



# Shell Game on Drakes Estero

*Point Reyes National Seashore manufactures an environmental crisis to drive green ranchers out of business.*

*Words by Carolyn Dufurrena. Photos by Jon Soliday.*

Imagine the Pacific Coast of California: windswept, rugged, thick with coastal pine trees and native grasses as deep as your waist. In West Marin, bluest of the blue counties, even the ranchers are liberal Democrats. They grow organic produce, environmentally conscious oysters, organic grass-finished beef and lamb. They craft cheese in small, family-run operations and sell to high-end restaurants and markets like Whole Foods. They are the essence of environmentally conscious sustainability.

They also lease their grazing lands from the government, and for all their highly lauded environmental stewardship, the feds have plans to move them out.

The most high profile of these folk today, the Lunny family, have been in the cattle business here since 1946. They run Hereford-Angus cattle on a lease from Point Reyes National Seashore. They also own and operate the Drakes Bay Oyster Company, targeted

for extinction by radical environmental zealots and abetted by the National Park Service (NPS), who for the last eight years have systematically put forward fraudulent science and libelous political spin through the mouthpieces of the Sierra Club and associated groups in relentless pursuit of control of these historic “working landscapes.”

In the late 1950s, a group of developers had plans for Point Reyes: 425,000 new homes, shopping malls, tennis courts, four-lane highways. The local residents were horrified. They loved their agricultural landscapes, largely leased even then from powerful corporations. The ranchers, farmers and oystermen of West Marin got together with the Sierra Club and a few congressmen to negotiate a deal. They created the Marin Agricultural Land Trust to protect their ranches from development. They sold the land to the National Park Service in exchange for renewable leases that

they believed would be renewed, well, in perpetuity.

Point Reyes National Seashore, created in 1962, is 71,000 acres including 25,000 acres of wilderness and 8,500 acres of potential wilderness an hour north of San Francisco. It hosts three million visitors annually. Working landscapes are defined in the rest of the park as the Pastoral Zone and provided for in the 1976 Point Reyes Wilderness Act.

California Congressman Pete McCloskey, founder of Earth Day and co-author of the Endangered Species Act, helped broker the deal, along with Congressmen Bill Bagley and John Burton. The act specified that the working ranches and farms be included as nonconforming permissible uses, as working landscapes specifically included within the newly created Point Reyes National Seashore (PRNS) as examples of sustainable, responsible agriculture.

The Lunny family ranches on 1,500 acres



LEFT: The Drakes Estero conflict zone.

RIGHT: Employees are standing on racks made of two-by-fours and pulling the strings of mature oysters from the bay. Baby oysters grow in sacks in recycled oyster shells from the cannery. The oysters spend about 18 months in the water, growing from fingernail size to an edible delicacy.

of this working landscape, running the first organic grass-fed herd in Marin County. Kevin Lunny explains, “Mom and Dad [now in their 80s] bale the local grass and we feed round bales in winter to a herd of cattle on designated pasture within the PRNS.” They got along well with their neighbors, a dozen other cattle ranchers and the Johnson family, who owned the Johnson Oyster Farm.

In 1998, NPS had proposed a major renovation of the oyster farm. The Johnson patriarch had died and heirs were unable to keep the farm in good condition. The renovation proposal included a new 11,000-square-foot visitor and interpretive center, a new detached garage, as well as a 10-fold increase in square footage for shucking and packing oysters, a new stringing plant, and a two-story processing plant. The 1998 Environmental Assessment had resulted in a Finding of No Significant Impact. The Johnsons’ bank required assurances from Point Reyes National Seashore before they would give the money to the Johnson Oyster Farm to upgrade. One thing led to another, and the project lost momentum. The Johnsons put the place up for sale with seven years left on the 40-year renewable lease.

Before he bought what was to become the Drakes Bay Oyster Company, Kevin Lunny had a heart-to-heart with his friend Don Neubacher, the park superintendent. He asked Neubacher’s advice before making the move. At first the superintendent wasn’t too encouraging: a lot of cleanup was needed at the site and environmental standards had slipped badly.

Lunny was willing to take over the oyster farm and use his own capital to refurbish and clean up the dilapidated buildings. Neubacher called him soon after their initial phone call to say: “You know, it’s a great idea. You should do it.” Lunny mortgaged his ranch to finance the lease and renovation on the oyster farm and the family spent \$350,000 to reflect state-of-the-art environmental standards.

