



# Our Hen House Podcast: Transcript for Episode 682, Interview with Sue Fischer

**Mariann:** Welcome to Our Hen House, Sue.

**Sue:** Thank you for having me, Mariann, and thank you for caring about the Tule Elk and Point Reyes National Seashore.

**Mariann:** It is such a compelling issue, and for those of you who aren't aware, we, of course, had Sue on. I think it was episode 618, and I highly recommend you listen to that interview because you really went into detail about this insane situation of why there are dairy farms and cattle quote-unquote ranches in one of the most beautiful national parks in this country.

For those who missed that, or don't remember that interview, can you quickly recap what the basic situation is?

**Sue:** Okay. I'll try to just sum this up as briefly as I can. Point Reyes National Seashore is a national park unit. It's this incredible 70,000-plus acre oasis of nature a mere 35-37 miles from San Francisco.

It was created in 1962, and when it was created, there were dairies and ranches located in a part of the park. They were paid, in today's dollars, 400 million for their land and given a period of, typically, about 25 years to continue working and using the land, and then they would move on.

Well, that was 1962. The 25 years have come and gone, and they're still there, and the park is allowing them to extend their stay.

In 2015, three environmental groups sued the park service because of the death of Tule elk. In fact, half of the herd that's kept in Tomales Point, it's called the Tomales Point Sanctuary, died because the Tule elk that are behind this eight-foot, three-mile fence don't have access to adequate water and forage.

In fact, they would probably not even choose to live there, if they weren't held there, because they're browsers and grazers, and the plants that they prefer are not there.

**Mariann:** It's just such a ridiculous story, that this has been allowed to happen.

Tell us a little bit about who the Tule elk are.

**Sue:** They're endemic to California, they were hunted to near extinction by white settlers in the late 1800s. They had coexisted just fine for thousands of years with the indigenous people who lived on the land. They were reintroduced into the park in the seventies, and their numbers gradually grew, but throughout the entire state, there are 5,000 Tule elk, which is 1% of their original population.

There are 5,000 cows alone in Point Reyes National Seashore, and they take over one-third of the park. As far as the Tule elk, right now, they're located in three areas in the park. Two are considered free-ranging, which I wouldn't even call completely free-ranging because there are like 350 miles of fencing throughout the park, so they will encounter this fencing from the farms, the dairies and ranches.

So you have the two considered free-roaming herds, and then the Tomales Point herd is actually held behind an eight-foot, three-mile fence. They died during the drought in 2015. And then, this lawsuit brought about that the park had to do a new general management plan, and in this plan, they had to decide between various levels of whether they'd allow ranching or completely eliminate it.

So again, long story short, after much public outcry and various conservation groups, environmental groups, saying "You need to remove ranching and dairies from the park and allow wildlife to come back and the habitat to regenerate," they chose to not only allow ranching and dairies to continue but to let them expand their operations with 20-year leases.

So this was approved in 2021. The leases have not been signed yet, and I can go into that in a little while, why I think they probably haven't been signed. But in the meantime, the Tule elk are still behind the fence. They're suffering from a lack of water and forage. In the last count in 2021 in the Elk Reserve, their numbers went down by 72, and they were down to 221 individuals. The year before, the count went down by 152.

What's very interesting is the count is usually done in December. December has come and gone, and the Park Service has said nothing, which worries me. Are the numbers so bad that they don't even want to share them?

**Mariann:** It sure sounds like what's happening, doesn't it?

**Sue:** Yes. And then, in September of this past year, the Sierra Club sent a letter to the park, and they said, "Hey, we've been out to this reserve...", which I hate that word reserve. It's not a reserve. I think I said sanctuary earlier. It's not a sanctuary. It's called the Tomales Point Reserve, it's the Tomales Point Prison, really, if you think about it, because the elk can't leave.

So they sent this letter saying, "We observed the water tanks out here...", because, I think I explained on the last episode, the park finally did provide, after much outcry from the public and protests, tanks that feed some troughs with water. They did that in 2021.

Well, now it's 2022, and in September, it was really dry. This was before these torrential rains in California, and the Sierra Club noted that the troughs were near-empty or covered with algae. So they notified the park, and the park within a week, it comes up on their website, "We've been out to the reserve, and we're maintaining the troughs and the tanks. We replaced a spigot, and we turned the spigots on from the tanks to the troughs."

But they never said anything about filling the tanks with water. So other individuals, who had been out there prior to that, said the tanks are empty at this point.

