

1 Elizabeth Potter (*pro hac vice* application pending)
2 Andrew Missel (*pro hac vice* application pending)
3 Advocates for the West
4 P.O. Box 1682
5 Bend, OR 97709
6 Phone: (503) 954-2721
7 epotter@advocateswest.org
8 amissel@advocateswest.org

6 Brian Segee (CA Bar No. 200795)
7 Center for Biological Diversity
8 226 W. Ojai Ave., Ste. 101-442
9 Ojai, CA 93023-3278
10 Phone: (805) 750-8852
11 bsegee@biologicaldiversity.org

10 *Attorneys for Proposed Defendant-Intervenors*
11 The Center for Biological Diversity, Resource Renewal Institute,
and Western Watersheds Project

12 **UNITED STATES DISTRICT COURT**

13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 DOES 1-150, Individual Persons

15 Plaintiffs,

16 v.

17 UNITED STATES DEPARTMENT OF
18 INTERIOR, a federal agency; DOUG
19 BURGUM, Secretary of the Interior;
20 NATIONAL PARK SERVICE, a federal
21 agency; JESSICA BOWRON, Acting Director of
22 the National Park Service; DAVID
SZYMANSKI, Regional Director, Pacific West
Region; and THE NATURE CONSERVANCY
a District of Columbia nonprofit corporation.

23 Defendants.

Case No. 3:25-cv-01115

**CENTER FOR BIOLOGICAL
DIVERSITY, RESOURCE RENEWAL
INSTITUTE, AND WESTERN
WATERSHEDS PROJECT'S MOTION
TO INTERVENE AND
MEMORANDUM IN SUPPORT OF
MOTION**

Date: June 6, 2025

Time: 9:00 AM

Courtroom 7 (19th Floor)

Honorable Maxine M. Chesney

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

TABLE OF AUTHORITIES..... iii

NOTICE OF MOTION 1

MOTION TO INTERVENE 1

MEMORANDUM OF POINTS AND AUTHORITIES..... 1

INTRODUCTION 1

BACKGROUND 3

 I. Longstanding Conflict Over Commercial Grazing at Point Reyes National Seashore 3

 II. Historic Settlement to Resolve Longstanding Conflicts at the National Seashore..... 4

 III. Plaintiffs' Attack on Conservation Organizations' Settlement through Past and Current Litigation 5

ARGUMENT..... 7

 I. Conservation Organizations Are Entitled to Intervene as of Right 7

 A. The Motion to Intervene is Timely 7

 B. Conservation Organizations and Their Members Have a Significant, Protectable Interest in Defending the 2025 Revised ROD. 8

 C. The Disposition of this Case May Impair Conservation Organizations' and their Members' Abilities to Protect their Interests. 10

 D. Conservation Organization's Interests Are Not Adequately Represented by Existing Parties. 12

 II. Alternatively, Proposed Intervenors Should Be Granted Permissive Intervention 14

 A. Conservation Organizations Meet the Threshold Requirements for Permissive Intervention..... 14

CONCLUSION 16

TABLE OF AUTHORITIES

Cases

Arakaki v. Cayetano,
324 F.3d 1078 (9th Cir. 2003) 12

Berger v. N.C. State Conf. of the NAACP,
597 U.S. 179 (2022) 13

Blum v. Merrill Lynch Pierce Fenner & Smith Inc.,
712 F.3d 1349 (9th Cir. 2013) 14

Cal. Dep’t of Toxic Substances Control v. Commercial Realty Projects,
309 F.3d 1113 (9th Cir. 2002) 8

Cal. ex rel. Lockyer v. United States,
450 F.3d 436 (9th Cir. 2006) 10

Citizens for Balanced Use v. Mont. Wilderness Ass’n,
647 F.3d 893 (9th Cir. 2011) 7, 8, 11, 12, 13

Cnty. of Fresno v. Andrus,
622 F.2d 436 (9th Cir. 1980) 14

EVO Brands, LLC v. Al Khalifa Grp. LLC,
657 F. Supp. 3d 1312 (C.D. Cal. 2023) 4,5

Freedom from Religion Found., Inc. v. Geithner,
644 F.3d 1489 (9th Cir. 2011) 15

Forest Conservation Council v. U.S. Forest Serv.,
66 F.3d 1489 (9th Cir. 1995) 10, 13, 14

Idaho Farm Bureau Fed’n v. Babbit,
58 F.3d 1392 (9th Cir. 1995) 9, 14

John Muir Project of Earth Island Inst. v. U.S. Forest Serv.,
No. 2:24-CV-00909-TLN-JDP, 2024 WL 4753930 (E.D. Cal. Nov. 12, 2024) 15

Kootenai Tribe of Idaho v. Veneman,
313 F.3d 1094 (9th Cir. 2002) 15, 16

Res. Renewal Inst., et al. v. Nat’l Park Serv.,
No. 3:16-cv-00688-SBA, 2016 WL 11673179 (N.D. Cal. July 15, 2016) 13

Sagebrush Rebellion, Inc. v. Watt,
713 F.2d 525 (9th Cir. 1983) 9, 12

Spangler v. Pasadena City Bd. of Educ.,
552 F.2d 1326 (9th Cir. 1977) 15

United States v. Alisal Water Corp.,
370 F.3d 915 (9th Cir. 2004) 7

1 *W. Watersheds Project v. Haaland*,
 22 F.4th 828 (9th Cir. 2022)..... 12

2 *Wilderness Soc’y v. U.S. Forest Serv.*,
 630 F.3d 1173 (9th Cir. 2011)..... 7, 8, 10, 15