The bank needed letters of assurance from the National Park Service before it would loan the family the money to buy the oyster farm, and they had one on hand. Neubacher had written a letter of support for



**“President Obama is the first president since Kennedy to address the National Academy of Sciences. His 2009 speech brought tears to my eyes when he spoke about scientific integrity: ‘the days of science taking a back seat to ideology are over. To undermine scientific integrity is to undermine our democracy.’”**

DR. COREY GOODMAN, STANFORD UNIVERSITY, U.C. BERKELEY, AND FORMER CHAIR OF THE LIFE SCIENCES BOARD FOR THE NATIONAL ACADEMY OF SCIENCES

the Johnson family in 1998, stating, “The park does intend long-term continuation of the oyster farm.” Neubacher also stated the oyster farm was included in the 1980 General Management Plan, which is still the operating plan in place today. At the same time, environmental radicals were meeting with Neubacher to formulate a strategy to drive

the Lunnys out of PRNS.

Neubacher assembled a war room at park headquarters for planning purposes. Sarah Allen, marine biologist for PRNS, published a harbor seal study, which was conducted mostly by volunteers during pupping season from March 1 through July 31. They counted disturbances to harbor seals, trying to discover sources of the problems. Drakes Estero had the highest number of disturbances with the following causes: 22 percent birds, 20 percent kayakers (nonmotorized boats), 17 percent humans hiking on sandbars, 17 percent aircraft (ultralights), and 24 percent of unknown origin. Coyotes were observed eating seal pups. A bobcat was observed on a sandbar. There was no mention of motorboats or oyster farmworkers in the study. It concluded that “hikers and nonmotorized boaters remain the two most frequent sources of disturbance across all sites.” Allen buried the study.

Then things started to change. In 2006, Allen reversed her position on harbor seals after testifying under oath in 2005 that har-



Long-time employee Rojilio Camacho separates mature oysters by hand.



PHOTO COURTESY LUNNY FAMILY

*Lunny Ranch grandsons, Jared Lunny and Michael Bonzi, bring calves into the pen to be branded. They are part of the 50-plus members of the extended family who gather to brand and vaccinate.*

bor seals habituate to nonlethal disturbances. “Drakes Estero, A Sheltered Wilderness Estuary” was published by the National Park Service, blasting the Drakes Bay Oyster Company, now owned by the Lunnys, for various “environmental crimes,” including disturbing the harbor seals. Five more versions of this report would be published, each more accusatory than the last. Science was being mishandled, misinterpreted, and just plain made up by government-paid biolo-

gists with an agenda.

From May 2007 through July 2010, Sarah Allen placed covert surveillance cameras to monitor oyster farm activities to try to prove oyster boats and workers were disturbing harbor seals. There are 281,000 photos of oyster farm activities—one per minute. The photos and accompanying logs proved the oyster operation, which is half a mile from Sandbar A, the location in question, had no effect on harbor seals, although recreational impacts

from kayakers, horseback riders, clammers and hikers were shown. Its own database proved that NPS had known since 2008 that Sandbar A was abandoned due to disturbance by park visitors. Allen again buried the results.

Ironically, just before the publication of “Drakes Estero, A Sheltered Wilderness Estuary,” the NPS recognized Kevin Lunny for his environmental stewardship in its Conservation Study Institute’s “Stewardship Begins With People: An Atlas of Places, People and Handmade Products.” It says: “Point Reyes and West Marin are recognized as ‘places of quality production and authentic foods which demonstrate the powerful linkage between innovative, sustainable agricultural enterprises and the continued careful stewardship of an important cultural landscape’.... The high-quality pastures of Point Reyes make raising grass-fed beef possible and profitable.... Kevin Lunny, fourth-generation Point Reyes rancher, farms within Point Reyes National Seashore...[is] recognized for environmental stewardship and innovation. [Lunny belongs] to a growing number of West Marin farmers and ranchers committed to sustainable agricultural strategies.... The Lunny Ranch has converted the herd to grass-fed and organic production.... Lunny’s Drakes Bay Oyster Company now operates an oyster farm on Drakes

## Point Reyes Ranchers Association

*The grazing association you’ve never heard of. By Carolyn Dufurrena*

Secretary of Interior Ken Salazar, in his decision to close the oyster farm, said he was not moving to kick the ranchers off and that their permits would be renewed for 20 years. But when Kevin Lunny spoke with Salazar on the phone, the rancher discovered: “The length of the permit is only one of the conditions. The other conditions are killing us.”

The Lunnys and other ranchers within PRNS have been operating without a lease for quite a while. They worry about new restrictions the National Park Service is adding to its proposed permits, particularly the clause that, if signed by the ranchers, would force them to accept the presence of tule elk on the ranches of the Pastoral Zone.

