

12/9/91

JOHNSON OYSTER COMPANY

I. Harassment of Marine Mammals

A. Intentional

1. Case where Allen and Clobis witness harassment (see attachment A.
2. Data from Allen indicates that in at least two other instances it appears that workers intentionally flushed seals.
3. Case of seals shot in Estero (1986?)
4. Reports of shot fired in Estero.

B. Unintentional

1. Johnson workers collecting debris flush seals near mouth during breeding season while travelling to Drakes Beach.
2. Allen documents an average of 4 flushes per year over last five years.

C. Mere presence of racks and normal tending of racks on/near haul out sites seems to constitute a "take". Some racks within 100 meters of haulout sites, which seems to be within the "flee" (flush) distance.

II. Impacts on birds.

- A. Brandts
- B. Shore birds (small plovers?)

III. Impacts on eel grass and fisheries.

IV. Expansion of racks outside lease allotment. See attachment B. Reference beds 11, 14, 20, 21 on Attachment C.

V. Litter

- A. Numerous complaints from visitors over past three years.
- B. Collection by NPS and park "friends".
- C. Collection on Coast Cleanup Day (9/21/91); on Limantour, 51 coffee can lids, 180 pvc pipe.
- D. Collection made on Bull Point last Thursday. See Attachment D.

VI. Recommendations

- A. Remove any racks that are outside lease boundaries.
- B. Change lease boundaries to delete the area in the SW corner near Barries Bay as the current crop is harvested. See Attachment E.
- C. Restrict all boating traffic, including Johnsons, from

- mouth of Estero during pupping season. See Attachment F.
- D. Monitor Johnson employees to verify that boats are operated in a manner that minimizes disturbance.
 - E. Place sign at Johnson Oyster sales area to inform kayakers of harassment problems.

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

CASE INCIDENT RECORD

1. ORGANIZATION CODE 1 8 5 3 0		2. ORGANIZATION (PARK) NAME Pt. Reyes National Seashore			3. LOCATION CODE 0 3 0 6		4. CASE/INCIDENT NO. 890186				
5. LOCATION OF INCIDENT Drakes Estero				6. WHEN DID IT OCCUR?	MO. 0 4	DAY 3 0	YR. 8 9	24 HOUR TIME 1 5	HRS. 2 9	MIN. 9	7. DAY OF WEEK 1
8. OFFENSE/INCIDENT CODE 4 2 0 3 0 0		9. NATURE OF INCIDENT Wildlife - Marine Mammal Harrassment				10. HOW REPORTED In Person					
11. REPORTED BY Sarah G. ALLEN				12. ADDRESS 7 Bridge Ct., Fairfax, CA 94930				13. PHONE HOME 456-0187 BUSINESS			
14. RECEIVED BY R.C. Young				15. WHEN RECEIVED: DATE 5-2-89		16. TIME BROADCAST N/A		17. WHEN INVESTIGATED DATE 5-2-89 TIME			
18. INVESTIGATED BY R.C. Young				19. OFFICER/RANGER NO. 0 5 1 1		20. WHEN CLEARED DATE 5-27-89 TIME		21. DISPOSITION			

22. INVOLVED PERSONS	23. ADDRESS	24. PHONE	25. SEX	26. RACE	27. AGE	28. DATE OF BIRTH
1						
2						
3						
4						

29. DETAILS OF INCIDENT

On Sunday, 4-30-89, Marine Biologists Sarah ALLEN and John KLOBAS were leading a guided nature walk near the mouth of the Estero (Drakes). They reported observing a boat from Johnson Oyster Farm used to actively harrass a large number of harbor seals hauled out on a sand bar (see attached statements).

The following members of the group also observed this incident:

- | | | |
|---|--|--|
| 1) Deborah Gump
77 Angela Ave.
San Anselmo, CA 94960 | 4) Victoria Riley
342 Firefly Ln.
Sebastopol, CA 95472 | 8) Alan West
570 Road N
Redwood Valley
CA 95470 |
| 2) June Kristen
1112 Furlong Rd.
Sebastopol, CA 95472 | 5) Deborah Rogers
1488 Nut Tree Lane
Sonoma, CA 95476 | |
| 3) Kate Mawson
4833 Medica Rd.
Santa Rosa, CA 95405 | 6) Sara Sato
3211 Lowell Ave.
Richmond, CA 94804 | |

* (cc: National Marine Fish.)