It's expensive for them to truck water out there to these water tanks, so they just have this way they make statements that sound like they're really doing something beneficial, but are they really doing something beneficial? Or just trying to kind of cover their tracks and make themselves look good?

So I would say the Tule elk, they're not doing great. Well, they're not doing well behind that fence.

**Mariann:** I think I heard some story about the fence having been cut at some point. What happened there?

**Sue:** Back in mid-October, 14 fence posts were chainsawed down, 14 posts that make up this three-mile fence. And there was a handwritten banner that was left that said, "Life is free."

It just happened that Jack Gescheidt, who is the organizer and works with IDA, In Defense of Animals, just happened to be out there hiking and looking around because he was planning. About a week after that, we were to have the water bucket brigade, which is an event we've done before where we carry...

It's several miles out to the troughs, or actually out to a pond. We go out to a pond and carry water, and it's a good way to generate publicity, showing that people have to bring water to the elk. We realize it's not enough water. You do it on a Saturday, there are lots of park visitors, you can give them information. So it's good outreach.

Well, he happened to be out there, and he saw these downed posts, and his first thought is if the elk get tangled up in this, it will cause them harm. This is not good. And then think about it, they're not truly free because what'll happen? They'll roam onto this leased land, they won't be welcome. They'll be hazed and who knows what. So he actually contacted the Park Service to say this had happened. "I'm not responsible. Our group, the coalition to Save Point Reyes National Seashore, did not do this."

So the park service then repaired the fencing, and no harm whatsoever came to the elk. It got a little bit of traction in the news, but not much. But here's the interesting thing. I don't know if you heard, but just recently, maybe a week and a half ago or so, somebody took to Twitter, and they go by "I like Tule elk."

This person said that they cut the fence, they did it on their own, just as a part of the public, and they plan to take no further action at this time. And they wrote a very long letter to the Park Service. This letter was also obtained by the Pacific Sun, and they wrote an in-depth article on this now.

And it's interesting. I read the letter. You can read the letter on Twitter. It's, @ILikeTuleElk, and the person is very knowledgeable as to the whole situation and the history behind this. They really took the time to know what's going on. And they said they just want to draw attention to the fact that these animals are suffering in a national park, and the park service just really doesn't even want to talk about it.

They don't want to deal with it. It's almost like they'd like the animals to just... you feel like if their numbers keep going down and eventually they're not there, then the park service doesn't have to deal with it any longer.

**Mariann:** There's not a doubt in my mind that they just want these animals gone.

They're just a nuisance to them, and they're not trying to give them appropriate habitat or keep them healthy or anything. It just seems obvious that they're a headache to them, and they would like them gone.

**Sue:** Right. And it seems like they're in the pocket of the ranchers.

When I say the Park service, I mean it's the higher-up park service. I don't...

**Mariann:** Totally! That's always the situation.

You know, even dealing with the USDA, a lot of the inspectors who work with the USDA, they're really trying to do their job, and they're being stymied from up above.

You see that so often with federal employees.

**Sue:** Right; I've never had a problem out at the park when I've been at the visitor center passing out brochures or been at a protest. They're caught in the middle.

So initially, when the fence was cut, I thought, "Oh my gosh, the elk could be harmed by this, and they're going to end up on ranchland, and they'll be hazed." Nothing bad came to the elk, and then it generated more publicity.

And this person is now on Twitter, and so I think it worked out.

**Mariann:** It worked out okay.

**Sue:** Yeah, it worked out okay. And I'm not going to throw anyone's activism under the bus so.

**Mariann:** Totally. That's the worst thing that can happen in any campaign is for the activists to start sniping at each other.

I mean, sometimes people do things that you just have to speak out against, but it sounds like this person meant well, maybe didn't do the wisest thing, or maybe did, I don't know. But yeah, I'm so glad that the way it came together, it really worked out for the best.

The last time we spoke, there was, I think more than one lawsuit going on. They were in kind of early stages. Are there any updates on that?

**Sue:** Okay, so there is the lawsuit that you know of by The Animal Law Clinic at Harvard Law School. That was March 21st, that was filed, and when they initially filed it, they also asked for...it was like an injunction and restraining order; I don't think I have all the legal terms correct.

**Mariann:** It doesn't matter.

**Sue:** What they asked for is, "Okay, this lawsuit is being presented because of the deaths of the Tule elk within the reserve."

It's three citizens that are doing this, and it's Jack Gescheidt who organizes the protests, the filmmaker Skyler Thomas, who did *The Shame of Point Reyes*, and another woman who's involved with a conservation group in that area. And so, what the lawsuit asked for is, in the meantime, while this could stretch out, we want the park service to provide adequate water and nutrition, and unfortunately, that was denied.

