

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 28 2026

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

RESOURCE RENEWAL INSTITUTE;
CENTER FOR BIOLOGICAL DIVERSITY;
WESTERN WATERSHEDS PROJECT,

Plaintiffs - Appellees,

v.

NATIONAL PARK SERVICE,

Defendant - Appellee,

POINT REYES SEASHORE RANCHERS
ASSOCIATION; JULIE EVANS-ROSSITTI;
DAN EVANS; DOLORES EVANS,

Intervenor-Defendants -
Appellees,

and

ROBERT J. MCCLURE; RUTH MCCLURE;
TIM KEHOE; TOM KEHOE; MIKE KEHOE;
EMILY KEHOE; JANELLE KEHOE; JUSTIN
KEHOE; ANNE KEHOE; TIM KEHOE, Jr.;
BETTY NUNES; TIM NUNES; JACKIE
NUNES-HEMELT,

Intervenor-Defendants,

v.

AGRICULTURAL WORKERS, Does 1-8;
Proposed Intervenor,

Movants - Appellants.

No. 25-251

D.C. No. 3:22-cv-00145-MMC

MEMORANDUM*

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Appeal from the United States District Court
for the Northern District of California
Maxine M. Chesney, District Judge, Presiding

Argued and Submitted December 4, 2025
San Francisco, California

Before: R. NELSON, COLLINS, and VANDYKE, Circuit Judges.

Eight pseudonymous individuals (“Agricultural Workers”) appeal the district court’s order denying their motion to intervene in a lawsuit between three nonprofit organizations (“Plaintiffs”) and the National Park Service (“Park Service”) concerning the management of Point Reyes National Seashore (“Point Reyes NS”). We have jurisdiction under 28 U.S.C. § 1291. *See Donnelly v. Glickman*, 159 F.3d 405, 409 (9th Cir. 1998). We dismiss the appeal as moot.

I

In the underlying lawsuit, Plaintiffs alleged that the Park Service’s 2021 “Record of Decision” (“ROD”) and related General Management Plan Amendment (“GMPA”), which expanded the scope of permissible private ranching within Point Reyes NS, violated the Administrative Procedure Act (“APA”) and several other federal statutes. Plaintiffs also alleged that the 2020 Environmental Impact Statement (“EIS”) on which those actions were based violated the National Environmental Policy Act.

In October 2024, the Agricultural Workers—who asserted that they reside

and work on privately leased ranches within the Point Reyes NS—sought to intervene as of right pursuant to Federal Rule of Civil Procedure 24(a)(2). They argued that intervention as of right was warranted because (1) they have a protected interest in their residences; (2) their protected interest would be impaired by the disposition of the underlying lawsuit because they would lose their livelihoods and homes; and (3) their interests would not be adequately represented by the existing parties. Notably, they sought to intervene only as defendants, and attached a proposed answer to Plaintiffs’ complaint. Although that answer included a concluding section stating that the Agricultural Workers “anticipate asserting cross-claims against both the [Park Service] and Plaintiffs,” no such proposed cross-claims were ever submitted in the proceedings in this case.

While their motion to intervene was pending, the Agricultural Workers (together with several other ranch residents) filed a separate action against the Park Service seeking declaratory and injunctive relief that would allow them to stay in their homes.¹ They sought a temporary restraining order, which the district court denied.

On January 8, 2025, the parties to the instant suit notified the district court

¹ We grant Plaintiffs’ unopposed motion for judicial notice of certain documents, including the complaint, that were filed in that lawsuit.

that they had reached a settlement.² Under the settlement, the operators of approximately 12 different ranches (the “Departing Ranchers”) were given approximately 15 months to “wind-down their operations and depart from Point Reyes National Seashore.” Once the Departing Ranchers had left, Plaintiffs would file a joint stipulation to dismiss this action with prejudice. The Park Service also issued a revised Record of Decision (“2025 ROD”) rescinding the 2021 ROD and adopting a new management plan for the ranchlands.

After a hearing two days later, the district court denied the Agricultural Workers’ motion to intervene and administratively closed the case pending implementation of the settlement agreement. The Agricultural Workers timely appealed the denial of intervention.

In early February 2025, the Agricultural Workers voluntarily dismissed their separate action without prejudice. Around the same time, they filed a new action, together with multiple other plaintiffs, against (*inter alia*) the Park Service, the Departing Ranchers, and the Nature Conservancy. In this new action, the Agricultural Workers challenged the Settlement Agreement, the 2025 ROD, the Departing Ranchers’ agreements with the Nature Conservancy, and the failure to implement the 2021 ROD. That action remains pending.

