued agricultural leases or special use permits to most of those ranches and dairies for periods ranging from one year to five years. H.R. 6687 would direct the NPS to issue 20-year leases and permits.

Payments from those leases and permits are recorded in the budget as discretionary offsetting collections and are applied toward cost recovery for range management activities by the NPS at the seashore. In 2017, the NPS spent about \$1 million on those activities and received less than \$500,000 in lease and permit payments. Extending lease terms to 20 years could affect the amount of those annual payments; however, CBO estimates that any effect on net discretionary spending would be insignificant over the 2019–2028 period.

H.R. 6687 also would require the NPS to complete an environmental study, amend its management plan for the seashore, and manage the local tule elk population. CBO estimates that implementing those provisions would result in no additional costs to the NPS because we expect the agency will conduct those activities under the terms of a 2017 settlement agreement.

Enacting H.R. 6687 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 6687 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 6687 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to direct the Secretary of the Interior to manage the Point Reyes National Seashore in the State of California consistent with Congress' long-standing intent to continue to authorize working dairies and ranches on agricultural property as part of the Seashore's unique historic, cultural, scenic and natural values.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omit-

ted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

ACT OF SEPTEMBER 13, 1962

(Public Law 87-657)

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

* * * * *

SEC. 5. (a) *The Secretary shall manage agricultural property consistent with Congress' long-standing intent that working dairies and ranches continue to be authorized to operate on agricultural property as part of the seashore's unique historic, cultural, scenic and natural values.*

[(a)] (b) Except for property which the Secretary specifically determines is needed for interpretive or resources management purposes of the seashore, 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 the 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 death of the owner or the death or 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 the 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 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 the 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.

[(b)] (c)(1) 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, or, in the case of areas added by action of the Ninety-fifth Congress, May 1, 1978, 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. **【The term “agricultural property” as used】**

*(2) The term “agricultural property” as used in this Act **【means lands which were in regular use】 means—***

(A) lands under agricultural lease or permit as of September 1, 2018, or lands that were in regular use for, or were being converted to agricultural, ranching, or dairying purposes as of May 1, 1978, or, in the case of areas added by action of the Ninety-sixth Congress, May 1, 1979, together with residential and other structures related to the above uses of the property that were in existence or under construction as of May 1, 1978~~【.】~~; and

(B) on the northern district of the Golden Gate National Recreation Area, lands under agricultural lease or permit as of September 1, 2018, or lands that 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 that were in existence or under construction as of May 1, 1978.

【(c)】 *(d)* 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.

【(d)】 *(e)* 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.

【(e)】 *(f)* Notwithstanding any other provision of law, no fee or admission charge may be levied for admission of the general public to the seashore.

SEC. 6. (a) Except as otherwise provided in this Act, the property acquired by the Secretary under this Act shall be administered by the Secretary, without impairment of its natural values, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with, based upon, and supportive or the maximum protection, restoration, and preservation of the natural environment within the area, 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.

(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.

(c)(1) In areas of agricultural property where Tule Elk present conflicts with working ranches or dairies, the Secretary shall manage the Tule Elk for separation from the working ranches or dairies. To minimize the conflicts and prevent establishment of new Tule Elk herds on agricultural property, the Secretary may work with Indian Tribes interested in the following:

(A) Partnering with the Secretary in the relocation and reestablishment of Tule Elk on Tribal lands.

(B) Participating in hunting Tule Elk on a subsistence or ceremonial basis.

(C) Other partnerships and activities that the Secretary determines are suitable and feasible for this purpose.

(2) Nothing in this subsection reduces or diminishes the authority of the Secretary to use other existing authorities or management tools to separate Tule Elk from agricultural property.

* * * * *

SEC. 10. Consistent with the purposes of this Act, including section 5(a), the Secretary is directed to complete, without delay, the General Management Plan Amendment for Point Reyes National Seashore and the northern district of Golden Gate National Recreation Area, its Environmental Impact Statement, and, upon completion of the Record of Decision, issue leases and special use permits of 20 years for working dairies and ranches on agricultural property. Nothing in this Act requires the Secretary to issue leases and special use permits of 20 years in circumstances where there is no willing lessee, or to a previous lessee who has abandoned or discontinued ranching.