4 **Statutes**

5 16 U.S.C. § 459c..... 2, 9

6 16 U.S.C. § 459c-6(a)..... 9

7 54 U.S.C. § 100101(a)..... 9

8 54 U.S.C. § 100502 9

9 **Rules**

10 Fed. R. Civ. P. 24(a)..... 1, 3, 7, 10, 12, 16

11 Fed. R. Civ. P. 24(a)(2) 7, 10

12 Fed. R. Civ. P. 24(b)..... 3, 7, 14, 16

13 Fed. R. Civ. P. 24(b)(1)(B)..... 14

14 Fed. R. Civ. P. 24(b)(3) 14, 15

15

16

17

18

19

20

21

22

23

24

25

26

27

1 **NOTICE OF MOTION**

2 Pursuant to Civil Local Rule 7-2 and Fed. R. Civ. P. 24(a), NOTICE is given that on June
3 6, 2025, at 9:00 AM, or as soon thereafter as the matter may be heard, in the courtroom of
4 Honorable Maxine M. Chesney, at the San Francisco Courthouse, Courtroom 7, 19th Floor, 450
5 Golden Gate Avenue, San Francisco, CA 94102, the Center for Biological Diversity, Resource
6 Renewal Institute, and Western Watersheds Project (“Conservation Organizations”), by counsel,
7 will move the Court for leave to intervene as Defendant-Intervenors in the above captioned case.

8 **MOTION**

9 Proposed Intervenors move for leave to intervene as a matter of right in this action or, in
10 the alternative, permission to intervene, for the purposes of defending Plaintiffs’ Third, Fourth,
11 and Fifth Causes of Action. Complaint ¶¶ 104–148 (ECF No. 1). Proposed Intervenors conferred
12 with counsel for Does 1–150, who stated that they oppose this motion; and counsel for Federal
13 Defendants U.S. Department of Interior and the National Park Service, who stated that the
14 government does not oppose this motion; and counsel for the Nature Conservancy (TNC), who
15 stated that TNC takes no position on the motion.

16 **MEMORANDUM OF POINTS AND AUTHORITIES**

17 **INTRODUCTION**

18 Plaintiffs Does 1–150 are tenants living on federal land within Point Reyes National
19 Seashore who challenge the National Park Service’s (NPS) 2025 decision to revise its General
20 Management Plan Amendment (GMPA) for land currently leased for commercial ranching.¹
21 Conservation Organizations move to intervene in this litigation to defend NPS’s issuance of the
22 2025 Revised Record of Decision (“2025 Revised ROD”), which responded to the voluntary
23 decisions of ranchers to close their operations by rezoning former ranchland for public purposes.
24 Conservation Organizations have a strong interest in defending NPS’s decision because it

25 _____
26 ¹ Conservation Organizations note that Plaintiffs describe themselves as “Agricultural Workers,”
27 but nearly half of their declarations demonstrate that is not an accurate description for the
plaintiff group. *See* ECF No. 6-3 ¶ 4, ECF No. 6-7 ¶ 4, ECF No. 6-8 ¶ 4, ECF No. 6-9 ¶ 4 (all
attesting that no one in their household actually works on a ranch).

1 furthers their long-term goal of sunsetting private, commercial ranching across the National
2 Seashore in order to further Congress’s intention that these lands be used for “public recreation,
3 benefit, and inspiration.” 16 U.S.C. § 459c (the “Point Reyes Act”).

4 Conservation Organizations and their members and supporters have a deep and
5 longstanding interest in protecting the wildlife, water quality, native ecosystems, and public
6 lands at Point Reyes National Seashore and the adjacent North District of Golden Gate National
7 Recreation Area (GGNRA) from the harmful effects of commercial ranching. To that end, they
8 spent many years participating in NPS’s public planning processes for these public lands and
9 educating the public about the harm caused by commercial ranching there. The 2025 Revised
10 ROD recognizes that harm and aligns with the outcome sought by well over 90% of the people
11 who commented during the years-long public process that preceded NPS’s decision.

12 Conservation Organizations seek to defend that decision and ensure that this litigation does not
13 derail the settlement agreement reached in related litigation, *Resource Renewal Institute v. NPS*,
14 3:22-cv-00145-MMC, ECF No. 164 (N.D. Cal. Jan. 8, 2025) (“*RRI v. NPS II*”).

15 Plaintiffs directly attack the 2025 Revised ROD by arguing that NPS violated the
16 National Environmental Policy Act (NEPA) by failing to provide for public input and prepare a
17 supplemental environmental analysis in connection with the Revised ROD. Complaint ¶¶ 117–
18 142 (ECF No. 1). Plaintiffs also indirectly attack the 2025 Revised ROD by seeking to compel
19 NPS to implement the 2021 Record of Decision (“2021 ROD”), even though the 2025 Revised
20 ROD repealed that decision, so it no longer has any legal effect. *Id.* ¶¶ 104–116, 143–146.

21 Conservation Groups request intervention to, *inter alia*, argue that Plaintiffs seek relief that the
22 Court is incapable of granting and demonstrate that the 2025 Revised ROD reasonably relied on
23 the original environmental impact statement (EIS), which considered a wide range of alternatives
24 and impacts and was subject to extensive public notice and participation. Notably, Conservation
25 Groups participated extensively in the public planning process for the EIS and GMPA and thus
26 have extensive insight into that process. In contrast, there is no evidence that Plaintiffs availed
27 themselves of numerous opportunities to participate in that process, which requested public input

1 on the alternatives and impacts studied in the EIS. If Plaintiffs prevail, Conservation
2 Organizations' interests in restoring natural conditions and public use across nearly 20,000 acres
3 at the National Seashore would be seriously harmed.

