

# CITY OF SONOMA

## RESOLUTION NO. 22 - 2013

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA SUPPORTING THE STATE OF CALIFORNIA'S RIGHTS OVER OYSTER CULTIVATION

WHEREAS, oyster farming in Drakes Estero, located in Pt. Reyes, Marin County, has been part of the region's history for nearly 100 years; and

WHEREAS, Drakes Bay Oyster Farm employs 30 community members, and farms sustainably in Drakes Estero, producing 40-50% of all oysters in California, which includes supplying our Sonoma restaurants and other local venues (example: firemen community functions, local fundraiser events) with an important food source. The Lunny family, who owns and manages the oyster farm, works hard to participate in keeping the agricultural economic system in West Marin alive. The family members are respected stewards of the land in their community and represent the best in environmental protection, small business, local jobs and history; and

WHEREAS, the State of California, acting through the constitutionally-established Fish and Game Commission, has leased the tidelands within the Point Reyes National Seashore for shellfish cultivation since 1934; and

WHEREAS, the California Legislature retained the State's fishing in Drakes Estero when it transferred the tidelands within the Point Reyes National Seashore to the United States in 1965; and

WHEREAS, in June 2004 the California Fish and Game Commission authorized a 25 year extension of the lease for shellfish cultivation in Drakes Estero until 2029; and

WHEREAS, when the Johnson Oyster Company sold the land and facilities on the shore of Drakes Estero to the United States in 1972 it retained a 40-year "reservation of use and occupancy for an acre and a half of the land on the shore of Drakes Estero, which expired in November 2012, but could be renewed "that such permit will run concurrently with and will terminate upon the expiration of State water bottom allotments assigned to the Vendor" (Lunny family); and

WHEREAS, according to the United States National Oceanic and Atmospheric Agency, the environmental benefits of shellfish cultivation include providing habitat for endangered and threatened species; species recovery; cleaner water and nutrient removal; and shoreline protection; and

WHEREAS, Congress authorized the Secretary of the Interior to grant the current owner of the oyster farm, the Drakes Bay Oyster Farm, a permit to continue to use and occupy the onshore facilities on the same terms as the existing permit except that the Secretary was given discretion to amend the terms of the current permit to reflect recommendations of the National Academy of Sciences; and

WHEREAS, a 2009 National Academy of Sciences review of National Park Service studies on the impact of shellfish cultivation on the ecology of Drakes Estero “selectively presented, over-interpreted, or misrepresented the available scientific information on potential impacts of the oyster mariculture operation;” and

WHEREAS, in 2010 the National Park Service said that it was required to conduct environmental review of the impact of granting the permit and invited public comment both during the scoping stage and on a draft environmental impact statement; and

WHEREAS, a 2012 review by a Committee of the National Academy of Sciences of the science in the draft environmental impact report concluded that “because of a limited amount of information on effects of oyster farming in Drakes Estero, the conclusions regarding the impacts projected for seven of eight categories are associated with moderate to high levels of uncertainty, and, for many of those categories, an equally reasonable alternate conclusion of a lower impact intensity could be reached”; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Sonoma

1. Requests Assembly Member Marc Levine, Chair of the Select Agriculture and Environment Committee, to urge the State of California to assert its rights to continue to lease the water bottoms in Drakes Estero for shellfish cultivation which would include giving support to the Fish and Game Commission in its full jurisdiction; and

2. Request Congressman Jared Huffman to support a bi-partisan Congressional investigation by the appropriate House Committee of Natural Resources which he is a member of, into the questionable science that informed Secretary Salazar’s decision not to grant the Oyster Farm a permit for the facilities onshore Drakes Estero; and

3. Commends and lends its support of Drakes Bay Oyster Farm in its heroic efforts to seek a permit to continue to utilize the onshore facilities and thus to preserve the last oyster cannery in California and the many jobs it provides for women, in particular, maintaining the environmental and agricultural stewardship which presents an exemplary template of harmonious co-existence of sustainable agriculture and wilderness.

ADOPTED this 3<sup>rd</sup> day of June, 2013 by the following vote:

AYES:	Barbose, Rouse, Brown, Gallian, Cook
NOES:	None
ABSENT:	None



Ken Brown, Mayor

ATTEST:

  
Gay Johann, City Clerk