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United States Senate
WASHINGTON, DC 20510-0504
http://feinstein.senate.gov

May 5, 2009

The Honorable Ken Salazar
Secretary
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Secretary Salazar,

For several years, I have been concerned about the National Park Service's apparent efforts to shut down a family-owned oyster operation in Drakes Estero by casting it as harmful to the environment. Drakes Estero has been home to a family-owned oystering business since 1934 – long before the Park was established. It employs 30-40 people, and is part of the sustainable agricultural movement in West Marin. I have tried to work with NPS to mitigate concerns and allow the Lunny family to run its oyster company, and I appreciated former Park Service Director Mary Bomar's efforts to seriously consider the concerns of the oyster operation's owners regarding this issue.

The National Park Service has to make a decision soon on whether to renew the Lunny's permit to continue their mariculture operations in the Drakes Bay. Because of concerns about the scientific information being relied upon, and disseminated by, the Park Service, the National Academy of Science was asked to conduct a study about the impact of the oyster operations in the Estero. It released its report today, finding that the National Park Service "selectively presented, over-interpreted, or misrepresented the available scientific information on potential impacts of the oyster mariculture operation" (p. 53).

I find it troubling and unacceptable that the National Park Service exaggerated the effects of the oyster population on the Estero's ecosystem. I ask that you review the report and its findings, and acknowledge the Academy's finding regarding the "lack of strong scientific evidence that shellfish farming has major adverse ecological effects on Drakes Estero at the current levels of production and under current operational practices" (p. 5).

The Park Service's report, *Drakes Estero: A Sheltered Wilderness Estuary*, "gave an interpretation of science that exaggerated the negative and overlooked potentially beneficial effects of the oyster culture operation" (p. 53). As in other estuaries, oysters in Drakes Estero have a positive effect on water quality because they contribute to water filtration, the transfer of nutrients and other processes that improve water clarity. Even after correcting the errors found in the *Sheltered Wilderness* report, the Park Service's Clarification document is not fully consistent with the conclusions of the committee in two respects. First, the Park Service does not acknowledge "the changing ecological baseline of Drakes Estero, in which native Olympia oysters probably played an important role in structuring the estuary's ecosystem for millennia" (p. 2). Second, the Park Service "selectively presents harbor seal survey data in Drakes Estero and over-interprets the disturbance data which are incomplete and non-representative of the full spectrum of disturbance activities in the estero" (p. 2).

Researchers also found that the Park Service had "no acknowledgement of the historical baselines of the natural ecosystem before humans caused the functional elimination of the native Olympia oyster in Drakes Estero during the mid 1800s to early 1900s" (p. 58). This is important because Olympia oysters "were part of the historical ecological baseline condition of Drakes Estero" and could have played a "significant role in the biogeochemical processes of the estero" (p. 5), performing the same functions for water clarity and nutrient fixing provided by the oysters cultured in the Estero today. If the Park Service forces the cessation of the mariculture operations, it may well be eliminating conditions that were an important part of the ecosystem as it existed long before the park was established.

The National Academy of Sciences report does not present any compelling ecological reason for refusing to renew the Drakes Bay Oyster Company lease in 2012. Researchers propose that adaptive management informed by more thorough science could help address ecological effects, if any.

I appreciate the assistance of the Department of the Interior and National Park Service in attempting to negotiate a solution to the oyster farming issue. I think this is a significant report, and look forward to working with you on this issue.

Sincerely,

Dianne Feinstein
United States Senator

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