4 Conservation Organizations' interests are not fully aligned with NPS, which has a
5 responsibility to the public as a whole and has been adverse to their interests in litigation and
6 advocacy for around a decade. Allowing Conservation Organizations to intervene early in this
7 litigation would not be prejudicial to any existing parties because NPS has yet to file an answer
8 to Plaintiffs' complaint, and the Court has yet to establish a litigation schedule.

9 Accordingly, Conservation Organizations satisfy all of the intervention factors and
10 should be granted intervention as of right under Federal Rule of Civil Procedure 24(a), or
11 permissive intervention under Federal Rule of Civil Procedure 24(b).

12 BACKGROUND

13 I. Longstanding Conflict Over Commercial Grazing at Point Reyes National Seashore.

14 Since NPS bought private ranchland in the 1970s to create Point Reyes National
15 Seashore, the agency has allowed private, commercial beef and dairy ranching to continue on
16 public lands, initially under life estates or reservations of use and occupancy, and once those
17 expired, through discretionary leases. Complaint ¶¶ 36–37 (ECF No. 1). For more than two
18 decades, NPS issued those leases without updating its 1980 General Management Plan (1980
19 GMP) to allow such leases, as required under the National Park Service's Organic Act, or
20 without conducting an environmental analysis, as required under NEPA. Complaint ¶¶ 35, 42.

21 In 2016, Conservation Organizations sued NPS for these longstanding violations of the
22 Organic Act and NEPA, and the Point Reyes Enabling Act. *Resource Renewal Institute v.*
23 *National Park Service*, No. 3:16-cv-00688-SBA, ECF No. 1 (N.D. Cal. Feb. 10, 2016) (“*RRI v.*
24 *NPS I*”). After most of the ranchers intervened, the parties reached a settlement that required
25 NPS to prepare the long-overdue EIS, update its 1980 GMP, and consider alternative
26 management scenarios for the approximately 28,000 acres of public land leased for commercial
27 ranching. *Id.* at ECF No. 143 (July 14, 2017) (adopting settlement agreement).

1 During the next four years, NPS completed an extensive public planning process that
2 sought public comment on management alternatives that would continue, reduce, or eliminate
3 commercial ranching. Complaint ¶¶ 42, 44. NPS received thousands of comments from a wide
4 range of stakeholders, more than 90% of which supported alternatives that eliminated ranching.
5 Declaration of Chance Cutrano (“Cutrano Decl.”) ¶ 15. NPS’s EIS found that ranching adversely
6 impacts water quality, perpetuates invasive species issues, harms native wildlife, and impedes
7 public access to public lands. EIS at 128–129, 132, 163–168, 193.² Nevertheless, NPS’s 2021
8 ROD adopted an alternative as the GMPA that would worsen these issues by expanding the land
9 zoned for commercial ranching; allowing ranches to add new commercial activities; requiring
10 lethal removal of native tule elk to benefit ranches; and imposing weak mitigation to protect
11 natural resources. 2021 ROD at 6, 9–11, 30–31, 36–37.³

12 **II. Historic Settlement to Resolve Longstanding Conflicts at the National Seashore.**

13 In January 2022, Conservation Organizations filed a new lawsuit challenging NPS’s EIS
14 and 2021 ROD on the grounds that it violated NEPA, NPS’s Organic Act, the Point Reyes
15 Enabling Act, and the Clean Water Act. *RRI v. NPS II*, No. 3:22-cv-145-MMC, ECF No. 1 (N.D.
16 Cal. Jan. 1, 2022). Most of the ranchers quickly intervened, and the parties entered into
17 mediation. *Id.* at ECF No. 55 (June 24, 2022). After more than two years of confidential
18 mediation, the parties announced an historic settlement to resolve this longstanding conflict: the
19 intervening ranchers at Point Reyes National Seashore voluntarily agreed to cease operations
20 pursuant to independent agreements with The Nature Conservancy (TNC), and NPS issued the
21
22

23 ² The EIS is Exhibit 1 to NPS’s Motion to Dismiss (ECF No. 36-2) and is available on NPS’s
24 website: https://www.nps.gov/pore/getinvolved/planning_gmp_amendment_feis.htm (last visited
25 May 1, 2025). The Court may take judicial notice of the agency websites cited herein. *EVO*
Brands, LLC v. Al Khalifa Grp. LLC, 657 F. Supp. 3d 1312, 1322 (C.D. Cal. 2023).

26 ³ The 2021 ROD is Exhibit 2 to NPS’s Motion to Dismiss (ECF No. 36 at 9, FN. 1) and is
27 available on NPS’s website: <https://parkplanning.nps.gov/document.cfm?documentID=115101>
(last visited May 1, 2025).; *EVO Brands*, 657 F. Supp. 3d at 1322.

1 2025 Revised ROD that responded to those voluntary decisions. *Id.* at ECF No. 164 (Jan. 8,
2 2025).⁴

3 The 2025 Revised ROD adopted a GMPA that provided the framework for those
4 retirements and rezoned retired lands into a Scenic Landscape zone. 2025 Revised ROD at 8.
5 The Revised ROD prohibited commercial ranching in the Scenic Landscape zone and dairying
6 on all public lands at the Seashore and GGNRA and imposed stronger mitigation on remaining
7 ranches. *Id.* at 12, 26–45. The 2025 Revised ROD benefited remaining ranchers by offering long-
8 term, 20-year leases and the ability to “diversify” ranch operations through new commercial
9 activities. *Id.* at 26, 40–43. The 2025 Revised ROD also allowed tule elk to roam free by
10 prohibiting NPS from using lethal removal or harassment tools to benefit ranchers. *Id.* at 50–52.

