

A statement by the Secretary of the Interior Department during a press conference last month has raised questions about the department's plans for the future of Drakes Bay Oyster Company. Secretary Ken Salazar is expected to decide whether or not to renew the oyster company's permit, which expires in November 2012. Although his spokesperson said on Tuesday that he has not made up his mind, Salazar's statement was strong. "The oyster farm...has been there for a long time. Under current legislation, it will continue to operate as an oyster farm," he said.

The statement surprised Kevin Lunny, who operates the farm in Point Reyes National Seashore. Recent legislation transferred authority to renew his permit from the National Park Service to Salazar. Deputy Interior Secretary Will Shafroth visited Lunny last February, but Lunny has not heard anything from Salazar's office since. "It seemed like a good sign—first of all that he is acutely aware of the situation, and second of all that he is supportive," Lunny said.

Salazar's statement came at a critical juncture. In two weeks, Lunny is scheduled to meet with National Park Service scientists and officials from the Marine Mammal Commission to debate the veracity of key data that have been used to support the case for the oyster farm's closure—namely, its effect on harbor seals in Drakes Estero. The superintendent has long argued that Lunny's oyster workers disturb harbor seals that haul out on sandbars in the estuary, and has commissioned studies to prove it. But the data supporting those studies are questionable.

A panel convened by the Marine Mammal Commission is currently reviewing existing research on the oyster farm's effects. Director Tim Ragen postponed a debate about several contested data points until now, and cancelled a phone conversation on the same topic last month when Ragen decided the group should meet face-to-face.

"I will try to get this small group to look at all the data with the aim of identifying the strengths and weaknesses of the database so that they might collectively figure out ways to improve data collection," Ragen said. "In large part, the point is to promote discussion and see where that leads the people who know most about the data and the estero."

It is unclear how Ragen will decide whether to keep or eliminate the disputed data, and what the implications of that decision are.

Lunny, for one, is a bit nervous. "People are going to take this personally, no matter what," he said. "We are trying to put all of this behind us, but those data are going to continue to be used against us, and against everyone else in the industry all around the nation. We have a huge amount of documentation supporting our conclusion that it wasn't oyster farmers disturbing those seals."

A member of the National Academy of Sciences, Dr. Corey Goodman, agrees with Lunny that data collected by the National Park Service are flawed or fabricated. Lunny and Goodman will meet with Sarah Allen, Ben Becker and David Press of Point Reyes National Seashore and Tim Ragen and Samantha Simmons of the Marine Mammal Commission on May 4.

"For the past three years have been frustrating because no one has wanted to talk about the real data," Goodman said. "In order to move on we need to look at the record. We need to decide whether or not these disturbances were actually caused by the oyster farm."

### **Salazar's statement**

Salazar joined the chair of the White House Council on Environmental Quality, Nancy Sutley, and Secretary of the Department of Agriculture Tom Vilsack in a teleconference on March 26 to announce the White House Conference on America's Great Outdoors. During the press conference, a reporter with a Washington, DC-based magazine, Jonathan Harsch, asked Salazar whether the Interior Department planned to shut down the oyster farm at Point Reyes National Seashore.

"The Point Reyes National Seashore is one of the iconic recreational areas which provides a huge economic benefit to the community around it, through the number of people who come and visit and enjoy it, so it's a huge economic boost for the community, and the oyster farm within the national park is a farm that has been there for a long time," Salazar said. "Under current legislation, it will continue to operate as an oyster farm, and so the ranching that is going on at that particular seashore will continue."

Drakes Bay Oyster Company has been operating under a cloud of uncertainty since 2005. Not knowing whether or not he will be able to operate past 2012 poses logistical and financial problems for Lunny. While oysters grow to harvestable size within one and a half years, clams take three years to develop. So the clams Lunny is cultivating now are a gamble.

But gambling on future harvest is not Lunny's only concern. "What do we do when it comes to repairs, cause we have buildings falling down?" he asked this week. In addition, Lunny is instrumental in an effort to restore native oyster reefs in San Francisco Bay, and has been trying to get permission to cultivate the small Olympia oysters in Drakes Estero that he can donate to the project. But to cultivate native oysters he needs permission from the Department of Fish and Game, California Coastal Commission and National Park Service.

While Lunny hesitates to read too much into Salazar's statement, the Bay Area director of a propaganda video called "Oystergate" does not. Nicole Adams, who claims she spurred 3,000 letters to Salazar's office, took the video off the web this week as a gesture of success.