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Agricultural Workers Appearing as
8 DOES 1-8

9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

11
12 RESOURCE RENEWAL INSTITUTE;
Center for Biological Diversity; and
13 Western Watersheds Project,

14 Plaintiffs,

15 v.

16 NATIONAL PARK SERVICE, a federal
agency,

17 Defendant.
18

Case No. 3:22-cv-00145 MMC

**NOTICE OF MOTION AND MOTION TO
INTERVENE; MEMORANDUM OF
POINTS AND AUTHORITIES**

Judge: Hon. Judge Maxine M. Chesney
Date: October 18, 2024
Time: 10:30 AM
Crtrm.: Courtroom 7, 19th Floor

Assigned for All Purposes to the Hon.
Judge Maxine M. Chesney

19 Trial Date: None Set

20 **TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:**

21 **PLEASE TAKE NOTICE THAT** on October 18, 2024, at 10:30 AM, or as soon
22 thereafter as counsel may be heard, in the Courtroom of the Honorable Judge Maxine M.
23 Chesney, located in the San Francisco Courthouse, Courtroom 7 – 19th Floor, 450
24 Golden Gate Avenue, Proposed Intervenors DOES 1-8, all of whom are residents of
25 existing housing on the ranches at issue in this litigation and some of who work on those
26 ranches (“Agricultural Workers”) will and hereby do move this Court for leave to intervene
27 in the above-entitled action under Rule 24(a) of the Federal Rules of Civil Procedure. The
28 [Proposed] Answer of Agricultural Workers is attached hereto as **Exhibit A**.

Case No. 3:22-cv-00145 MMC

PROPOSED INTERVENORS AGRICULTURAL WORKERS' NOTICE OF MOTION AND MOTION TO
INTERVENE

1 The Agricultural Workers respectfully requests intervention in this Action under
2 Rule 24(a)(2) as a matter of right on the grounds that: (1) the Motion to Intervene is
3 timely; (2) the Agricultural Workers reside on the ranch lands at the Point Reyes National
4 Seashore that are the subject of this action, and hold an individual, protectable legal
5 interest in the property upon which they reside; (3) the disposition of this action will affect,
6 impede, and threaten the Agricultural Workers' ability to enforce and protect their rights;
7 and (4) the named parties cannot adequately represent and protect the rights of the
8 Agricultural Workers.

9 This Motion is based on this Notice of Motion, the attached Memorandum of Points
10 and Authorities, the Declaration of Andrew Giacomini, the Declaration of Doe 1, the
11 Declaration of Doe 5, filed concurrently herewith, all of the pleadings, files, and records in
12 this proceeding, all other matters of which the Court may take judicial notice, and any
13 argument or evidence that may be presented to or considered by the Court prior to its
14 ruling.

15 DATED: October 11, 2024

HANSON BRIDGETT LLP

16
17 By: 
18 ANDREW G. GIACOMINI
19 ALENE M. TABER
20 BIANCA A. VELEZ
21 Attorneys for Proposed Intervenors
22 Agricultural Workers
23 Appearing as DOES 1-8.
24
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26
27
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Existing parties, Defendant the National Park Service ("NPS"), Plaintiffs Resource
4 Renewal Institute, Center for Biological Diversity and Western Watersheds Project
5 ("Plaintiffs"), the various rancher and rancher association intervenors ("Rancher
6 Intervenors") and potentially non-party ranchers have been engaged in a series of secret
7 negotiations through a mediator in an effort to settle these disputes for nearly three years.
8 Recent news reports indicate that a proposed settlement is imminent and that it will
9 involve some or all of the Rancher Intervenors and potential additional nonparty ranchers
10 agreeing to forfeit their leases, vacate the ranches and shut down agricultural uses within
11 the Point Reyes National Seashore. This motion to intervene is being brought by the
12 Agricultural Workers who currently reside in the ranches implicated by this potential
13 settlement and who are concerned they will lose their jobs and their home if it is
14 consummated. Their motion is also brought on behalf of the approximately seventy-five
15 ranch workers and their family members who we have reason to believe will be displaced
16 by the proposed settlement, but who are too terrified of retaliation and other
17 consequences to come forward.

18 Even though their homes and their jobs are on the line, the Agricultural Workers
19 and other similarly situated workers and families have been excluded from these
20 discussions and negotiations and this Court must allow them to intervene under Rule 24
21 of the Federal Rules of Civil Procedure because they each have "an interest relating to
22 the property...that is the subject of the action," namely each of them has a right to live in
23 their current homes, to say nothing of the agricultural jobs many of them have held for
24 decades. Without legal standing in this action, the Agricultural Workers and other
25 similarly situated individuals have no place at the table to protect their valid rights and
26 interests.

27 On October 10, 2024, Counsel for Agricultural Workers emailed counsel for
28 existing parties to obtain a stipulation to allow intervention, but Counsel were unable to

1 reach agreement for such stipulation. (Declaration of Andrew Giacomini In Support of
2 Agricultural Workers' Motion to Intervene and Ex Parte Application, para. 4.)

3 II. BACKGROUND

4 The stated goal of the Plaintiffs in this litigation is to end all ranching in the Point
5 Reyes National Seashore. Plaintiffs seek to disrupt the longstanding agricultural leases
6 and the court ordered requirement that NPS enter into long term leases with the ranchers
7 to allow agricultural operations to continue. The existing parties have been involved in a
8 secret mediation process but notwithstanding their goal to hide the details of their
9 negotiations from the general public and the Agricultural Workers, according to various
10 news reports and information available from within the West Marin community. The
11 negotiations involve the proposed closure of some or all of the ranches that are the
12 subject of this litigation. For each ranch that closes, ranch workers and their families,
13 like the Agricultural Workers, will be displaced from their jobs and are at risk of losing
14 their homes. Many families live and work on these farms and they are not currently
15 represented at the table of this large litigation and proposed settlement. We have reason
16 to believe that the proposed settlement will result in a termination of the leases to the
17 farmers and ranchers, resulting in the closure of many, if not all, of the ranches. A recent
18 news article, attached hereto as **Exhibit B** to the Declaration of Andrew Giacomini In
19 Support of Agricultural Workers' Motion to Intervene and Ex Parte Application, predicts
20 that the proposed settlement will be entered on October 18, 2024.

21 On the Point Reyes ranches, workers often live on the farm or ranch, and housing
22 is often included with the job, even if there is no official lease. If the workers were unable
23 to continue working and residing on the ranches, they would be forced to look for other
24 comparable affordable housing, in the West Marin environment, where rental housing is
25 scarce and very expensive. With the ranches closing, these workers face extreme
26 uncertainty. The Agricultural Workers seek to intervene in this matter to protect their
27 viable interests in continuing to live on the ranches regardless of whether they continue in
28 agricultural use.

1 III. ARGUMENT

2 A. Federal Rule of Civil Procedure, Rule 24(a)(2), Entitles Agricultural Workers
3 to Intervene As a Matter of Right.

4 Under Rule 24(a)(2), a nonparty is entitled to intervention as of right when it: (1)
5 timely moves to intervene; (2) has a significantly protectable interest related to the
6 subject of the action; (3) may have that interest impaired by the disposition of the action;
7 and (4) will not be adequately represented by existing parties. (Fed. Rules Civ. Proc., rule
8 24; *Western Watersheds Project v. Haaland* (9th Cir. 2022) 22 F.4th 828, 835.) The Ninth
9 Circuit interprets these requirements “broadly in favor of intervention.” (*Western*
10 *Watersheds Project, supra*, 22 F.4th at 835.)