11 **III. Plaintiffs’ Attack on Conservation Organizations’ Settlement through Past and** 12 **Current Litigation.**

13 Shortly before the parties reached a settlement in *RRI v. NPS II*, several Does moved to
14 intervene, claiming that they were not seeking to stop a settlement of the case. *RRI v. NPS II*,
15 ECF No. 121 at 15 (providing “assurance that Proposed Intervenors are not seeking to upend all
16 settlement negotiations”). The mediation parties invited them to join the mediation but they were
17 unable to reach an agreement to do so. *RRI v. NPS II*, ECF No. 118 at 4–5. After Does indicated
18 that they sought permanent housing at the National Seashore through intervention, NPS and
19 Conservation Organizations opposed their intervention on the basis that permanent housing was
20 prohibited by law and not possible through the litigation. *RRI v. NPS II*, ECF No. 118 at 6–7 &
21 ECF No. 117 at 5–7; *id.* at ECF No. 121 at 3 (conceding their goal was “to secure permanent
22 housing”). After multiple rounds of briefing and hearings, this Court denied the motion to
23 intervene, which they appealed. *RRI v. NPS II*, ECF Nos. 166, 169.

24
25
26 ⁴ The 2025 Revised ROD is Exhibit 4 to NPS’s Motion to Dismiss (ECF No. 36-4) and is
27 available on NPS’s website: [https://www.nps.gov/pore/learn/news/newsreleases-20250108-gmp-
amendment-revised-rod-and-settlement-agreement.htm](https://www.nps.gov/pore/learn/news/newsreleases-20250108-gmp-amendment-revised-rod-and-settlement-agreement.htm) (last visited May 1, 2025); *EVO Brands*,
657 F. Supp. 3d at 1322.

1 Despite their “assurance” to this Court that they were not trying to “upend” settlement
2 negotiations, *id.* at ECF No. 121 at 15, Does filed a new lawsuit seeking to do just that. *Does 1–*
3 *100 v. Nat’l Park Serv.*, No. 3:24-cv-09009-MMC, ECF No. 1 (Dec. 12, 2024). They sought a
4 temporary restraining order asking the Court for extraordinary relief: stopping the federal
5 government from entering into an out-of-court settlement agreement with other parties, *id.* at
6 ECF No. 9 (Dec. 17, 2024), which the Court denied. *Id.* at ECF No. 30 (Dec. 20, 2024). The
7 parties agreed to a schedule for preliminary injunction briefing in that case, which provided for
8 plaintiffs to file an amended complaint on February 3, 2025. *Id.* at ECF No. 37 (Jan. 23, 2025).

9 On February 3, 2025, Plaintiffs failed to file an amended complaint and instead launched
10 this new case that re-alleged the same claims and included new defendants: TNC and some
11 ranchers. ECF No. 1. Two days later, they voluntarily dismissed the other case without
12 explanation. *Does 1–100*, No. 3:24-cv-09009-MMC, ECF No. 39 (Feb. 5, 2025). NPS sought to
13 relate the cases to prevent Plaintiffs from trying to “judge shop.” *Id.* at ECF No. 40 at 3 (Feb. 6,
14 2025). This Court subsequently related the cases. *Id.* at ECF No. 45 (Feb. 13, 2025). Plaintiffs
15 then voluntarily dismissed their claims against the ranchers. ECF No. 14 (Feb. 21, 2025).

16 Plaintiffs’ complaint in this new case raises six claims. The first claim alleges that NPS,
17 other Federal Defendants, and TNC engaged in a “conspiracy” to deprive Plaintiffs of their due
18 process rights in violation of the Fifth Amendment of the U.S. Constitution. Complaint ¶¶ 78–95.
19 The second claim alleges that federal defendants violated the Fair Housing Act by treating
20 ranchers differently from Plaintiffs. *Id.* ¶¶ 96–103. The third claim requests a declaratory
21 judgment that Defendants violated the Fifth Amendment, the Fair Housing Act, and NEPA,
22 although it is not clear how this claim differs from the claims that allege specific violations of
23 those laws. *Id.* ¶¶ 104–116. The fourth claim alleges that the federal defendants violated NEPA
24 by: “(1) failing to implement the 2021 ROD; (2) failing to provide for public input and
25 proceedings; and, (3) not preparing an EIS for the Revised ROD.” *Id.* ¶¶ 117–142. The fifth
26 claim seeks a writ of mandamus under the All Writs Act to compel NPS to implement the 2021
27 ROD and issue 20-year leases. *Id.* ¶¶ 143–148. The sixth claim alleges that federal defendants

1 and TNC violated the California Tenant Protection Act by entering into agreements that will
2 evict Plaintiffs. *Id.* ¶¶ 149–153.

3 ARGUMENT

4 The Court should grant Conservation Organizations’ Motion to Intervene as Defendants
5 in this case for two independent reasons. First, Conservation Organizations are entitled to
6 intervene as of right under Federal Rule of Civil Procedure 24(a). Second, regardless of whether
7 Conservation Organizations are entitled to intervene as of right, they should be permitted to
8 intervene under Federal Rule of Civil Procedure 24(b).