7) Penny Valle, 574 33rd Av. SF, CA

30. QUANTITY	31. PROPERTY STOLEN OR DAMAGED	32. ESTIMATED VALUE	RECOVERED	
			33. DATE	34. VALUE
35. PROPERTY CODE OF HIGHEST VALUE	36. TOTAL		37. TOTAL	

INVESTIGATED BY (Signature and Date) R.C. Young 5-27-89

APPROVED BY (Signature and Date) [Signature] 5/28/89

To whom it may concern:

On Sunday April 30, 1989, John Klobas and I led a class for the Pt. Reyes Field Seminars out to Drakes Estero. While watching harbor seals at Drakes Estero, we observed at 3:29 pm a boat from Johnson's Oyster Farm disturb more than 700 adult seals, including about 250 pups, into the water. The boat was plywood or metal, painted white with an aqua blue bow deck and appeared newly painted. The length of the boat was about 13 feet and had a small outboard motor. The boat first stopped at some commercial oyster beds near Creamery Bay and one or two people who were collecting oysters there got on board. The boat then traveled along the main channel between Creamery Bay and Home Bay at about 10-15 mph, flushing seals into the water along the way. It then followed the main channel from Home Bay to the mouth of Drakes Estero and proceeded to flush most of the seals into the water all along the channel. If a boat maneuvers slowly on the outer edge of a channel across from hauled out seals, often times it can pass without disturbing them. This boat, though, was veering back and forth across the channel, maneuvering directly at the seals, and flushing them on purpose. I would call this disturbance an example of active harassment. We were observing from the bluff overlooking the estero on the north-west side and as the boat maneuvered below us we noted 3 individuals in the boat. One person maneuvering the boat was a blond-haired Caucasian male in his mid-20s. The other two men were dark haired and around the same age.

Sarah Allen
Sarah G. Allen

5/23/89

During the course of our weekend seminar (April 29-30)
Sarah Allen & I documented Harbor Seal harassment in
Drakes Estero by 3 adult males in a power boat. They had come
from Johnson's Oyster farm and had previously serviced several
oyster beds. Incident occurred about 1530 hrs. and flock \pm 700 seals.

Marine Mammals
April 29-30, 1989

~~Nancy Dakin
121 Carl St. #3
San Francisco, Ca. 94117~~

Deborah Gump
77 Angela Ave.
San Anselmo, Ca. 94960

June Kristen
1112 Furlong Rd.
Sebastopol, Ca. 95472

Kate Mawson
4833 Medica Rd.
Santa Rosa, Ca. 95405

Victoria Riley
342 Firefly Lane
Sebastopol, Ca. 95472

Deborah Rogers
1488 Nut Tree Lane
Sonoma, Ca. 95476

Sara Sato
3211 Lowell Ave.
Richmond, Ca. 94804

Penny Valle
574 33rd Ave.
San Francisco, Ca.