“NPS pledged to keep tule elk in the wilderness. The elk were never supposed to move to the Pastoral Zone. Until 2003, they used to catch the odd one out, and they would return it to the wilderness. That policy

has not changed, yet park management has. The tule elk live all over the ranches now and they calve in the ranchers’ pastures. The herd is growing at a rate of more than 12 percent per year. One ranch will probably lose its organic certification because the elk are eating so much pasture that they have to buy hay, and only a certain percentage of the feed can be other than the organic native grasses.”

The NPS has refused to talk to the Point Reyes Seashore Ranchers Association as a group. It will only negotiate one at a time. NPS uses this tactic to pressure individuals into agreement and to set precedent for others. Many wise people believe the NPS’s agenda is to get rid of the ranches. Dr. Laura Watt of Sonoma State University has been studying the ranching community of PRNS for 10 years. She says when PRNS began there were 25 ranches and now there are 12.

She says: “When the D Ranch owner died

in a car accident in 1998, the park simply denied the lease to her heirs. The Wilkins Ranch on Bolinas Lagoon is managed by PRNS although not part of it. The lessee there was evicted on short notice because, she was told, the park wanted to convert the ranch into an environmental education center. Watts wondered why, since there “were already six environmental education centers in West Marin.” After the fact, the ranch was used for Park Service employee housing and was later abandoned, “because they couldn’t make the gravity-fed water system work.” The ranch is now vacant, deteriorating, gates locked. “It seems like once the NPS controls the land, it actually becomes less accessible to the public.”

During his phone call with Salazar on the day that he closed the oyster farm, Kevin requested that the secretary meet with the Point Reyes Seashore Ranchers Association. “I told him, Mr. Secretary, we’re only asking for one meeting.” The secretary agreed and Lunny said, “We’ll come to Washington.”

We wish them luck. ■



Estero.” After the first edition, Lunny was removed from this publication.

In 2007, the Marin County Board of Supervisors got Dianne Feinstein involved. It requested an investigation of the ridiculous NPS claims by the nation’s premier scientific body, the National Academy of Sciences. Dr. Corey Goodman graduated Phi Beta Kappa from Stanford University with a B.S. in biology, earned his Ph.D. in zoology, with a specialty in neurobiology, from U.C. Berkeley, and

## **“Misconduct will not be tolerated. Allegations of misconduct will be investigated and disciplinary action will be taken as appropriate.”**

KEN SALAZAR, SECRETARY OF INTERIOR, IN A PRESS RELEASE  
DATED SEPT. 27, 2010, ESTABLISHING A POLICY OF SCIENTIFIC INTEGRITY

solicitor refused to follow up on allegations of scientific misconduct.

In July 2007, Feinstein (and NPS finally) ordered an independent review of the data.

Salazar, who again does not respond. But this time he forwards the report to Jarvis. Jarvis responds to seven of 21 points, contradicting his own previous statements or dissembling his own testimony. In July 2009, Jarvis is appointed director of the National Park Service. A year later, Neubacher is promoted to superintendent of Yosemite National Park. For Kevin Lunny’s family, this is a dark day.

NPS now claims an Environmental Impact Statement is necessary before the oyster farm’s special-use permit can be granted. The EIS is overseen by the same discredited scientists who generated the fraudulent data in the first place. The draft EIS is bad, and the final version (which was rushed to completion without the public comment period) “is as flawed as the draft,” according to Goodman. “This isn’t about environmental crimes. Oysters are filter feeders. They actually *clean* the water. It’s clearly an agenda to get rid of the oyster farm. There’s no scientific basis for NPS claims, this is about control.” He adds: “Four NPS scientists and the park superintendent violated their own code of conduct. And nothing has changed.”

The structure of the national park system is very decentralized. Individual park superintendents have great autonomy in their individual realms and, obviously, there’s not much accountability. The prior superintendent at Point Reyes was one of the longest tenured. The new management, Neubacher, was supportive of the prior policies as recently as 2007, but any promises or commitments made by a prior park administrator can be basically abandoned without oversight. Groups of these people collectively rise to power nationally and bring their own folks with them. They create positions for them that didn’t exist before, simply so they can have someone who will move their agenda forward. Jarvis created the science advisor position. He has a whole raft of scientists who work for him, but the science advisor is a political appointment outside the bureaucracy, and that person will tell Jarvis what he wants to hear.