9 I. Conservation Organizations Are Entitled to Intervene as of Right.

10 Conservation Organizations seek to intervene in this matter to protect their interests in
11 wildlife, water quality, native ecosystems, and public lands within Point Reyes National
12 Seashore and GGNRA. Federal Rule of Civil Procedure 24(a)(2) requires a court to grant
13 intervention as of right to anyone who (1) submits a timely motion, (2) has an interest relating to
14 the property or transaction at issue (3) may, as a practical matter, have their ability to protect
15 their interest be impaired or impeded by disposition of the case, and (4) is not adequately
16 represented by the existing parties. Fed. R. Civ. P. 24(a)(2); *see also Citizens for Balanced Use v.*
17 *Mont. Wilderness Ass’n*, 647 F.3d 893, 897 (9th Cir. 2011). In evaluating whether a proposed
18 intervenor meets those requirements, a court “normally follow[s] practical and equitable
19 considerations and construe[s] the Rule broadly in favor of proposed intervenors,” because a
20 “liberal policy in favor of intervention serves both efficient resolution of issues and broadened
21 access to the courts.” *Wilderness Soc. v. U.S. Forest Serv.*, 630 F.3d 1173, 1179 (9th Cir. 2011)
22 (en banc) (internal quotation marks and citations omitted). Conservation Organizations meet
23 Rule 24(a)(2)’s criteria to intervene as of right in this case.

24 A. The Motion to Intervene is Timely.

25 Timeliness is determined in light of three factors: “(1) the stage of the proceeding at
26 which an applicant seeks to intervene; (2) the prejudice to other parties; and (3) the reason for
27 and length of the delay.” *United States v. Alisal Water Corp.*, 370 F.3d 915, 921 (9th Cir. 2004)

1 (quoting *Cal. Dep't of Toxic Substances Control v. Commercial Realty Projects*, 309 F.3d 1113,
2 1119 (9th Cir. 2002)). A motion made “at an early stage of the proceedings,” will neither
3 prejudice other parties nor delay the proceeding. *Citizens for Balanced Use*, 647 F.3d at 897.
4 This case was filed just a few months ago, the Defendants have not yet filed an answer to the
5 Complaint, and the case management conference has not yet occurred. The case is in its nascent
6 stages and Conservation Organization’s intervention will not prejudice any party. Thus, the
7 motion is timely. *Id.* (finding that a motion filed within a few months of a complaint was timely).

8 **B. Conservation Organizations and Their Members Have a Significant,
9 Protectable Interest in Defending the 2025 Revised ROD.**

10 Conservation Organizations and their members have significant, protectable interests in
11 the public lands and natural resources affected by the 2025 Revised ROD that is attacked in this
12 case. An applicant for intervention has an interest in an action if (1) “the interest is protectable
13 under some law” and (2) “there is a relationship between the legally protected interest and the
14 claims at issue.” *Wilderness Soc.*, 630 F.3d at 1176 (internal quotation marks and citation
15 omitted). Whether an applicant demonstrates sufficient interest in a case is a practical, threshold
16 inquiry, and the applicant does not have to establish a specific legal or equitable interest. *Citizens
17 for Balanced Use*, 647 F.3d at 897.

18 Here, Conservation Organizations and their members have long-standing interests in the
19 protection of the natural resources, values, and wildlife within Point Reyes and GGNRA. *See*
20 Declaration of Jeff Miller (“Miller Decl.”) ¶¶ 9, 17–19; *see* Declaration of Erik Molvar (“Molvar
21 Decl.”) ¶¶ 3–14; and *see* Cutrano Decl. ¶¶ 5–6, 11–17, 18–20. Conservation Organizations have
22 long advocated for NPS to reduce and eliminate the impacts of private, commercial ranching on
23 wildlife, water quality, native ecosystems, and public recreation within Point Reyes and
24 GGNRA. Miller Decl. ¶¶ 10–16; Molvar Decl. ¶¶ 8–14; Cutrano Decl. ¶¶ 10–17.

25 Conservation Organizations’ interests in prioritizing public uses above private,
26 commercial activities are protected by the enabling legislation for Point Reyes National
27 Seashore, which Congress established “to save and preserve, for purposes of *public* recreation,

1 benefit, and inspiration....” 16 U.S.C. § 459c (emphasis added). Congress also required NPS to
2 ensure the “maximum protection, restoration and preservation of the natural environment” of the
3 Seashore, thereby prioritizing this duty above all other uses of these public lands, including
4 ranching. 16 U.S.C. § 459c-6(a). NPS must also administer these lands in accordance with the
5 Organic Act, which requires conservation and non-impairment of park resources and values for
6 “the enjoyment of future generations.” 54 U.S.C. § 100101(a). NPS is also required to timely
7 update its GMP, *id.* § 100502, and to comply with NEPA when doing so. 42 U.S.C. § 4332.
8 These laws protect Conservation Organization’s interests that are at stake in this litigation.

9 To protect their interests, Conservation Organizations have invested considerable
10 resources in public education, community organizing, administrative advocacy, and litigation.
11 *See* Miller Decl. ¶¶ 9–16; Molvar Decl. ¶¶ 8–10, 13–14; Cutrano Decl. ¶¶ 12–17. Their first
12 lawsuit, *RRI v. NPS I*, forced NPS to prepare an EIS and an amendment to the GMP in order to
13 determine whether ranching should continue, which required a years-long public planning
14 process. Conservation Organizations engaged heavily in that process and helped garner support
15 for phasing out ranching from more than 100 organizations representing millions of members.
16 Cutrano Decl. ¶ 15. When NPS issued the 2021 ROD that was inconsistent with its legal duties
17 and at odds with the outcome sought by the vast majority of commenters during the planning
18 process, Plaintiffs filed *RRI v. NPS II*. Their litigation resulted in the mediation process that
19 spurred many ranchers to voluntarily retire and NPS to issue the 2025 Revised ROD that is
20 challenged in this case. Their longstanding work that led to the 2025 Revised ROD is a sufficient
21 interest to support intervention in this matter. *See Idaho Farm Bureau Fed’n v. Babbitt*, 58 F.3d
22 1392, 1397 (9th Cir. 1995) (citations omitted) (“A public interest group is entitled as a matter of
23 right to intervene in an action challenging the legality of a measure it has supported.”);
24 *Sagebrush Rebellion v. Watt*, 713 F.2d 525, 527–28 (9th Cir. 1983) (finding “no serious dispute
25 concerning ... the existence of a protectable interest on the part of” an environmental group that
26 sought to intervene in an action challenging the creation of a conservation area it had supported).