Alan West
570 Road N
Redwood Valley, Ca. 95470

John Kobos.
Sarah Allen

Deborah Gump

Kate Mawson

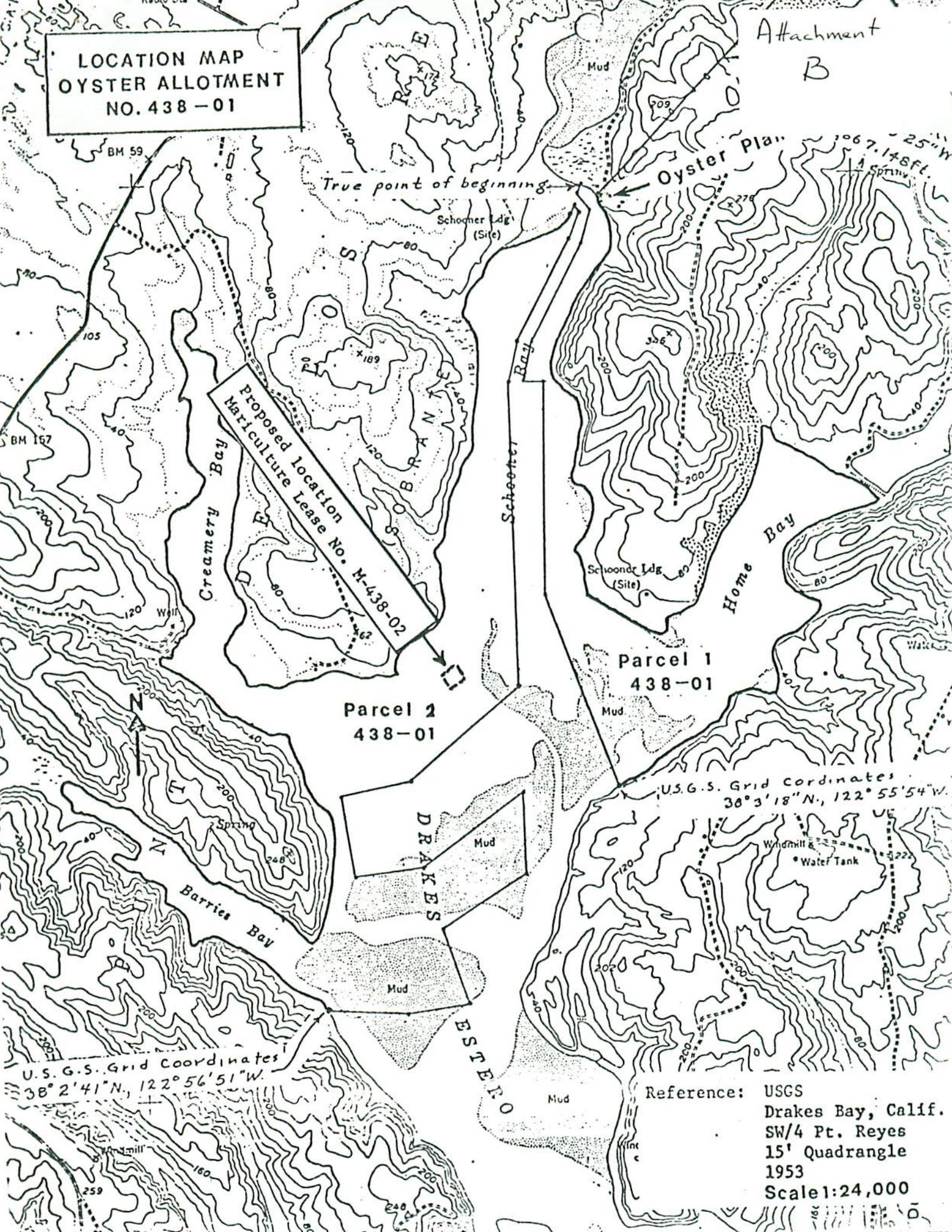
Victoria Riley

Deborah Rogers

Sara Sato

W. King

**LOCATION MAP
OYSTER ALLOTMENT
NO. 438-01**



True point of beginning

Oyster Plan

Proposed Location
Mariculture Lease No. M-438-02

Parcel 2
438-01

Parcel 1
438-01

U.S.G.S. Grid Coordinates
38° 3' 18" N., 122° 55' 54" W.

U.S.G.S. Grid Coordinates
38° 2' 41" N., 122° 56' 51" W.

Reference: USGS
Drakes Bay, Calif.
SW/4 Pt. Reyes
15' Quadrangle
1953
Scale 1:24,000

FIGURE 4

DRAKES ESTERO - JOHNSON OYSTER CO.

