

Marin Voice: Don't commercialize wilderness

07/30/2009

NONA DENNIS

IN SEPTEMBER, Americans will be inspired by Ken Burns' latest documentary, "National Parks: America's Best Idea." Viewers will be exposed to not only majestic scenery and historic sites but also to stories of tenacious fights by ordinary citizens to protect lands and waters we now treasure in our park system.

Similarly, the people of Marin County, the state and the nation played heroic roles in creating Point Reyes National Seashore as part of our park system.

For more than 70 years - from the first acquisition of Drakes Beach by Marin Conservation League in 1938, to authorization of seashore in 1962, to the "Saving Our Seashore" campaign of 1969 under Peter Behr's leadership, to designation of wilderness areas within the seashore in 1976, to the present - this saga of conservation consists of challenges and victories of people working toward one objective.

The end result was an amazing feat - to make this "Island in Time" available to the public, the owners of "America's best idea." Beyond gaining public ownership of the seashore, however, we also celebrate the preservation in perpetuity of its unique ecosystems.

The Drakes Bay Oyster Co. controversy, which has taken on many facets, is simple at its core. Its owner purchased the oyster company in 2005, with seven years remaining in its permit. He was informed that the right to use and occupy ("RUO"), negotiated in 1972, would terminate in 2012 - no dispute on this point.

Kevin Lunny could have abided by this agreement. Instead, he launched a campaign to seek an extension, winning Sen. Dianne Feinstein's support to upend the federal Wilderness Act protections and basic park policy. This action bypasses years of public input and expectations for wilderness and serves a single commercial enterprise over land protection.

Congress spoke clearly and advisedly about this issue in 1976. Years of hearings took place. MCL and many others spoke, and testimony was gathered.

In the end, Congress reached a well-supported compromise. Some ranchland was excluded from wilderness designation, while other areas, including Drakes Estero, were included in wilderness,

to be preserved as refuge for wildlife under the most natural conditions possible, and refuge for present and future generations to experience these places, free from commerce.

Congress had three options for Drakes Estero: Leave it out of wilderness designation; include it as full wilderness, which would have required the oyster company to vacate immediately; or designate the area as potential wilderness, allowing the nonconforming use to continue until its permit expired. Opting for the latter signified a thoughtful compromise to preserve the rich natural diversity of Drakes Estero while protecting the oyster company's existing permit.

Congress never intended for the operation to stay past its permitted term.

Feinstein's backdoor rider to an appropriations bill breaks this careful compromise, perpetuating for another 10 years a commercial operation in the estero that runs counter to the wilderness system, here and nationwide.

In a surprising turnaround, Rep. Lynn Woolsey has actively lent her support to a process that excludes formal committee hearings and public testimony.

Feinstein's rider also favors a specific commercial enterprise, contrary to federal competitive bidding requirements. It also includes the highly unusual provision that allows the oyster company to veto any permit modifications or enforcement actions by the Park Service.

Sen. Feinstein has not adequately justified this break with public trust. Nor has she justified exposing protected areas across the country to uses inconsistent with law, especially through this suspect earmark process.

We call on Congress to strip this amendment from the appropriations bill. The long-term public investment in wilderness and the national parks system is being pushed aside for the short-term benefit of one business.

Nona Dennis of Mill Valley is president of the Marin Conservation League.