1 Moreover, the 2025 Revised ROD conferred substantial benefits on Conservation
2 Organizations by adopting portions of the no dairying and ranching alternatives that they
3 supported during the public planning process for the GMPA. Miller Decl. ¶ 16 (explaining that
4 benefits include “an end to water pollution, erosion, habitat damage, and spread of invasive
5 species caused by excessive livestock grazing, and an improved management approach that ends
6 decades of conflict over competing interests of private dairying and cattle ranching with wildlife
7 management”); Cutrano Decl. ¶¶ 17, 21; Molvar Decl. ¶ 14. Plaintiffs’ attempt to invalidate the
8 2025 Revised ROD threatens these benefits, so Conservation Organizations have a significant
9 protectable interest at stake in this litigation. *See California ex rel. Lockyer v. United States*, 450
10 F.3d 436, 441 (9th Cir. 2006) (finding that beneficiaries of a law had a significant protectable
11 interest in a case that challenged that law).

12 **C. The Disposition of this Case May Impair Conservation Organizations’ and**
13 **their Members’ Abilities to Protect Their Interests.**

14 Intervention is necessary for Conservation Organizations and their members to protect
15 their interests in preserving natural resources at Point Reyes and GGNRA from the impacts of
16 commercial ranching. Rule 24(a) requires intervenors to show that “disposing of the action may
17 as a practical matter impair or impede the movant’s ability to protect its interest.” Fed. R. Civ. P.
18 24(a)(2). “Rule 24 refers to impairment as a practical matter. Thus, the court is not limited to
19 consequences of a strictly legal nature.” *Forest Conservation Council v. U.S. Forest Serv.*, 66
20 F.3d 1489, 1498 (9th Cir. 1995) (internal quotation marks and citation omitted), *abrogated on*
21 *other grounds by Wilderness Soc.*, 630 F.3d at 1177–78, 1180. As with the other intervention
22 prongs, the Ninth Circuit interprets this test liberally in favor of intervention. *See, e.g., Lockyer*,
23 450 F.3d at 442 (“Having found that appellants have a significant protectable interest, we have
24 little difficulty concluding that the disposition of this case may, as a practical matter, affect it.”).

25 If Plaintiffs succeed in overturning the 2025 Revised ROD, Conservation Organizations’
26 interest in protecting Point Reyes and GGNRA from commercial ranching will be impaired. *See*
27 *Complaint*, ECF No. 1 ¶¶ 142, 145 (seeking, among other relief, that the Court set aside the 2025

1 Revised ROD and implement the 2021 ROD that prioritizes commercial ranching over public
2 purposes of Point Reyes). Vacatur of the 2025 Revised ROD would eliminate the substantial
3 benefits that Conservation Organizations obtained due to their longstanding advocacy.

4 For example, the 2025 Revised ROD requires NPS to manage tule elk as a single herd
5 without lethal removal to benefit ranchers, which will allow the species to expand and thrive at
6 the Seashore. 2025 Revised ROD at 50–52. In contrast, the 2021 GMPA required NPS to kill
7 tule elk to benefit ranchers once the population reaches an arbitrary and low cap. 2021 ROD at
8 36–37. The loss of these new protections for tule elk would be devastating to Conservation
9 Organizations, who have long sought to protect these animals. Miller Decl. ¶¶ 10, 21. The 2025
10 Revised ROD includes other protective management standards that benefit Conservation
11 Organizations but would be lost if Plaintiffs are successful in this case. Cutrano Decl. ¶¶ 17, 21.
12 This would, in turn, harm Conservation Organizations and their members that use and enjoy
13 Point Reyes for its natural values and resources. *See* Miller Decl. ¶¶ 21; Molvar Decl. ¶ 14;
14 Cutrano Decl. ¶ 21. *See Citizens for Balanced Use*, 647 F.3d at 897 (finding that if the plaintiff
15 prevailed in enjoining restrictions on harmful activities in a wilderness area, the proposed
16 intervenors’ “interest in conserving and enjoying wilderness in the [area] may, as a practical
17 matter, be impaired”).

18 Moreover, vacatur of the 2025 Revised ROD may threaten the agreements between
19 retiring ranchers and TNC. The 2025 Revised ROD provides the framework for these and related
20 agreements like short-term lease amendments that allow ranchers to continue while they close
21 their operations, wind-down agreements for ranchers with NPS and TNC, and a cooperative
22 agreement between TNC and NPS for restoring former ranchlands. 2025 Revised ROD at 12,
23 26–27, 46–47. If the voluntary ranch retirements unravel, and NPS is forced to allow commercial
24 ranching at the Seashore on lands currently slated for retirements, Conservation Organizations’
25 interests would be seriously harmed. *See* Miller Decl. ¶¶ 21; Molvar Decl. ¶ 14; Cutrano Decl. ¶
26 21. Thus, Plaintiffs’ potential success in this case threatens to impair Conservation
27 Organizations’ ability to protect their interests in stopping the harm that commercial ranching

1 causes to natural resources at Point Reyes and GGNRA. *See Sagebrush Rebellion*, 713 F.2d at
2 528 (affirming intervention where an adverse decision would “impair” a group’s “interest in the
3 preservation of birds and their habitats.”).