Attachment

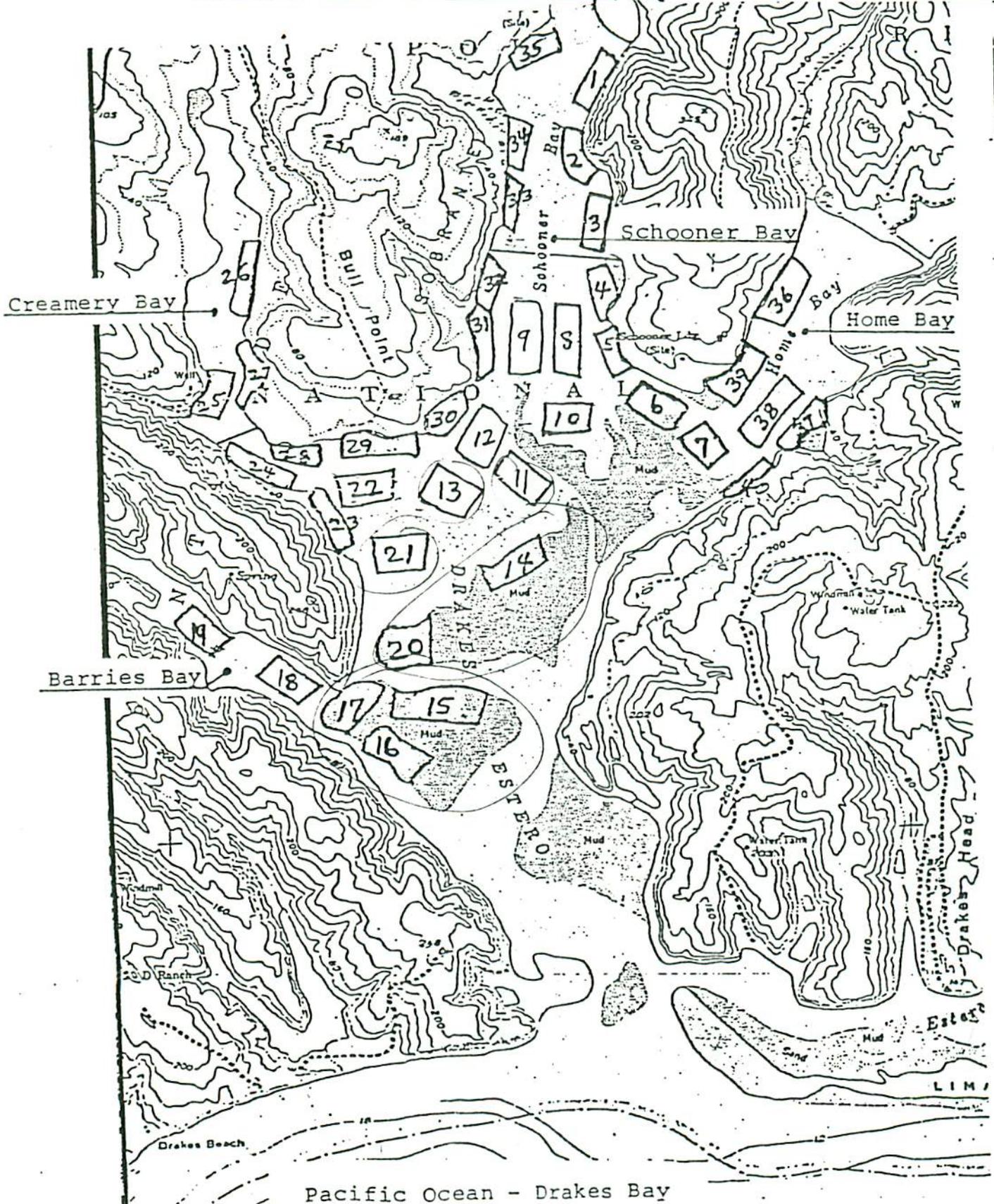
Location of Beds

C



Prohibited Safety Zone

Johnson Oyster Co. Facility



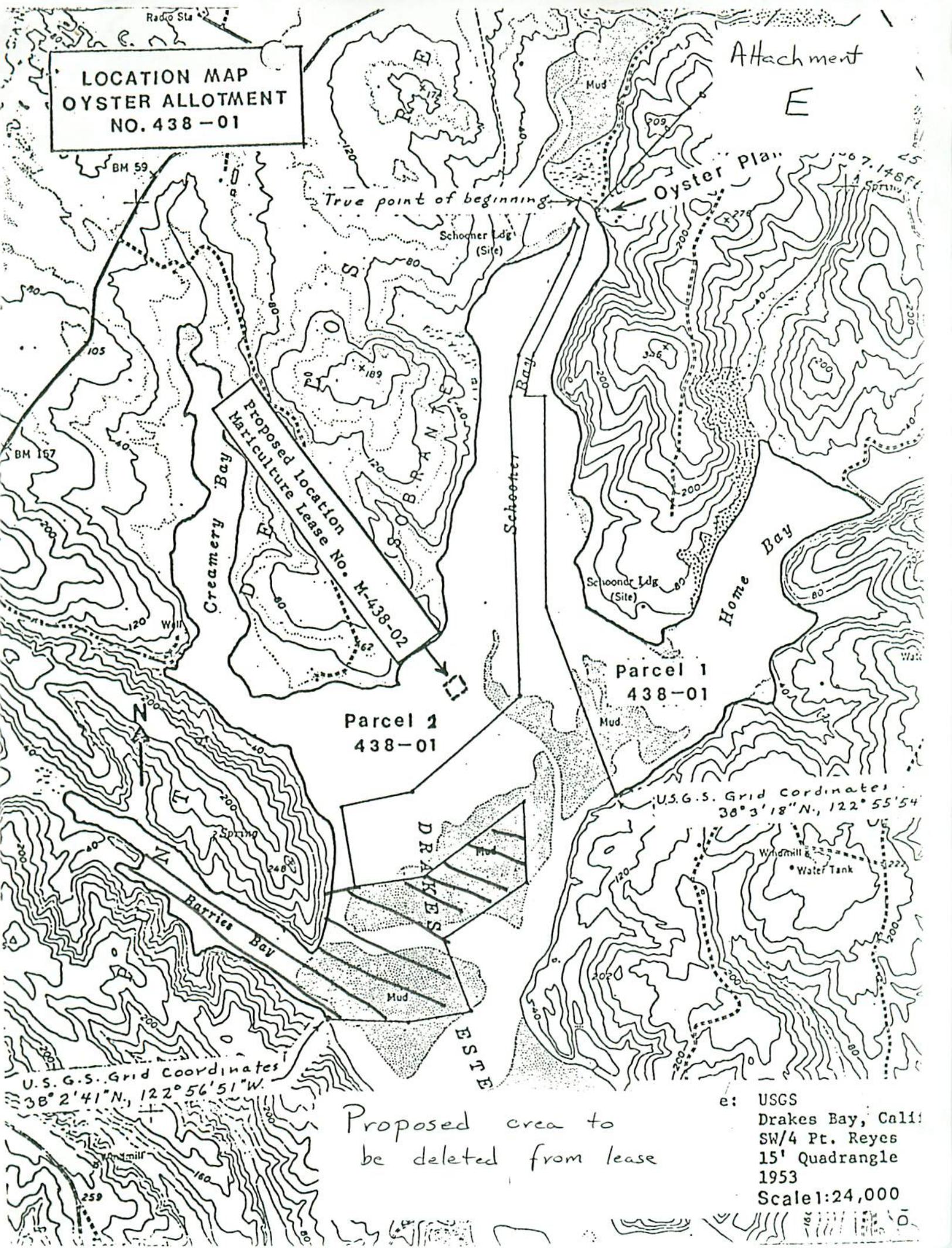
LITTER FROM JOHNSONS OYSTER

DECEMBER 5, 1991

<u>DISTANCE</u> (M)	<u>ITEM</u>
0	Mesh bag with dead shells
12	Stainless steel wire
13	Wire
18	Wire
20	Mesh bag with dead shells
27	3 coffee can lids
30	Mesh bag with dead shells
31	Mesh bag with dead shells
34	Mesh bag, empty
35	Wire
45	2 coffee can lids
56	Mesh bag with dead shells, pvc tube spacer
59	Mesh bag with dead shells
59	Wire
60	Wire
62	Wire
83	Mesh bag with dead shells

Note: This collection was made at Bull Point at mid-tide. Below the surface of the water, numerous other pieces of wire and mesh bags were visible.