11 B. Agricultural Workers’ Motion is Timely.

12 The Agricultural Workers brought this motion as soon as they were able, without
13 unnecessary delay.

14 To determine whether a motion for intervention is timely, courts consider three
15 factors: (1) the stage of the proceeding at which an applicant seeks to intervene; (2)
16 prejudice to other parties; and (3) the reason for and length of the delay. (*Western*
17 *Watersheds Project, supra*, 22 F.4th at 835-36.) “Delay is measured from the date the
18 proposed intervenor should have been aware that its interests would no longer be
19 protected adequately by the parties, not the date it learned of the litigation.” (*Kalbers v.*
20 *United States Department of Justice* (9th Cir. 2021) 22 F.4th 816, 823; see also *Western*
21 *Watersheds Project, supra*, 22 F.4th at 836.)

22 Besides two Motions to Intervene granted on May 10, 2022 and June 23, 2022,
23 respectively, and Answers from the National Park Service and the Intervenors, there has
24 been no substantive activity in this litigation. Therefore, no information is available to the
25 public about the disputes among the existing parties. Instead, the parties have engaged
26 in a secret negotiation keeping the Agricultural Workers, and other similarly situated
27 individuals, in the dark about their futures. A recent article in the Press Democrat
28 revealed that a settlement was imminent and that it may involve the closure of the

1 ranches and the elimination of the jobs and homes of the Agricultural Workers, and other
2 ranch workers and their families, who do not have the resources to represent themselves.
3 That article resulted in the Agricultural Workers obtaining pro bono representation for this
4 motion to intervene. Prior to obtaining representation, the Agricultural Workers had *no*
5 *knowledge of their rights* to the property, and no ability to assert their rights in this
6 litigation.

7 Denial of the Agricultural Workers' motion to intervene would be improper due to
8 the early stage of the case and lack of substantive activity. (*See Kalbers, supra*, (9th Cir.
9 2021) 22 F.4th 816, 826.)

10 Further, the Agricultural Workers face significant prejudice if this case proceeds
11 without their representation, while the existing parties would not be prejudiced by the
12 Agricultural Workers' addition to the case. (*Western Watersheds Project, supra*, 22 F.4th
13 at 838 (“[P]rejudice’ does not arise merely ‘from the fact that including another party in
14 the case might make resolution more difficult.’”].)

15 **C. Agricultural Workers’ Property Interest in the Subject Land is a Significant**
16 **Protectable Interest.**

17 A proposed intervenor “has a significant protectable interest in an action if (1) it
18 asserts an interest that is protected under some law, and (2) there is a relationship
19 between its legally protected interest and the plaintiff’s claims.” (*Kalbers, supra*, 22 F.4th
20 at 827.)

21 The Agricultural Workers have rights to the land that is the subject of this action.
22 They work and reside on these ranches, and they are informed and believe that the
23 proposed settlement may unlawfully seek to extinguish their right to continue to live on
24 the property. As discussed in the Rancher Intervenors’ Motion to Intervene, the rancher’s
25 rights to the land arise out of long-term leases between “the United States Department of
26 the Interior, National Park Service, Point Reyes National Seashore, an agency of the
27 United States of America (“Lessor”)” and the Ranchers, for the intended use of beef cattle
28 ranching operations or dairy operations, and “residential purposes for Lessee and

1 Lessee's immediate family; and *residential purposes of Lessee's employees and their*
2 *immediate families.*" (See National Park Service, General Management Plan
3 Amendment: Ranching and Dairying Lease/Permits,
4 <https://www.nps.gov/pore/getinvolved/planning-gmp-amendment-leases-permits.htm>
5 [Lease/Permits for A Ranch and H Ranch are attached to this webpage.]) Some of the
6 Agricultural Workers were hired to work these ranches, and all of them currently reside
7 on the ranches under an effective oral sublease agreement with the ranchers.

8 Thus, the Agricultural Workers' interest in the property arising out of the sublease
9 agreement is a significantly protectable interest under Rule 24. (See *In re Estate of*
10 *Ferdinand E. Marcos Human Rights Litigation* (9th Cir. 2008) 536 F.3d 980, 987; see
11 *Northridge Hospital Foundation v. Pic 'N' Save No. 9 Inc.* (1986) 187 Cal.App.3d 1088,
12 1094–1095 ["The general rule is that the rights of a subtenant cannot be affected by a
13 voluntary surrender of the master lease."])

14 Under similar circumstances, in *Western Watersheds Project*, the 9th Circuit
15 observed: "in the analogous context of Rule 19, that "a party to a contract is necessary,
16 and if not susceptible to joinder, indispensable to litigation seeking to decimate that
17 contract...Although Rule 24, unlike Rule 19, does not require us to determine whether
18 [intervenor] is a necessary or indispensable party, the principle identified in the latter
19 context carries persuasive force here." (*Western Watersheds Project, supra*, 22 F.4th at
20 842; see Fed. Rules Civ. Proc., Rule 19 [A person *must* be joined as a party if that
21 person claims an interest relating to the subject of the action and is so situated that
22 disposing of the action in the person's absence may, as a practical matter, impair or
23 impede the person's ability to protect the interest.]; see also *Lomayaktewa v. Hathaway*
24 (9th Cir. 1975) 520 F.2d 1324, 1325 ["No procedural principle is more deeply imbedded in
25 the common law than that, in an action to set aside a lease or a contract, all parties who
26 may be affected by the determination of the action are indispensable."]; see also
27 *Dawavendewa v. Salt River Project Agr. Imp. and Power Dist.* (9th Cir. 2002) 276 F.3d
28 1150, 1157 ["[T]he instant litigation threatens to impair [intervenor's] contractual interests,

1 and thus, its fundamental economic relationship with [existing party]”.] The *Western*
2 *Watersheds Project* court ultimately found that the District Court improperly denied
3 intervention of a leaseholder who had a substantial due process interest in the outcome
4 of litigation by virtue of its contract with an existing party. (*Western Watersheds Project*,
5 *supra*, 22 F.4th at 842.)

6 Therefore, this Court should permit Agricultural Workers to intervene in this action.

7 **D. Agricultural Workers’ Property Interest Would be Impaired by the**
8 **Disposition of This Action.**

9 An applicant for intervention under Rule 24 (a) must be “so situated that the
10 disposing of the action may as a practical matter impair or impede the movant’s ability to
11 protect that interest.” (Fed. R. Civ. P. 24(a).)

12 Should the proposed settlement be finalized, the Agricultural Workers, and the
13 other ranch workers and their families that are similarly situated, may lose their
14 livelihoods and their homes on the ranches. The potential loss of housing on these
15 ranches deeply impacts the residents living on the ranches, and many fear displacement
16 from West Marin. The cost of living in comparable housing units in the Marin area is a
17 cost prohibitive barrier for the ranch worker communities, and many families do not know
18 how they will survive and where they will go if forced to vacate their homes. The
19 Agricultural Workers’ significant protectable interest in their homes and livelihood would
20 be impaired by the disposition of this action such that they should be permitted to
21 intervene.

