Judge Upholds Removal of Calif. Oyster Farm

JASON DEAREN,Associated Press

SAN FRANCISCO (AP) — A federal judge on Monday denied a Northern California oyster farm's request to have its removal from Point Reyes National Seashore overturned, and ruled against allowing it to continue doing business in the park while its lawsuit is being heard in court.

The judge denied owner Kevin Lunny's request to void Interior Secretary Ken Salazar's refusal to renew the historic oyster farm's lease for another 10 years.

The rulings dealt a blow to the popular Drakes Bay Oyster Co.'s last-ditch effort to remain in business beyond its March 15 eviction date.

Point Reyes National Seashore was added to the national parks system by Congress in 1962, and protects more than 80 miles of California coastline. It is managed by the National Park Service, which is part of the Interior Department.

U.S. District Judge Yvonne Gonzalez Rogers wrote in her decision that she did not believe she had authority to overturn Salazar, and that even if she did, "plaintiffs have not demonstrated a likelihood of success on the merits of the claims."

Salazar, in denying Lunny's request to extend the lease, said the land should be returned to wilderness status as Congress decided in the 1976 Point Reyes Wilderness Act. He ordered Lunny to remove all of the farm's property from the pristine waters of the Drakes Estero.

Environmentalists and park officials said the oyster farm's motor boats and equipment threaten nearby harbor seals and polluted the otherwise clean waters.

The farm found powerful allies in Sen. Dianne Feinstein, D-Calif., and the National Academy of Sciences, which charged that the National Park Service was trying to get rid of the oyster farm by exaggerating its negative impacts on the environment.

Amber Abbasi, an attorney for Cause of Action, the legal group that brought the suit on behalf of the farm, released a statement expressing disappointment in the judge's decision.

"Without this injunction, not only will a small business close, but families will be forced out of their homes, and the community will lose a sustainable farming resource," Abbasi said in the statement. "The Lunnys are weighing their options for next steps and will make their decision known in the coming days."

Interior spokesman Blake Androff said he would not comment because the case is still ongoing.

"Today's decision is another affirmation of the principle that 'a deal is a deal,'" Johanna Wald, senior counselor at the National Resources Defense Council, said in a statement. "The preservation of Drakes Estero will be enjoyed by millions of Californians and lovers of wilderness and parks for generations to come."

Source URL (retrieved on *07/28/2014 - 7:43pm*):
http://www.foodmanufacturing.com/news/2013/02/judge-upholds-removal-calif-oyster-farm