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Jon Jarvis, Western Regional Director, National Park Service (NPS)

Dear Director Jarvis: The Sierra Club's understanding is that except for one, all of the ranching operations in Point Reyes National Seashore (PRNS) have signed valid Use Permits, all have the proper amount of livestock on the parkland they lease, and all pay their Use Permit fees on time. Per our Freedom of Information Act (FOIA) request, we now understand that the one exception on all three counts is the Lunny family in regard to "G" Ranch in PRNS. While Sierra Club generally supports NPS management of agriculture operations in the Seashore and acknowledges the positive working relationship documented between Seashore ranchers and NPS, this sole case of abuse by the Lunnys is not only unacceptable per law, but undermines the history of collaboration in the Seashore.

Not only have the Lunnys refused to sign the Use Permit offered by NPS for the "G" Ranch since December 7, 2004, but the FOIA indicates that the Lunnys have made payments based on a no-longer valid 1999 lease that have regularly been late and assigned to collections. Furthermore, we have evidence from our Public Records Act Request of the Marin County Agriculture Department that the Lunny family has, during much if not all this period and continuing, a significant overstocking, perhaps by as much as 500% on "G" Ranch in violation of the Use Permit offered by NPS, in violation of the USFWS Biological Opinion on grazing in PRNS, and without compensation to NPS. We have previously provided this County Agriculture information to PRNS, but no action has been taken.

We believe that the Lunnys' lack of a Use Permit, late payment of fees based on a no-longer valid 1999 lease, and gross overstocking...all violate federal law. The combined financial impact of these violations likely exceeds a quarter million dollars. Operating without a Use Permit mandates a fee of \$100 per day for the violation period-to-date of 1219 days since December 7, 2004, or \$121,900. We estimate the lost overgrazing fees at \$116,550, based on the first date on which we have evidence (September 2004 to-date at 450 animal units over the permitted amount of 90 x 44 months less 7 months off-site @ \$7 per animal unit per month, or AUM). The actual overgrazing fee is likely higher, given that the \$7 per AUM fee has not been reassessed at fair market value for years.

We therefore request from NPS a clarification of the authority under which NPS has provided to the Lunny family these unusual and on-going exceptions to federal law. The Sierra Club also asserts that by refusing to sign the Use Permit for over three years and by grossly overgrazing the park without compensation, the Lunny family has lost the right afforded to other ranchers in PRNS to automatically renew Use Permits. Thus we request that PRNS withdraw the current offer of a Use Permit to the Lunny family and cease accepting late payments until the legality of this "right-to-renew" issue is resolved and all fees collected.

We recognize that NPS does a great job of listening to rancher concerns, showing patience and forbearance, and resolving issues in a mutually satisfactory way. No one wants to shut down a ranch over a technicality. But, in this case, NPS has bent over too far backwards trying to accommodate one rancher who remains singularly uncooperative even after numerous documented attempts by NPS to resolve differences.

Sincerely

Gordon Bennett, Conservation Chair, Sierra Club – Marin Group

cc: Trent W. Orr, Earthjustice and George Torgun, Earthjustice