22 **E. Agricultural Workers’ Property Interest Is Not Currently Adequately**
23 **Represented by the Existing Parties.**

24 “The burden of showing inadequacy of representation is ‘minimal’ and satisfied if
25 the applicant can demonstrate that representation of its interests ‘may be’ inadequate.”
26 To evaluate adequacy of representation, courts consider three factors: “(1) whether the
27 interest of a present party is such that it will undoubtedly make all of a proposed
28 intervenor’s arguments; (2) whether the present party is capable and willing to make such
arguments; and (3) whether a proposed intervenor would offer any necessary elements

1 to the proceeding that other parties would neglect.” (*Western Watersheds Project, supra*,
2 22 F.4th at 840-41 [Internal citations omitted.]; *Kalbers, supra*, 22 F.4th at 828.)

3 The existing parties cannot be expected to make the same arguments as the
4 Agricultural Workers because the existing parties’ interests are clearly adverse to those
5 of the Agricultural Workers. The Plaintiffs want to close down all of the ranching
6 operations and the National Park Service has a policy of not allowing anyone to live in the
7 National Park who is not one of its employees. Although the ranchers have
8 acknowledged the Agricultural Workers’ property rights in their pleadings, once they
9 relinquish their leases, they will have no ability to preserve the Agricultural Workers’
10 housing. No existing party is capable of making the same arguments as the Agricultural
11 Workers because no existing party has the same interests, circumstances, risks and
12 fears as the Agricultural Workers. The Agricultural Workers’ rights arise out of subleases
13 to which only the Agricultural Workers may benefit. No existing party is capable, or has
14 the economic interest, to make the same arguments.

15 A presumption that the National Park Service may adequately represent
16 Agricultural Workers is easily rebutted. A public entity serving as a landlord and land
17 manager cannot adequately represent its private tenants. “[I]nadequate representation is
18 most likely to be found when the applicant asserts a personal interest that does not
19 belong to the general public.” (*Forest Conservation Council v. U.S. Forest Service* (9th
20 Cir. 1995) 66 F.3d 1489, 1499.) Because the Agricultural Workers are private tenants
21 residing on land owned by the National Park Service, the National Park Service cannot
22 be expected to adequately represent the unique and important interest of the Agricultural
23 Workers.

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IV. CONCLUSION

For the foregoing reasons, Agricultural Workers respectfully request that the court grant their motion to intervene in the subject case and file the [Proposed] Answer of Intervenors, attached hereto.

DATED: October 11, 2024

HANSON BRIDGETT LLP

By: 

ANDREW G. GIACOMINI
ALENE M. TABER
BIANCA A. VELEZ
Attorneys for Proposed Intervenors
Agricultural Workers Appearing as
DOES 1-8.

EXHIBIT A

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9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

11
12 RESOURCE RENEWAL INSTITUTE;
Center for Biological Diversity; and
13 Western Watersheds Project,

14 Plaintiffs,

15 v.

16 NATIONAL PARK SERVICE, a federal
agency,

17 Defendant.
18

Case No. 3:22-cv-000145-MMC

**[PROPOSED] ANSWER TO COMPLAINT
OF DEFENDANTS PROPOSED
INTERVENORS AGRICULTURAL
WORKERS**

19
20 Pursuant to Rule 8(b) of the Federal Rules of Civil Procedure, Defendants
21 Proposed Intervenors Agricultural Workers Appearing as DOE 1-8 (“Agricultural
22 Workers”) answer the Complaint of Plaintiffs. If an averment is not specifically admitted,
23 it is hereby denied.

24 **ANSWER TO COMPLAINT**

25 Defendant Intervenors, Agricultural Workers appearing as DOES 1-8, hereby
26 answer Plaintiffs’ Complaint as follows:

27 1. Paragraph 1 constitutes Plaintiffs’ characterization of the purposes and
28 basis for this case, to which no response is required. To the extent a response is

Case No. 3:22-cv-000145-MMC

[PROPOSED] ANSWER TO COMPLAINT OF DEFENDANTS PROPOSED INTERVENORS
AGRICULTURAL WORKERS

1 allegations.

2 9. The allegations in Paragraphs 9 are conclusions of law, which require no
3 response. To the extent a response is required, the Agricultural Workers deny those
4 allegations.

5 10. The allegations in Paragraphs 10 are conclusions of law, which require no
6 response. To the extent a response is required, the Agricultural Workers deny those
7 allegations.

8 **DIVISIONAL ASSIGNMENT**

9 11. The Agricultural Workers admit that if this Court has jurisdiction, then venue
10 is proper in this District and assignment of this case to a judge in the San Francisco or
11 Oakland Division is proper. The Agricultural Workers deny any remaining allegations in
12 paragraph 11.

13 **PARTIES**

14 12. The Agricultural Workers lack knowledge or information sufficient to form a
15 belief as to the truth of the allegations in Paragraphs 12, and thus deny the same.

16 13. The Agricultural Workers lack knowledge or information sufficient to form a
17 belief as to the truth of the allegations in Paragraphs 13, and thus deny the same.

18 14. The Agricultural Workers lack knowledge or information sufficient to form a
19 belief as to the truth of the allegations in Paragraphs 14, and thus deny the same.

20 15. The Agricultural Workers lack knowledge or information sufficient to form a
21 belief as to the truth of the allegations in Paragraphs 15, and thus deny the same.

22 16. The Agricultural Workers lack knowledge or information sufficient to form a
23 belief as to the truth of the allegations in Paragraphs 16, and thus deny the same.

24 17. The Agricultural Workers lack knowledge or information sufficient to form a
25 belief as to the truth of the allegations in Paragraphs 17, and thus deny the same.

26 18. The Agricultural Workers lack knowledge or information sufficient to form a
27 belief as to the truth of the allegations in Paragraphs 18, and thus deny the same.

28 19. The Agricultural Workers admit that the National Park Service (“NPS”) is an

1 agency within the U.S. Department of the Interior and that the Director of the NPS is
2 vested with authority to manage units of the National Park System. The Agricultural
3 Workers deny any remaining allegations in paragraph 19.

4 **LEGAL BACKGROUND**

5 **National Park Service Organic Act**

6 20. The allegations in Paragraph 20 purport to characterize 54 U.S.C.
7 §100101(a), which speaks for itself and is the best evidence of its contents.

8 21. The allegations in Paragraph 21 purport to characterize the NPS's 2006
9 Management Policies, which speaks for itself and is the best evidence of its contents.

10 22. The allegations in Paragraph 22 purport to characterize the NPS's 2006
11 Management Policies, which speaks for itself and is the best evidence of its contents.

12 23. The allegations in Paragraph 23 purport to characterize 54 U.S.C. §100502,
13 which speaks for itself and is the best evidence of its contents.

14 **Point Reyes National Seashore Act**

15 24. The allegations in Paragraph 24 purport to characterize 16 U.S.C. §459c,
16 which speaks for itself and is the best evidence of its contents.

17 25. The allegations in Paragraph 25 purport to characterize 16 U.S.C. §459c-2
18 and §459c-4, Pub. L. No. 87-657, § 4, 76 Stat. 538, 540 (1962), and Pub. L. No. 91-223,
19 §2(b), 84 Stat. 90 (1970), which speak for themselves and are the best evidence of their
20 contents.

21 26. The allegations in Paragraph 26 purport to characterize 16 U.S.C. §459c-
22 6(a) (1970), which speaks for itself and is the best evidence of its contents.