4 For these reasons, Conservation Organizations have satisfied this third requirement for
5 intervention as of right.

6 **D. Conservation Organization’s Interests Are Not Adequately Represented by
7 Existing Parties.**

8 None of the existing parties adequately represent the interests of Conservation
9 Organizations, so the fourth and final Rule 24(a) requirement is met and Conservation
10 Organizations are entitled to intervene as of right. Courts consider three factors to determine if a
11 proposed intervenor’s interests are adequately represented by existing parties: “(1) whether the
12 interest of a present party is such that it will undoubtedly make all of a proposed intervenor’s
13 arguments; (2) whether the present party is capable and willing to make such arguments; and (3)
14 whether a proposed intervenor would offer any necessary elements to the proceeding that other
15 parties would neglect.” *Arakaki v. Cayetano*, 324 F.3d 1078, 1086 (9th Cir. 2003).

16 “The burden of showing inadequacy of representation is ‘minimal’ and satisfied if the
17 applicant can demonstrate that representation of its interests ‘may be’ inadequate.” *Citizens for
18 Balanced Use*, 647 F.3d at 898 (quoting *Arakaki*, 324 F.3d at 1086). The most important factor is
19 how the applicant’s interests compare with the interests of existing parties. *Id.* An applicant
20 makes a compelling showing of inadequacy by establishing that the existing parties “will not
21 undoubtedly make all of the proposed intervenor’s arguments.” *W. Watersheds Project v.
22 Haaland*, 22 F.4th 828, 841 (9th Cir. 2022) (cleaned up).

23 Conservation Organizations are dedicated to the preservation and conservation of natural
24 resources, wildlife, and public lands, and are the only parties narrowly focused on these issues
25 and reducing impacts from ranching operations and restoring natural ecosystems at Point Reyes
26 National Seashore and GGNRA. *See* Miller Decl. ¶¶ 5–6, 9–16, 20; Molvar Decl. ¶¶ 5–10, 15–
27 17; Cutrano Decl. ¶¶ 4–6, 11–17, 22.

1 While NPS and Conservation Organizations may share some objectives in defending the
2 Revised ROD, Conservation Organizations’ interests do not “overlap fully.” *Berger v. N.*
3 *Carolina State Conf. of the NAACP*, 597 U.S. 179, 199 (2022). Conservation Organizations have
4 advocated for NPS to phase out ranching entirely, but NPS has not chosen to do so. Indeed, the
5 2025 Revised ROD does not *require* any ranchers to close their operations but instead responds
6 to *some* ranchers’ voluntary decisions to do so. Conservation Organizations’ defense of the 2025
7 Revised ROD’s framework for the voluntary retirements may be more vigorous because NPS is
8 in a neutral position for these third-party agreements. *See* 2025 Revised ROD at 26, 50
9 (explaining the retirements are pursuant to non-federal agreements and non-federal actions).
10 Similarly, NPS’s decision not to lease retired ranchlands to other ranchers for new ranching
11 operations is far narrower than Conservation Organizations’ longstanding position that all
12 ranching should be phased out. *See Citizens for Balanced Use*, 647 F.3d at 899 (finding that
13 proposed intervenors’ interests in “secur[ing] the broadest possible restrictions” on recreation
14 within public lands and a federal agency’s position that “much narrower restrictions would
15 suffice” were “fundamentally different points of view”). Because the agency “is required to
16 represent a broader view than the more narrow, parochial interest of” Conservation
17 Organizations and their members, the agency cannot adequately represent their interests here.
18 *Forest Conservation Council*, 66 F.3d at 1499.

19 Moreover, the history of adversarial proceedings between Conservation Organizations
20 and NPS demonstrates the inadequacy of representation here. The interests of Conservation
21 Organizations and NPS have diverged for many years and were directly adverse in *RRI v. NPS I*
22 and *RRI v. NPS II* despite the ultimate settlements there. *See* Miller Decl. ¶ 20, Cutrano Decl. ¶
23 22, Molvar Decl. ¶¶ 15–17 (all explaining how their interests have frequently diverged from
24 those of NPS). Indeed, NPS only agreed to update the GMP *after* Plaintiffs sued and defeated a
25 motion to dismiss. *RRI v. NPS I*, 2016 WL 11673179, at *5 (N.D. Cal. July 15, 2016) (finding
26 that NPS did have a mandatory statutory duty to timely revise its GMPs). And NPS only issued
27 the 2025 Revised ROD after Plaintiffs sued over the agency’s initial, unlawful amendment to the

1 GMP through the 2021 ROD in *RRI v. NPS II*. See *Idaho Farm Bureau Fed'n*, 58 F.3d at 1398
2 (finding federal agency would not adequately represent an environmental group where the
3 challenged agency decision was compelled by that group's prior litigation); *Cnty. of Fresno v.*
4 *Andrus*, 622 F.2d 436, 439 (9th Cir. 1980) (finding "further reason to doubt" that the Department
5 of Interior would protect intervenor's interest in a rulemaking because "the Department began its
6 rulemaking only reluctantly after [the proposed intervenor] brought a lawsuit against it").

7 Conservation Organizations need not address whether TNC may adequately represent
8 their interests because that organization is not a defendant in Plaintiffs' claims that challenge the
9 2025 Revised ROD on NEPA grounds. ECF No. 1 at 31–40.

10 Because the existing parties have divergent interests from the Conservation Organizations
11 with regard to this lawsuit, Conservation Organizations have made the "minimal showing"
12 required that their interests are not adequately represented by existing parties. *Forest*
13 *Conservation Council*, 66 F.3d at 1499.