² We grant the Park Service’s unopposed motion to take judicial notice of the settlement agreement, the new Record of Decision issued in connection with the settlement, and a subsequent complaint filed by the Agricultural Workers.

II

As a threshold matter, the Park Service contends that the Agricultural Workers’ appeal in this case should be dismissed as moot. Because mootness implicates our jurisdiction, we must address it first. *See Ahlman v. Barnes*, 20 F.4th 489, 493 (9th Cir. 2021). “[A]n appeal of a denial of intervention is moot if it is ‘impossible for the court to grant any effectual relief whatever to the putative intervenor even if [the court] were to determine that the district court erred in denying his intervention.’” *Center for Biological Diversity v. Bureau of Land Mgmt.*, 69 F.4th 588, 593 (9th Cir. 2023) (citation omitted). We conclude that, under this standard, this appeal is moot.

As noted earlier, the Agricultural Workers sought to intervene *solely* as defendants. Although their proposed answer suggested that they would also seek to assert cross-claims in this action, they never did so. Instead, they filed affirmative claims in two separate actions. In the absence of any claims in this case for affirmative relief that would require the parties to adhere to the practices and actions that the Agricultural Workers sought to defend, the Park Service’s definitive decision to abandon that conduct and to undertake new agency actions adopting a different policy leaves the Agricultural Workers with no defense to join in this lawsuit.

In particular, any defense against Plaintiffs’ challenges to the 2021 ROD and

the policy choices predicated on that ROD are now moot in light of the formal rescission of the 2021 ROD and the issuance, in its place, of the much different 2025 ROD. *See Center for Biological Diversity*, 69 F.4th at 592–94; *cf. also Aluminum Co. of Am. v. Bonneville Power Admin.*, 56 F.3d 1075, 1078 (9th Cir. 1995) (holding that a challenge to a superseded ROD was moot). Although the underlying suit that the Agricultural Workers seek to join has not yet been formally dismissed pending complete cessation of operations by the Departing Ranchers, there is simply no live dispute remaining in this action concerning the defense of the Park Service’s now-rescinded actions and policies.

The Agricultural Workers contend that allowing them to intervene in this lawsuit would give them “a seat at the negotiating table” and allow them to ask for conditions on its eventual dismissal. This argument would have some force if the settlement agreement required court approval or if it contemplated some affirmative substantive order from the district court to which the Agricultural Workers could interpose an objection. *Cf. Cooper v. Newsom*, 13 F.4th 857, 864 (9th Cir. 2021). However, the settlement does not involve any such affirmative court order, but only a voluntary dismissal without a court order under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

The Agricultural Workers nonetheless argue that, *if* they are permitted to intervene as defendants, then (1) as a party, they could block a voluntary dismissal

of the action by withholding their consent to a dismissal, *see* FED. R. CIV. P. 41(a)(1)(A)(ii) (stating that a post-answer voluntary dismissal requires a stipulation “signed by all parties who have appeared”); (2) that would, in turn, require a court order setting terms of dismissal under Rule 41(a)(2); and (3) the Agricultural Workers could then interpose objections and suggest conditions for the court’s dismissal order. But the effective leverage that Rule 41 thus grants to a party is not a bootstrap; it is a *consequence* of having otherwise been made a “party” who is able to obtain some effective relief by asserting the claims or defenses for which intervention in the litigation is sought in a still-live underlying dispute. The Agricultural Workers do not meet that standard.

As noted, the Agricultural Workers sought intervention solely as defendants, but any defense against Plaintiffs’ claims challenging the Park Service’s prior actions is now moot. To challenge, in this lawsuit, the different course of action on which the Park Service has embarked would have required the Agricultural Workers to seek to assert in this action *some* sort of affirmative claim challenging the settlement or the lawfulness of the parties’ actions and seeking some sort of available judicial relief. *Cf. United States v. Sprint Commc’ns, Inc.*, 855 F.3d 985, 990 (9th Cir. 2017). But the Agricultural Workers never properly did so. A putative intervenor who has no properly preserved, non-moot basis for obtaining relief from the district court *as a party litigant* cannot avoid mootness on the

ground that it should nonetheless be permitted to hang around so that it can wait, like a troll, solely for the opportunity to seek conditions on any voluntary dismissal of the action if and when the actual litigants seek that.

We reiterate that we do not have before us any issue concerning the still-pending separate lawsuit in which the Agricultural Workers *have* asserted affirmative claims challenging the conduct of the Park Service, the Departing Ranchers, and the Nature Conservancy. We express no view concerning the proper disposition of that lawsuit.

DISMISSED AS MOOT.