23 27. The allegations in Paragraph 27 purport to characterize Pub. L. No. 94-567,
24 §7(a), 90 Stat. 2692, 2695 (1976), which speaks for itself and is the best evidence of its
25 contents.

26 28. The allegations in Paragraph 28 purport to characterize Pub. L. No. 95-625,
27 §318(b), 92 Stat. 3467, 3487 (1978), which speaks for itself and is the best evidence of
28 its contents.

1 **The GGNRA Act**

2 29. The allegations in Paragraph 29 purport to characterize Pub. L. No. 92-589,
3 §1, 86 Stat. 1299, 1299 (1972), and 16 U.S.C. §460bb, which speak for themselves and
4 are the best evidence of their contents.

5 30. The allegations in Paragraph 30 purport to characterize 16 U.S.C. §460bb,
6 which speaks for itself and is the best evidence of its contents.

7 31. The allegations in Paragraph 31 purport to characterize Pub. L. No. 95-625,
8 §317©, 92 Stat. 3467, 3485 (1978), which speaks for itself and is the best evidence of its
9 contents.

10 **FACTUAL BACKGROUND**

11 **History of Point Reyes National Seashore and Northern District of GGNRA**

12 32. The Agricultural Workers admit the second sentence of Paragraph 32. The
13 Agricultural Workers lack knowledge or information sufficient to form a belief as to the
14 truth of the remaining allegations in Paragraph 32.

15 33. The Agricultural Workers admit that the Point Reyes area has a rich cultural
16 heritage and that the Coast Miwok people have been culturally affiliated with the Point
17 Reyes area for many years. The Agricultural Workers deny the remaining allegations in
18 the first sentence. The Agricultural Workers admit the allegations in the second sentence.

19 34. The Agricultural Workers admit that ranch properties on the Seashore were
20 purchased by the United States in the 1970s. They further admit that they were paid less
21 than \$1 million each for interests and rights in land that are worth well more than \$100
22 million in value. With respect to each and every other allegation, the Agricultural Workers
23 lack knowledge or information sufficient to form a belief as to the truth of the remaining
24 allegations in Paragraph 34, and thus deny the same.

25 35. The allegations in Paragraph 35 purport to characterize the 1980 General
26 Management Plan for the Point Reyes National Seashore, which speaks for itself and is
27 the best evidence of its contents. For the avoidance of doubt, the Agricultural Workers
28 deny each and every allegation therein.

1 36. The allegations in Paragraphs 36 appear to purport to characterize the
2 2021 ROD/GMPA for Point Reyes National Seashore, which speak for themselves and
3 are the best evidence of their contents. For the avoidance of doubt, the Agricultural
4 Workers deny each and every allegation therein.

5 37. The allegations in Paragraphs 37 appear to purport to characterize the
6 2021 ROD/GMPA for Point Reyes National Seashore, which speak for themselves and
7 are the best evidence of their contents. For the avoidance of doubt, the Agricultural
8 Workers deny each and every allegation therein.

9 38. The Agricultural Workers admit that the allegations in Paragraph 38 include
10 a purporting to depict the location of ranching allotments on public lands managed by
11 NPS on the Seashore; the Agricultural Workers admit that the map depicts the location of
12 31 ranch allotments and two life-estates in the Seashore and the north district of the
13 GGNRA and that these allotments are located on approximately 28,000 acres of land
14 managed by NPS. As to the remaining allegations in Paragraph 38, including the
15 accuracy or authenticity of the map, the Agricultural Workers lack knowledge or
16 information sufficient to form a belief as to the truth of the allegations and accompanying
17 map, and therefore deny same.

18 **National Resources and Public Uses of the National Seashore and GGNRA**

19 39. The Agricultural Workers admit that their interests and rights in their ranch
20 lands at PRNS are worth well in excess of \$100 million. Except as so admitted, the
21 Agricultural Workers lack knowledge or information sufficient to form a belief as to the
22 truth of the allegations in Paragraph 39, and thus deny the same.

23 40. The Agricultural Workers lack knowledge or information sufficient to form a
24 belief as to the truth of the allegations in Paragraph 40, and thus deny the same.

25 41. Admit that the Seashore provides habitat for a rich array of wildlife. The
26 Agricultural Workers lack knowledge or information sufficient to form a belief as to the
27 truth of the remaining allegations in Paragraph 41, and thus deny the same.

28 42. The Agricultural Workers admit that the tule elk were introduced into the

1 PRNS on or around 1976 by order of the Department of the Interior. The Agricultural
2 Workers deny that the introduction or expansion of the tule elk herds is supported by
3 proper EIS or other necessary environmental review and planning requirements or that
4 NPS has managed the tule elk herds since then in compliance with existing EIS and
5 other planning and wildlife management requirements, Except as so admitted or denied,
6 the lack knowledge or information sufficient to form a belief as to the truth of the
7 allegations in the first sentence of Paragraph 42, and thus deny the same. The second
8 and third sentences of Paragraph 42 purport to characterize Pub. L. No. 94-389, 90 Stat.
9 1189 (1976), which speaks for itself and is the best evidence of its contents. But for the
10 avoidance of doubt, the Agricultural Workers deny each and every one of those
11 allegations.

12 43. The Agricultural Workers admit that there are three herds of tule elk on the
13 Seashore that are known as the Drakes Beach herd, the Limantour herd and the
14 Tomales Point herd; and that the Tomales Point herd is intended to be confined to a
15 2,600-acre elk reserve on Tomales Point that is bounded by a fence. The Agricultural
16 Workers deny the remaining allegations in this paragraph.

17 44. The Agricultural Workers admit that the north district of GGNRA is
18 approximately 15,000 acres and that Lagunitas Creek and Olema Creek drain to Tomales
19 Bay. The Agricultural Workers deny the remaining allegations in this paragraph.

20 **The Harmful Impacts of Ranching on National Resources on these Public Lands**

21 45. The Agricultural Workers deny the allegations in Paragraph 45.

22 46. The Agricultural Workers admit that cattle grazing is authorized on the
23 Seashore and GGNRA. The Agricultural Workers deny the remaining allegations in
24 Paragraph 46.

25 47. The Agricultural Workers deny the allegations in Paragraph 47.

26 48. The Agricultural Workers deny the allegations in the first and fourth
27 sentences of Paragraph 48. The Agricultural Workers admit the allegations in the second
28 sentence of Paragraph 48. With respect to the third sentence of Paragraph 48, it appears

1 Plaintiffs' rely on unknown documents and/or conclusions of the National Marine
2 Fisheries Service ("NMFS"), likely including the March 18, 2021 Biological Opinion or its
3 characterization in the ROD and/or GMPA/EIS; those documents speak for themselves
4 and are the best evidence of their contents.

5 49. The Agricultural Workers deny the allegations in the first sentence of
6 Paragraph 49. The Agricultural Workers admit that forage production was previously
7 authorized on a limited number of acres. The Agricultural Workers deny the remaining
8 allegations in Paragraph 49.

9 50. The Agricultural Workers deny the allegations in the first and second
10 sentences of Paragraph 50. The Agricultural Workers lack knowledge or information
11 sufficient to form a belief as to the truth of the allegations in the third sentence of
12 Paragraph 50, and thus deny same.