Goodman sees great harm to the local agricultural community in the loss of jobs,



*Ginny Lunny Cummings and brother Kevin Lunny and family received the 2009 Excellence in Range Management award from the California Society for Range Management.*

was a tenured professor at both of those schools for 25 years. He is a former chair of the life sciences board for the National Academy of Sciences (NAS). Goodman studied the fishy reports coming from PRNS and concluded that there was a “repeated pattern of scientific misrepresentation of data: claims are based on the fabrication, falsification and selective omission of NPS data” which were used to influence public policy decisions. Successive accusations of pollution by oyster feces, detrimental effects on eelgrass, harbor seals and the endangered red-legged frog were all shown to be fabricated or misrepresented.

All kinds of political maneuvering started: Jon Jarvis, regional head of NPS, failed to investigate PRNS’s shenanigans and denied Goodman’s Freedom of Information Act requests. Environmental supporters, however, were given access to the data. False claims were placed on the Sierra Club website and promoted as truth. A Department of Interior

Neubacher issued a quiet retraction, but did not correct the PRNS website. Jarvis worked with Neubacher to cover up the pattern of misconduct.

In January 2009, Goodman submitted his report to the National Research Council. The report went to Secretary of Interior Ken Salazar. There was no response. In April, Goodman wrote a letter alleging scientific misconduct of NPS Regional Director Jarvis to Salazar. No response. In May, the National Research Council of NAS found that NPS misrepresented data in every category, including harm to harbor seals, and recommended moving forward with the cooperative management plan. NPS agreed. Goodman resubmitted his letter to Salazar. Still no response.

Meanwhile, back in Washington, Salazar is considering Jarvis for NPS director. John P. Holdren, White House science advisor, asks Goodman to resubmit his report. Goodman sends the report, for the third time, to

## “Wilderness advocates are...dedicated to editing people out of the landscape.”

DR. LAURA WATT, SONOMA STATE UNIVERSITY

the impact to small businesses, and damage to the trust of the agricultural community which in the past has had good relationships, indeed been the center of, the local environmental community. But on the national level, he sees a bigger problem. “The message it sends is: ‘Forget everything you learned in school about data, about science. Someone at the top can tell you, for political reasons, what scientific results you need to generate.’ It’s dictatorship. I’m 61 years old, and the National Park Service can’t touch me. But if I

farm staying open.”

Goodman continues: “The environmental community should be embarrassed. There are big issues out there that we need to worry about in the environment. We need to worry about the Gulf oil spill. We might need to worry about fracking shale. But the oyster farm at Drakes Estero? It’s a nonissue.”

At the end of the day, Salazar ignored his own EIS and most of the laws of common decency. After visiting the day before Thanksgiving 2012, he closed the oyster farm

COURTESY LUNNY FAMILY



*The Drakes Bay Oyster family, including three generations of Lunnys and employees, numbers more than 60 folks. Lunny brothers Joe, Kevin and Bob mortgaged their homes to buy the oyster farm.*

were a young scientist this would have ruined my career. This series of events is completely contradictory to what President Obama says his policy is.”

If there’s a light at the end of this dark tunnel, it may be this. Goodman sees a split coming in the environmental community. Environmental zealots are causing more-moderate environmentalists to change their stance. “The Sierra Club, when it was founded, served a purpose. We did not become a Third World nation of polluters. The environmental movement accomplished a lot in their day, but it’s time for them to rethink. The environmental movement has been taken over by a small group of extremists. They pay a lot of money to lawyers and PR people to propagate a huge lie. They believe the ends justify the means, and that is a slippery slope. The Park Service says that they received 52,000 letters in support of closing the oyster farm: 95 percent of those letters were click-and-send mass mailings filled with misinformation sent by the Sierra Club to people too far away to know the reality of the situation. In contrast, in the Bay Area and Marin particularly, letters to the editor are running 90 percent in favor of the oyster

and along with it evicted 30 long-term employees, half of whom live on-site, and made great strides toward financially ruining the Lunny family. The Lunnys have been given 30 days to vacate the premises. They’ve filed a lawsuit against the Department of Interior and received a temporary restraining order against the National Park Service so they could plant the millions of baby oysters that need to go into the waters of the bay to stay alive. They still have a lease from the state of California, which owns the waters in which they farm the oysters. That lease is good till 2029. Interior has informed the California State Fish & Game Commission that it is taking the oyster farm, state lease or no, and threatened a lawsuit against the state of California. There’s a states’ rights issue brewing there, so of course no one in either agency will comment. But states had better take note, because this won’t be the last time a bloated, dysfunctional federal agency will take what it wants from anyone. ■

*Carolyn Dufurrena is a rancher and writer who lives in northwestern Nevada. Her garden soil is enriched by the shells of Drakes Bay oysters.*