

Ron Sundergill and Sara Barth: Why oyster company must go

11/06/2007

http://www.marinij.com/marinvoice/ci_7382380

THE CALIFORNIA Coastal Commission's analysis of oyster cultivation in Drakes Estero, which is part of Point Reyes National Seashore, confirms the concerns of many experts: Drakes Bay Oyster Co.'s operations negatively impact the estero's precious natural resources and wildlife habitat by disturbing harbor seal haul-out sites and bird habitat, allowing oyster boat propellers to damage eelgrass and providing unnatural habitat for invasive species.

Thankfully for the seals, birds and other species that depend on the estero, the commission provides recommendations for the company to mitigate, though not eliminate, the threats that the oyster production operation poses to the estuary. These include halting oyster cultivation on and boating near tidal flats that are harbor seal haul-out and pupping sites and removing bottom bags in eelgrass habitat.

There is an additional issue that must be addressed: The continued operation of Drakes Bay Oyster Co. prevents the estero from receiving the complete protection that Congress intended it to receive.

In 1976, Congress designated certain areas of Point Reyes National Seashore as "wilderness," guaranteeing those areas would forever be managed to the highest conservation standard. Congress designated other areas of Point Reyes, including Drakes Estero, as "potential wilderness" and directed that efforts be made to remove all activities and uses that were inconsistent with wilderness to allow the area to achieve wilderness status. The existence of the oyster operation was the primary reason the estero did not receive full wilderness protection in 1976, and it continues to be the sole obstacle to wilderness protection.

The Park Service mandate to remove the oyster operation is guided by the Point Reyes Wilderness Act, the Park Service Management Policies, the Point Reyes General Management Plan and the legislation that established Point Reyes National Seashore. The first opportunity the Park Service has to fulfill its legal obligations and remove the oyster company is in 2012 when the company's lease for operating within the park expires.

Before Drakes Bay Oyster Co. purchased the operation in 2005, it was notified by the Park Service that the existing lease would expire in 2012 and would not be renewed. Despite this warning, Drakes Bay Oyster Co. purchased the operation. The company now is demanding special treatment that would allow it to continue to jeopardize the estero's resources.

The only way Drakes Bay Oyster Co. can succeed in its effort to place its commercial interests ahead of the public's interest in protecting this special area is if it convinces Congress to pass legislation specifically for them. If the oyster company and its lobbyists succeed, it would be the first time Congress took an area of "potential wilderness" in a national park and downgraded its protective status simply to perpetuate a commercial enterprise. Such a step would set a dangerous precedent.

Such a step also would be a departure from California's long legacy of bipartisan legislators who have championed the creation of new wilderness areas, including the recently enacted Northern California Coastal Wild Heritage Wilderness Act and the California Desert and Mountain Heritage Act. If these new wilderness designations are to have real meaning, we and our congressional champions need to be confident that the designations will not be overturned.

The leadership of Marin also has a strong history of support for wilderness protection and our National Park system. The Point Reyes Wilderness Act of 1976 was approved by agriculture and wilderness supporters, as it protected the interests of both groups, and the Marin Board of Supervisors gave its seal of support. It is up to us and today's political leaders to ensure that their vision is fulfilled and that the estero enjoys permanent protection.

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More information can be found at www.savedrakesbay.org