13 51. The Agricultural Workers admit that ranchers use various equipment and
14 infrastructure, including fencing and off-road vehicles. Except as so admitted, the
15 Agricultural Workers deny each and every allegation in Paragraph 51.

16 52. The Agricultural Workers lack knowledge or information sufficient to form a
17 belief as to the truth of the allegations in the first and second sentences of Paragraph 52
18 and, on that basis, deny each and every allegation therein.

19 53. The Agricultural Workers deny the allegations in the first sentence of
20 Paragraph 53. The Agricultural Workers admit that residences on ranches often use
21 septic systems, that some ranch residences use springs or wells, and NPS and or other
22 local utilities are legally obligated to provide water and other necessary resources to the
23 Agricultural Workers based on contracts and promises that date back more than 50
24 years. Except as so admitted, the Agricultural Workers deny each and every allegation in
25 Paragraph 53.

26 54. The Agricultural Workers deny the allegations in Paragraph 54.

27 55. The Agricultural Workers deny the allegations in Paragraph 55.

28 56. The Agricultural Workers deny the allegations in the first sentence of

1 Paragraph 56. The Agricultural Workers lack knowledge or information sufficient to form a
2 belief as to the truth of the allegations in the second sentence of Paragraph 56, and thus
3 deny the same.

4 **NPS's Failure to Timely Revise its 1980 General Management Plan**

5 57. The Agricultural Workers deny the allegations in Paragraph 57.

6 58. The Agricultural Workers admit that on February 3, 2000, NPS published a
7 notice of 1 intent in the Federal Register to prepare an environmental impact statement
8 and General Management Plan ("GMP") for the Seashore, including the north district of
9 GGNRA (65 Fed. Reg. 5365), but deny the remaining allegations in the first sentence of
10 Paragraph 58. The Agricultural Workers deny the allegations in the second sentence of
11 Paragraph 58.

12 59. The Agricultural Workers admit that NPS initiated a National Environmental
13 Policy Act ("NEPA") planning process for a Ranch Comprehensive Management Plan in
14 2014. The Agricultural Workers deny the remaining allegations in Paragraph 59.

15 60. The allegations in the first sentence of Paragraph 60 purport to characterize
16 the complaint filed in Resource Renewal Inst. v. Nat'l Park Serv. (RRI v. NPS), 3:16-cv-
17 00688-SBA (N.D. Cal.). The Agricultural Workers admit that the First Amended Complaint
18 in RRI v. NPS challenged the alleged failure of the NPS to timely revise the GMP for the
19 Seashore and the NPS's alleged failure to authorize ranching without sufficient NEPA
20 compliance, and deny any remaining allegations in the first sentence. The Agricultural
21 Workers admit the allegations of the second and third sentences of Paragraph 60. Except
22 as so admitted, the Agricultural Workers deny each and every allegation therein.

23 **The Listing of the Historic Dairy Districts**

24 61. The Agricultural Workers admit the allegations in Paragraph 61, except that
25 they lack sufficient information that the correct name is the Point Reyes Peninsula Dairy
26 Ranches Historic District, and thereby deny that lone allegation.

27 62. The Agricultural Workers admit that the Point Reyes Peninsula Dairy
28 Ranches Historic District is comprised of 17 ranch areas, but deny the remaining

1 allegations in the first sentence of Paragraph 62. The Agricultural Workers admit the
2 allegations in the second and third sentences.

3 63. The Agricultural Workers admit the allegations in Paragraph 63.

4 64. The Agricultural Workers admit that among the reasons the two districts are
5 historically significant is because of their association with the history of dairy ranching in
6 Marin County and because they contain buildings and structures that reflect that history.

7 65. The Agricultural Workers lack knowledge or information sufficient to form a
8 belief as to the truth of allegations in the first sentence of Paragraph 65, and therefore
9 deny the same. To the extent Plaintiffs characterize the National Register nomination
10 forms for the two historic districts, those documents speak for themselves and are the
11 best evidence of their contents. The Agricultural Workers deny the allegations in the
12 second sentence of Paragraph 65.

13 66. To the extent Plaintiffs characterize the National Register nomination forms
14 for two historic districts within the Point Reyes area in Paragraph 66, those documents
15 speak for themselves and are the best evidence of their contents. The Agricultural
16 Workers deny any remaining allegations in Paragraph 66.

17 **NPS's Planning Process and Proposed GMPA**

18 67. The Agricultural Workers admit that in October, 2017, the NPS issued a
19 newsletter seeking public input on a conceptual range of alternatives for the GMPA/EIS.
20 The Agricultural Workers lack knowledge or information sufficient to form a belief as to
21 the truth of the remaining allegations in Paragraph 67.

22 68. The Agricultural Workers admit the allegations in Paragraph 68.

23 69. The allegations in Paragraphs 69 purport to characterize the draft and final
24 Environmental Impact Statements for the GMPA, which documents speak for themselves
25 and are the best evidence of their contents.

26 70. The allegations in Paragraphs 70 purport to characterize the draft and final
27 Environmental Impact Statements for the GMPA, which documents speak for themselves
28 and are the best evidence of their contents.

1 71. The allegations in Paragraphs 71 purport to characterize the draft and final
2 Environmental Impact Statements for the GMPA, which documents speak for themselves
3 and are the best evidence of their contents.

4 72. The allegations in Paragraphs 72 purport to characterize the draft and final
5 Environmental Impact Statements for the GMPA, which documents speak for themselves
6 and are the best evidence of their contents.

7 73. The allegations in Paragraph 73 purport to characterize the settlement
8 agreement in RRI v. NPS, 3:16-cv-00688-SBA (N.D. Cal.) (ECF No. 143) and the draft or
9 final GMPA/EIS, which documents speak for themselves and are the best evidence of
10 their contents.

11 74. The allegations in Paragraphs 74 purport to characterize the draft and final
12 Environmental Impact Statements for the GMPA, which documents speak for themselves
13 and are the best evidence of their contents.

14 75. The allegations in Paragraphs 75 purport to characterize the draft and final
15 Environmental Impact Statements for the GMPA, which documents speak for themselves
16 and are the best evidence of their contents.

17 76. The allegations in Paragraphs 76 purport to characterize the draft and final
18 Environmental Impact Statements for the GMPA, which documents speak for themselves
19 and are the best evidence of their contents.

20 77. The Agricultural Workers lack knowledge or information sufficient to form a
21 belief as to the truth of the allegations in Paragraph 77, and thus deny the same.

22 78. The Agricultural Workers lack knowledge or information sufficient to form a
23 belief as to the truth of the allegations in Paragraph 78, and thus deny the same. To the
24 extent Plaintiffs characterize comment letters submitted by Plaintiffs to NPS, those
25 documents speak for themselves and are the best evidence of their contents.

26 79. The Agricultural Workers lack knowledge or information sufficient to form a
27 belief as to the truth of the allegations in Paragraph 79, and thus deny the same. To the
28 extent Plaintiffs characterize comment letters submitted by the Environmental Protection

1 Agency (“EPA”) and San Francisco Regional Water Quality Control Board (“SF Water
2 Control Board”) to NPS, those documents speak for themselves and are the best
3 evidence of their contents.

4 80. The Agricultural Workers lack knowledge or information sufficient to form a
5 belief as to the truth of the allegations in Paragraph 80, and thus deny the same.