14 **II. Alternatively, Proposed Intervenors Should Be Granted Permissive Intervention.**

15 Regardless whether Conservation Organizations meet the requirements for intervention
16 as of right, they meet the requirements for permissive intervention under Federal Rule of Civil
17 Procedure 24(b) and should be allowed to intervene. Rule 24(b) allows a court to permit anyone
18 to intervene who "has a claim or defense that shares with the main action a common question of
19 law or fact." Fed. R. Civ. P. 24(b)(1)(B). It also requires courts to "consider whether the
20 intervention will unduly delay or prejudice the adjudication of the rights of the original parties."
21 Fed. R. Civ. P. 24(b)(3). Courts apply two other threshold requirements for permissive
22 intervention, requiring a proposed intervenor to also (1) demonstrate an independent ground for
23 jurisdiction and (2) file a timely motion. *Blum v. Merrill Lynch Pierce Fenner & Smith Inc.*, 712
24 F.3d 1349, 1353 (9th Cir. 2013).

25 First, they present defenses that share common questions of law and fact with the main
26 action. See, e.g., Proposed Motion to Dismiss (attached hereto). Conservation Groups seek to
27 defend the 2025 Revised ROD against Plaintiffs' baseless claims on many grounds, including

1 that the 2025 Revised ROD adopted a blend of the alternatives studied in the EIS as allowed
2 under NEPA; NPS took a hard look at the impacts of the GMPA adopted in the 2025 Revised
3 ROD; and NPS cannot have a mandatory duty to implement the 2021 ROD because that decision
4 is no longer in effect. *See Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1110–1111 (9th
5 Cir. 2002) (upholding a grant of permissive intervention where proposed intervenors’ defenses of
6 the government decision “squarely respond to the challenges made by plaintiffs”), *abrogated on*
7 *other grounds by Wilderness Soc.*, 630 F.3d 1173; *John Muir Project of Earth Island Inst. v. U.S.*
8 *Forest Serv.*, No. 2:24-CV-00909-TLN-JDP, 2024 WL 4753930, at *3 (E.D. Cal. Nov. 12, 2024)
9 (finding defenses that shared common questions of fact and law in a proposed answer supported
10 grant of permissive intervention).

11 Second, Conservation Organizations’ motion is timely and will not prejudice the existing
12 parties, as explained above. *See supra* at 8; Fed. R. Civ. P. 24(b)(3).

13 Third, Conservation Organizations need not establish an independent ground for
14 jurisdiction, because they seek to intervene for the purposes of defending claims that arise under
15 this Court’s federal-question jurisdiction and do not seek to bring new claims. *See Freedom from*
16 *Religion Found., Inc. v. Geithner*, 644 F.3d 836, 844 (9th Cir. 2011) (clarifying “that the
17 independent jurisdictional grounds requirement does not apply to proposed intervenors in
18 federal-question cases when the proposed intervenor is not raising new claims”); *John Muir*
19 *Project*, 2024 WL 4753930, at *3 (finding requirement did not apply in a NEPA case).

20 In addition to these threshold requirements, courts consider other factors, including “the
21 nature and extent” of the proposed intervenors’ interests and whether they “will significantly
22 contribute to full development of the underlying factual issues in the suit and to the just and
23 equitable adjudication of the legal questions presented.” *Spangler v. Pasadena City Bd. of Educ.*,
24 552 F.2d 1326, 1329 (9th Cir. 1977) (footnotes omitted).

25 Here, the Court should allow Conservation Organizations to intervene due to their long-
26 standing interests in protecting Point Reyes National Seashore and GGNRA from commercial
27 ranching impacts. Conservation Organizations have developed a deep familiarity with the facts

1 and laws at issue through their work to secure and participate in NPS’s planning process for the
 2 EIS and GMPA. Moreover, Conservation Organizations have a strong interest in defending the
 3 2025 Revised ROD, which was spurred by the mediation and settlement of their litigation, *RRI v.*
 4 *NPS II*. Plaintiffs’ case threatens the extraordinary resolution of this long-running public lands
 5 conflict, and thus would benefit from Conservation Organizations’ perspectives about why the
 6 2025 Revised ROD is lawful and furthers the public interest in that historic settlement. Given
 7 Conservation Organizations’ central role in this issue of substantial public interest, the Court
 8 should exercise its decision to allow intervention under Rule 24(b). *See Kootenai Tribe of Id.*,
 9 313 F.3d at 1111 (upholding grant of permissive intervention where environmental groups would
 10 contribute to the “equitable resolution” of a case given its “magnitude”).

11 CONCLUSION

12 For the foregoing reasons, the Court should grant Proposed Intervenors’ motion to
 13 intervene as of right under Rule 24(a), or alternatively pursuant to Rule 24(b).

14 DATED: May 2, 2025

Respectfully submitted,

15 s/Brian Segee

16 Brian Segee (CA Bar No. 200795)
 17 Center for Biological Diversity
 226 W. Ojai Ave., Ste. 101-442
 18 Ojai, CA 93023-3278
 Phone: (805) 750-8852
 19 bsegee@biologicaldiversity.org

20 Elizabeth Potter (*pro hac vice* application pending)
 21 Andrew Missel (*pro hac vice* application pending)
 Advocates for the West
 22 P.O. Box 1682
 Bend, OR 97709
 23 Phone: (503) 954-2721
 epotter@advocateswest.org
 24 amissel@advocateswest.org

25 *Attorneys for Proposed Defendant-Intervenors*
 26 *Center for Biological Diversity, Resource Renewal*
 27 *Institute, and Western Watersheds Project*