The case was heard last February, and the judge hasn't ruled on it yet, so we're just waiting to see. Some people are saying, "Well, rattle that judge. Tell him to hurry up!" But the advice that everyone's receiving, the legal advice, is you don't annoy a judge.

**Mariann:** It's not going to make anything happen. They will decide the case when they want to decide the case, they don't care.

I mean, if an emergency happened or something, you could bring another motion or whatever, but you can't just force a judge to rule quickly.

**Sue:** No. And then another lawsuit was filed by the same environmental groups that filed the lawsuit in 2015 that kind of got this all rolling with looking at ranching and dairy.

They, of course, filed another lawsuit after the park decided that they were going to let the ag businesses not only continue to expand and give them 20-year leases. So that lawsuit is ongoing, and I have no idea how that is playing out. They're not saying anything at this point.

But what's interesting, and what some folks who understand legal aspects better (think), is that is most likely what is preventing the leases from being signed because it's been well over a year since it was stated that they were going to do that, and the leases have not been signed. So I think the lawsuits help to not

only bring more publicity to it, but it stalls the whole process of the park service moving forward. So, I look at it as good

**Mariann:** It sounds like you might be right. Unfortunately, the elk are still there and suffering during this whole period. It's good to have that delay, but the delay isn't helping the elk in the meantime.

From what you're saying, it sounds like the answer is no, but have they done anything to improve the situation for these elk? It sounds like they've done the opposite if they've let the water tanks run dry.

**Sue:** Right, they provided them, but then it's questionable. And who knows, (after) September, when this all played out, and the public would've continued to question, then they most likely would've had to fill the tanks. After the public cries out, they're forced to do things.

Fortunately, it rained before it became an issue. I guess that's the one good thing about the torrential rains we've had, the ponds that are now filled, and the elk do have adequate water. They've provided mineral licks because the forage there does not provide some of the minerals they need; I think copper and selenium are a problem.

So, that's good. But nevertheless, they need to be free-ranging. And the last time they did an elk management plan for the fenced elk was in '98, and per that plan, the best strategy going forward would be to have the elk free-roaming. That they were the original native animals in that area, and they should be free-ranging, their own plan states that. And in '94, they had an elk expert panel look into the situation, and they said the same thing basically.

**Mariann:** So I'm not sure I have this right, but you talked before about the original lawsuit in which they were required to do this general management plan.

**Sue:** Correct.

**Mariann:** And my understanding, and correct me if I'm wrong, is that they did a general management plan, but they didn't really address these particular elk, these elk who are being held prisoner, and what their plan was for them. Is that right? And aren't they required to make a plan for these elk and reveal, perhaps, what it is they're thinking?



**Sue:** The previous lawsuit was due to the deaths of the elk in the reserve. Which, they're in the reserve because of ranching. So really, that lawsuit was looking at that and the idea of getting ranching and dairies out of the park. But that general management plan does not address that reserve.

So, What the Park Service is saying is now that they're going to do a new elk management plan, which is interesting because one of the volunteers and members of the coalition to Save Point Reyes National Seashore is a retired attorney that worked for the government and is an expert on park service law, and he said that that goes against their rules.

You don't do a management plan for an animal, the elk, before you do a general management plan and decide how you're going to use the land in that area. So, he's already bringing that up, are they even going about this correctly, and are they just trying to do this process-oriented plan to get what they want? Who knows?

**Mariann:** Yeah, it all does sound very dicey, and delay is obviously an important factor here, and like what you said before, it just sounds like they really hope that they can just get rid of these elk. Hopefully, the activists will stand in the way of that happening. What is happening on the activism front?

**Sue:** You know, there there's been quite a few different events that have happened. For example, there was an event that was held in San Francisco, Free the Tule Elk and Cut the Cow Crap. IDA and Jack Gescheidt put that on, and that was a good event because it was held in Crissy Field, which is an area where you get a lot of foot traffic, and people coming through.

IDA made these really professional, informative pamphlets that we could give out to the public. IDA has been very helpful. In fact, if you go to [idausa.org](http://idausa.org) and just type in the search "Tule elk," they give nice information on it and give you ideas on what you could do to help if anyone is interested. So that was an event, and there were speakers, just informing the public of what is happening.

There was another event organized by Jack and IDA, and that was the hazmat suit walk. And IDA provided us, there had to be 40 of us, these yellow hazmat suits, and (we) walked from a public access point in the park, Keyhole Lagoon, to Kehoe Beach.