6 **The EIS’s Incomplete Baseline Discussion and Impact Analysis**

7 81. The allegations in Paragraphs 81 purport to characterize the Environmental
8 Impact Statement for the GMPA, which document speaks for itself and is the best
9 evidence of its contents.

10 82. The allegations in Paragraphs 82 purport to characterize the Environmental
11 Impact Statement for the GMPA, which document speaks for itself and is the best
12 evidence of its contents.

13 83. The allegations in Paragraphs 83 purport to characterize the Environmental
14 Impact Statement for the GMPA, which document speaks for itself and is the best
15 evidence of its contents.

16 84. The allegations in Paragraphs 84 purport to characterize the Environmental
17 Impact Statement for the GMPA, which document speaks for itself and is the best
18 evidence of its contents.

19 85. The allegations in Paragraphs 85 purport to characterize the Environmental
20 Impact Statement for the GMPA, which document speaks for itself and is the best
21 evidence of its contents.

22 86. The allegations in Paragraphs 86 purport to characterize the Environmental
23 Impact Statement for the GMPA, which document speaks for itself and is the best
24 evidence of its contents.

25 87. The allegations in Paragraphs 87 purport to characterize the Environmental
26 Impact Statement for the GMPA, which document speaks for itself and is the best
27 evidence of its contents.

28 88. The allegations in Paragraphs 88 purport to characterize the Environmental

1 Impact Statement for the GMPA, which document speaks for itself and is the best
2 evidence of its contents.

3 89. The first sentence of Paragraph 89 purports to characterize the EIS, which
4 document speaks for itself and is the best evidence of its contents. The Agricultural
5 Workers admit that NPS has not completed an appraisal process for issuing leases under
6 the GMPA, but deny the remaining allegations in the second and third sentences of
7 Paragraph 89.

8 90. The allegations in Paragraphs 90 purport to characterize the EIS for the
9 GMPA, which document speaks for itself and is the best evidence of its contents.

10 91. The allegations in Paragraphs 91 purport to characterize the EIS for the
11 GMPA, which document speaks for itself and is the best evidence of its contents.

12 92. The Agricultural Workers lack knowledge or information sufficient to form a
13 belief as to the truth of the allegations in the first and second clauses in the first sentence
14 of Paragraph 92. The remainder of the allegations in Paragraph 92 purport to
15 characterize the EIS for the GMPA, which document speaks for itself and is the best
16 evidence of its contents.

17 93. The allegations in Paragraphs 93 purport to characterize the EIS for the
18 GMPA, which document speaks for itself and is the best evidence of its contents.

19 94. The allegations in Paragraphs 94 purport to characterize the EIS for the
20 GMPA, which document speaks for itself and is the best evidence of its contents.

21 95. The allegations in Paragraphs 95 purport to characterize the EIS for the
22 GMPA, which document speaks for itself and is the best evidence of its contents.

23 96. The allegations in Paragraphs 96 purport to characterize the EIS for the
24 GMPA, which document speaks for itself and is the best evidence of its contents.

25 **Water Quality Issues and Developments**

26 97. The Agricultural Workers lack knowledge or information sufficient to form a
27 belief as to the truth of the allegations in Paragraph 97.

28

1 **Regional Water Board Regulation and Compliance**

2 98. The Agricultural Workers lack knowledge or information sufficient to form a
3 belief as to the truth of the allegations in Paragraph 98.

4 99. The allegations in Paragraph 99 purport to summarize the contents of the
5 Water Quality Control Plan for the San Francisco Basin (“Basin Plan”), which document
6 speaks for itself and is the best evidence of its contents. The Agricultural Workers deny
7 any remaining allegations in Paragraph 99.

8 100. The Agricultural Workers admit that the Water Board issued a Conditional
9 Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay
10 Watershed, Order No. R2-2018-0046 (“the Conditional Waiver”) in 2018, but The
11 Agricultural Workers are without knowledge or information sufficient to form a belief as to
12 the truth of the remaining allegations in the first and second sentences of Paragraph 100,
13 and therefore deny the same. The allegations in the third sentence characterize a
14 Conditional Waiver, which speaks for itself and is the best evidence of its contents.

15 101. The Agricultural Workers lack knowledge or information sufficient to form a
16 belief as to the truth of the allegations in Paragraph 101, and therefore deny the same.
17 To the extent Paragraph 101 purports to characterize the NPS’s certifications, those
18 documents speak for themselves and are the best evidence of their contents. Any
19 remaining allegations constitute conclusions of law to which no response is required and
20 which are, therefore, denied.

21 102. The allegations in Paragraph 102 purport to characterize the General
22 Waste Discharge Requirements for Confined Animal Facilities Within the San Francisco
23 Bay Region, Order No. R2-2016-0031 (“CAF Order”), issued by the Water Board, which
24 document speaks for itself and is the best evidence of its contents.

25 103. The allegations in Paragraph 103 purport to characterize the Conditional
26 Waiver and/or CAF Order, which speak for themselves and are the best evidence of their
27 contents.

28

1 **California Coastal Commission**

2 104. The Agricultural Workers admit that the NPS prepared a Consistency
3 Determination in October 2020 for the California Coastal Commission (“CCC”). The
4 Consistency Determination speaks for itself and is the best evidence of its contents. The
5 remaining allegations in Paragraph 104 constitute conclusions of law to which no
6 response is required and which are, therefore, denied.

7 105. The allegations in this paragraph purport to characterize the Staff Report
8 issued by the CCC on March 26, 2021. The Report speaks for itself and is the best
9 evidence of its contents. To the extent the allegations are inconsistent with the Report,
10 they are denied.

11 106. The Agricultural Workers admit that on April 22, 2021, the CCC
12 conditionally concurred with the NPS’s Consistency Determination. The remainder of
13 Paragraph 106 purports to characterize the CCC’s decision, which speaks for itself and is
14 the best evidence of its contents, as well as specific comments submitted by the public to
15 the CCC, regarding which the Agricultural Workers lack knowledge or information
16 sufficient to form a belief as to the truth of such allegations and thus deny the same.

17 **Water Quality Monitoring**

18 107. The Agricultural Workers lack knowledge or information sufficient to form a
19 belief as to the truth of the allegations in Paragraphs 107 and thus deny the same.

20 108. The Agricultural Workers lack knowledge or information sufficient to form a
21 belief as to the truth of the allegations in Paragraphs 108 and thus deny the same.

22 **Drought**

23 109. The Agricultural Workers lack knowledge or information sufficient to form a
24 belief as to the truth of the allegations in Paragraph 109 and thus deny the same. To the
25 extent Plaintiffs characterize a document in this Paragraph, that document speaks for
26 itself and is the best evidence of its contents.

27 110. The Agricultural Workers lack knowledge or information sufficient to form a
28 belief as to the truth of the allegations in Paragraph 110 and thus deny the same.

1 111. The Agricultural Workers admit that Marin County declared a county-wide
2 drought emergency on May 18, 2021, and that the Marin Municipal Water District
3 reported that the 20-month period between January 1, 2020 and August 1, 2021 had the
4 lowest recorded rainfall for a 20-month period in 140 years. The Agricultural Workers
5 deny any remaining allegations in this paragraph.

6 112. The Agricultural Workers admit that Robert McClure closed his dairy
7 operation at I Ranch and that Mr. McClure continues to raise heifers on I Ranch under his
8 current lease. The Agricultural Workers deny the remaining allegations in Paragraph 112.

