

MEMORANDUM  
November 11, 2011

TO: File

FROM: Judy

SUBJECT: DEIS – Additional Background and Proposed Comments

Additional Background:

Wilderness advocates, including the National Park Conservation Association (NPCA) and the local Environmental Action Committee of West Marin (EAC), argue that the failure to eliminate the “commercial” cultivation of shellfish in Drakes Estero so it can be converted to full wilderness status in 2012 would set a dangerous precedent for management of other potential wilderness areas. In contrast, the High Sierra Camps in Yosemite are designated “potential wilderness” sites and these groups are not arguing that these popular destinations should be closed.

Wilderness advocates also assert that one of the primary values of “wilderness” is the opportunity to experience solitude in a natural setting. In a recent letter to the editor a kayaker spoke of having the spell of a magical time on a Friday afternoon being broken by the sound of a motorboat used in cultivating the oysters. However, wilderness advocates who seek solitude on Drakes Estero have not asked that the paved road to a popular beach or the service roads to campsites within the existing wilderness area be closed so visitors can enjoy solitude.

According to the owner of a commercial kayak company that operates in Drakes Estero, many of their guests speak positively about the opportunity to observe how shellfish are cultivated. This suggests that only a few local kayakers, including some leaders in the EAC, object. Interestingly, EAC, a small local nonprofit, has hired someone specifically to manage the EAC’s battle to force DBOC to close.

Some impacts identified during the scoping process were disregarded as having “less than minor impacts.” One is “environmental justice.” While the DEIS recognizes that there would be a loss of jobs and housing if DBOC is

closed, it dismisses the issue from further analysis on the ground that “[i]t is unlikely that [closing the oyster farm] would have a disproportionate impact on low-income and minority populations at a regional (countywide) scale.”

As for “visitor experience”, the DEIS acknowledges “[d]uring public scoping it became evident that some visitors to the Seashore view the commercial oyster operation as an integral part of their visit . . . .” [DEIS xiii] Nevertheless, in the summary of environmental consequences, the DEIS concludes that allowing the oyster farm to continue would not:

. . . further the goals of relevant law and policy. Visitor services must be consistent, to the highest practicable degree, with the preservation and conservation of the resources and values of the Seashore. [Citations omitted.] DBOC’s operations are not consistent with the values for which Drakes Estero was congressionally designated as wilderness. [DEIS p.145]

NPS has issued several reports of harm to the flora and fauna caused when boats go into the Estero to tend to and harvest the shellfish since 2007. In a 2008 report, the National Academy of Sciences’ National Research Council described one of the Seashore’s early reports as having “in some instances selectively presented, overinterpreted, or misrepresented the available scientific information . . . by exaggerating the negative and overlooking potentially beneficial effects.” A similar conclusion was reached by the Department of the Interior Solicitor General.

Early in 2011, an Interior Solicitor investigated charges that Park staff committed “scientific misconduct” when they failed to disclose data collected using hidden cameras focused on the oyster farm’s operation in Drakes that documented seal disturbances by kayakers, rather than oyster cultivators. The Solicitor acknowledged that Park employees “mishandled” the information but concluded that there was no intent to defraud or deceive. True to the National Park Service culture of protecting its employees and reputation, the Park Service issued a press release carefully crafted to say that Park Service employees were cleared of wrongdoing.

In its 2009 report on shellfish cultivation in Drakes Estero, the National Academy of Sciences National Research Council observed that the 1980 General Management Plan for the Seashore includes preserving oyster farming at Drakes Estero as an objective. The NRC report suggests that if

the DBOC's occupancy is extended beyond 2012 a "collaborative interpretative center" could be established. Most intriguing:

Under this scenario, science would be needed to set and adaptively modify permit conditions under the new [Permit] and to develop exhibits for the interpretative center on the ecological role of oysters as an ecosystem engineer or foundation species in estuarine ecosystems, the history of overexploitation, the challenges of nonnative species, conservation problems, the issue of how changing ecological baselines influence wildlife preservation and habitat restoration, the relationships between mankind and oysters, and the challenges of environmental and cultural sustainability. . . ." [Shellfish Mariculture in Drakes Estero, Point Reyes National Seashore, California, p.82.]

The NRC vision of an interpretive center built around the shellfish operation can only be effectively implemented if the oyster farm is assured sufficient tenure to make the improvements needed to support this vision. This assurance can be provided by the government retaining within the new ten-year Permit the existing Reservation of Use and Occupancy provision that explicitly provides for permit renewal, "provided . . . that such permit will run concurrently with and will terminate upon the expiration of the State water bottom allotments assigned to the [DBOC]."

#### Proposed Comment Topics:

Anyone with limited time who is inclined to comment on the DEIS could urge that the EIS consider an alternative that incorporates the recommendations of the NRS vision. Following are a few other proposed comments, some "borrowed" from what other commentators have written:

NPS should recognize DBOC as the important recreational opportunity for people of all ages, ethnicities and physical ability that it is.

A key part of the Point Reyes National Seashore's mission is to preserve and protect the diverse landscape of farms, ranches, fisheries and natural areas that reflect the historic qualities of the area, including shellfish cultivation in Drakes Estero. None of the described alternatives are appropriate to that mission.

The NPS has spent countless dollars and wasted employee time in a misguided quest to eliminate a sustainable and environmentally benign farm that provides dozens of green jobs. Instead of eliminating this farm, the NPS should be using this farm as an example of how sustainable food production can be compatible with natural preservation.

The oyster farm includes the only remaining oyster cannery in the State. It employs over 30 people, many women whose spouses work in West Marin; provides five housing units in a market where affordable housing is extremely scarce; and each year draws thousands of ethnically diverse visitors whose cultures value fresh seafood and whose visits are important to West Marin economy. The DEIS skews the discussion of each of these impacts and values so as to discount them. That should be corrected in the final EIS.

Environmental advocates for the oyster farm see the removal of oysters, well-known filter feeders, from Drakes Estero as another step in an effort to eliminate the ranches in the Drakes Estero watershed. The Park Service's failure to take mitigation measures to prevent elk from moving into the pastoral zone where they damage fences and eat forage needed for livestock is consistent with a suspected plan to eventually eliminate agriculture in the Seashore. Many believe that this will ultimately result in a loss of the critical demand of support services needed for agriculture to survive in Marin County. This point should be addressed in the EIS.

In one of the most environmentally conscious areas in the country the National Park Service actions against the Drakes Bay Oyster Farm have pitted wilderness advocates against environmentalists who support local sustainable food production and its role in a healthy community. This undermines the credibility of both the NPS and the nonprofits that use their political clout to support it. The final EIS should consider the benefit to science and the environment of granting DBOC a long-term SUP and enabling it to increase its role in interpreting the marine environment as suggested in the National Research Council's 2009 report.