This was an area where one of the environmental groups, along with IDA, tested the water and found that the levels of three different types of bacteria far exceeded healthful limits for humans. I want to stress when they tested the



water, this was (a) Western Watersheds Project, the California division. When they tested the water, they didn't do it themselves. It was sent to an independent firm, so it was all on the up and up. So that was an event to raise awareness of these levels of bacteria in the water. And it's interesting, the park service was presented with this information, "Hey, look what's going on here!"

They never responded to it. And in fact, it was the county that posted warning signs at the beach area, but then took them down the next day because they decided it wasn't their jurisdiction. It had to come from the park's side.

**Mariann:** Wow, what a mess.

**Sue:** And then the park service didn't even put up signs.

**Mariann:** I'm just so glad the activists are still hanging in there, still coming up with creative protests, but it's a very, very frustrating situation.

I can imagine being there and seeing all of this happen and not being able to stop it. Of all of the issues we deal with, this just seems like an easy one. Of course, these elks should be allowed to roam wherever they want, and there should not be dairy and cattle farms in national parks, one of the most beautiful places in this country.

It's just all a disgrace. So, what do you think? Do you see any light at the end of the tunnel?

**Sue:** I like to think so. There are so many people working on this because when I say the Coalition to Save Point Reyes National Seashore, this is a conglomeration of all different environmental groups, conservation groups, people, and animal activists coming together. For example, Miyoko Schinner is very involved in this and has been very outspoken.

At the last California Coastal Commission water hearing on the issues having to do with how this impacts our coastal waters- because this park is on the coast and you have all this manure and bacteria that's being carried into the water- Jane made a statement and actually played the Tule Elk song.

So, I'm hopeful, and I see it coming to an end. There are so many people working on this, and let's face it, dairy is hurting already. So now these ranchers are going to have more demands put on them because people are demanding that they want the water clean. They don't want this going on anymore.

Another problem that came up, several ranching buildings were found to have non-existent or faulty septic systems, found by the public. The Park Service never finds the problems, the public finds and reports them. You never hear back on it. And some of this waste was being dispersed onto fields, which then gets carried into the water. Well, this has been shared with the California Coastal Commission, and so again, there are more eyes on this, watching.

So I just think as there's more outcry, more agencies are seeing what's happening here, that it will have to come to an end, just not soon enough.

**Mariann:** Yeah. It is soon enough to save at least some of these animals. It just seems like they're dying off as we speak. It's heartbreaking.

**Sue:** I know. I just learned, in fact, it was in the news yesterday. It sounds like Senator Diane Feinstein will not be running again, and Adam Schiff, he's going to be running for that seat. I think other Democrats will come up. So I'm not sure who the Democrat will be...

**Mariann:** I love Adam Schiff!

**Sue:** Me too!

**Mariann:** And of course, he's vegan.

**Sue:** Right. And I think he would be much more sympathetic.

**Mariann:** Well, almost anybody would, except for Diane Feinstein, she's been a nightmare in so many different ways, this included.

**Sue:** Yeah, she's been in the pocket of ranching all along.

**Mariann:** Ridiculous that she would be representing California. It is just ridiculous.

So that sounds promising. That sounds very promising. Getting somebody good in there.

Thank you so much for sharing all of this. It's so interesting to be able to dig down deep into one particular campaign and understand the amount of effort and the amount of passion that has to go into this and the forces that you're up against.

And it's really heartening to hear how much everybody is still really hanging in there for these elk. It's a disheartening, and at the same time, inspiring story.

**Sue:** I know. You have to look at the positive in all of this. I remind myself of all the good people working on this and more people coming to it, and I do want to remind everyone this is a national park, so we all have a say in this. It's not just a California issue. It makes a difference if you contact your people in Congress.

I have the Capitol switchboard on my phone. It's good because there are other causes I'm interested in too. So when I see that they need help, I just punch it in, you ask for your representative, they connect you, and it takes literally a minute or two. I was really nervous to do it in the beginning, but there's no need to be.

**Mariann:** No. They're always nice to you because they want your vote! There's no chance that they're going to get mad at you. They may hate you, but they're not going to show it.

**Sue:** It's a couple-of-minute way of being involved and making your voice heard.

**Mariann:** Well, I hope everybody does that because I totally agree with you. These elk belong to all of us, and we all have a role in protecting them. Along with the cows as well, who are also suffering as a result of this travesty.

**Sue:** Too much suffering all the way around.