9 113. The Agricultural Workers admit that several ranchers at the Seashore
10 trucked water to their ranches in 2021. The Agricultural Workers deny the remaining
11 allegations in Paragraph 113.

12 **Endangered Species Act Consultation**

13 114. The Agricultural Workers admit that NMFS issued a Biological Opinion
14 (“BiOp”) on March 18, 2021. The NMFS BiOp speaks for itself and is the best evidence of
15 its contents. The Agricultural Workers deny any remaining allegations in Paragraph 114.

16 115. The Agricultural Workers admit that the U.S. Fish and Wildlife Service
17 (“FWS”) issued a BiOp on June 4, 2021. The FWS BiOp speaks for itself and is the best
18 evidence of its contents. The Agricultural Workers deny any remaining allegations in
19 Paragraph 115.

20 **NPS's Record of Decision**

21 116. The Agricultural Workers admit that the Acting Regional Director, Interior
22 Regions 8, 9, 10 and 12, signed the ROD for the GMPA/EIS on September 13, 2021. The
23 remaining allegations characterize the contents of the ROD, which speaks for itself and is
24 the best evidence of its contents. The Agricultural Workers deny any remaining
25 allegations in Paragraph 116.

26 117. The Agricultural Workers admit that the Superintendent of the Seashore
27 signed a document entitled, “Succession Policy for Ranch Operations within the
28 Ranchland Zone for Point Reyes National Seashore and the North District of Golden

1 Gate National Recreation Area,” on September 13, 2021. The Agricultural Workers deny
2 any remaining allegations in Paragraph 117.

3 **Modified Alternative B**

4 118. The allegations in Paragraphs 118 purport to characterize the ROD, which
5 speaks for itself and is the best evidence of its contents.

6 119. The allegations in Paragraphs 119 purport to characterize the ROD, which
7 speaks for itself and is the best evidence of its contents.

8 120. The allegations in Paragraphs 120 purport to characterize the ROD, which
9 speaks for itself and is the best evidence of its contents.

10 121. The allegations in Paragraphs 121 purport to characterize the ROD, which
11 speaks for itself and is the best evidence of its contents.

12 122. The allegations in Paragraphs 122 purport to characterize the ROD, which
13 speaks for itself and is the best evidence of its contents.

14 123. The allegations in Paragraphs 123 purport to characterize the ROD, which
15 speaks for itself and is the best evidence of its contents.

16 **Primary Justifications for the GMPA**

17 124. The allegations in Paragraphs 124 purport to characterize the ROD, which
18 speaks for itself and is the best evidence of its contents. To the extent a response is
19 required, the Agricultural Workers deny the allegations.

20 125. The allegations in Paragraphs 125 purport to characterize the ROD, which
21 speaks for itself and is the best evidence of its contents. To the extent a response is
22 required, the Agricultural Workers deny the allegations.

23 126. The allegations in Paragraph 126 purport to characterize the ROD and EIS,
24 which speak for themselves and are the best evidence of their contents. To the extent a
25 response is required, the Agricultural Workers deny the allegations.

26 127. The allegations in Paragraph 127 purport to characterize the ROD, which
27 speaks for itself and is the best evidence of its contents. To the extent a response is
28 required, the Agricultural Workers deny the allegations.

1 128. The allegations in Paragraphs 128 purport to characterize the ROD and
2 EIS, which speak for themselves and are the best evidence of their contents. To the
3 extent a response is required, the Agricultural Workers deny the allegations.

4 129. The allegations in Paragraphs 129 purport to characterize the ROD and
5 EIS, which speak for themselves and are the best evidence of their contents. To the
6 extent a response is required, the Agricultural Workers deny the allegations.

7 130. The allegations in Paragraph 130 purport to characterize the ROD, which
8 speaks for itself and is the best evidence of its contents. To the extent a response is
9 required, the Agricultural Workers deny the allegations.

10 **NPS's Non-Impairment Determination**

11 131. The allegations in Paragraphs 131 purport to characterize the ROD, which
12 speaks for itself and is the best evidence of its contents.

13 132. The allegations in Paragraphs 132 purport to characterize the ROD, which
14 speaks for itself and is the best evidence of its contents.

15 133. The allegations in Paragraphs 133 purport to characterize the ROD, which
16 speaks for itself and is the best evidence of its contents.

17 134. The allegations in Paragraphs 134 purport to characterize the ROD, which
18 speaks for itself and is the best evidence of its contents.

19 135. The allegations in Paragraphs 135 purport to characterize the ROD, which
20 speaks for itself and is the best evidence of its contents.

21 136. The allegations in Paragraphs 136 purport to characterize the ROD, which
22 speaks for itself and is the best evidence of its contents.

23 137. The allegations in Paragraphs 137 purport to characterize the ROD, which
24 speaks for itself and is the best evidence of its contents.

25 **ROD Implementation**

26 138. The Agricultural Workers admit the allegations in the first sentence of
27 Paragraph 138. The Agricultural Workers lack knowledge or information sufficient to form
28 a belief as to the truth of the allegations in the second sentence of Paragraph 138, and

1 therefore deny the same.

2 139. The Agricultural Workers lack knowledge or information sufficient to form a
3 belief as to the truth of the allegations in Paragraph 139, and therefore deny the same.

4 140. The Agricultural Workers admit that that issuance of long-term leases could
5 allow ranchers to more easily obtain loans to upgrade ranch infrastructure and provide for
6 business security. The Agricultural Workers lack knowledge or information sufficient to
7 form a belief as to the truth of the remaining allegations in Paragraph 140.

8 141. The Agricultural Workers lack knowledge or information sufficient to form a
9 belief as to the truth of the allegations in Paragraph 141.

10 **FIRST CLAIM FOR RELIEF**

11 **VIOLATION OF POINT REYES ACT AND APA**

12 142. The Agricultural Workers hereby incorporates by reference its responses to
13 paragraphs 1-141 as though fully set forth herein.

14 143. The allegations in Paragraph 143 purport to characterize Plaintiffs' first
15 claim for relief, to which no response is required.

16 144. The allegations in Paragraph 144 purports to characterize 16 U.S.C. §
17 459c, 459c-6(a), and 459c-5(a), which statutes speak for themselves and are the best
18 evidence of their contents.

19 145. The allegations in Paragraphs 145 constitute conclusions of law, to which
20 no response is required.

21 146. The allegations in Paragraphs 146 constitute conclusions of law, to which
22 no response is required.

23 147. The allegations in Paragraphs 147 constitute conclusions of law, to which
24 no response is required.

25 148. The allegations in Paragraph 148 purport to characterize the ROD, which
26 speaks for itself and is the best evidence of its contents.

27 149. The allegations in Paragraph 149 constitute conclusions of law, to which no
28 response is required.

1 **SECOND CLAIM FOR RELIEF**

2 **VIOLATION OF ORGANIC ACT & REGULATIONS**

3 150. The Agricultural Workers hereby incorporates by reference its responses to
4 paragraphs 1-149 as though fully set forth herein.

5 151. The allegations in Paragraph 151 purport to characterize Plaintiffs' second
6 claim for relief, to which no response is required.

7 152. The allegations in Paragraph 152 purport to characterize 54 U.S.C.
8 §100101(a) and the 2006 NPS Management Policies, which speak for themselves and
9 are the best evidence of their contents.