LOCATION MAP
OYSTER ALLOTMENT
NO. 438-01



True point of beginning

Oyster Plan

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Lease No. M-438-02

Parcel 1
438-01

Parcel 1
438-01

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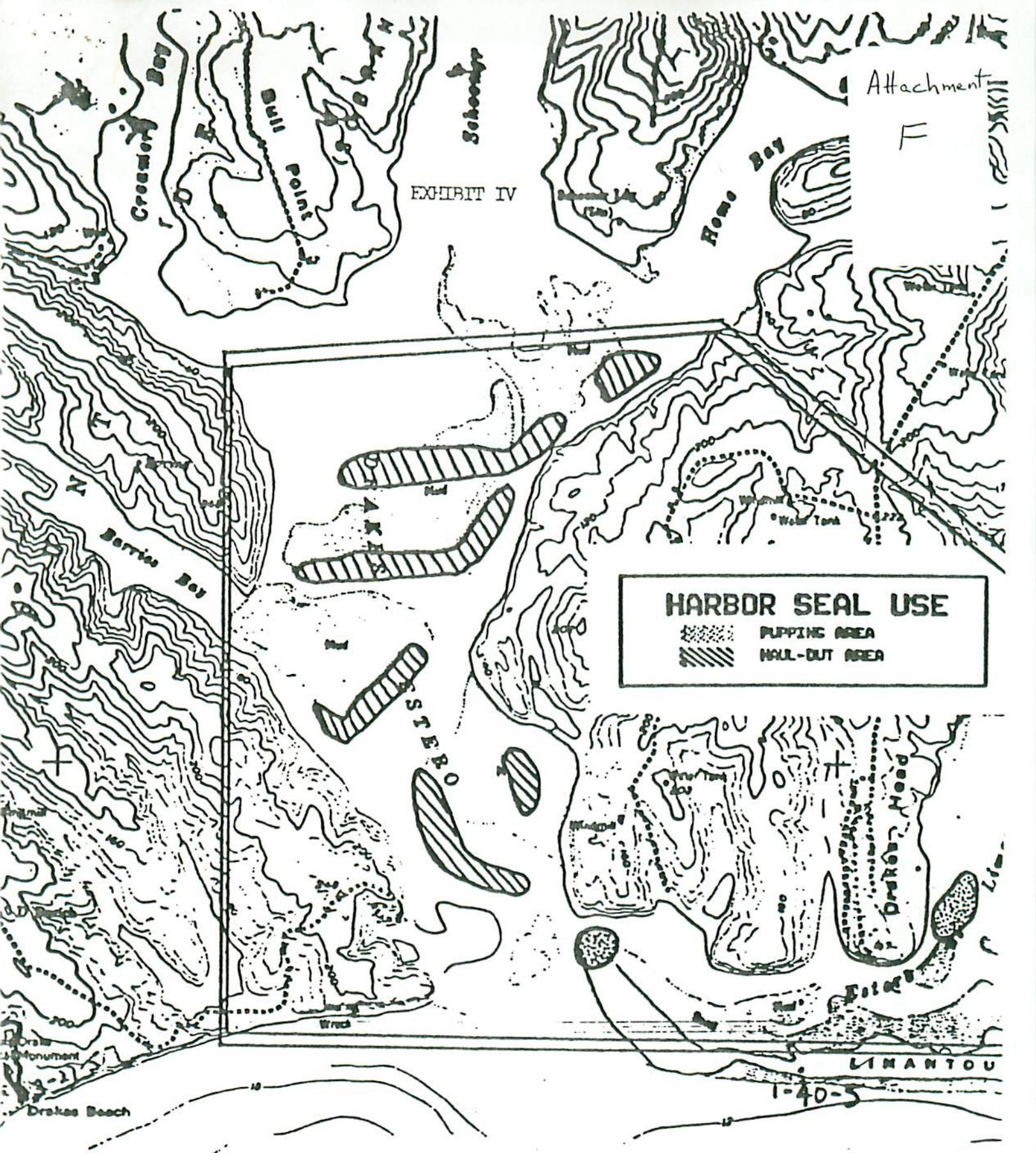
U.S.G.S. Grid Coordinates
38° 2' 41" N, 122° 56' 51" W

Proposed area to
be deleted from lease

e: USGS
Drakes Bay, Calif
SW/4 Pt. Reyes
15' Quadrangle
1953
Scale 1:24,000

Schools

EXHIBIT IV



Boxed area closed to boating, canoeing, or kayaking from March 15, to June 30 for the pupping season.