10 153. The allegations of Paragraph 153 purport to characterize 54 U.S.C.
11 §102101 and the 2006 NPS Management Policies, which speak for themselves and are
12 the best evidence of their contents.

13 154. The allegations in Paragraph 154 purport to characterize the Park Service
14 Organic Act, which speaks for itself and is the best evidence of its contents.

15 155. The allegations in Paragraph 155 purport to characterize NPS regulations,
16 which speak for themselves and are the best evidence of their contents.

17 156. The allegations in Paragraph 156, including subparagraphs A – E,
18 constitute legal conclusions, to which no response is required.

19 157. The allegations in Paragraph 157 constitute legal conclusions, to which no
20 response is required.

21 **THIRD CLAIM FOR RELIEF**

22 **VIOLATION OF NATIONAL ENVIRONMENTAL POLICY ACT**

23 158. The Agricultural Workers hereby incorporates by reference its responses to
24 paragraphs 1-157 as though fully set forth herein.

25 159. The allegations in Paragraph 159 purport to characterize Plaintiffs' third
26 claim for relief, to which no response is required.

27 160. The allegations in Paragraphs 160-162 purport to characterize NEPA and
28 its implementing regulations, which speak for themselves and require no response.

1 161. The allegations in Paragraphs 160-162 purport to characterize NEPA and
2 its implementing regulations, which speak for themselves and require no response.

3 162. The allegations in Paragraphs 160-162 purport to characterize NEPA and
4 its implementing regulations, which speak for themselves and require no response.

5 163. The allegations in Paragraph 163 purport to characterize *Or. Nat. Desert*
6 *Ass'n. v. 13 Bureau of Land Mgmt.*, 625 F.3d 1092, 1120 (9th Cir. 2010).

7 164. The allegations in Paragraph 164, including subparagraphs A – D,
8 constitute legal conclusions, to which no response is required.

9 165. The allegations in Paragraph 165 constitute legal conclusions, to which no
10 response is required.

11 **FOURTH CLAIM FOR RELIEF**

12 **VIOLATION OF THE CLEAN WATER ACT**

13 166. The Agricultural Workers hereby incorporates by reference its responses to
14 paragraphs 1-165 as though fully set forth herein.

15 167. The allegations in Paragraph 167 purport to characterize Plaintiffs' fourth
16 claim for relief, to which no response is required.

17 168. The allegations in Paragraph 168 purport to characterize the Clean Water
18 Act ("CWA"), which speaks for itself and requires no response.

19 169. The allegations in Paragraph 169 purport to characterize the requirements
20 of the Basin Plan, the CAF Order, the Conditional Waiver and other unnamed
21 requirements. These documents speak for themselves and are the best evidence of their
22 contents.

23 170. The Agricultural Workers lack knowledge or information sufficient to form a
24 belief as to the truth of the allegations in the first sentence of Paragraph 170, and thus
25 deny the same. The Agricultural Workers deny the second sentence of Paragraph 170.
26 The third sentence of Paragraph 170 is too vague and generalized to permit a response
27 and the Agricultural Workers therefore deny the same.

28 171. The allegations in Paragraphs 171 constitute legal conclusions, to which no

1 response is required.

2 172. The allegations in Paragraphs 172 constitute legal conclusions, to which no
3 response is required.

4 173. The allegations in Paragraphs 173 constitute legal conclusions, to which no
5 response is required.

6 174. The allegations in Paragraphs 174 constitute legal conclusions, to which no
7 response is required.

8 **PRAYER FOR RELIEF**

9 The remainder of the complaint constitutes Plaintiff's requested relief, which
10 requires no response and is therefore denied.

11 **GENERAL DENIAL**

12 To the extent any allegations of the complaint have not been admitted or
13 specifically responded to, the Agricultural Workers deny such allegations.

14 **AFFIRMATIVE DEFENSES**

15 1. To the extent that Plaintiffs have failed to state a claim on which relief can
16 be granted, any such claims should be dismissed.

17 2. To the extent that the Court lack jurisdiction over some or all of Plaintiffs'
18 claims, any such claims should be dismissed.

19 3. Plaintiffs may lack standing over one of more of their claims Plaintiffs may
20 have failed to exhaust administrative remedies over one or more of their claims.

21 4. Plaintiffs may have failed to exhaust administrative remedies over one or
22 more of their claims.

23 5. Plaintiffs' claims are barred to the extent they are not ripe for adjudication.

24 6. The Agricultural Workers currently have insufficient knowledge or
25 information as to whether they are entitled to other, separate affirmative defenses and
26 reserve their right to later assert additional defenses to these and other claims for relief
27 as appropriate.

28 7. Plaintiffs' claims are barred to the extent that they do not come to Court with

1 clean hands.

2 8. Plaintiffs' claims are barred to the extent they result in their unjust
3 enrichment at the expenses and to the detriment of the Agricultural Workers

4 9. Plaintiffs' claims are barred to the extent they turn on conduct or actions of
5 third parties.

6 10. Plaintiffs' claims are barred to the extent that they have failed to join any
7 necessary party to this litigation under Rule 19 of the Federal Rules of Civil Procedure.

8 11. The Agricultural Workers reserve their rights to amend this answer to assert
9 additional affirmative defenses as facts and information become available to assert such
10 defenses.

11 **CROSS-CLAIMS**

12 Agricultural Workers anticipate asserting cross-claims against both NPS and
13 Plaintiffs, including, but not limited to, (i) legal and injunctive claims for relief relating to
14 remedy violations of their contractual and promissory Land Rights exchanged in return for
15 their agreement to transfer and convey legal title of their ancestral lands to the
16 Government, (ii) NPS's failures to manage the tule elk, water conservation issues, and
17 (iii) affirmative relief over other events or land management snafus that may threaten their
18 governing leasehold, use and occupancy, other specific land use permits and
19 authorizations rights. At this time, however, a further investigation of and due diligence
20 into the facts and law, including the Administrative Record yet to be filed by NPS in this
21 Action, that may support such claims for relief, is underway but not complete.
22 Accordingly, the Agricultural Workers reserve their rights to amend any portion of this
23 answer, including the assertion of counterclaims as permitted by law or otherwise through
24 leave of court.

25 WHEREFORE, at this time, defendant-intervenors deny that Plaintiffs are entitled
26 to the relief requested, or to any relief whatsoever, and thus request that the Court
27 dismiss Plaintiffs' Complaint, Dkt. No. 1, with prejudice, that judgment be entered in favor
28 of federal defendants and defendant-intervenors, and that the Court order such other

1 relief as it deems necessary.

2 DATED: October 11, 2024

HANSON BRIDGETT LLP

3
4 By: 

5 ANDREW G. GIACOMINI

6 ALENE M. TABER

7 BIANCA A. VELEZ

8 Attorneys for Proposed Intervenors

9 Agricultural Workers

10 Appearing as DOES 1-8

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CERTIFICATE OF SERVICE

I hereby certify that on this 11 day of October, 2024, I electronically filed the foregoing **NOTICE OF MOTION AND MOTION TO INTERVENE; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF ANDREW GIACOMINI; DECLARATION OF DOE 1; DECLARATION OF DOE 5 AND [PROPOSED] ORDER** with the Clerk of the Court using the CM/ECF system



Bianca A. Velez
Attorneys for Proposed Intervenors
Agricultural Workers
Appearing as DOES 1-8.